STATE OF NEW YORK

551

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MAYER, JACKSON, SERRANO -- read twice and ordered printed, and when printed to be committed 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:

Section 1. The legislature hereby finds and declares the reported incidents of e-cigarettes use referred to as "vaping" among youth leading to nicotine addiction, serious illness and death to be a public health crisis that is growing in prevalence in middle grades and high schools throughout the state. The rates of adolescents and youth in grades eight through twelve using vaping products to consume nicotine has doubled in recent years with twenty-five percent of twelfth graders, twenty percent of tenth graders and nine percent of eighth graders reporting vaping. The New York state department of health has reported a one hundred sixty percent increase in four years of high school students using e-cigarettes. The use of e-cigarettes through vaping devices delivers addictive nicotine in more powerful, higher doses leading adolescents to long-term health consequences, illnesses, related problems and possibly death. Public school officials throughout the state are grappling with monitoring and detecting vaping use on school property, posing an increasing demand on school health, guidance and pupil support personnel and additional administrative responsibilities resulting from the surge in youth e-cigarette usage. There is no debate that use of e-cigarettes through vaping devices is harmful to young people with detrimental lifelong health consequences. Therefore, the legislature finds that the appropriate state agencies overseeing education and health shall work collaboratively to develop guidelines to assist schools with developing policies and procedures and access any potential

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

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related funding to discourage and combat the rise in e-cigarette use among youth.

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

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

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

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

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

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

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