News From the Front:
State & Local Regulation of E-Cigarettes
— Legislation and Advocacy

Susan Weisman & Mark Meaney, PHLC
& Cathy Callaway, ACS-CAN

July 26, 2016

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News From the Front:
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July 26, 2016
The Consortium attorneys support tobacco control policy change.
Agenda

• Introduction and Impact of the Deeming Rule – Susan Weisman, TCLC

• State and Local Legal Issues, Trends, Gaps & Opportunities – Mark Meaney, TCLC

• State and Local Advocacy Issues, Trends, Gaps & Opportunities – Cathy Callaway, ACS-CAN

• Q&A – All panelists
E-Cigarettes
“The term ‘tobacco product’ means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product . . .”
Tobacco Control Act of 2009: FDA Authority to Regulate Tobacco Products

21 U.S.C. § 387a(b):

“This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.”
Tobacco Control Act of 2009: Deeming Rule
Tobacco Control Act of 2009: Deeming Rule

Existing provisions apply to deemed products

- Manufacturers must:
  - Register products
  - Give FDA a list of their products
  - Report ingredients & harmful or potentially harmful constituents
  - Undergo premarket review & authorization (if products were marketed after 2/15/07)
  - Use health warnings on packages and in ads
  - Cannot sell products making modified risk claims (e.g., “light” “low” or “mild”) unless FDA authorizes it
## Regulations Effective August 8th

<table>
<thead>
<tr>
<th>Policy</th>
<th>Cigarettes</th>
<th>Smokeless Tobacco</th>
<th>E-cigarettes</th>
<th>Cigars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum sales age = 18</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Age verification – all under 27</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>– photo ID</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Vending sales prohibited</td>
<td>Allowed in adult-only facilities</td>
<td>Allowed in adult-only facilities</td>
<td>Allowed in adult-only facilities</td>
<td>Allowed in adult-only facilities</td>
</tr>
<tr>
<td>Distribution of free samples</td>
<td>✓</td>
<td>Allowed in adult-only facilities</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>prohibited</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Mandatory warnings on packages</td>
<td>9 rotating warnings*</td>
<td>4 rotating warnings</td>
<td>1 static warning</td>
<td>6 rotating warnings*</td>
</tr>
<tr>
<td>and in ads</td>
<td></td>
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</tbody>
</table>
“WARNING:
This product contains nicotine. Nicotine is an addictive chemical.”
Components, Parts & Accessories

Component or part means any software or assembly of materials intended or reasonably expected:

(1) To alter or affect the tobacco product’s performance, composition, constituents, or characteristics; or

(2) To be used with or for human consumption of a tobacco product.

Does not include accessories of tobacco products.
## Components, Parts & Accessories

<table>
<thead>
<tr>
<th>Components and Parts</th>
<th>E-Cigarette</th>
<th>Hookah</th>
<th>Other Products</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Components and Parts</strong></td>
<td>Atomizers and cartomizers, flavors additives, liquid solvents, tanks and tank systems, batteries, coils, digital display/lights to adjust settings, clearomisers, a glass or plastic vial for liquid nicotine, and programmable software</td>
<td>Flavor enhancers, hose cooling attachments, water filtration base additives, flavored hookah charcoals, bowls, valves, hoses, and heads</td>
<td>The wrapping or tube for a single cigar, a bag, or tin for holding loose pipe tobacco</td>
</tr>
<tr>
<td><strong>Accessories</strong></td>
<td>Screwdrivers for assembly, lanyards for carrying</td>
<td>Hookah glow balls, foil pokers, shisha oyster forks, tongs and bags</td>
<td>Ashtrays, spittoons, cigar clips, pipe pouches, cigar humidors</td>
</tr>
</tbody>
</table>
21 C.F.R. § 1140.16(d)(1): . . . no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products . . .
Sampling – No “consumption”

“. . . allowing prospective adult buyers to smell or handle one of the newly deemed products is not considered distribution of a "free sample" as long as the free product is not actually consumed, in whole or in part, in the retail facility and the prospective buyer does not leave the facility with a free tobacco product.”
Vape Shops

The term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product.
“If an establishment mixes or prepares e-liquids or creates or modifies aerosolizing apparatus for direct sale to consumers for use in ENDS, the establishment fits within the definition of ‘tobacco product manufacturer’”
Vape Shops

- Premarket Review of all product combinations
- Registration
- Product Listing
- Ingredient Disclosure
- Health Document Disclosure
- Harmful and Potentially Harmful Constituent Disclosure
State and Local Tobacco Regulation in a Post-Deeming World

The Family Smoking Prevention and Tobacco Control Act of 2009 granted the U.S. Food and Drug Administration (FDA) the authority to regulate all tobacco products. However, the Act only gave the FDA immediate authority over cigarettes, cigarette tobacco, smokeless tobacco, and roll-your-own tobacco. To regulate all other tobacco products, the agency was required to issue a rule that “deemed” those products to be within FDA authority. On May 10, 2016, nearly seven years after the Tobacco Control Act became law, the FDA published the final deeming regulation. This regulation is a necessary first step for there to be comprehensive federal
Regulatory Gaps

