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U.S. E-Cigarette Regulation: A 50-State Review

The following chart is a snapshot of the U.S. landscape of e-cigarette regulation as of March 15, 2018. The information below was based on a 50-state (plus Washington, D.C.) survey of current state statutes pertaining to e-cigarette regulations in the following areas: definition of “tobacco product,” taxation, product packaging, youth access/other retail restrictions, retail license/permit requirement, and smoke-free air legislation.¹ Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. In some instances, public domain websites have not yet been updated to include the most recently passed laws. The N/A designation refers to the lack of *state laws or regulations* related to e-cigarettes as of March 15, 2018; however, many *local laws* in these states (and throughout the U.S.) address e-cigarettes.

¹ N.B. Statutes/regulations available via Westlaw legal database as of the snapshot date are included in the table, as are any regulations not found in the database but about which we have been made aware. Regulations governing the following are NOT included in the chart, as they simply support the sales/other restrictions within the statutory scheme: requirements that retailers/vending machines display signs indicating minimum access age; internet sales restrictions that mirror captured sales restrictions; requirements that retailers verify the age of anyone who appears under a certain age; permission for retailers to refuse a sale if purchaser cannot prove age; penalties assessed for violations; permission for minors participating in enforcement activities to possess product.

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
Alabama	No	<p><u>Youth Access</u></p> <p><i>Alternative nicotine product</i> means “an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” ALA. CODE § 28-11-2(1) (2018)</p> <p><u>Sales Tax</u></p> <p><i>Vapor Products</i> means “any non-lighted, noncombustible</p>	N/A	N/A	Purchase, use or possession of alternative nicotine products by persons under age 19 prohibited. ALA. CODE § 28-11-13(a) (2018)	No	Licensed emergency medical providers cannot use e-cigarettes “while operating or riding in an ambulance or while providing patient care.” ALA. ADMIN. CODE § 420-2-1-.07(6)(j) (2018)

² Application of definition within tobacco control scheme varies; see specific regulatory category for details of treatment of electronic nicotine delivery systems within state tobacco control scheme.

³ Text excepting references to medical/cessation devices approved/regulated by FDA, which is commonly found in youth access or tax definitions of tobacco products or e-cigarettes, excluded for space considerations.

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		<p>product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution. The term includes any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” ALA. CODE § 40-23-1(a)(16) (2018)</p> <p><i>Consumable Vapor Product</i> means “any nicotine liquid solution or other material containing nicotine that is depleted when used as a vapor product.” ALA. CODE §40-23-1(a)(15)(2018)</p>					

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Alaska	No	N/A	N/A	N/A	Sale/distribution of “product containing nicotine” to person under age 19 prohibited (unless provided by parent or legal guardian). ALASKA STAT. § 11.76.109(a) (2018)	No	N/A
Arizona	No	<i>Vapor product</i> means “a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size that can be used to heat a liquid nicotine solution contained in cartridges.” ARIZ. REV. STAT. § 13-3622(E)(3) (2018)	N/A	N/A	Sale of vapor product to persons under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(A) (2018) Purchase/possession of vapor product by person under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(B) (2018)	No	Use of e-cigarettes is prohibited in foster homes and in vehicles when foster child is present. ARIZ. ADMIN. CODE § 21-6-315 (2018)
Arkansas	No	<u>Sales restrictions</u> <i>Vapor product</i> means “an electronic oral device of any size or shape that contains a vapor of nicotine, e-liquid, or any other substance that when	N/A	E-liquid containers must be sold in child-resistant packaging (excepting pre-filled and sealed cartridges.)	Sale of vapor products, e-liquids or any component thereof prohibited to persons under age 18. ARK. CODE ANN. § 5-27-227(a)(1) (2018) Distribution of vapor products, e-liquids or	Yes ARK. CODE ANN. §§26-57-214 and 26-57-215(b) (2018)	Use of vapor products or e-liquids on grounds of any school or at off-campus school-sponsored events, in or on the grounds of any child care facility

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		used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that: (A) [i]s composed of a heating element, battery, electronic circuit, chemical process, mechanical device, or a combination [thereof]; (B) [w]orks in combination with a cartridge, other container or liquid delivery device containing nicotine or any other substance and manufactured for use with vapor products; (C) [i]s manufactured distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor; and (D) [d]oes not include a product regulated as a		ARK. CODE ANN. § 26-57-254(c) (2018)	<p>components, free samples or coupons for free samples thereof near youth-centered places or to persons under age 18 is prohibited. ARK. CODE ANN. § 5-27-227(f) (2018)</p> <p>Possession/use/purchase of vapor products, e-liquids or components thereof by persons under age 18 prohibited. ARK. CODE ANN. § 5-27-227(b)(1) (2018)</p> <p>Self-service displays or vending machine sales of vapor products or e-liquids restricted to locations inaccessible to persons under age 21 unless vending machine is under employee supervision; restriction does not apply to tobacco businesses, and vape shops. ARK. CODE ANN. § 5-27-227(g)-(h) (2018)</p>		<p>or healthcare facility prohibited. ARK. CODE ANN. §§ 26-57-254(b) and 6-21-609(b) (2018)</p> <p>Use of e-cigarettes “prohibited on each campus of state-supported institutions of higher education.” ARK. CODE ANN. §6-60-804(a) (2018)</p> <p>Use of e-cigarettes in registered child-care facilities and/or vehicles prohibited. ARK. ADMIN. CODE §§ 016.22.1-1101(14); ARK ADMIN. CODE § 016.22.4-1101(8);and 016.22.6-1101(7) (2018)</p>

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		<p>drug or device by the [FDA] as it existed on January 1, 2015.” ARK. CODE ANN. § 26-57-203(38) (2018)</p> <p><i>E-liquid</i> and <i>e-liquid product</i> mean “a liquid product which may or may not contain nicotine, that is vaporized and inhaled when using a vapor product, and that may or may not include without limitation propylene glycol, vegetable glycerin, nicotine from any source, and flavorings . . .” ARK. CODE ANN. § 26-57-203(13) (2018)</p> <p><i>E-liquid container</i> means “a bottle or other container of e-liquid that is sold or provided for mixing at retail and is marketed or intended for use in a vapor product [except those] prefilled and sealed by</p>					<p>Use of e-cigarettes near State Park buildings restricted. ARK. ADMIN. CODE § 013.05.1-1191 (2018)</p>

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		<p>the manufacturer and . . . not intended to be opened by the consumer.” ARK. CODE ANN. § 26-57-254(d) (2018)</p> <p><u>Smoke-free schools and campuses</u></p> <p><i>E-cigarette</i> means “an electronic oral device that provides a vapor of nicotine or another substance that, when used or inhaled, simulates smoking, including without limitation a device that:</p> <p>(1) [i]s composed of a heating element, battery, electronic circuit, or a combination [thereof];</p> <p>(2) [w]orks in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes;</p>					

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		and (3) [i]s manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.” ARK. CODE ANN. §§ 6-21-609(a) (2018) and 6-60-803(2) (2018)					
California	Yes. CAL. BUS. & PROF. CODE § 22950.5(d) (1)(B) (2018) ; CAL. REV. & TAX. CODE § 30121(b) (2018) and CAL. HEALTH & SAFETY CODE § 104495 (8)(A)(2018)	<u>Youth Access</u> <i>Tobacco product</i> means “a product containing, made, or derived from tobacco or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah...” CAL. BUS. & PROF. CODE § 22950.5(d)(1) (2018) <u>Tax</u>	State Board of Equalization is directed to adopt regulations implementing tax on electronic cigarettes equivalent to the Cigarette Distribution Tax (of \$0.100 per cigarette). CAL. REV. & TAX. CODE § 30130.51(b) (2018)	Electronic cigarette cartridges and solutions for filling electronic cigarettes must be sold in child-resistant packaging. CAL. HEALTH & SAFETY CODE § 119406(a) (2018)	Sale of electronic cigarettes to persons under age 21 prohibited (active duty military personnel must be at least 18). CAL. BUS. & PROF. CODE §§ 22958(a) (2018) and 22963(a) (2018) ; CAL. PENAL CODE § 308(a)(1)(A) (2018) Self-service displays prohibited. CAL. BUS. & PROF. CODE § 22962(b)(1)(A) (2018) Vending machines must be located inside a bar at least 15 feet from entrance. CAL. BUS. & PROF. CODE § 22960(b)(1) (2018)	Yes. CAL. BUS. & PROF. CODE §§ 22972 (2018) and CAL. BUS. & PROF. CODE § 22975 (a)(2018)	Use of electronic cigarettes prohibited wherever smoking is prohibited (CAL. BUS. & PROF. CODE § 22950.5(c) (2018)) including, but not limited to, places of employment (CAL. LAB. CODE § 6404.5 (2018)); family day care facilities; (CAL. HEALTH & SAFETY CODE § 1596.795 (2018)); foster and group homes (CAL. HEALTH & SAFETY CODE §

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		<p><i>Electronic cigarettes</i> means “any device or delivery system sold in combination with nicotine which can be used to deliver to a person nicotine in aerosolized or vaporized form, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah . . . (including) any component, part, or accessory of such a device that is used during the operation of the device when sold in combination with any liquid or substance containing nicotine (and also includes) any liquid or substance containing nicotine, whether sold separately or sold in combination with any device that could be used to deliver to a person nicotine in aerosolized or</p>			<p>“The possession or use of [electronic cigarettes] by wards and inmates in all institutions and camps under the jurisdiction of the Department of the Youth Authority is prohibited.” CAL. WELF. & INST.CODE § 1712.5(a) (2018)</p> <p>Operator of an Internet Web site, online service, online application or mobile application directed to minors shall not market or advertise electronic cigarettes through these venues. CAL. BUS. & PROF. CODE §22580 (a)(2018)</p> <p>Advertisements of tobacco products on any outdoor billboard prohibited if located within 1,000 feet of any public or private elementary school, junior high school, or highschool, or public playground. CAL. BUS. & PROF. CODE §22961 (a)(2018)</p>		<p>1530.7 (2018); within 25 feet of playgrounds or 250 feet of a youth sports events (CAL. HEALTH & SAFETY CODE § 104495(b),(d) (2018)); in public buildings or “within 20 feet of a main exit, entrance, or operable window of a public building, or in a [state-owned] passenger vehicle” (CAL. GOV’T CODE § 7597(a)); health facilities (CAL. HEALTH & SAFETY CODE § 1286 (2018)); in cars with minors (CAL. HEALTH & SAFETY CODE § 118948 (2018)); on public transportation system (CAL. HEALTH &</p>

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		<p>vaporized form. CAL. REV. & TAX CODE § 30121(c) (2018)</p> <p>Tobacco products means “a product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, [including] cigars, little cigars, chewing tobacco, pipe tobacco, or snuff, [but not] cigarettes. Tobacco products shall also include electronic cigarettes. CAL. REV. & TAX. CODE § 30121(B) (2018)</p> <p><u>Use restrictions</u></p> <p><i>Tobacco product</i> means “a product containing, made, or derived from</p>					<p>SAFETY CODE § 118925 (2018)); on passenger carriers (CAL. PUB. UTIL. CODE §561 (A) (2018)) and on grounds of facilities under Dep’t of Youth Authority jurisdiction, with the exception of residential staff housing where inmates or wards are not present. (CAL. WELF. & INST. CODE § 1712.5(b) (2018)); in nonprofit charitable temporary food facilities (CAL. HEALTH & SAFETY CODE §114332.3 (F)(2018)); in outpatient health facilities. (CAL. HEALTH & SAFETY CODE</p>

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		tobacco or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah...” CAL. HEALTH & SAFETY CODE §104495 (8)(A)(2018)					<p>§1234 (2018); in court facilities (CAL R SAN BENITO SUPER CT RULE 1.5 (2018)); in Superior Court of California - County of Sacramento courthouse (CAL R SACRAMENTO SUPER CT Rule 7.11 (B)(5)(2018)); within 25 feet of the “commerce area” of certified farmers’ markets (CAL. HEALTH & SAFETY CODE §114371 (f) (2018)); in car with minor (CAL HEALTH & SAFETY CODE §118948 (2018))</p> <p>Schools may not allow students to use tobacco products,</p>

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							<p>including electronic cigarettes, on campus or while attending school-sponsored activities. CAL. EDUC. CODE § 48901(a) (2018)</p> <p>Department of Education requires all school districts, charter schools and county offices of education to adopt and enforce policy prohibiting use of electronic cigarettes. CAL. HEALTH & SAFETY CODE § 104420(n)(2) (2018)</p> <p>Use of nicotine delivery devices prohibited in county offices of education, charter schools, school/district</p>

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							<p>buildings, school/district property, and school/district vehicles. CAL. HEALTH & SAFETY CODE § 104559(a) (2018)</p> <p>Director of State Hospitals may ban tobacco product use or possession on state hospital grounds upon request. CAL. WELF. & INST. CODE § 4138 (2018)</p> <p>Landlord of a residential dwelling unit may prohibit smoking of tobacco product on the property or any portion of the building. CAL. CIV. CODE §1947.5 (2018)</p>

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							<p>E-cigarette use prohibited in passenger areas of certain public transportation vehicles, including passenger areas of airplanes, trains, and certain buses “providing departures originating in th[e] state.” CAL. PUB. UTIL. CODE § 561(a) (2018)</p> <p>Department of Corrections facilities are smoke-free (“with the exception of residential staff housing where inmates are not present”). CAL. PENAL CODE § 5030.1 (2018)</p>
Colorado	Yes COLO. REV. STAT. § 18-13-	<i>Cigarette, Tobacco product or Nicotine product</i> means “(I) [a] product that contains nicotine or tobacco or	N/A	N/A	Sale and distribution of nicotine products to persons under age 18 prohibited. COLO. REV. STAT. §§ 18-13-	No	Use of nicotine products prohibited on school grounds. COLO. REV. STAT.

