



AMEARA DITSCHÉ

Pictured is a portion of the selection of fruity flavored vapes at Lightning Smoke Shop at 1112 State St.

SCHENECTADY

Several city smoke shops still selling flavored nicotine vapes banned statewide in 2020

BY AMEARA DITSCHÉ

On May 18, 2020, then-Gov. Andrew Cuomo banned flavored vapes containing nicotine.

That was 3 years, 10 months and 13 days ago.

On March 26, a Gazette re-

porter visited 10 smoke shops in the city of Schenectady — nine of which had illegal products on display.

The tenth — Adams Smoke Shop at 908 Crane St. — had a box in the corner on the shop floor full of such products. An employee

said they were not for sale.

Caribbean Movements Smoke Shop, at 512 Broadway, offered vapes with only mint or tobacco flavoring. According to the state Department of Health, only tobacco flavored is allowed.

Ravin Seecoomar, whose wife

owns the shop, was manning the counter at the time of the Gazette's visit. Seecoomar was unaware of the restrictions over mint-flavored products.

Caribbean Movements did, however, have added measures

See **VAPES**, Page A2

Vapes

Continued from page A1

in place to ensure vapes stay out of kids' hands. A doorbell, from the company Ring, is mounted just above the locked door handle. For entry, customers must ring the bell, which is connected to a camera. An employee will then press a button that opens the door.

The availability of such products persists in part due to loopholes that make the law difficult to enforce. Advocacy groups both locally and nationwide are trying to close those gaps. At a press conference at the state Capitol in Albany Tuesday, representatives from those groups gathered in support of a bill that would address the impediments to enforcement.

LOOPHOLES

According to a handout from the Campaign for Tobacco-Free Kids, there are six loopholes that need closing.

The first is the possibility of exemption via Food and Drug Administration approval. New York is the only state with flavored e-cigarette bans that allows "Pre-Market Tobacco Product Authorization," which would keep the products on the market if they receive FDA approval. The FDA has yet to grant any product with the authorization.

Another way some companies skirt the restriction is with the addition of substances that provide a cooling effect, which offers a smoother hit. Products with these effects should already be prohibited under current law, but the new bill would help clarify any ambiguous language and that "this attempt by the industry to evade the law would not succeed in New York State," according to Campaign for Tobacco-Free Kids.

Currently, retailers reserve the right to deny entry to inspectors. The new bill would require shops to allow inspectors in to complete their observation and would make it a civil penalty to not do so.

One exemption to the current law allows retailers to stock flavored vapes in order to sell them out of state. In some cases, no evidence of out-of-state sales nor methods to complete such transactions exist. Similarly, wholesale production and distribution remains unrestricted under the current law and the new bill would mend that gap.

Finally, the groups want the state to increase enforcement from local health departments by allowing the departments to suspend, revoke or cancel certificates allowing the sale of tobacco products.

LOCAL ISSUE

According to the state Depart-

Below is a complete list of the 10 shops visited by the Gazette:

- ♦ Lightning Smoke Shop, 1112 State St.
- ♦ Parkway Vape and Tobacco, 1637 Eastern Pkwy.
- ♦ Smoke Land, 1621 Union St.
- ♦ Smokers Choice, 1713 Union St.
- ♦ Adams Smoke Shop, 908 Crane St.
- ♦ Broadway Smoke, 1441 Broadway
- ♦ Caribbean Movements Smoke Shop, 512 Broadway
- ♦ Iconic Smoke Shop, 132 Erie Blvd.
- ♦ Evolve Smoke Shop, 200 State St.
- ♦ Turn Up Smoke and Gift Shop, 25 State St.

ment of Health, 18.7% of New York state high schoolers used e-cigarettes in 2022. In Montgomery County, that number more than doubled when seventh and eighth graders were surveyed as well.

Almost 44% of seventh through 12th graders said they use or have used vapes in a 2023 Community-Level Youth Development Evaluation survey, said Gwendolyn Ossenkop, a Montgomery County Cares Coalition Coordinator at SUNY Fulton-Montgomery Community College.

Mackenzie Makarowsky first tried a vape when she was a sophomore at Broadalbin-Perth High School. Now, she works as a Reality Check coordinator for Advancing Tobacco-Free Communities of Hamilton, Fulton & Montgomery Counties. Her firsthand experience with the products gave her insight into

how pervasive they are among youth and how that translates to adulthood.

"Everyone I knew who vaped in high school still vapes to this day," the 21-year-old said.

FINDINGS

Most of the stores had the products behind the counter, displayed on shelves or behind clear glass. Shops are only fined for visible products, said Judy Rightmeyer, director of Capital District Tobacco-Free Communities.

Of the eight shops that blatantly displayed fruity and candy flavored vapes, three — Lightning Smoke Shop at 1112 State St.; Broadway Smoke of 1441 Broadway, and Turn Up Smoke and Gift Shop at 25 State St. — had signs on the door stating that illegal cannabis had been seized.

At least two of the shops — Lightning and Turn Up — had



AMEARA DITSCHÉ

Pictured is a box of products including banned flavored vapes such as the Epic brand Pineapple Banana Candy Ice disposable vapes at Adams Smoke Shop at 908 Crane St. in Schenectady. An employee clarified that they were not for sale.

advertisements for flavored vapes on the door, visible to those not even entering the store.

Lightning Smoke shop is less than one mile — 17 minutes walking distance, according to Google — from Central Park Middle School. Rightmeyer's group recently conducted a study in Schenectady focused on shops within just 1,500 feet of a school. Of those shops, 52% had illegally flavored vapes.

At least two of the shops, Smokers Choice and Evolve Smoke Shop, had a smaller number of illegal vapes among permissible flavorless vapes or

flavored zero nicotine vapes.

WHAT'S NEXT

Rightmeyer recently presented the group's findings at a Schenectady City Council meeting. The new state bill, S8531/A9110, was brought up by state Senator Brad Hoylman-Sigal and Assemblymember Linda Rosenthal, both of Manhattan.

"It is a problem we hope to solve in this year's budget," Hoylman-Sigal said at the Tuesday press conference in Albany.

Reach Ameara Ditsche at aditsche@dailygazette.net.