

# STATE OF NEW YORK

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3652

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

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Introduced by M. of A. GRIFFIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to creating standardized vaping and e-cigarette school guidelines

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The legislature hereby finds and declares the reported  
2 incidents of e-cigarettes use referred to as "vaping" among youth lead-  
3 ing to nicotine addiction, serious illness and death to be a public  
4 health crisis that is growing in prevalence in middle grades and high  
5 schools throughout the state. The rates of adolescents and youth in  
6 grades eight through twelve using vaping products to consume nicotine  
7 has doubled in recent years with twenty-five percent of twelfth graders,  
8 twenty percent of tenth graders and nine percent of eighth graders  
9 reporting vaping. The New York state department of health has reported a  
10 one hundred sixty percent increase in four years of high school students  
11 using e-cigarettes. The use of e-cigarettes through vaping devices  
12 delivers addictive nicotine in more powerful, higher doses leading  
13 adolescents to long-term health consequences, illnesses, related prob-  
14 lems and possibly death. Public school officials throughout the state  
15 are grappling with monitoring and detecting vaping use on school proper-  
16 ty, posing an increasing demand on school health, guidance and pupil  
17 support personnel and additional administrative responsibilities result-  
18 ing from the surge in youth e-cigarette usage. There is no debate that  
19 use of e-cigarettes through vaping devices is harmful to young people  
20 with detrimental lifelong health consequences. Therefore, the legisla-  
21 ture finds that the appropriate state agencies overseeing education and  
22 health shall work collaboratively to develop guidelines to assist  
23 schools with developing policies and procedures and access any potential  
24 related funding to discourage and combat the rise in e-cigarette use  
25 among youth.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD02616-01-1

1     § 2. Section 305 of the education law is amended by adding a new  
2 subdivision 57 to read as follows:

3     57. In order to ensure standardized well-informed school policies  
4 regarding vaping and e-cigarette use in schools, the commissioner, in  
5 consultation with the commissioner of health, shall develop guidelines  
6 for school districts to elect to use when developing policies on e-ci-  
7 garette use through vaping devices. The commissioner shall update these  
8 guidelines as necessary based on health data and educational research on  
9 the implications of e-cigarette use. Such guidelines shall include, at a  
10 minimum:

11     a. a model school policy expressly prohibiting vaping and e-cigarette  
12 use on school grounds that can be included as part of school districts'  
13 codes of conduct or other school policy;

14     b. specific proposals for age-appropriate school district education  
15 regarding the health risks associated with vaping, including health  
16 risks for children;

17     c. specific age-appropriate programming, including social media  
18 outreach, for discouraging e-cigarette use and vaping by school  
19 students, and other related information that may be incorporated under  
20 paragraph (b) of subdivision two of section thirteen hundred ninety-  
21 nine-ii of the public health law or other relevant program; and

22     d. listing of available funding sources for school districts to combat  
23 e-cigarette use and vaping in schools.

24     § 3. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law.