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	121(5) (2018)	is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or (II) [a]ny device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo or pipe.” COLO. REV. STAT. § 18-13-121(5) (2018)			<p>121(1)(a) and 24-35-503(1) (2018)</p> <p>Possession or purchase of nicotine products by persons under age 18 prohibited. COLO. REV. STAT. §§ 25-14-301(2) and 18-13-121(2) (2018)</p> <p>Vending machine sales restricted to locations inaccessible to minors or under control of adult employee. COLO. REV. STAT. § 24-35-503(2) (2018)</p>		<p>§ 25-14-103.5 (2018)</p> <p>Use of nicotine products “in and around licensed child care facilities” prohibited. 12 COLO. CODE REGS § 2509-8:7.701.91 (2018)</p> <p>Use of tobacco products prohibited on school transportation vehicles 1 COLO. CODE REGS. §301-26:4204-R-12.00 (2018)</p>
Connecticut	No	<i>Electronic nicotine delivery system</i> means “an electronic device that may be used to simulate smoking in the delivery of nicotine or other substances to a person inhaling from the device and [including an]	N/A	N/A	<p>Sale/delivery of electronic nicotine delivery system or vapor product to persons under age 18 prohibited. CONN. GEN. STAT. §53-344b(b)(2018)</p> <p>Purchase/possession of electronic nicotine delivery system or vapor product by</p>	Yes CONN. GEN. STAT. § 21a-415(a) (2018)	Use of electronic nicotine delivery system or vapor product prohibited in any state building, health care institution, retail food store, restaurant, liquor store, bar (except

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		<p>electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device” CONN. GEN. STAT. §§53-344b(a)(1)(2018); CONN. GEN. STAT. §19a-342a(a)(2)(2018)</p> <p><i>Liquid nicotine container</i> means “a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except ‘liquid nicotine container’ does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the</p>			<p>persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(c) (2018)</p> <p>Manufacturers of electronic nicotine delivery systems or vapor products (including the mixing, compounding, repackaging or resizing of any nicotine-containing product) must register with the State. CONN. GEN. STAT. § 21a-415a(a) (2018)</p>		<p>smoking sections of outdoor seating areas), school buildings, child care facilities, elevators, college dormitories, race tracks, and in 75% or more of hotel/motel rooms. CONN. GEN. STAT. §19a-342(b)(1)(2018)</p>

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		<p>consumer” CON. GEN. STAT. §19-342a (a)(3)(2018)</p> <p><i>Vapor product</i> means “any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product...” CONN. GEN. STAT. §§53-344b(a)(9)(2018); §19a-342a(a)(4) (2018)</p> <p><i>Electronic cigarette liquid</i> means “a liquid, that used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such</p>					

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		electronic nicotine delivery system or vapor product.” CONN. GEN. STAT. §53-344b(a)(10) (2018)					
Delaware	Yes. DEL. CODE ANN. tit. 30 §5301(15)(2018)	<p><u>Sale Restrictions</u></p> <p><i>Tobacco substitute</i> means “any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation . . . or any noncombustible product containing nicotine intended for use in such a device” DEL. CODE ANN. tit. 11 § 1115(11) (2018)</p> <p><i>Electronic smoking device</i> means “any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a</p>	Yes (on vapor products) at .05 cents/ml. DEL. CODE ANN. tit. 30 §5305 (C)(2)(2018)	N/A	<p>Sale/distribution of tobacco substitutes to persons under age 18 prohibited. DEL. CODE ANN. tit. 11 §§ 1116(a) and 1118(a) (2018)</p> <p>Purchase or receipt of tobacco substitutes by persons under age 18 prohibited. DEL. CODE ANN. tit. 11 § 1124(a) (2018)</p> <p>Self-service displays/vending machine sales of tobacco substitutes prohibited in places accessible to persons under age 18. DEL. CODE ANN. tit. 11 § 1119 (2018)</p> <p>Marketing or advertising tobacco substitutes on online or mobile applications directed to children. DEL. CODE ANN. tit. 6, § 1204C (2018)</p>	Yes. DEL. CODE ANN. tit. 30 §5307 (2018)	<p>Use of electronic smoking devices restricted in same manner as smoking; prohibited in public indoor places in which smoking is prohibited. DEL. CODE ANN. tit. 16 §§ 2903 (2018) and DEL. CODE ANN. tit. 16 §4452-8.0 (2018)</p> <p>Use of electronic smoking devices permitted in vape shops which restrict entry to persons over age 18. DEL. CODE ANN. tit. 16 § 2908 (2018)</p>

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		<p>person to simulate smoking through inhalation of vapor or aerosol from the product [including] any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.” DEL. CODE ANN. tit. 16, § 2902 (2018)</p> <p><u>Taxation & Licensing</u></p> <p><i>Electronic smoking device</i> means “a nonlighted, noncombustible device that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine for inhalation into the body of an individual</p>					<p>Vaping prohibited at licensed Family Child Care Homes. 9-100-103 DEL. CODE REGS. 21.24 (2018)</p> <p>Vaping prohibited in foster homes. 9-201-40.0 DEL. ADMIN. CODE §40.1.13 (2018)</p>

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		<p>[including] a device that is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor.” DEL. CODE ANN. tit. 30 § 5301 (7) (2018)</p> <p><i>Vapor product</i> means “any nicotine liquid solution or other material containing nicotine that is intended to be used with or in an electronic smoking device.” DEL. CODE ANN. tit. 30 § 5301 (20) (2018)</p> <p><u>Use restrictions</u></p> <p><i>Electronic smoking device</i> means “any product containing or delivering nicotine or any other similar substance intended for</p>					

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		human consumption that can be used by a person to simulate smoke through inhalation of vapor aerosol from the product ... including e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.” DEL. CODE REGS. 16 4452-7.0 (2018)					
District of Columbia	Yes. D.C. CODE § 47-2401(5A) (2018) and D.C. CODE ANN. § 7-1702 (8) (2018)	<u>Tax and Youth Access</u> <i>Vapor product</i> means “(A) any non-lighting, noncombustible product that employs a mechanical heating element, battery, or electronic circuit, regardless of shape or size, that can be used to produce aerosol from nicotine in a solution; or (B) any vapor cartridge or other container of nicotine in a solution or other form that is intended to be	Vapor products taxed at rate equal to tax imposed on cigarette packs, expressed as percentage of average wholesale price. D.C. CODE § 47-2402.01(a)(1)(C) (2018)	N/A	No person may manufacture, or sell vapor products without first obtaining a license. D.C. CODE § 47-2404(a) (2018) Vending machine sales of vapor products restricted to establishments inaccessible to persons under age 18. D.C. Code § 47-2404(b)(3)(A) (2018) .	Yes. D.C. CODE § 47-2404(a) (2018)	Use of electronic smoking devices prohibited similar to smoking, including in workplaces and certain public places (such as enclosed public spaces, playgrounds, bus stops and sporting events). D.C. CODE § 7-741.02 (2018) and D.C. CODE § 7-1703 (2018)

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” D.C. CODE § 47-2401(9A) (2018)</p> <p><i>Other tobacco product</i> includes vapor product and “any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be consumed.” D.C. CODE §47-2401(5A) (2018)</p> <p><u>Use restrictions</u></p> <p><i>Electronic smoking device</i> means “any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine or any other substance intended for</p>					<p>Use of electronic cigarettes on streetcar or streetcar platform prohibited. D.C. MUN. REGS. tit. 18, § 1605.2(c) (2018)</p> <p>Use of electronic cigarettes prohibited on library property. D.C. MUN. REGS. tit. 19, § 810.6 (c)(5) (2018)</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product [including] any such product regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor.” D.C. CODE §7-741.01(1) (2018)					
Florida	No	<i>Nicotine dispensing device</i> means “any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any	N/A	N/A	Sale/distribution of nicotine dispensing devices or nicotine products to persons under age 18 prohibited. FLA. STAT. § 877.112(2)–(3) (2018) Possession of nicotine dispensing devices or nicotine products by persons under age 18 prohibited. FLA. STAT. § 877.112(6) (2018)	No	Use of electronic cigarettes and nicotine dispensing devices in courthouses of Sixth Judicial Circuit and within 50 feet of entrances thereto prohibited. ADMIN. ORDER NO. 2015-008 PA/PI-CIR (2018)

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.” FLA. STAT. § 877.112(1)(a) (2018)</p> <p><i>Nicotine product</i> means “any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, but does not include a: (1) Tobacco product, as defined in § 569.002” FLA. STAT. § 877.112(1)(b) (2018)</p>			<p>Self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18 years except sales made through vending machine with lockout device controlled by retailer. FLA. STAT. § 877.112(11)–(12) (2018)</p>		<p>Use of electronic cigarettes prohibited in all firefighter employee places of employment. FLA. ADMIN. CODE ANN. r. 69A-62.024(6) (2018)</p> <p>E-cigarette use prohibited in licensed out-of-home caregiver homes and vehicles (when children present). FLA. ADMIN. CODE ANN. r. 65C-13.030 and 65C-13.025 (2018)</p>
Georgia	No	<p><i>Vapor product</i> means “any noncombustible product containing</p>	N/A	N/A	Sale of vapor products to persons under age 18	No	Use of electronic devices that simulate tobacco

