

# E-CIGARETTES: NEW LEGISLATION IMPACTING BUFFALO EMPLOYERS

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As an employer, you likely have had recent questions about the use of e-cigarettes by your employees in work areas. Some employees argue that they should be permitted to smoke e-cigarettes at work, while others are offended by the act and the potential unknown health risks. Until just a few days ago, our advice has been that you can certainly ban the use of e-cigarettes by employees, and we have suggested that you consider either amending your smoking policy to include a ban or including the prohibition in other employment policies related to workplace conduct.

An [amendment to §39 of the Code of the City of Buffalo](#), a law signed by Mayor Byron Brown, and unanimously passed by the Common Council, prohibits use of e-cigarettes in any location where it is unlawful to smoke cigarettes.

This gives Buffalo employers additional support for their ban on the use of e-cigarettes. The use of e-cigarettes in the City of Buffalo is now prohibited in all public places where traditional smoking has previously been banned. If an employer has not already prohibited the use of e-cigarettes in the workplace, they must do so now. Moreover, this amendment to the law could be evidence of a trend toward a ban in other municipalities.