

# H:171 - Electronic Cigarettes

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Senate Health and Welfare Hearing

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# Food and Drug Administration

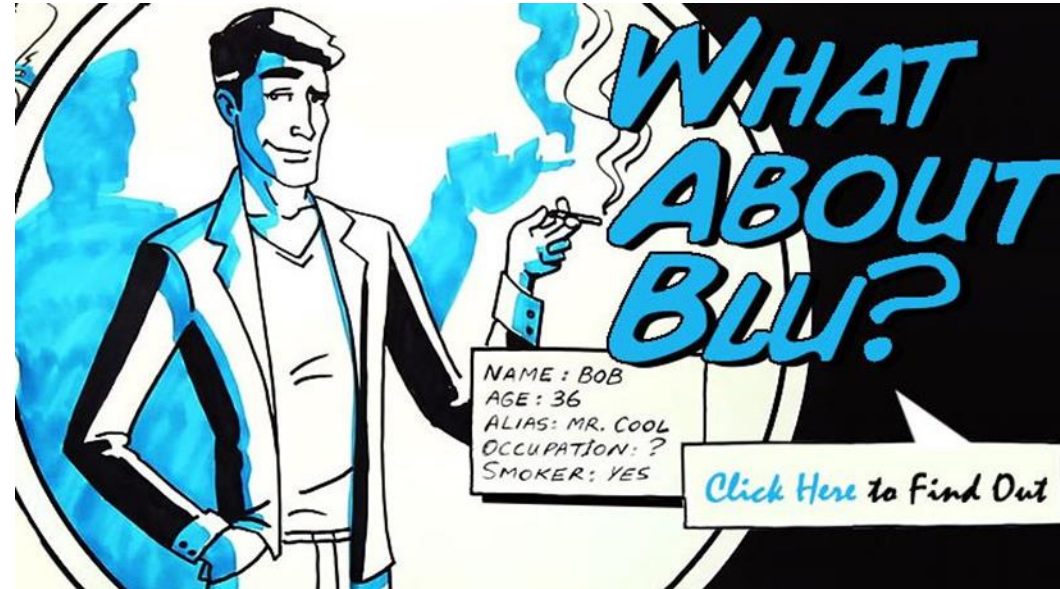
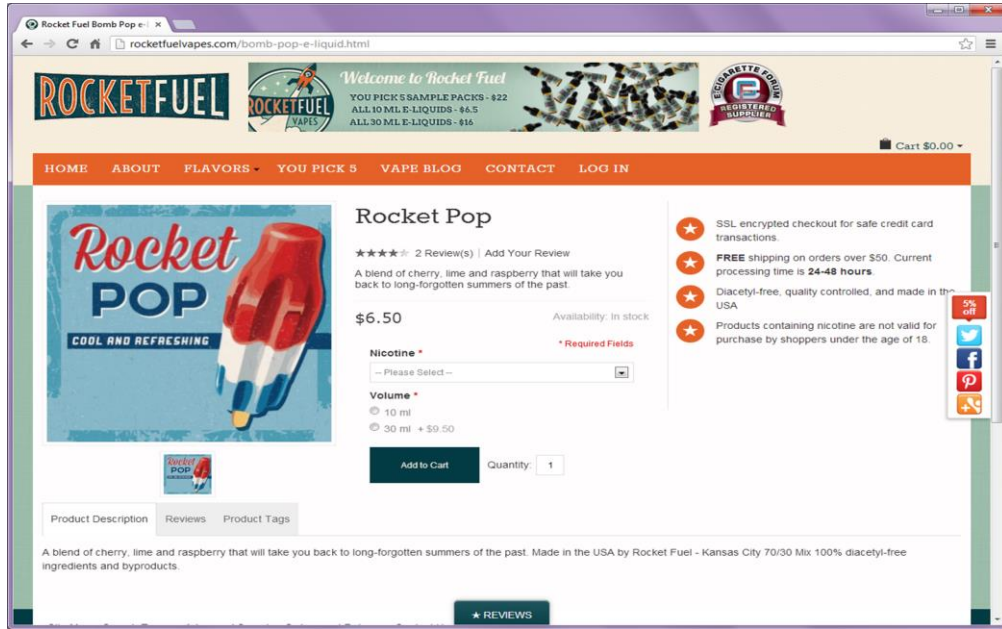
- In 2009, FDA announced its intention to regulate e-cigarettes as drug delivery devices. The parent company of NJOY – Sottera – sued FDA, saying e-cigarettes should be regulated as a tobacco product. FDA lost the case.
- The Court created an exception for products that make claim to provide a specific 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.
- Awaiting deeming regulations, currently in Office of Budget and Management.

# Current State Laws

State	100% Smokefree Venues In Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	Permitted In:
1. Connecticut	RBG	No	
2. Delaware	WRBG	Yes	Vapor establishments.
3. Hawaii	WRB	No	
4. Maine	WRB	No	
5. North Dakota	WRBG	No	
6. New Jersey	WRB	No	
7. Oregon	WRBG	No	
8. Utah	WRB	Yes	Retailers that sell e-cigarettes, until 7/1/17.

Americans Non-Smokers' Rights Foundation (as of Jan. 1, 2016)

# Targeting Youth: Kid Friendly Flavors & Cartoons



# The Result?

- Nationwide, the use of e-cigarettes by teens tripled in just one year. National Tobacco Survey 2014.
- 30% of VT high school students have tried e-cigarettes. 2015 Vermont Youth Risk Behavior Survey
- 15% use e-cigarettes regularly compared to 11% of high students who smoke. 2015 Vermont Youth Risk Behavior Survey
- 39% of Vermont 12<sup>th</sup> graders have tried, and 19% are regular users. 2015 Vermont Youth Risk Behavior Survey

## The Result? Erosion of Social Norms

- Currently, more than 8 out of 10 Vermont students think smoking is not the norm.
- For nearly 30 years, Vermont has progressively passed laws to reduce secondhand smoke exposure.
- These laws have contributed to making smoking not the norm.
- Are e-cigs rolling back decades of progress?



## News Headlines: Safety Concerns

- *“New Hampshire Man Burned When Vaporizer Battery Explodes,”* WCVB Boston, January 26, 2016.
- *“Missoula Teenager Loses Teeth to Exploding E-Cigarette,”* KTVH Missoula, MO, February 3, 2016.
- *“Watch Out for Exploding E-Cigarettes,”* National Law Review, January 29, 2016
- *“E-cigarette Use Banned for US Air Travel,”* AP, March 3, 2016

# Enforcement Challenges

- It's tough to distinguish between an e-cigarette and a conventional cigarette.
- This creates unnecessary confusion and challenges to enforce Vermont's smokefree laws.





# Regulation

The Coalition for a Tobacco Free Vermont, including the American Lung Association, American Heart Association and American Cancer Society Cancer Action Network:

- Supports H.171 to include e-cigarettes in smokefree laws and require products to be behind counters.
- Opposes the language to exempt businesses that sell e-cigarettes.