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term ‘vapor product’ shall include any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” GA. CODE ANN. § 16-12-170(10) (2018)</p>			<p>prohibited. GA. CODE ANN. § 16-12-171(a)(1) (2018)</p> <p>Distribution of free vapor products on public property, within 500 feet of playground or school, or to persons under the age 18 prohibited. GA. CODE ANN. § 16-12-174 (2018)</p> <p>Purchase/possession of vapor products by persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(b)(1) (2018)</p> <p>Vending machine sales of vapor products restricted to locations not readily accessible to persons under age 18 (excepting machines under direct supervision of employee or located at highway rest areas). GA. CODE ANN. § 16-12-173(e) (2018)</p>		<p>smoking prohibited by food service employees at work (except in designated areas). GA. COMP. R. & REGS. 511-6-1-.03 (2018)</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
Hawaii	Yes HAW. REV. STAT. §§ 323F-34(d); 321-211; 328J-1; and 712-1258(5) (2018)	<p><u>Use Restrictions</u></p> <p><i>Electronic smoking device</i> means “any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product.” HAW. REV. STAT. §§ 323F-34(d); 321-211; 328J-1; and 712-1258(5) (2018)</p> <p><u>Youth Access</u></p> <p><i>Electronic smoking device</i> means “any electronic product that can be used to simulate smoking in the delivery</p>	N/A	N/A	<p>Sale/distribution of electronic smoking devices to persons under age 21 prohibited. HAW. REV. STAT. § 712-1258(1) (2018)</p> <p>Purchase of electronic smoking device by person under age 21 prohibited. HAW. REV. STAT. § 712-1258(3) (2018)</p> <p>Possession or use of electronic smoking device by person under age 21 in public prohibited. HAW. REV. STAT. § 321-212 (2018)</p> <p>Distribution of samples of electronic smoking devices on public property or within 1000 feet of a school is prohibited. HAW. REV. STAT. § 328J-17(a) (2018)</p> <p>Self-service displays and vending machine sales of electronic smoking devices prohibited except in duty-free facilities and adult-only tobacco businesses. HAW. REV. STAT. § 328J-18 (2018)</p>	No	<p>Use of electronic smoking devices prohibited in places smoking prohibited, including enclosed or partially enclosed places that are: owned, leased or operated by the state or counties, open to the public, places of employment, sports arenas/stadiums, and within 20 feet of entrances and exits to such places. HAW. REV. STAT. §§ 328J-2–328J-6 (2018)</p> <p>Use of electronic smoking devices prohibited in state parks. HAW. REV. STAT. § 184-4.5(a) (2018)</p> <p>Use of vapor cigarettes or e-</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.” HAW. REV. STAT. §§184-4.5 (2018) and §712-1258 (5)(2018)					<p>cigarettes in parks. HAW. CODE R. §15-210-13 (a) (25) (2018)</p> <p>Use of electronic smoking devices prohibited on indoor and outdoor areas of Hawaii Health Systems Corporation property. HAW. REV. STAT. § 323F-34(a) (2018)</p> <p>Use of electronic smoking devices prohibited in and within 20 feet of “any entrance, exit, window, and ventilation intake” of public elderly and low-income housing projects. HAW. REV. STAT. § 356D-6.5 (2018)</p>
Idaho	No	<i>Electronic cigarette</i> means “any device that can provide an inhaled	N/A	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IDAHO	No	N/A

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		dose of nicotine by delivering a vaporized solution [and] includes the components of an electronic cigarette including, but not limited to, liquid nicotine” IDAHO CODE ANN. § 39-5702(6) (2018)			CODE ANN. § 39-5705(1) (2018) Delivery sale of electronic cigarettes to persons under 18 prohibited. IDAHO CODE ANN. § 39-5714 (2018) . Possession/purchase/distribution/use of electronic cigarettes by persons under age 18 prohibited. IDAHO CODE ANN. § 39-5703(1)–(2) (2018) Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco stores. IDAHO CODE ANN. § 39-5706 (2018) Shipment of e-cigarettes must include statement re: prohibition on shipping to individuals under age 18. IDAHO CODE ANN. § 39-5717A (2018)		
Illinois	No	<u>Sales restrictions</u> <i>Alternative nicotine product</i> means “a	N/A	Electronic cigarette liquids may only be sold in child-	Sale/Distribution of alternative nicotine products to persons under age 18	No	Use of products containing nicotine prohibited in places smoking

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means.” 720 ILL. COMP. STAT. 675/1.5(a) (2018)</p> <p><u>Packaging restrictions</u></p> <p><i>Electronic cigarette or E-Cigarette</i> means “a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any combination thereof that are turned into vapor which is inhaled by the user.” 430 ILL. COMP. STAT. 40/2.10 (2018)</p>		<p>resistant packaging, excluding e-cigarette products sold in “sealed, pre-filled, or disposable replacement cartridges.” 430 ILL. COMP. STAT. 40/10 (2018)</p>	<p>prohibited. 720 ILL. COMP. STAT. 675/1.5(b) (2018)</p> <p>Possession of alternative nicotine products by persons under age 18 prohibited. 720 ILL. COMP. STAT. 675/1.5(d) (2018)</p> <p>Self-service display of alternative nicotine products restricted to adult-only tobacco stores. 720 ILL. COMP. STAT. 677/10 (2018)</p>		<p>prohibited on public higher education campuses. 110 ILL. COMP. STAT. 64/15 (2018)</p> <p>Vaping or use of electronic cigarettes prohibited in any building or structure in the Capitol Complex. ILL. ADMIN. CODE tit. 71, § 2005.40 (2018)</p>
Indiana	Yes IND. CODE § 7.1-1-3-	<u>Sales and packaging restrictions</u>	N/A	Nicotine liquids/gels must be sold in	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IND. CODE	Yes IND. CODE §§ 7.1-3-	N/A

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
	47.5(b) (2018)	<p><i>Electronic cigarette</i> means “a device that is capable of providing an inhalable dose of nicotine by delivering a vaporized solution...[and] includes the components and cartridges.” IND. CODE §§ 35-46-1-1.5, 24-3-7-4 (2018) and 7.1-1-3-15.5 (2018)</p> <p><i>Electronic delivery device</i> means “any product that: (1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and (2) can be used by a person to simulate smoking in the delivery of nicotine, lobelia, or any other substance through inhalation of vapor from the product . . . [and] includes any component part . . . whether or not the</p>		<p>child-resistant packaging (except prefilled containers not intended to be opened by consumer). IND. CODE § 24-3-7-6(b) and -7 (2018)</p> <p>Manufacturers must use e-liquid containers with tamper evident packaging, a child-resistant cap, and label must identify nicotine content and include nicotine addictiveness warning, among other requirements. IND. CODE § 7.1-7-4-6 (2018)</p>	<p>§§ 35-46-1-10(a) and 35-46-1-10.2(a) (2018)</p> <p>Sale of e-liquids to persons under age 18 prohibited. IND. CODE § 7.1-7-6-2 (2018)</p> <p>Possession/purchase of electronic cigarettes by persons under age 18 prohibited. IND. CODE § 35-46-1-10.5(a) (2018)</p> <p>Self-service displays and vending machine sales of electronic cigarettes restricted to tobacco/vape shops and places inaccessible to persons under age 18. IND. CODE §§ 35-46-1-11.8 and 35-46-1-11.5(c) (2018)</p> <p>“[S]elf-service sale[s]” of e-liquids prohibited. IND. CODE 7.1-7-5-1.1(d) (2018)</p> <p>Shall not market as a modified risk product IND. CODE 7.1-7-5-1.1(i) (2018)</p>	<p>18.5-1 and 7.1-7-5-1.1(a) (2018)</p>	

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		<p>component part is marketed or sold separately.” IND. CODE § 24-3-7-5 (2018)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container that: (1) contains a nicotine liquid or other substance containing nicotine; and (2) is sold, marketed or intended for use with an electronic cigarette or other electronic delivery device [but does not include such container if it is] prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” IND. CODE § 24-3-7-6 (2018)</p> <p><u>E-liquid manufacture and sales restrictions</u></p> <p><i>Electronic cigarette</i> means “a powered vaporizer that: (1) is the</p>		<p>Manufacturers must have a state permit to mix, bottle, package, or sell e-liquid to retailers, consumer, or distributors. IND. CODE §7.1-7-4-1(1)(2018)</p>	<p>Manufacture (including mixing, bottling, and packaging) and sale of e-liquids restricted to persons with proper permits. IND. CODE § 7.1-7-4-1 (2018)</p> <p>Retailers prohibited from selling e-liquids with more than 75 mg/ml of nicotine. IND. CODE § 7.1-7-5-1.1(e) (2018)</p> <p>“[Retailers] who ship[] e-liquids from a delivery sale order shall include as part of the shipping documents a document with the following statement: ‘E-LIQUIDS: Indiana law prohibits the sale of this product to a person who is less than 18 years of age.’” IND. CODE § 7.1-7-5.5-5 (2018)</p> <p>Minors prohibited from entering retail establishment that primarily sells tobacco products. IND. CODE §35-46-1-11.7(2018)</p>		

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		<p>size and shape of a traditional cigarette; (2) uses a sealed nonrefillable cartridge containing not more than four (4) milliliters of a liquid; and (3) is intended to be vaporized and inhaled. The term does not include a vapor pen.”</p> <p>IND. CODE § 7.1-7-2-9 (2018)</p> <p><i>E-liquid</i> means “a substance that: (1) may or may not contain nicotine; and (2) is intended to be vaporized and inhaled using a vapor product.”</p> <p>IND. CODE § 7.1-7-2-10 (2018)</p> <p><i>Vapor product</i> means “a powered vaporizer that converts e-liquid to a vapor intended for inhalation.” IND. CODE § 7.1-7-2-23 (2018)</p>					
Iowa	No	<i>Vapor product</i> means “any noncombustible	N/A	N/A	Sale/distribution of vapor products to anyone under age	Yes	Use of electronic cigarettes

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		<p>product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance . . . [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” IOWA CODE</p>			<p>18 prohibited. IOWA CODE ANN. § 453A.2(1) (2018)</p> <p>Possession/purchase/use of vapor products by persons under age 18 prohibited. IOWA CODE ANN. § 453A.2(2) (2018)</p> <p>No distribution of free vapor products to persons under age 18 or within 500 feet of places when primarily in use by minors. IOWA CODE ANN. § 453A.39(2)(b) (2018)</p> <p>Self-service displays prohibited. IOWA CODE ANN. § 453A.36A(1) (2018)</p> <p>Vending machine sales restricted to adult-only locations. IOWA CODE ANN. § 453A.36(6) (2018)</p> <p>Retailers making delivery sale of vapor product must use method that requires signature of person at least 18 years of age before package is released. IOWA CODE ANN. § 453A.47(B)</p>	<p>IOWA CODE ANN. §§ 453A.47A(1); 453A.13(1) ; and 453A.36(7) (2018)</p>	<p>prohibited on state-operated and owned buildings and outdoor grounds used in connection with the building, except in privately-owned buildings located on Capitol Complex property. IOWA STATE EMPLOYEE POLICY § 9.57 (2014).</p> <p>Use of electronic smoking devices prohibited by regulation on campus of Iowa State University. IOWA ADMIN. CODE 681-13.17(262) (2018)</p> <p>Use of electronic cigarettes prohibited by regulation on University of Iowa</p>

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		ANN. § 453A.1(29) (2018)					campus. IOWA ADMIN. CODE 681-12.6(262) (2018)
Kansas	No	Electronic cigarette “means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.” KAN. STAT. ANN. § 79-3301(m) (2018) ; KAN. ADMIN. REGS. 92-57-1 (2)(2018)	Privilege tax for sale or dealing of electronic cigarettes “at the rate of \$0.05 per milliliter of consumable material.” KAN. STAT. ANN. § 79-3399 (2018)	N/A	<p>Sale/distribution of electronic cigarettes to persons under age 18 prohibited. KAN. STAT. ANN. § 79-3321(l) (2018)</p> <p>Purchase/possession of electronic cigarettes by person under age 18 prohibited. KAN. STAT. ANN. § 79-3321(m)–(n) (2018)</p> <p>Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to persons under age 18 or which has a lock-out device. KAN. STAT. ANN. § 79-3321 (t)–(u) (2018)</p> <p>Possession or distribution of electronic cigarettes prohibited at juvenile correctional facility or institution. KAN. ADMIN. REGS. 123-2-111 (b)(16) (2018)</p>	Yes, both retailers and vending machine distributors . KAN. STAT. ANN. § 79-3303(a) (2018)	N/A

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Kentucky	No	<i>Vapor product</i> means “any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. . . . [I]ncludes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended	N/A	N/A	<p>Sale of vapor products to persons under age 18 prohibited. KY. REV. STAT. ANN. § 438.310(1) and KY. REV. STAT. ANN. § 438.315(1) (2018)</p> <p>Purchase of vapor products by persons under age 18 prohibited. KY. REV. STAT. ANN. §§ 438.311(1) and 438.315(2) (2018)</p> <p>Possession/use of vapor products by person under age 18 prohibited. KY. REV. STAT. ANN. § 438.350(1) (2018)</p> <p>Distribution of free vapor products to persons under age 18 years prohibited. KY. REV. ANN. STAT. § 438.313(1) (2018)</p> <p>Vending machines must be inaccessible to persons under age 18 or in line of sight of cashier. KY. REV. STAT. ANN. § 438.315(3) (2018)</p>	No	<p>Use of electronic cigarettes and vaping devices prohibited on any and all properties owned or operated by the Executive branch, including buildings, land and vehicles owned, leased or contracted for state use. Includes certain health care facilities, veterans’ facilities, state parks, fairgrounds and highway rest areas. KY. EXEC. ORD. 2014-747</p> <p>Use of electronic cigarettes prohibited in courtrooms and hallways of Hardin District Court. KY. R. HARDIN DISTRICT COURT, RULE 15.01 (2018)</p>

