Presentation for the Evidence-Based Health Policy Project

E-CIGARETTES: AN UPDATE ON THE SCIENCE

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
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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