

E-CIGARETTES & OTHER NICOTINE-DELIVERY PRODUCTS

Electronic cigarettes (also known as e-cigarettes, e-cigs, vapes, mods, box mods, pod mods) are battery powered devices that allow users to inhale an aerosol that may contain nicotine and/or other substances. Disposable e-cigarettes are considered ready-to-use. Rechargeable e-cigarettes use a battery powered coil to heat e-cigarette liquid (also known as e-juice or e-liquid). It then releases a chemical-filled aerosol that is inhaled. Certain rechargeable devices look very similar to e-cigarette mods but are used to heat dry herb tobacco and marijuana, rather than e-juice.

E-cigarette juice (e-juice, e-liquid, nic salt) contains a propylene glycol and/or vegetable glycerin base, nicotine, and flavorings. Most e-juices, however, not all, contain various levels of nicotine. Liquid nicotine can also be added to flavored e-juices to increase nicotine potency. E-juices commonly come in a variety of nicotine levels, including 0, 3, 6, and 12 mg of nicotine per milliliter of e-liquid.

In recent years salt-based nicotine (nicotine salt, nic-salt, salt-nic) is being used in e-juices, and often contains a much higher concentration of nicotine (between 25-50 mg of nicotine per milliliter of e-liquid). Salt-based nicotine is more acidic in composition, and produces a smoother, less irritating sensation to the throat than the high pH “alkaline-based” nicotine found in traditional non-salt-based e-juices.

Currently, e-cigarettes are the most commonly used tobacco product among youth and in 2019, 22.7% of youth reported vaping nicotine in the past 30 days. The U.S. Surgeon General issued an advisory on e-cigarettes in December 2018 and announced that use among youth has reached epidemic proportions and steps must be taken by parents, educators and policymakers to discourage use.

Electronic cigarettes and the law:

- On January 2, 2020, the Trump administration partially banned flavored and prefilled e-liquid cartridges; however, menthol and tobacco flavored cartridges are excluded from the ban. Flavored nicotine e-liquid for open tank (fillable) devices and disposable flavored devices are also exempt from the flavor ban (e.g., Puff Bar).
- On December 20, 2019, President Trump amended the Federal Food, Drug and Cosmetic Act and raised the national minimum age of the sale of tobacco products from 18 to 21 years, making it illegal for retailers to sell tobacco products (including cigarettes, cigars and e-cigarettes) to anyone under 21.
- Due to the surge in youth use of e-cigarettes and the prevalence of severe lung injuries related to vaping (this involved vaping vitamin e acetate as the solvent), several states have implemented statewide temporary e-cigarette bans. These bans are currently facing legal challenges and they are enforced in only three states: Massachusetts, Rhode Island, and Washington.
 - On November 2019, Massachusetts became the first state to restrict the sale of flavored tobacco and vaping products (effective date is June 1, 2020).

- On October 2019, Rhode Island implemented a 120-day ban on flavored vaping products.
- On October 2019, Washington enacted a 120-day ban on the sales of flavored THC and nicotine vaping products.
- Nationally, over 260 local governments have passed flavored tobacco product restrictions. The laws differ per localities and they ban different tobacco or e-cigarette products or flavors. Below are a few examples:
 - Jersey City banned the sale of flavored e-cigarette products.
 - Los Angeles County banned flavored e-cigarettes in unincorporated areas, including menthol cigarettes (effective May 1, 2020).
 - The sale of flavored tobacco products is banned in both the city and county of San Francisco.
- The Food and Drug Administration (FDA) has regulated the manufacturing, distribution and marking of tobacco products since 2009. In August 2016 **regulatory authority** was extended to **include e-cigarettes**, all cigars, hookah, and other tobacco products.
 - The Federal-level “deeming rule” took effect on August 8, 2016 and considers all nicotine products derived from tobacco as “tobacco”. This includes cigarettes, e-cigarettes, pipe tobacco, cigars and cigarillos, hookah pipe shisha, and dissolvables.
- Regulations for e-cigarettes (and all of the products above) include the following:
 - stores are not permitted to sell to persons under the minimum age (now 21 years) and photo ID verification is needed for anyone under 27.
 - health warnings are required on e-liquid and e-cigarette device packaging.
 - vending machines are not allowed (except in adult-only facilities).
 - free samples are prohibited.

OTHER NICOTINE-DELIVERY PRODUCTS

A **hookah** (also known as a waterpipe, narghile, argghila, hubble-bubble) is a single or multi-stemmed instrument for vaporizing and smoking flavored tobacco (called shisha) in which the vapor or smoke is passed through a water basin before inhalation. They can be found in traditional and electronic form. Hookah smoking carries many of the same health risks and has been linked to many of the same diseases caused by cigarette smoking. Estimates of past year hookah use among young adults (ages 19-30) range from 15% to 19% in the U.S. Among college students in the U.S., past-year use ranges from 22% to 40%, respectively.

Dissolvable tobacco is similar to smokeless tobacco; however, it is made to dissolve in the mouth over a 5-to-20-minute period depending on the type of dissolvable. It is a relatively new tobacco product, finely milled, and is available in a tablet form (also called orb/lozenge), stick form (about the size of a toothpick), and in strip form (similar to breath freshening strips). Many of the major tobacco manufacturers offer dissolvable tobacco in some form. Dissolvables may lead to the same types of consequences as other smokeless tobacco products (e.g., there are 28 carcinogens in smokeless tobacco products, possibly leading to oral cancer; there may be gum disease, cardiovascular

consequences, as well as nicotine addiction). In general, dissolvables may be less hazardous than regular smoking of cigarettes if they are used instead of cigarettes. There is little evidence, however, that they are a means of quitting combustible cigarettes and dual use of dissolvables and cigarettes may be a problem (approximately 30% dual use). There is a potential for nicotine toxicity among young children who, seeing a candy-like appearance and flavorings, may imbibe it.

Other nicotine-delivery products and the law:

- Tobacco use remains the single largest preventable cause of death and disease in the United States.
- Because of the Federal-level “deeming rule” described above, the FDA regulates hookah and dissolvables in the same manner as e-cigarettes, cigarettes, cigars, and other tobacco products (e.g., no free samples, health warnings on packaging and advertisements, photo ID verification for anyone under 27, only sell to customers 21 and older).
- City and local governments have the authority to regulate hookah in the same fashion as other tobacco products mentioned above.