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		to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.” KY. REV. STAT. ANN. § 438.305(9) (2018)					
Louisiana	No	<i>Vapor product</i> means “any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form . . . [and] includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other	Vapor products and electronic cigarettes taxed at \$0.05 per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. LA. REV. STAT. ANN. § 47:841(F) (2018)	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. LA. REV. STAT. ANN. §§ 14:91.8(C); 26:911(A)(1); and 14:91.6(A) (2018) Purchase of vapor product by persons under age 18 prohibited. LA. REV. STAT. ANN. § 14:91.8(E) (2018) Possession of vapor product by persons under age 18 prohibited unless accompanied by parent or in a private residence. LA. REV. STAT. ANN. § 14:91.8(F) (2018) Self-service displays of vapor products restricted to tobacco businesses and vending	Yes LA. REV. STAT. ANN. § 26:906(A) (2018)	Smoking or carrying electronic cigarettes and advanced personal vaporizers prohibited on any school property. LA. REV. STAT. ANN. §17:240(B)(2)(2018)

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” LA. REV. STAT. ANN. §§ 26:901(31); 14:91.8(G)(7); 14:91.6(B)(7); and 47:842(20) (2018)			machines located in age-restricted settings. LA. REV. STAT. ANN. §§ 26:910 and 26:910.1(A) (2018)		
Maine	Yes. ME. REV. STAT. ANN., §1551 (3)(2018)	<u>Sales/Packaging restrictions</u> <i>Tobacco Products</i> means “any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means,	N/A	Nicotine liquid containers cannot be sold/distributed unless child-resistant. ME. REV. STAT. ANN. tit. 22 § 1560-B(2) (2018)	Sale/distribution to persons under age 21 prohibited (unless the person has attained 18 years of age as of July 1, 2018). ME. REV. STAT. ANN. tit. 22 §1555-B (2)(2018) Employees of e-cigarette retailers must be at least 17 years of age; if employee’s age is between 17 and 21, he or she may only sell e-cigarettes in presence of supervisor at least 21 years old. ME. REV. STAT. ANN. tit. 22 §1555-B (1)(2018)	Yes. ME. REV. STAT. ANN. tit. 22 §1551-A(1)(2018) and 10-144 ME. CODE. R 203 §7(2018)	Use of electronic smoking devices prohibited in most places smoking prohibited, including certain indoor public spaces, places of employment, day care/babysitting facilities, motor vehicles with children under 16, and certain outdoor areas including eating areas and near

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus...[including] an electronic smoking device and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.”</p> <p>ME. REV. STAT. ANN., §1551 (3)(2018)</p> <p><i>Electronic nicotine delivery device</i> means “any noncombustible device containing or delivering nicotine or any other substance intended for human consumption that employs a heating element, power source, electronic circuit or</p>			<p>Self-service displays of tobacco products prohibited except for sale of tobacco products in multi-unit packages of 10 or more units, in tobacco specialty stores or in locations inaccessible to minors). 10-144 ME. CODE R. 203 §6 (D)(2018) and ME. REV. STAT. ANN. tit. 22 §1555-B(11)(2018)</p> <p>Vending machine sales of tobacco products restricted to locations inaccessible to minors. ME. REV. STAT. ANN. tit. 22 §1553-A (1)(2018) and 10-144 ME CODE R 203 §6(G)(2018)</p> <p>Purchase of tobacco products by persons under age 21 prohibited (unless 18 years of age as of July 1, 2018). ME. REV. STAT. ANN. tit. 22 §1555-B (5-A) (2018)</p>		<p>beaches, state parks and historic sites. ME.REV STAT. ANN. tit. 22 §§ 1541(6) (defining “smoking”); 1542 (public places); 1550(2) (outdoor eating areas); and 1580-E(2)(state parks and state historic sites) (2018)</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>other electronic, chemical or mechanical means and that may be used to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.”</p> <p>ME. REV. STAT. ANN. tit. 22 § 1560-B(1)(B) (2018)</p> <p><i>Nicotine liquid container</i> means “a container used to hold a liquid, gel or other substance containing nicotine that is sold, marketed or intended for use as or with an electronic nicotine delivery device [but does not include cartridges] prefilled and</p>					

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		<p>sealed by the manufacturer and not intended to be opened by the consumer.” ME. REV. STAT. tit. 22 § 1560-B(1)(C) (2018)</p> <p><u>Use restrictions:</u></p> <p><i>Electronic smoking device</i> means “a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device [including]a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.” ME. REV STAT. tit. 22 § 1541(1-A) (2018)</p>					
Maryland	No	Electronic nicotine delivery system means “an electronic device, a	N/A	N/A	Sale/distribution of “an electronic device that can be used to deliver nicotine to the	Yes. MD. CODE ANN., BUS.	N/A

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine to an individual inhaling from the device [including] an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and vaping liquid.” MD. CODE ANN., BUS. REG. §16.7-101 (c) (2018)</p> <p>Vaping liquid means “a liquid that: (1) consists of propylene glycol, vegetable glycerin or other similar substance; (2) may or may not contain natural or artificial flavors; (3) may or may not contain nicotine; and (4) converts vapor intended for inhalation when heated in an electronic device.” MD. CODE</p>			<p>individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe” to minors prohibited (excluding FDA-approved “tobacco cessation products”). MD. CODE ANN., HEALTH-GEN. § 24-305(b) (2018)</p>	<p>REG. §§16.7-201, 16.7-211(a), 16.7-213 (2018)</p>	

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		ANN., BUS. REG. §16.7-101 (k) (2018)					
Massachusetts	No	<i>Electronic smoking device</i> means “any product that can deliver nicotine to the user through inhalation of vapor [including] any component part of such product, including liquid for use in the device regardless of whether the liquid contains nicotine, [and] whether or not sold separately” 940 MASS. CODE REGS. 21.03 (2018)	N/A	Liquids or gels containing nicotine must be sold in child-resistant package. 940 MASS. CODE REGS. 21.05 (2018) Electronic smoking devices may not be opened, repackaged or sold in smaller quantities than the smallest package distributed by the manufacturer for individual consumer use. 940 MASS. CODE REGS. 21.04(1)(b) (2018).	Sale of electronic smoking devices to persons under age 18 prohibited. 940 MASS. CODE REGS. 21.04(3) (2018) Self-service displays and vending machine sales of electronic smoking devices restricted to adult-only facilities. 940 MASS. CODE REGS. 21.04(2) and 21.04(4) (2018) Sampling of electronic smoking devices prohibited. 940 MASS. CODE REGS. 21.04(1)(a) (2018)	No	N/A
Michigan	No	N/A	N/A	N/A	N/A		Use of electronic smoking devices

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							prohibited in Third Judicial Circuit Court. MICH. COMP. LAWS ANN., R 3 CIR Rule §8.115 (F) (1) (2018)
Minnesota	Yes MINN. STAT. § 297F.01 (19) (2018)	<i>Electronic delivery device</i> means “any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately.” MINN. STAT. § 609.685(1)(c) (2018)	Tax of 95% of wholesale price imposed on tobacco products, including e-cigarettes. MINN. STAT. § 297F.05(3) (2018) and Minn. Dep’t of Revenue Notice #12-10	Liquids intended for human consumption and use in an electronic delivery device (whether they contain nicotine or not) must be sold in child resistant packaging. MINN. STAT. § 461.20(b) (2018)	Sale/distribution of electronic delivery devices prohibited to persons under age 18. MINN. STAT. § 609.685 (1a), (2) (2018) Purchase/possession/use of electronic delivery device by person under age 18 prohibited. MINN. STAT. § 609.685(2)(b), (3) (2018) Sale of electronic delivery devices from a moveable place of business (kiosk) prohibited. MINN. STAT. § 461.21 (2018) Self-service displays of electronic delivery devices restricted to adult-only, tobacco-only businesses; vending machines restricted to locations inaccessible to	Yes. A town board or the governing body may license and regulate electronic delivery devices however, if they do not, the county board shall license and regulate electronic delivery devices. MINN. STAT. § 461.12(1) (2018)	Use of electronic delivery devices prohibited in day care and health facilities, and government owned or operated buildings. MINN. STAT. § 144.414 (2018) Use of electronic delivery devices prohibited in public and charter schools and any facility or vehicle owned, rented or leased by a school district. MINN. STAT. § 144.4165 (2018)

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					persons under age 18. MINN. STAT. § 461.18 (2018)		
Mississippi	No	<i>Alternative nicotine product</i> means "(1) An electronic cigarette; or (2) Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means." MISS. CODE ANN. § 97-32-51(1)(a)(i) (2018)	N/A	N/A	Sale/distribution of alternative nicotine products or any cartridge or component to persons under 18 prohibited. MISS. CODE ANN. § 97-32-51(2) (2018)	No	N/A

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		<i>Electronic cigarette</i> means “an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to stimulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.” MISS. CODE ANN. § 97-32-51(1)(b)(i) (2018)					
Missouri	No	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or	N/A	Nicotine liquid containers must be child-resistant (except prefilled containers not intended to be opened by consumer). MO. REV. STAT. § 407.926.4(1)-(2) (2018)	Sale/distribution of vapor products to persons under age 18 prohibited. MO. REV. STAT. §§ 407.926 and 407.931 (2018) Vending machine sales restricted to places inaccessible to persons under age 18 or through machines equipped with lock-out device. MO. REV. STAT. § 407.931.2 (2018)	Yes MO. REV. STAT. § 407.934.1 (2018)	N/A

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		<p>other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe...and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in [any of the aforementioned devices] [but] does not include any alternative nicotine product or tobacco product.” MO. REV. STAT. § 407.925(12) (2018)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product [but does not include cartridges] prefilled and sealed by the manufacturer and</p>			<p>Purchase of vapor products by persons less than age 18 prohibited. MO. REV. STAT. § 407.933(1) (2018)</p>		

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		not intended to be opened by the consumer." MO. REV. STAT. § 407.926.4(2) (2018)					
Montana	No	<i>Vapor product</i> means "a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with [any aforementioned]	N/A	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. MONT. CODE ANN. § 16-11-305(1) (2018) Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. MONT. CODE ANN. § 16-11-306(1) (2018) Possession/use of vapor products by persons under age 18 prohibited. MONT. CODE ANN. § 45-5-637(1) (2018)	Yes MONT. CODE ANN. § 16-11-303(1) (2018)	N/A

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		device.” MONT. CODE ANN. § 16-11-302(7) (2018)					
Nebraska	No	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [and includes] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form [intended to be used with an aforementioned device].” NEB. REV. STAT. § 28-1418.01(4) (2018)	N/A	N/A	<p>Sale/distribution of vapor products to persons under age 18 prohibited. NEB. REV. STAT. §§ 28-1419 and 28-1425 (2018)</p> <p>Use of vapor products by persons under age 18 prohibited. NEB. REV. STAT. § 28-1418 (2018)</p> <p>Vending machine sales of vapor products are restricted to locations inaccessible to persons under age 18. NEB. REV. STAT. § 28-1429.02 (2018)</p> <p>Self-service displays restricted to tobacco specialty stores and cigar bars. NEB. REV. STAT. § 28-1429.03 (2018)</p>	No	N/A

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Nevada	No	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine in a solution or other form [including] an electronic cigarette, cigar, cigarillo or pipe . . . and a vapor cartridge or other container of nicotine in a solution or other form [meant for use with an aforementioned device].” NEV. REV. STAT. ANN. §§ 202.2485.5 and 370.054 (2018)	N/A	N/A	Sale/distribution vapor products to persons under age 18 prohibited. NEV. REV. STAT. ANN. § 202.2493.2 (2018) Vapor products must be stored and inaccessible to minors. NEV. REV. STAT. ANN. 424.595(3) (2018)	No	Use of vapor products prohibited within any procedure area of an invasive body decoration establishment. NEV. ADMIN. CODE § 444.xxx(49)(1) (2018)
New Hampshire	No	<i>E-cigarette</i> means “any electronic smoking device composed of a mouthpiece, a heating element, a battery, and	N/A	E-cigarettes and liquid nicotine must be sold in original packaging.	Sale/distribution of e-cigarettes and liquid nicotine to persons under age 18 prohibited. N.H. REV. STAT.	No	Use of e-cigarette and liquid nicotine on “public educational facility” grounds

