



Kenneth W. Jenkins
County Executive

October 15, 2025

Westchester County Board of Legislators
Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

Attached hereto for your consideration is "A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County."

In the late 1980's and 1990's, the federal government found that nicotine in tobacco was highly addictive and extremely dangerous to a person's health and that a high percentage of adult smokers begin smoking before they have reached eighteen years of age. In 2001, in response to these findings, this Honorable Board adopted a local law to prohibit the sale or transfer of tobacco products to people under the age of twenty-one and to restrict advertising of such products to the point of sale.

The use of electronic cigarettes or e-cigarettes, which contain high amounts of nicotine, by young people has soared in the past decade. In New York State, nearly one in five high school students report having used an e-cigarette (18.7%) according to studies cited by the New York State ("NYS") Department of Health. Studies have shown that vaping causes various adverse health effects such as impaired development, lung cancer, and heart conditions. Vape manufacturers advertise products designed to look like innocuous objects, such as highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches, toys, and drink containers. This predatory marketing strategy provides a means by which underage users conceal nicotine delivery tools from parents, teachers, and other adults. Although New York State law prohibits the sale of vaping products to persons under the age of 21, camouflaged vaping devices make it easier for vendors and individuals to sell illegal products to minors by evading detection by law enforcement.

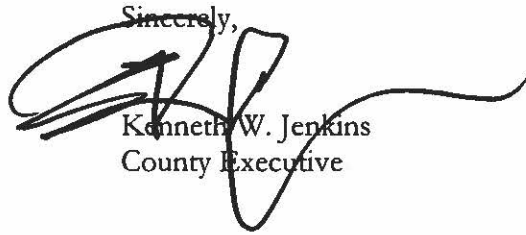
While the Laws of Westchester County ("LWC") also restrict the sale of tobacco products to persons under the age of 21, this proposed Local Law will amend the LWC by adding provisions which will prohibit the sale of deceptively designed vaping devices and e-cigarettes to any person. The Department of Health will enforce this Local Law. Persons who violate this law will be subject to the same penalties currently assessed pursuant to Article 13-F of the New York State Public Health Law entitled Regulation of Tobacco Products, Herbal Cigarettes and Smoking Paraphernalia; Distribution to Minors, including but not limited to: fines from \$300 to \$1500 for a first violation and from \$1000 to \$2500 for each subsequent violation.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900

In light of the aforementioned, I recommend adoption of the attached Local Law.

Sincerely,

A handwritten signature in black ink, appearing to be "KWJ", with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
County Executive

KWJ/JW
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

our Committee has reviewed the attached, “A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County.”

Your Committee recognizes that, in the late 1980’s and 1990’s, the federal government found that nicotine in tobacco was highly addictive and extremely dangerous to a person’s health and that a high percentage of adult smokers begin smoking before they have reached eighteen years of age. In 2001, in response to these findings, this Honorable Board adopted a local law to prohibit the sale or transfer of tobacco products to people under the age of twenty-one and to restrict advertising of such products to the point of sale.

Your Committee further recognizes that, the use of electronic cigarettes or e-cigarettes, which contain high amounts of nicotine, by young people has soared in the past decade. In New York State, nearly one in five high school students report having used an e-cigarette (18.7%) according to studies cited by the New York State (“NYS”) Department of Health. Studies have shown that vaping causes various adverse health effects such as impaired development, lung cancer, and heart conditions. Vape manufacturers advertise products designed to look like innocuous objects, such as highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches, toys, and drink containers. This predatory marketing strategy provides a means by which underage users conceal nicotine delivery tools from parents, teachers, and other adults. Although New York State law prohibits the sale of vaping products to persons under the age of 21, camouflaged vaping devices make it easier for vendors and individuals to sell illegal products to minors by evading detection by law enforcement.

Your Committee is advised that, while the Laws of Westchester County (“LWC”) also restrict the sale of tobacco products to persons under the age of 21, this proposed Local Law will amend the

LWC by adding provisions which will prohibit the sale of deceptively designed vaping devices and e-cigarettes to any person. The Department of Health will enforce this Local Law. Persons who violate this law will be subject to the same penalties currently assessed pursuant to Article 13-F of the New York State Public Health Law entitled Regulation of Tobacco Products, Herbal Cigarettes and Smoking Paraphernalia; Distribution to Minors, including but not limited to: fines from \$300 to \$1500 for a first violation and from \$1000 to \$2500 for each subsequent violation.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). The proposed act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends the adoption of this Local Law amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County.

Dated: _____, 2025
White Plains, New York

FISCAL IMPACT STATEMENT

SUBJECT: Local Law amending Chapter 535

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount 0

Describe: Prohibit the sale of camouflaged vaping devices in Westchester County

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Sunil Alphy

Title: Director of Fiscal Operations

Department: Health

Date: October 15, 2025

Reviewed By: [Signature]

Budget Director

Date: 10/15/25

RESOLUTION NO. ____ – 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2025, entitled, “A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County.” The public hearing will be held at __.m. on the ____ day of _____, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.