

Strong States, Strong Nation



Presentation for the
Evidence-Based
Health Policy Project
E-CIGARETTES:
AN UPDATE ON THE SCIENCE

 NATIONAL CONFERENCE *of* STATE LEGISLATURES

**State Regulation of Electronic Cigarettes and Related
Topics Overview- Karmen Hanson, MA**



Current State Laws*

- ❑ 42+ states prohibit sales to minors
- ❑ 3+ states have added vapor/e-cig use to 100% clean indoor air laws: NJ, ND, UT
- ❑ 2+ states currently tax e-cigs specifically: MN and NC
- ❑ 5+ states currently require child-resistant liquid nicotine packaging
- ❑ States define vapor products and other tobacco products (OTP) or Electronic Nicotine Device (ENDS) but usually NOT as a traditional combustible cigarette or smokeless products
- ❑ *Enacted as of 4/8/15



2015 State Legislation*

- ❑ Sales to minors: 8+ states
- ❑ Tax proposals: 10+ states
- ❑ Clean indoor air/public use: 20+ states
- ❑ Safety: 24+ states
- ❑ Other bills re: licensing sales, use in day care, etc...
- ❑ *As of 4/8/15



E-cig Taxation

- ❑ 2 states currently tax e-cigs/vapor products: MN, NC
- ❑ Subject to general state and local sales taxes
- ❑ MN: “simulate smoking tobacco” and contain nicotine derived from tobacco and meet definition of tobacco
 - ▣ One time use e-cig: Taxable
 - ▣ Reusable/refillable device and components: NOT Taxable
 - ▣ Cartridges/e-juice WITH nicotine: Taxable
 - ▣ Cartridges/e-juice with 0% nicotine: NOT Taxable



E-cig Taxation

- NC: New 2014 law allows for 5 cent tax per fluid milliliter of consumable product (HB 1050)
 - ▣ Requires manufactures to state the amount of consumable product in milliliters on invoices
 - ▣ Estimated to generate > \$5m in FY 2015-16
 - ▣ Does not include any product regulated by the USFDA Food, Drug and Cosmetic Act



Federal Regulation (or lack thereof)

- ❑ The Family Smoking Prevention and Tobacco Control Act-2009, allowed for the FDA to regulate tobacco products
- ❑ Defines what FDA can/can't do re: products
- ❑ Created the Center for Tobacco Products (CTP)
- ❑ Proposed rule to deem alternative/vapor tobacco products under the FSPTCA - not yet final as of 4/15/15



FAQs

- Q: Are e-cigs/vapor products safer than traditional cigarettes?
 - A: Maybe. Competing opinions and research (US & Europe), more research coming
 - According to the CDC, the vapor from e-cigarettes has “far fewer of the toxins found in smoke compared to traditional cigarettes.” BUT.... Still contain nicotine, etc... causes cardiac issues
 - Public health community is split over if vapor products should be considered a “harm reduction product” and treated as such, but the CTP may be ruling on that shortly
- Q: More bills/laws?
 - A: Most likely. Although not as many as there could be with federal regs pending



Contact

Questions? Comments?

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