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		<p>electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking . . . includes . . . e-cigarettes, e-cigars, or e-pipes” N.H. REV. STAT. ANN. § 126-K:2(II-a) (2018)</p> <p><i>Liquid nicotine</i> means “any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.” N.H. REV. STAT. ANN. § 126-K:2(III-a) (2018)</p>		N.H. CODE ADMIN. R. LIQ. 1003.01 (2018)	<p>ANN. §§ 126-K:4(I) and 126-K:8(I) (2018)</p> <p>Distribution of free e-cigarettes or liquid nicotine restricted to locations inaccessible to persons under age 18 or licensed retail tobacco store. N.H. REV. STAT. ANN. § 126-K:5(I) (2018)</p> <p>Purchase/possession/use of e-cigarettes or liquid nicotine by persons under age 18 prohibited. N.H. REV. STAT. ANN. § 126-K:6(I) (2018)</p>		prohibited. N.H. REV. STAT. ANN. § 126-K:7(I) (2018)
New Jersey	No	<p><u>Use restrictions</u></p> <p><i>Electronic smoking device</i> means “an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including,</p>	N/A	Liquid nicotine must be sold in child-resistant containers. N.J. STAT. § 2A:170-51.9(a) (2018)	<p>Sale/distribution of electronic smoking device to person under age 21 prohibited. N.J. STAT. §§ 2A:170-51.4.1(a)(2) (2018) and 2C:33-13.1(a) (2018).</p> <p>Advertising electronic cigarettes prohibited on NJ</p>	No	Use of electronic smoking device included in definition of “smoking” and prohibited in same spaces smoking prohibited, including indoor public places,

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		<p>but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.” N.J. STAT. § 26:3D-57 (2018)</p> <p><u>Packaging restrictions</u></p> <p><i>Liquid nicotine</i> means “any solution containing nicotine which is designed or sold for use with an electronic smoking device.” N.J. STAT. § 2A:170-51.9(a)(2) (2018)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container of liquid, wax, gel, or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product [but] does not include [containers] prefilled and sealed by</p>			<p>Transit. N.J. STAT. § 16:86-1.2 (2018)</p>		<p>workplaces and schools (with some exceptions). N.J. STAT. §§ 26:3D-57 through 26:3D-60 (2018)</p> <p>Children’s Group Homes must prohibit use of electronic smoking devices by children and staff sale/distribution of such devices to children. N.J. ADMIN. CODE §3A:56-4.6 (2018)</p>

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		<p>the manufacturer [and] not intended to be opened by the consumer.” N.J. STAT. § 2A:170-51.9(a)(3) (2018)</p> <p><i>Vapor product</i> means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution or any form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form intended to be used with, or in, any such</p>					

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		device.” N.J. STAT. § 2A:170-51.9(a)(4) (2018)					
New Mexico	No	<p><u>Tobacco control</u></p> <p><i>E-cigarette</i> means “(1) . . . any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and (2) includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor” N.M. STAT. ANN. § 30-49-2(B) (2018); N.M. ADMIN. CODE § 6.12.4.7(B) (2016)</p> <p><i>Nicotine liquid container</i> means “a</p>	N/A	<p>Nicotine liquid must be sold in child-resistant containers (unless prefilled, sealed, and not intended to be opened by consumer). N.M. Stat. Ann. §§ 30-49-3(D) and § 57-2C-1 (2018)</p> <p>E-cigarettes and nicotine liquid containers must be sold in “original factory-sealed package”. N.M. STAT. ANN. § 30-49-3(C) (2018)</p>	<p>Sale/distribution of e-cigarettes or a nicotine liquid container to persons under age 18 prohibited. N.M. STAT. ANN. §§ 30-49-3(A), (E) (2018); N.M. STAT. ANN. § 30-49-8(A) (2018)</p> <p>Procurement of e-cigarette or nicotine liquid container by persons under age 18 prohibited. N.M. STAT. ANN. § 30-49-3(B) (2018)</p> <p>Self-service displays and vending machine sales of e-cigarettes and nicotine liquid containers restricted to locations inaccessible by minors. N.M. STAT. ANN. §§ 30-49-7(A)(B) (2018)</p>	No	Use/possession/distribution of nicotine liquid containers and e-cigarettes prohibited on school property and by students at school-sponsored activities. N.M. ADMIN. CODE § 6.12.4.8(A) (2018)

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		<p>bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.” N.M. STAT. ANN. § 30-49-2(D) (2018) and N.M. ADMIN. CODE 6.12.4.7(E) (2016)</p> <p><u>Trade practices</u></p> <p><i>Electronic delivery device</i> means “any electronic device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine, the use or inhalation of which simulates smoking.” N.M. STAT. ANN. § 57-2C-1(C)(2) (2018)</p> <p><i>Nicotine liquid container</i> means “a bottle or container of a liquid or other</p>					

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		substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an electronic delivery device [excepting those] pre-filled and sealed . . . and not intended to be opened by the consumer.” N.M. STAT. ANN. § 57-2C-1(C)(3) (2018)					
New York	No	<i>Electronic cigarette (or e-cigarette)</i> means “an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.” N.Y. PUB. HEALTH LAW § 1399-aa(13) (2018) <i>Liquid nicotine (or electronic liquid or e-liquid)</i> means “a liquid composed of nicotine and other chemicals, and which is sold as a	N/A	Liquid nicotine must be sold in a child resistant bottle. N.Y. GEN. BUS. LAW § 399-gg(1) (2018)	Sale/distribution of e-cigarettes or liquid nicotine to persons under age 18 prohibited. N.Y. PUB. HEALTH LAW § 1399-cc(2) (2016) Self-service displays of e-cigarettes or liquid nicotine prohibited except in tobacco businesses and adult-only locations. N.Y. PUB. HEALTH LAW § 1399-cc(7) (2018) Vending machine sales of e-cigarettes permitted in bars, private clubs, and tobacco businesses; in other businesses that have	No	E-cigarette use restricted similar to smoking on Niagara Frontier Transportation Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 1151.9 (2018) E-cigarette use restricted similar to smoking on Rochester-Genesee Regional Transportation Authority property. N.Y.

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		<p>product that may be used in an electronic cigarette.” N.Y. PUB. HEALTH LAW § 1399-cc(1)(e) (2018)</p> <p><i>Vaping</i> means “the use of an electronic cigarette.” N.Y. PUB. HEALTH LAW § 1399-n(9) (2018)</p>			<p>proportionally few employees under 18, the products must not be accessible to the general public and must be visible to and under the direct control of person in charge. N.Y. PUB. HEALTH LAW § 1399-dd (2018)</p>		<p>COMP. CODES R. & REGS. tit. 21, § 4901.4(a)(10) (2018)</p> <p>Vaping restricted similar to smoking on Syracuse Regional Airport property. N.Y. COMP. CODES R. & REGS. tit. 21, § 176.3 (2018)</p> <p>Vaping prohibited where smoking is prohibited, including indoor areas such as work places, bars, restaurants, mass transit, hospitals, grade schools, higher educational and vocational institutions including their residences, etc.; and outdoor areas, such as railroad stations, grounds and building</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
							entryways of hospitals, resident health care facilities, and grade schools, in-use after-school programs N.Y. PUB. HEALTH LAW § 1399-o (2018) ; playgrounds outside NYC (1399-0-1)
North Carolina	Yes N.C. GEN. STAT. §§ 14-313(4), 105-113.4(11a), and 148-23.1(d)(2) (2018)	<u>Sales/Distribution restrictions</u> <i>Vapor product</i> means “any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic	Vapor products taxed at rate of \$0.05/fluid ml. of consumable product. N.C. GEN. STAT. § 105-113.35(a1) (2018)	E-liquid products containing nicotine must be sold in child-resistant containers and must state the product contains nicotine. N.C. GEN. STAT. § 14-401.18A(b)–(c) (2018)	Sale/distribution of vapor products to persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(b) (2018) Sale/distribution of vapor products to inmates prohibited except in (and by) local confinement facilities. N.C. GEN. STAT. § 14-258.1(c) (2018) Vending machine sales of vapor products restricted to locations inaccessible to minors or where controlled by owner. N.C. GEN. STAT. § 14-313(b1) (2018)	Yes. N.C. GEN. STAT. § 105-113.36 (2018)	Use of e-cigarettes prohibited at child care centers. 10A N.C. ADMIN. CODE 9.0604(h) (2018) Use of e-cigarettes prohibited at Family Child Care Homes. 10A N.C. ADMIN. CODE 9.1719 (a)(10) (2018) Sale or distribution of vapor products to inmates on

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		<p>pipe.” N.C. GEN. STAT. §§ 14-313(a)(5), 14-401.18A(A)(4), and 148-23.1(d)(3) (2018)</p> <p><i>E-liquid</i> means “a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product.” N.C. GEN. STAT. §14-401.18A(a)(2) (2018)</p> <p><i>E-liquid container</i> means “a bottle or other container of e-liquid [except] a container [that] is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer.” N.C. GEN. STAT. § 14-401.18A(a)(3) (2018)</p> <p><u>Tax provisions</u></p> <p><i>Vapor product</i> means “any nonlighted, noncombustible</p>			<p>Purchase of vapor products by persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(c) (2018)</p>		<p>correctional facility premises is prohibited. N.C. GEN. STAT. ANN. §14-258.1(c)(2018)</p> <p>School districts must adopt a policy prohibiting tobacco product use on school property and at school-sponsored events. (N.C. GEN. STAT. ANN. §115C-407 (2018)); e-cigarettes are included in school district tobacco-free policies and are thus prohibited on grounds and school events. (DEP’T PUB. INST., Prohibiting Electronic Cigarettes on School Campuses 2-12-2014)</p>

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		<p>product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution [including] any vapor cartridge or other container of nicotine . . . intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device.” N.C. GEN. STA. § 105-113.4(13a) (2018)</p> <p><i>Consumable product</i> means “any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used.” N.C. GEN. STAT. § 105-113.4 (1k) (2018)</p>					
North Dakota	No	<u>Use restrictions</u>	N/A	Nicotine liquid containers must	Sale/distribution of electronic smoking devices to persons	No	Use of e-cigarettes included in

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		<p><i>E-cigarette</i> means “any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking [including a product marketed as an] e-cigarette, e-cigar, and e-pipe or under any other product, name, or descriptor.” N.D. CENT. CODE § 23-12-09(3) (2018)</p> <p><u>Sales restrictions</u></p> <p><i>Electronic smoking device</i> means “any electronic product that delivers nicotine or other substances to the individual inhaling from the device, including, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-</p>		<p>be child-resistant. N.D. CENT. CODE § 12.1-31-03.2 (2018)</p>	<p>under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(1)(a) (2018)</p> <p>Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to persons under age 18 or which are controlled by the seller. N.D. CENT. CODE §§ 12.1-31-03(1)(b) and 12.1-31-03.1(1) (2018)</p> <p>Purchase/possession/use of electronic smoking device by person under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(2) (2018)</p> <p>Electronic smoking device retailers’ sale and shipment of electronic smoking devices through mail prohibited unless retailer verifies the purchaser is at least 18 years of age and requires signature upon delivery of a person at least 18 years of age. N.D. CENT. CODE § 51-32-01(2) (2018)</p>		<p>definition of smoking and therefore prohibited in public places, places of employment and within 20 feet of entrances, exits, windows, air intakes and ventilation systems thereof. N.D. CENT. CODE § 23-12-10 (2018)</p>

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		<p>hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately” N.D. CENT. CODE § 12.1-31-03(9)(b) (2018)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of a liquid or other substance containing nicotine in which the liquid or substance is sold, marketed, or intended for use in an electronic smoking device [except a container that] is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” N.D. CENT. CODE § 12.1-31-03.2(2) (2018)</p>					
Ohio	No	<i>Alternative nicotine product</i> “means . . . an	N/A	Alternative nicotine	Sale/distribution of alternative nicotine products	No	Use of electronic nicotine delivery

