

## MEMORANDUM

**To:** City/County Commissioners/Public Health Directors  
City/County Directors of Environmental Health  
District Directors

James Hurst – New York City Department of Consumer Affairs

**From:** Brian M. Miner, Director *BMM*  
Bureau of Community Environmental Health and Food Protection

**Date:** October 3, 2019

**Subject:** Temporary Restraining Order on Enforcement of the Flavor Ban

On October 1, 2019, a Justice in the Appellate Division, Third Department, granted an order temporarily restraining the Department from enforcing the flavored vaping device emergency regulation. While the Department continues to vigorously defend against this lawsuit, enforcement by local health departments and the Department's district offices cannot begin on Friday, October 4, 2019 as planned. The Department maintains that alarming statistics regarding youth usage of flavored e-cigarettes and their undeniable pathway to nicotine addictions speak for themselves. The Department feels strongly that this public health crisis requires urgent action and we look forward to our next opportunity to impress this upon the courts. The Department will immediately inform you once enforcement is able to begin for this important regulation.

cc: G. Ginsberg  
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