by {ga=dking}
Thursday, October 15, 2009 12:00 AM

Photo by SheHartley

Snuffing out cherry-flavored cigarillos and cookie dough laced cigars, the City Council banned the sale of flavored tobacco products Wednesday just weeks after the federal government took flavored cigarettes off of shelves nationwide.

Often found behind the counter in glitzy, fluorescent colored wrappers and sometimes near candy, these cigars, chewing tobaccos and cigarettes have been laced with child-friendly flavors to get kids addicted early, said City Council Speaker Christine Quinn. City officials hope getting this type of tobacco product off shelves will keep kids from starting smoking.

The council also approved legislation, which allows developers to extend permits at stalled construction sites in exchange for keeping sites secure and safe.

Putting Out Flavor

Just weeks after the Food and Drug Administration banned the sale of flavored cigarettes, officials already feared tobacco companies were ready to take a different tack. Instead of cigarettes, these companies could start marketing their flavored products as cigars, effectively circumventing the country's new anti-flavored agenda.

The City Council said yesterday it wouldn't happen here.

Going a step beyond the federal government, the council included not only flavored cigarettes in its ban, but also chewing tobacco, flavored cigars and cigarillos -- a small version of a cigar. These products are big tobacco's latest attempt to garner new customers, specifically young adults who are attracted to the wide variety of taste and aroma, said council officials.

Though overall tobacco use has declined in the last five years, the percentage of students who smoke only cigars and cigarillos has tripled since 2001 from 5 to 14 percent, Quinn said. She added a study from the American Cancer Society showed 90 percent of smokers begin at or before age 19.

Given the look, taste and smell of these flavored products, Quinn added, the tobacco industry couldn't be aiming for any customer other than kids and young adults.

Holding a small pink cigarillo in her hand, Quinn said, "That looks like a lip gloss. Don't tell me that's not targeted for a young girl."

The bill's sponsor, Councilmember Joel Rivera, said these brands are the latest rendition of Joe Camel -- the R. J. Reynolds character allegedly aimed at kids who was banned in the 1990s.

The bill (Intro 433-A) was approved by a vote of 46 to 1 with Councilmember Lewis Fidler dissenting.

While admitting he smoked a grape cigar from time to time, Fidler said the law was written too broadly, and there was no evidence that people start smoking by opting for flavored tobacco. It is illegal already, he added, to sell these products to kids.

"If we wanted to truly affect the market for young people, we would tax it, and we would make the tax significant enough to make an economic disincentive for it to be used for blunts or any other purpose," said Fidler.

The city's health advocates applauded the legislation, saying these flavored products attempt to make smoking appear sexy to children.

Anyone who violates the law will be subject to a fine of between $250 and $2,000.

Stalled Construction Gets a Reprieve

Sprinkling the streets from Williamsburg to Long Island City, stalled construction sites have become an eyesore and a safety hazard to neighborhoods across the city, said officials.

Offering a reprieve for those developers, the City Council unanimously approved legislation (Intro 1015) that gives developers a four-year extension on their construction permits if they comply with site safety standards. Permits currently expire after one year if work is stalled, said city officials. Giving an extension would allow developers to quickly start construction should they get financing, officials said.

There are approximately 541 stalled sites across the city, said Quinn.

If developers choose to participate in the new program, which will sunset in 2013, they must notify the Department of Buildings that work is stalled and devise a site safety plan. That plan could include everything from ensuring the site is secure to making sure snow is removed from sidewalks.

If developers do not comply with this plan, they would risk losing their permit, said officials. To qualify for the new program, developers would have to remedy any building code violations.

Overseeing Education Out-of-State

The City Council also unanimously approved legislation (Intro 396-A) requiring the Department of Education to report on the conditions at out-of-state educational facilities attended by New York City school children.

The bill, sponsored by Councilmember Vincent Gentile, takes the state's Billy's Law, named after a Bay Ridge student who was abused at an out-of-state facility, and applies it to the city's Department of Education. The department will be required to report to the council the name and location of the facilities used, a description of the population, the services provided, the total amount spent, and any enforcement action or investigation into abuse or neglect.

For this school year, 294 special needs students were put in out-of-state facilities.