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		<p>electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.” OHIO REV. CODE ANN. § 2927.02(A)(2)(a) (2018)</p> <p><i>Electronic cigarette</i> “means . . . any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” OHIO</p>		<p>products must be sold in the same minimum quantities as manufacturer’s container. OHIO REV. CODE ANN. § 2927.02(B)(5) (2018)</p>	<p>to persons under age 18 prohibited. OHIO REV. CODE ANN. § 2927.02(B)(1) (2018)</p> <p>Vending machine sales restricted to locations inaccessible to persons under age 18 or under control of owner. OHIO REV. CODE ANN. § 2927.02(C) (2018)</p> <p>Purchase/possession/use of alternative nicotine products not allowed for persons under age 18 unless a parent accompanies them. OHIO REV. CODE ANN. § 2151.87(B) (2018)</p>		<p>systems, which includes e-cigarettes, prohibited in the capitol buildings. OHIO ADMIN. CODE 128-4-02(G)(9) (2018)</p> <p>Use of electronic cigarettes prohibited in body art establishment rooms used for body art or sterilization procedures. OHIO ADMIN. CODE 3701-9-04(K) (2018)</p> <p>Use of electronic cigarettes or vaping prohibited in Franklin County Court of Common Pleas. OHIO REV. CODE ANN. LOC. R. 54.3 (2018)</p>

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		REV. CODE ANN. § 2927.02(A)(6)(a) (2018)					Use of electronic cigarettes/electronic nicotine delivery systems prohibited on various college and university campuses by regulation (e.g., University of Cincinnati, OHIO ADMIN. CODE 3361:10-17-06 (2018) ; Cuyahoga Community College, OHIO ADMIN. CODE 3354:1-20-05(c)(3)(f) (2018) ; Wright State University, OHIO ADMIN CODE 3352-7-05 (2018) ; Kent University, OHIO ADMIN. CODE 3342-5-21 (2018) (effective July 1, 2018) ; University of Akron, OHIO ADMIN. CODE 3359-20-05.10

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							(2018) (effective July 1, 2018)
Oklahoma	Yes. OKLA. ADMIN. CODE §§ 450:24-1-2, 450:18-1-2, 450:27-1-2, 450:65-1-2, 450:17-1-2, and 450:70-1-2 (2018)	<i>Vapor product</i> means “noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form [including] any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device” OKLA. STAT. tit. 37 § 600.2(8) (2018)	N/A	N/A	<p>Purchase/possession of vapor products by persons under age 18 prohibited. OKLA. STAT. tit. 10A § 2-8-224(A) (2018)</p> <p>Sale/distribution of vapor products to persons under age 18 prohibited. OKLA. STAT. tit. 37 §§ 600.3(A) and 600.13 (2018)</p> <p>Vending machines sales are restricted to locations inaccessible to persons under age 18. OKLA. STAT. tit. 37 § 600.7 (2018)</p> <p>Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility used primarily by persons under the age of 18 prohibited. OKLA. STAT. tit. 37 § 600.8(A)–(B) (2018)</p>	No	<p>Use of vaping devices and e-cigarettes prohibited on properties owned, leased or contracted for use by the state, including buildings, land and vehicles owned, leased or contracted for use by the state, except when used by those living in Veteran's Affairs Residential Facilities while they are on facility grounds. OKLA. EXEC. ORD. 2015-5 (continuing OKLA. EXEC. ORD. 2013-43)</p> <p>Possession/use of electronic cigarettes and vaping devices</p>

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					Self-service displays of vapor products restricted to adult-only facilities. OKLA. STAT. tit. 37 § 600.10A(A) (2018)		prohibited on grounds of Comprehensive Community Addiction Recovery Centers', Mental Illness Service Programs, Gambling Treatment Programs, Community Mental Health Centers, Substance Related and Addictive Disorder Treatment, and Opioid Treatment Programs. OKLA. ADMIN. CODE §§ 450:24-21-1.1(a), 450:27-3-5(a), 450:65-7-4.1(a), 450:17-23-3(a), 450:18-5-3.3(a), and 450:70-2-3(a) (2018)
Oregon	No	<i>Inhalant</i> means "nicotine, a cannabinoid or any	N/A	Inhalant delivery systems must	Sale of inhalant delivery system to person under age 21 years of age prohibited.	No	Aerosolizing or vaporizing inhalants in public

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		<p>other substance that (a) [i]s in a form that allows the nicotine, cannabinoid or substance to be delivered into a person’s respiratory system; (b) [i]s inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person’s respiratory system” OR. ADMIN. R. 333-015-0030(15) (2018), OR. REV. STAT. ANN. §433.835(3), and OR. ADMIN. R. 333-015-0305(8)(2018)</p> <p><i>Inhalant delivery system</i> means “(i) [a] device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or (ii) a component of a device [described above] or a</p>		<p>be sold in child-resistant packaging which is not attractive to persons under age 18, and “labeled in accordance with rules adopted by the authority.” OR. REV. STAT. ANN. § 431A.175(2)(d)-(g) (2018); OR. ADMIN. R. 333-015-0310; and 333-015-0320</p> <p>Liquid nicotine containers and prefilled inhalant delivery systems must be sold in child-resistant safety packaging, meet federal tobacco product labeling</p>	<p>OR. REV. STAT. ANN. § 431A.175(2)(a) (2018); OR. REV. STAT. §701(2)(1) (2018)</p> <p>Self-service displays of inhalant delivery systems prohibited except in locations inaccessible to persons under 21 years of age. OR. REV. STAT. ANN. § 167.407(1) (2018)</p> <p>Purchase of inhalant delivery system by person under age 21 prohibited. OR. REV. STAT. ANN. §701(4)(2018)</p> <p>Possession of inhalant delivery system by person under age 18 prohibited. OR. REV. STAT. ANN. § 167.400 (2018)</p> <p>Vending sales of inhalant delivery systems restricted to locations inaccessible to persons under age 21 years of age. OR. REV. STAT. ANN. § 167.402(2) (2018)</p>		<p>places, places of employment, jury rooms, at least 75% of hotel rooms, child care homes/centers, and within 10 feet of entrances, exits, windows or ventilation intakes of enclosed areas prohibited. OR. REV. STAT. ANN. §§ 433.845 and 433.850(1) (2018); OR. ADMIN. R. 414-350-0090(6); 414-180-0015(15); 414-205-0100(2)(a) and 414-300-0070(12) (2018)</p> <p>Hospitals may not permit use of “inhalant delivery system[s]” in hospital or within 10 feet of a doorway, window or ventilation</p>

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		<p>substance in any form sold for the purpose of being vaporized or aerosolized by a device [described above], whether the component or substance is sold separately or is not sold separately” OR. REV. STAT. ANN. § 431A.175(1)(a)(A) (2018) and OR. ADMIN. R. 333—15-0200(3)(A)(2018), and OR. ADMIN. R. 333-015-0305 (2018)</p> <p><i>Liquid nicotine container</i> means “a consumer product that consists of a container that has opening from which nicotine in a solution or other form is accessible and can flow freely through normal and foreseeable use by a consumer; and is used to hold soluble nicotine in any concentration.” OR.</p>		<p>regulations and “may not be placed in an inner or outer package that is attractive to minors.” OR. ADMIN. R. 333-015-0340 (2018), OR. REV. STAT. ANN. § 431A.175 (d)-(f), OR. ADMIN. R. 333-015-0350, OR. ADMIN. R. 333-015-0340, and OR. ADMIN. R. 333-015-0310(2018)</p> <p>Non-nicotine liquid container must be sold in child-resistant safety packaging and “may not be placed in an inner or outer package that is</p>	<p>Public/private schools, college, community college, university career school, technical education school, youth correction and juvenile detention facilities must prohibit possession of inhalant delivery systems by persons under age 21 present at facility or at facility-sponsored event. OR. REV. STAT. ANN. § 339.883 (2018)</p> <p>Sale of nicotine inhalant delivery devices and liquid nicotine containers prohibited by medical marijuana dispensaries. OR. ADMIN. R. 333-008-1200 (11)(2018)</p>		<p>intake thereof. OR. REV. STAT. ANN. § 441.815(2) (2018)</p> <p>Use of inhalant delivery system in car while person under age 18 is present prohibited. OR. REV. STAT. ANN. § 811.193 (2018)</p> <p>Use or possession of e-cigarettes or vaporizers in Department of Human Services’ child care home or facility or within ten feet of any entrance, exit, window that opens or any ventilation intake that serves an enclosed area, during child care operational hours or anytime child care children are present. OR.</p>

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		<p>ADMIN. R. 333-015-0305 (2018)</p> <p><i>Fillable inhalant delivery system</i> means “a product that is sold without nicotine or non-nicotine inhalants, not permanently sealed and can be opened and filled with any inhalant.” OR. ADMIN. R. 333-015-0305 (7)(2018)</p>		<p>attractive to minors.” OR. ADMIN. R. 333-015-0345 (2018)</p> <p>Fillable inhalant delivery system “that is not packaged with a liquid nicotine container... may not be packaged in any packaging, including an inner or outer package that is attractive to minors.” OR. ADMIN. R. 333-015-0355 (2018)</p>			<p>ADMIN. R. no. 461-165-0180 (2018)</p>
Pennsylvania	Yes. 72 PA. CONS. STAT. § 8201-A (2018)	<i>Electronic Cigarette</i> means “(1) an electronic oral device, such as one composed of a heating element and battery or electronic circuit, or	Electronic cigarettes taxed at rate of 40% of purchase price charged to the retailer. 72 PA. CONS. STAT. §	Tobacco products (incl. electronic cigarettes) must be sold in original manufacturer	N/A	Yes. 72 PA. CONS. STAT. § 8220-A(a) (2018)	N/A

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		both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking. (2) The term includes (i) [a] device as described in paragraph (1), notwithstanding whether the device is manufactured, distributed marketed or sold as an e-cigarette, e-cigar and e-pipe or under any other product, name or description[,] (ii) [a] liquid or substance placed in or sold for use in an electronic cigarette.” 72 PA. CONS. STAT. § 8201-A (2018)	8202-A(a.1) (2018)	packaging without modification or alteration. 72 PA. CONS. STAT. §8233-A (2018)			
Rhode Island	No	<i>Electronic nicotine-delivery system</i> means “an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from	N/A	Electronic nicotine delivery system must be sold in “original, factory-wrapped package.” 11	Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. §§ 11-9-13, 11-9-13.10 and 11-9-13.8(1) (2018)	Yes 23 R.I. GEN. LAWS ANN. § 23-1-56(a) (2018)	Possession of e-cigarettes by visitors prohibited in all Rhode Island Department of Corrections facilities. 24 R.I. CODE R. § 24.03-5

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		<p>the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah and any related device and any cartridge or other component of such device.” 11 R.I. GEN. LAWS ANN. §§ 11-9-13.4(15) and 216 R.I. CODE R. 50-15-6.2(A)(6) (2018)</p> <p><i>Electronic nicotine-delivery system usage</i> means “any vaping, inhaling, or use of any” electronic nicotine-delivery system. 23 R.I. GEN. LAWS ANN. §23-20.9-4 (2018)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container of a liquid or other substance where the liquid or substance is</p>		<p>R.I. GEN. LAWS ANN. § 11-9-13.8(2) (2018)</p> <p>Electronic nicotine delivery system liquids must be sold in child-resistant packaging. 11 R.I. GEN. LAWS ANN. §11-9-13-20 (2018)</p>	<p>Public use/possession of electronic nicotine-delivery systems by persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-14 (2018)</p> <p>Purchase of electronic nicotine-delivery systems by persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-13 (2018)</p> <p>Vending machine restricted to locked machines in locations continually supervised and in direct line of sight of authorized person on a business premises or in locations inaccessible to persons under age 21 and only selling tobacco products. 11 R.I. GEN. LAWS ANN. § 11-9-13.1(a) and (b) (2018)</p> <p>Distribution of free electronic nicotine-delivery system to persons under age 18 or within 500 feet of any school prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-13.10 (2018)</p>		<p>and 17 R.I. CODE R. 17-1-16:IV (2018)</p> <p>Schools must prohibit on-premises use of electronic nicotine-delivery system. 23 R.I. GEN. LAWS ANN. 23-20.9-5 (2018)</p>

