**In Vermont:** Electronic cigarettes (commonly called e-cigarettes) are defined as a "tobacco substitutes." They include electronic cigarettes or other electronic or battery-powered devices that contain and are designed to deliver nicotine or other substances into the body through inhaling vapor and that have not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes. (7 V.S.A. § 1001)

- Like cigarettes and other tobacco products, tobacco substitutes are only accessible to consumers in stores with direct assistance by the sales personnel. (7 V.S.A. § 1003, May 2012)
- Tobacco substitutes, like cigarettes and other tobacco products, cannot be sold to any person under the age of 18. (7 V.S.A. § 1003, May 2012)
- Vermont prohibits the use of all tobacco products and tobacco substitutes on public school grounds, at school-sponsored events, and license child care facilities (inside and out) or at in-home day care centers while children are present.(16 V.S.A. § 140 and 33 V.S.A. § 3504, May 2014)
- As of January 1, 2015, Vermont requires child-resistant packaging for the nicotine liquid used in electronic cigarettes (unless the cartridge is pre-filled and sealed by the manufacturer). (7 V.S.A. § 1012, May 2014)
- Vermont banned the delivery of cigarettes, roll-your-own tobacco, little cigars and snuff ordered or purchased by mail or electronically other than to a licensed wholesale or retail dealer. This law does not apply to electronic cigarettes. (Title 7, § 1010)
- There is no excise tax on e-cigarettes (as compared to $3.08 per pack for traditional cigarettes and 92% wholesale on other tobacco products for example).

**Federal Regulations:** In 2009, Congress passed the Family Smoking Prevention and Tobacco Control Act to give the U.S. Food and Drug Administration (FDA) the authority to regulate all tobacco products, including electronic cigarettes.

- In 2009, FDA announced its intention to regulate e-cigarettes as drug delivery devices. The parent company of NJOY – Sottera – sued FDA, saying e-cigarettes should be regulated as a tobacco product. FDA lost the case.
- The Court created an exception for products that make claim to provide a specific medical therapy but research must prove that the product is "safe and effective"; it appears no manufacturers have yet submitted a therapeutic claim for FDA approval.
- In April of 2014, the FDA issued a proposed rule which would regulate electronic cigarettes as tobacco products. The FDA sent the final rule to the White House in late October 2015. The White House has 90 days to respond. In the meantime, there is currently no way for the consumer or the medical community to know the contents of e-cigarettes or related health implications.

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