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New York Joins E-Cigarette Regulation Push as Cuomo Backs Bans

by Freeman Klopott

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(Bloomberg) -- New York Governor Andrew Cuomo is joining a nationwide push to regulate electronic cigarettes by seeking to treat them like their combustible counterparts.

The proposal, included in the \$141.6 billion budget Cuomo submitted Wednesday, would ban the devices, which burn liquid nicotine, from restaurants, offices and anywhere else where cigarettes are prohibited. It would also block the sale of flavored solutions and advertisements targeted at children.

States are ushering in regulations for the \$3 billion U.S. e-cigarette market, a growing business for tobacco makers. At least 41 states, including New York, prohibit sales to minors, according to the National Conference of State Legislatures.

Montana's legislature debated on Jan. 19 whether to follow suit. The operator of the San Francisco-area subway, Bay Area Rapid Transit, on Jan. 22 will consider banning their use in stations and trains. Rules are also under review by the U.S. Food and Drug Administration.

"The spike in the use of unregulated electronic nicotine devices (electronic cigarettes and similar products) over the last few years is of great public health concern," Cuomo said in a policy document released Wednesday.

"These products potentially undermine all the public health benefits achieved in New York that have produced enormous reductions in youth tobacco use."

Healthier Alternative?

Tobacco companies including Altria Group Inc., Reynolds American Inc. and Lorillard Inc. have said the new products are a healthier alternative to traditional cigarettes because they emit vapor rather than tar, ash and smoke. Still, they've come under scrutiny from local and federal officials, who say the health effects aren't fully known. E-cigarettes account for less than 5 percent of the tobacco industry's sales.

E-cigarettes typically rely on batteries to heat up liquid nicotine, producing a vapor that's inhaled. They often mimic the look and feel of traditional cigarettes.

The FDA said in April it would step in to regulate e-cigarettes, which would require products to pass an agency review to stay on the market. It also plans to prohibit sales to minors and mandate nicotine addiction warnings. The agency is reviewing public comments on the proposal.

A study published Wednesday as a letter in the New England Journal of Medicine found that using certain e-cigarettes at high-temperature settings could release more formaldehyde than regular cigarettes. The cancer-causing chemical is found in embalming fluid and certain building materials. The study examined only one brand and the testing wasn't done on people.

Protection Lauded

Michael Burgess, New York government relations director for the American Cancer Society Cancer Action Network, said Cuomo's proposal would help keep air clean and e-cigarettes away from youth.

"If enacted, this would protect against second-hand exposure to nicotine and other potentially harmful chemicals found in these products," Burgess said in an e-mailed statement Wednesday.

Bill Phelps, a spokesman for Richmond, Virginia-based Altria, Bryan Hatchell, a spokesman for Winston-Salem, North Carolina-based Reynolds American, and staff at Joele Frank, a public-relations company representing Greensboro, North Carolina-based Lorillard, didn't return messages after business hours seeking comment.

Reynolds and Lorillard agreed in July 2014 to merge.

To contact the reporter on this story: Freeman Klopott in Albany at fklopott@bloomberg.net

To contact the editors responsible for this story: Stephen Merelman at smerelman@bloomberg.net William Selway, Alan Goldstein

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