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		<p>sold, marketed, or intended for use in a vapor product” excluding such containers that are “prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” 11 R.I. GEN. LAWS. ANN. § 11-9-13.20(c) (2018)</p>					
South Carolina	No	<p><i>Alternative nicotine product</i> means “a product, including electronic cigarettes, that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means.” S.C. CODE ANN. § 16-17-501(6) (2018)</p> <p><i>Electronic cigarette</i> means “an electronic product or device that produces a vapor that delivers nicotine or other substances to the</p>	N/A	N/A	<p>Sale/distribution of alternative nicotine products to persons under age 18 prohibited. S.C. CODE ANN. §§ 16-17-500(A) and 16-17-502(A) (2018)</p> <p>Purchase/possession of alternative nicotine products by persons under age 18 prohibited. S.C. CODE ANN. § 16-17-500(F) (2018)</p> <p>Vending machine sales of alternative nicotine products restricted to locations inaccessible to persons under age 18 or locked and under control of owner. S.C. CODE ANN. § 16-17-500(D) (2018)</p>	No	Use of electronic cigarettes prohibited in ambulances. S.C. CODE ANN. REGS. 61-7 § 601(O) (2018)

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		person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” S.C. CODE ANN. § 16-17-501(7) (2018)			Internet or remote sales of alternative nicotine products require age verification through an independent, third-party age verification service that purchaser was at least 18 years old. S.C. CODE ANN. § 16-17-500(c) (2018)		
South Dakota	Yes S.D. CODIFIED LAWS § 34-46-20 (2018)	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor	N/A	Vapor products must be sold in original manufacturer’s packaging. S.D. CODIFIED LAWS § 34-46-21 (2018)	<p>Sale/distribution of vapor products to persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(1) (2018)</p> <p>Purchase/possession/ use of vapor products by persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(2) (2018)</p> <p>Distribution of free vapor products within 500 feet of school, playground, or other child-focused facility prohibited. S.D. CODIFIED LAWS § 34-46-2(7) (2018)</p> <p>Self-service displays of vapor products restricted to tobacco</p>	No	Department of Corrections policy prohibits the use of electronic cigarettes by staff and offenders in all buildings and offices and on all real property owned, leased or occupied by the Department. The policy defines electronic cigarettes as “any device that allows users to inhale nicotine vapor, or is capable of delivering nicotine

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” S.D. CODIFIED LAWS § 34-46-20 (2018)			specialty store or vending machines inaccessible to persons under age 18. S.D. CODIFIED LAWS §§ 34-46-2(5) and 34-46-21 (2018)		in a vapor form. Devices typically consist of a mouthpiece, heating element, and a unit containing a rechargeable battery and various electronic circuits.” S.D. Dep’t of Corrections Policy § 1.3.C.7 (2015)
Tennessee	No	<i>Vapor product</i> means “any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit vapor [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and	N/A	Liquid nicotine containers must be child-resistant. TENN. CODE ANN. § 39-17-1512(b) (2018)	Sale/distribution of vapor products to persons under age 18 years prohibited. TENN. CODE ANN. § 39-17-1504(a) (2018) Purchase/possession of vapor products by persons under age 18 prohibited. TENN. CODE ANN. § 39-17-1505(a) (2018) Distribution of free vapor products/samples prohibited on “any public street, sidewalk, or park.” TENN. CODE ANN. § 39-17-1504(c) (2018)	No	Use of electronic nicotine delivery systems prohibited at Tennessee Technological University, Cookeville Student Housing. TENN. COMP. R. & REGS. 0240-09-02-.05 (2018)

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		<p>any vapor cartridge or other container of a solution containing nicotine or any other substance that is intended to be used with or in an [aforementioned] product” TENN. CODE ANN. § 39-17-1503(10) (2018)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container that contains liquid nicotine or any other substance containing nicotine, where the liquid or other substance is sold, marketed or intended for use in a vapor product [except containers] prefilled and sealed by the manufacturer, and not intended to be opened by the consumer.” TENN. CODE ANN. § 39-17-1512(a) (2018)</p>					

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Texas	No.	<p><i>E-cigarette</i> means “an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device [including products sold as] e-cigarette, e-cigar, or e-pipe or under another product name or description [and including any] component, part, or accessory for the device [whether or not] sold separately” TEX. HEALTH & SAFETY CODE ANN. §§161.081(1-a) and 34 TEX. ADMIN. CODE 3.1206(a)(3) (2018)</p> <p><i>Vapor products</i> means “Electronic cigarettes (e-cigarettes) or any other device that uses a</p>	N/A	<p>Liquid nicotine sold as an accessory for an e-cigarette must be sold in a child-resistant container unless prefilled and sealed by the manufacturer and not intended to be opened by a consumer. TEX. HEALTH & SAFETY CODE ANN. § 161.0875 (2018)</p>	<p>Sale/distribution of e-cigarettes to persons under age 18 is prohibited. TEX. HEALTH & SAFETY CODE ANN. §§ 161.082 (2018) and 161.087(a) (2018)</p> <p>Persons making delivery sales of e-cigarettes must register and comply with certain reporting requirements. TEX. HEALTH & SAFETY CODE ANN. § 161.456(a) (2018)</p> <p>Purchase/possession/use of e-cigarettes by persons under age 18 years prohibited unless possession occurs in the presence of “adult parent,” guardian or spouse. TEX. HEALTH & SAFETY CODE ANN. § 161.252 (2018)</p> <p>Self-service/vending sales of e-cigarettes restricted to locations inaccessible to persons under age 18. TEX. HEALTH & SAFETY CODE ANN. § 161.086 (2018)</p>	No	<p>Use of e-cigarettes restricted to designated areas in schools, elevators, enclosed theaters, libraries, museums, hospitals, certain buses, planes and trains. TEX. PENAL CODE ANN. § 48.01(a-1) (2018)</p> <p>School trustees must prohibit e-cigarette use and student possession of e-cigarettes at “a school-related or school-sanctioned activity on or off school property.” TEX. EDUC. CODE ANN. § 38.006(b) (2018)</p> <p>Use of e-cigarettes or vapor products is prohibited at school, and before/after-school</p>

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		mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device, or any substance used to fill or refill the device.” 37 TEX. ADMIN. CODE. § 151.25(a)(10) (2018)			Retailers of e-cigarette delivery sales must verify, at time of purchase and at delivery, that the purchaser is over 18 years of age. 34 TEX. ADMIN. CODE §§ 3.1206(d) and TEX. HEALTH & SAFETY CODE ANN. § 161.453(c) (2018)		<p>programs, including the premises, playground, transportation vehicles, and during field trips. 40 TEX. ADMIN. CODE §744.2603 (2018)</p> <p>Use of vapor products is prohibited inside Department of Criminal Justice facilities, but permitted in designated outdoor areas. 37 TEX. ADMIN. CODE § 151.25(d) (2018)</p> <p>Use of e-cigarettes prohibited at childcare centers, including playgrounds, vehicles, and during off-site field trips. 40 TEX.</p>

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							ADMIN. CODE §§ 746.3703(d) and 747.3503(d) (2018) E-cigarette use in residential child care facilities and foster homes prohibited. 40 TEX. ADMIN. CODE §§ 748.1661, 749.2931 (2018) Use of electronic cigarettes prohibited in licensed pediatric extended care transportation vehicles. 40 TEX. ADMIN. CODE § 15.1102(d)(3) (2018)
Utah	Yes UTAH CODE ANN. §§ 26-42-102(6), 17-50-333(1)(c).	<u>Sales restrictions</u> <i>Electronic cigarette</i> means “(i) an electronic device used to deliver or capable of delivering vapor containing	N/A	Sales of unsealed electronic cigarette substances (e.g., refillable or open	Selling/distributing electronic cigarettes to persons under age 19 prohibited. UTAH CODE ANN. § 76-10-104(1) (2018)	Yes UTAH CODE ANN. § 59-14-803(1) (2018)	Use of e-cigarettes similarly restricted to smoking in public indoor places. UTAH CODE ANN. §§ 26-38-2(4) (2018)

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	and 10-8-41.6(1)(c) (2018)	<p>nicotine into an individual’s respiratory system; (ii) any component of the device described in subsection [(i)]; or (iii) an accessory sold in the same package as the device described in subsection [(i)]. (b) [I]ncludes an e-cigarette as defined in § 26-38-2.” UTAH CODE ANN. § 59-14-802(2)(a) (2018)</p> <p><i>Electronic cigarette product</i> means “an electronic cigarette or an electronic cigarette substance.” UTAH CODE ANN. §§ 59-14-802(3), 76-10-101(3), and 26-57-102(3) (2018)</p> <p><i>Electronic cigarette substance</i> means “any substance, including liquid containing nicotine, used or intended for use in an</p>		<p>systems) must comply with state labeling, packaging, and nicotine content restrictions including: required safety warning, prohibition on labels reflecting certain additives, maximum nicotine levels, and child-resistant packaging, UTAH ADMIN. CODE R384-415-1-9 (2018) (authorized by UTAH CODE ANN. § 26-57-103(2018))</p>	<p>Purchase/possession of electronic cigarette by person aged 18 years or younger prohibited. UTAH CODE ANN. § 76-10-105 (2018)</p> <p>Retail sales, including mail-order, telephone, internet sales, of electronic cigarette to consumer must be through a face-to-face exchange. UTAH CODE ANN. § 76-10-105.1(2) (2018); restriction does not apply to vending machine or self-service displays in separate retail area and inaccessible to persons under age 19, or in a specialty shop. UTAH CODE ANN. § 76-10-105.1(3) (2018)</p> <p>Retail tobacco specialty businesses (tobacco product sales, including e-cigarettes, account for more than 35% of total annual gross receipts) must be licensed by counties and municipalities. UTAH CODE ANN. §§ 17-50-333(1)–(4) and 10-8-41.6(1)–(4) (2018)</p>	<p>Electronic cigarette may not be advertised as a tobacco cessation device, or without a current license to sell electronic cigarette products. UTAH CODE ANN. § 26-57-103 (2018)</p>	<p>(defining smoking), and UTAH CODE ANN. 26-38-3 (2018) and UTAH ADMIN. CODE r. 392-510-5(2018) (prohibiting smoking in public places)</p> <p>Distribution of electronic cigarettes prohibited in a correctional facility. UTAH CODE ANN. § 76-8-311.3(5)(d) (2018)</p> <p>School boards directed to adopt rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities. UTAH CODE ANN. §</p>

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		<p>electronic cigarette.” UTAH CODE ANN. § 59-14-802(4) (2016)</p> <p>Use restrictions</p> <p><i>E-cigarette</i> means “[a)] any electronic oral device: (i) that provides a vapor of nicotine or other substance; and (ii) which simulates smoking through its use or through inhalation of the device; and (b) includes an oral device that is: (i) composed of a heating element, battery, or electronic circuit; and (ii) marketed, manufactured, distributed, or sold as: (A) an e-cigarette; (B) e-cigar; (C) e-pipe; or (D) any other product name or descriptor, if the function of the product meets the definition of Subsection [(a)].” UTAH CODE</p>			<p>Location of tobacco retail specialty businesses minimally restricted relative to schools, child care facilities, churches, libraries, playgrounds, other tobacco specialty shops, and other facilities. UTAH CODE ANN. §§ 17-50-333(5) and 10-8-41.6(5) (2018)</p> <p>Distribution of electronic cigarette samples restricted to distribution to adults at “professional conventions” or with “purchase of another tobacco product or electronic cigarette.” UTAH CODE ANN. § 76-10-111 (2018)</p> <p>Provider must make e-cigarette and e-liquids inaccessible to children in care at child care centers, hourly child care centers, licensed family child care centers, residential child care centers and out of school time child care programs prohibited. UTAH ADMIN CODE r. 381-100-6(14)</p>		<p>53A-11-908(2) (2018)</p>

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		ANN. § 26-38-2(1) (2018) ; UTAH CODE ANN. r. §R392-510(5) (2018)			(2018) ; UTAH ADMIN. CODE r. 381-60-6(14)(2018) , UTAH ADMIN. CODE r. 430-90-6(14)(2018) , UTAH ADMIN. CODE r.430-50(6)(14)(2018) , and UTAH ADMIN. CODE r. 381-70(12)(2018)		
Vermont	No	<i>Tobacco substitute</i> means “products, including 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” 7 VT. STAT. ANN. § 1001(8) (2018) <i>Nicotine liquid container</i> means “a bottle or other container of a nicotine liquid or other substance containing nicotine which is sold, marketed, or intended	N/A	Liquid nicotine must be sold in child-resistant packaging, excluding pre-filled cartridges not intended to be opened by consumer. 7 VT. STAT. ANN. § 1012(a) (2018)	Sale/distribution of tobacco substitutes to persons under age 18 prohibited. 7 VT. STAT. ANN § 1003(a) (2018) Purchase/possession of tobacco substitutes by persons under age 18 prohibited. 7 VT. STAT. ANN. § 1005(a) (2018) Self-service displays and vending machine sales restricted to locations inaccessible to persons under age 18 years. 7 VT. STAT. ANN. §§ 1003(b), (c)(2) (2018)	Yes 7 VT. STAT. ANN. § 1002(a) (2018)	Use of tobacco substitutes prohibited at child care facilities. 33 VT. STAT. ANN. § 3504 (2018) Use of tobacco substitutes prohibited on “public school grounds” and at sponsored events. 16 VT. STAT. ANN. § 140 (2018) Use of tobacco substitutes prohibited in workplaces (except vape shops). 18 VT.

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		for use in a tobacco substitute [except a container] prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” 7 VT. STAT. ANN. § 1012(b)(2) (2018)					STAT. ANN. § 1421 (2018) Use and possession of tobacco substitutes prohibited at licensed afterschool child care programs, center based child care and preschool programs and family care homes. 12 VT. CODE 3 100.13.33 (2018) , 12 VT. CODE 3 102 5.10.1.11.1 (2018) and 12 VT. CODE 3 103:5.10 (2018) Use of tobacco substitutes prohibited in indoor public places and certain outdoor areas on state property and hospital grounds similarly to

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							<p>smoking (with some exceptions). 18 VT. STAT. ANN. § 1742 (2018)</p> <p>Use of tobacco substitutes prohibited in cars with young children. 23 VT. STAT. ANN. § 1134b(a) (2018)</p>
Virginia	No	<i>Nicotine vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or	N/A	Liquid nicotine must be sold in a child-resistant container (except sealed, prefilled cartridges not intended to be opened by consumer). VA. CODE ANN. § 59.1-293.10 and 59.1-293.11(A) (2018)	<p>Sale/distribution of nicotine vapor products to persons under age 18 prohibited. VA. CODE ANN. § 18.2-371.2(A) (2018)</p> <p>Purchase/possession of nicotine vapor product by person under age 18 prohibited. VA. CODE ANN. § 18.2-371.2(B) (2018)</p>	No	School boards directed to develop and implement policy to prohibit electronic cigarette use on school bus, school property and at school-sponsored activities. VA. CODE ANN. §§ 22.1-79.5 and 22.1-279.6(H) (2018)

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		<p>similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” VA. CODE ANN. § 18.2-371.2(H) (2018)</p> <p><i>Liquid nicotine</i> means “a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.” VA. CODE ANN. § 59.1-293.10 (2018)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container holding liquid nicotine in any concentration [except containers] prefilled and sealed by the manufacturer . . .</p>					

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		and . . . not intended to be opened by the consumer.” VA. CODE ANN. § 59.1-293.10 (2018)					
Washington	No	<i>Vapor product</i> means “any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance [including] electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in [such a	N/A	Liquid nicotine containers must be child resistant. WASH. REV. CODE ANN. § 70.345.130(1) All “liquid nicotine containers must be labeled with a warning regarding harmful effects of nicotine, a warning to keep the “vapor product” away from children, a warning that vaping is illegal for minors, and for “open systems,” a disclosure of the amount of	Sale of vapor products to persons under age 18 prohibited. WASH. REV. CODE ANN. § 26.28.080(1) (2018) Purchase/possession of vapor products by persons under age 18 prohibited. WASH. REV. CODE ANN. § 70.345.140(1) (2018) Self-service displays of vapor products prohibited except in retailers inaccessible to persons under age 18. WASH. REV. CODE ANN. § 70.345.080 (2018) Samples of vapor products must take place within licensed retail premises that is restricted to those over the age of 18 years, contain no nicotine (unless “customer explicitly consents”), and use a disposable mouthpiece.	Yes. WASH. REV. CODE ANN. § 70.345.030 (1)(a) (2018) and WASH. ADMIN. CODE § 314-35-020 (2018)	Use of vapor products prohibited in and on grounds of child care facilities, schools, playgrounds, school buses, elevators, and within 500 feet of schools. WASH. REV. CODE ANN. § 70.345.150 (2018) Use of electronic cigarettes within public institutions of higher education restricted through regulation (<i>e.g.</i> , Eastern Washington University WASH. ADMIN. CODE § 172-122-310

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		<p>device].” WASH. REV. CODE ANN. § 70.345.010(19) (2018)</p> <p><i>Closed system nicotine container</i> means “a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.” WASH. REV. CODE § 70.345.010(4) (2018)</p> <p><i>Liquid nicotine container</i> means “a package from which</p>		<p>nicotine in milligrams per milliliter, along with the total volume of the container in milliliters. WASH. REV. CODE § 70-345-075(A)(2018). This requirement takes effect May 10, 2018 but applies only to vapor products containing nicotine.</p>	<p>WASH. REV. CODE ANN. § 70.345.100 (2018)</p> <p>Free vapor product distribution prohibited unless part of in-person transaction/sale of vapor product. WASH. REV. CODE ANN. § 70.345.110 (2018)</p> <p>Delivery sales of vapor products prohibited unless seller has a valid delivery sale license, verifies the age of the purchaser, and only accepts payment through a credit or debit card in the purchaser’s name. WASH. REV. CODE ANN. § 70.345.090(1)-(7) (2018)</p>		<p>(2018); Peninsula College WASH. ADMIN. CODE § 132A-125-030(10)(d) (2018); Spokane Falls Community College WASH. ADMIN. CODE §132Q-10-231 (2018); Bellingham Technical College WASH. ADMIN. CODE §495B-140-070(2) (2018); Washington State University WASH. ADMIN. CODE §504-37-020 (2018); Washington State University Pullman WASH. ADMIN. CODE §504-38-020(2018); Bellevue College WASH. ADMIN. CODE §132H-125-030 (10)(d)(2018); Lake Washington</p>

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		nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration [excepting] closed system nicotine containers.” WASH. REV. CODE ANN. § 70.345.010(8) (2018)					Institute of Technology WASH. ADMIN. CODE § 495D-140-070(11) (2018) ; and University of Washington WASH. ADMIN. CODE § 478-136-035 (2018) Use of electronic smoking devices prohibited (except designated outdoor smoking areas). WASH. ADMIN. CODE § 484-20-090(1)(h) (2018)
West Virginia	Yes (“tobacco-derived product”) W. VA. CODE ANN. § 16-9A-2(a)(1) (2018)	<u>Youth Access and Use</u> <i>Tobacco product and Tobacco-derived Product</i> mean “any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human	E-cigarette liquid taxed at rate of \$0.075 per milliliter or fraction thereof. W. VA. CODE ANN. § 11-17-4b(b)(1) (2018)	N/A	Sale/distribution of vapor products to persons under age 18 years prohibited. W. VA. CODE ANN. § 16-9A-2(b)(3) (2018) Vending machine sales of vapor products restricted to places inaccessible to persons under age 18. W. VA. CODE ANN. § 16-9A-8 (2018)	No	Use of tobacco-derived products prohibited in schools and on school grounds except those areas not used for instructional purposes and inaccessible to students. W. VA.

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		<p>consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco-containing products. A ‘tobacco-derived product’ includes electronic cigarettes or similar devices, alternative nicotine products and vapor products.” W. VA. CODE ANN. § 16-9A-2(a)(1) (2018)</p> <p><i>Vapor product</i> means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other</p>			<p>Use/possession of tobacco products or tobacco-derived products by persons under age 18 prohibited. W. VA. CODE ANN. § 16-9A-3 (2018)</p>		<p>CODE ANN. § 16-9A-4 (2018)</p>

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		<p>electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” W. VA. CODE ANN. § 16-9A-2(a)(3) (2018)</p> <p><u>Tax</u></p> <p><i>E-cigarette</i> means “an electrical or electronic device that provides a smoke, vapor, fog, mist, gas or aerosol suspension of nicotine or another substance</p>					

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		<p>that, when used or inhaled, simulates the activity of smoking...[including] but not limited to, a device that is composed of a heating element, battery or electrical or electronic circuit, or a combination of heating element, battery and electrical or electronic circuit, which works in combination with e-liquid to produce an inhalable product . . . [including products marketed or sold as] e-cigarette, e-cigar, e-pipe or under any other name or descriptor.” W. VA. CODE ANN. § 11-17-4b(a)(1) (2018)</p> <p><i>E-cigarette Liquid</i> means “any of the liquids or liquid mixtures used in e-cigarettes and is also known as e-juice, e-liquid, or e-liquid product . . . [including]</p>					

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		e-cigarette liquid mixing kits and...components. When used in, or with, an e-cigarette, e-cigarette liquid is vaporized or otherwise converted into an inhalable product. E-cigarette liquid may or may not include, without limitation, propylene glycol, vegetable glycerin, nicotine from any source or flavorings.” W. VA. CODE ANN. § 11-17-4b(a)(2) (2018)					
Wisconsin	No	<i>Nicotine product</i> means “a product that contains nicotine and is not . . . 1. A tobacco product. 2. A cigarette. 3. A[n FDA-approved] smoking cessation product” WIS. STAT. ANN. § 134.66(1)(f) (2018)	N/A	N/A	Sale/distribution of nicotine products to persons under age 18 prohibited. WIS. STAT. ANN. §§ 134.66(2)(a) Sampling of nicotine products restricted to places inaccessible to persons under age 18 (without parent/guardian). WIS. STAT. ANN. § 134.66(2)(am) (2018) Purchase/possession of nicotine products by persons	No	E-cigarette use prohibited at State Fair Park. Wisconsin State Fair Park Admission Policies

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					under age 18 and purchase for persons under 18 prohibited. WIS. STAT. ANN. §§ 254.92(2), (2m) (2018)		
Wyoming	Yes WYO. STAT. ANN. § 14-3-301(a)(i) (2018)	<u>Sales Restrictions:</u> <i>Tobacco products</i> means “any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco” WYO. STAT. ANN. § 14-3-301(a)(i) (2018) <i>Electronic cigarette</i> means “a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a	N/A	Liquid nicotine containers must “be sold in child resistant packaging.” WYO. STAT. ANN. § 35-7-2002(a) (2018)	Sales/distribution of electronic cigarettes to persons under age 18 prohibited. WYO. STAT. ANN § 14-3-302(a) and (c) (2018) Purchase of tobacco products by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-304(a) (2018) Possession/use of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-305(a) (2018) Self-service displays and vending machine sales of electronic cigarettes restricted to locations inaccessible to persons under age 18. WYO. STAT. ANN § 14-3-303(b) (2018)	No	Use of electronic cigarettes prohibited in child care facilities when children are present. FAMILY SERVICES Ch. 4 WYO. CODE R. § 14(t) (2018)

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>liquid nicotine solution contained in a cartridge or other delivery system.” WYO. STAT. ANN § 14-3-301(a)(v) (2018)</p> <p><u>Packaging restrictions:</u></p> <p><i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form</p>					

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>that is intended to be used with or in an [aforementioned] device.” WYO. STAT. ANN. §§ 35-7-2001(a)(iii) and 9-4-1204(iv) (2018)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in a vapor product [not including a cartridge that is] prefilled and sealed by the manufacturer and not intended to be opened by the consumer” WYO. STAT. ANN. § 35-7-2001(a)(ii) (2018)</p>					