No FDA Authority

- Taxes
- Prohibiting use of tobacco products
- Raising the minimum legal sales age
- Prohibiting the sale of tobacco products by type of retailer
- Prohibiting sales of product categories
- Regulating tobacco retailers
Regulatory Gaps

Concurrent Federal, State & Local Authority

• Flavored Products
• Advertising and Marketing
• Internet Sales
• Self-Service Access
• Child-Resistant Packaging
• Minimum Package Sizes
State/Local Policy Opportunities

TO DRIVE DOWN YOUTH INITIATION:
• Raise minimum sales age to 21
• Prohibit/restrict sales of menthol and other flavorings in tobacco products, including e-cigarettes
• Tax e-cigarettes – nicotine and non-nicotine
• Limit locations where products can be sold
  ➢ Adult-only tobacco retail stores
  ➢ Locate away from public schools, youth recreation
• Strengthen ingredient disclosure laws
• Prohibit self-service of all tobacco products
  ➢ Except in adult-only stores
The Act: State and Local Authority

FDA can:
- Adopt product standards
  - Nicotine yields
  - Ingredients, constituents
  - How constructed

FDA can not:
- Smoke-free
- Tax
- Ban a class of products

States/Locals can not:
- Adopt product standards

States/Locals can address:
- Smoke-free
- Taxes and pricing
- Sales & distribution
- Advertising and promotion
Licensing

• Permission to do something
• Rules and enforcement
• Umbrella for other policies
Restrict Youth Access

- No sales to minors/minimum purchase age of 21
- No self-service
- Broad definitions
Add to Smoke-Free Laws

• Public policy rationale:
  – Health impact of second-hand aerosol
  – Social norm impact
  – Enforcement
  – Marijuana

• Drafting tips:
  – Add to existing law
  – Do not exempt cessation devices
Taxation and Other Pricing Policies

Which products are taxed?
- Nicotine juice
- Device/components/parts
- Batteries

How is the tax administered?
- Ad valorem/milliliter/milligram
- Wholesaler/retailer
- What level?
- Enforcement
West Virginia

7.5 cents per milliliter of “e-cigarette liquid”
Pennsylvania

40% of wholesale price – includes the devices and all e-liquid
Prohibit Coupons and Free Samples

SAVE 25% STOREWIDE
During the V2 Memorial Day Weekend Sale
May 23-26
Shop Now

FEATURED PRODUCT OF THE DAY
NICQUID
BUY ONE GET ONE FREE
IN-STORE ONLY

e-cigarette Free Trials

Not for Sale to Minors

VAPOUR HOUSE
EAT. DRINK. VAPE.

916.396.8052
1910 Q ST, SACRAMENTO CA
WWW.SHOPVAPOURHOUSE.COM
Classes of Products

- Flavored products appeal to youth.

- The younger individuals are when they begin to use tobacco, the more likely they will become addicted to nicotine.

- Tobacco users often mistakenly assume that flavored tobacco products are safer than other tobacco products.

- Flavors such as menthol in tobacco products can also make it more difficult for adult tobacco users to quit.
Location, Location, Location

- Density
- Location – schools, residential
- Number of retailers
Internet Sales

BUILD YOUR E-JUICE FLAVOR PROFILE!

Use the toggles to select which e-liquid flavors you’d like to receive.

- DESSERT
  - Yes
- FRUIT
  - Yes
- MENTHOL
  - Yes
- TOBACCO
  - No

ORDER NOW and box ships in 1-2 business days

Back
Continue
Other issues

- Synthetic nicotine
- False or misleading advertising
- Broadening the scope
Preemption

“While we’re not married to any particular form of preemption language, we’re dead serious about achieving preemption in all 50 states.”

– Philip Morris
Preemption

“Higher” level of government:

- By legislative or regulatory action
- Eliminates or reduces the authority of a “lower” level of government
- Concerning a particular issue
SECTION 232-A. PREEMPTION.--(A) ALL POWERS AND JURISDICTION OVER DEALERS LICENSED UNDER THIS ARTICLE, AND REGARDING OR AFFECTING THE SALE OF TOBACCO PRODUCTS BY DEALERS LICENSED UNDER THIS ARTICLE, SHALL RESIDE IN THE COMMONWEALTH UNLESS ANY SUCH POWER OR JURISDICTION IS SPECIFICALLY GRANTED TO A POLITICAL SUBDIVISION. *Pennsylvania House Bill 1605*
WASHINGTON

PREEMPTION. (1) This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of vapor product promotions and sales at retail. No political subdivision may impose fees or license requirements on retail outlets for possessing or selling vapor products, other than general business taxes or license fees not primarily levied on such products. (2) No political subdivision may regulate the use of vapor products in outdoor public places, unless the public place is an area where children congregate, such as schools, playgrounds, and parks. Washington State S.B. 6328
Resources

www.PublicHealthLawCenter.org
Contact us

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Mark.Meaney@mitchellhamline.edu

www.publichealthlawcenter.org
Consortium Resources

**Deeming Rule Analysis and Resources:**

**E-Cigarette Resources:**
http://publichealthlawcenter.org/topics/tobacco-control/e-cigarettes (Check out our new 50-State review of e-cigarette regulation – available Aug. 8)
Q & A … Contact us

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State & Local Regulation of E-cigarettes from the Advocacy Perspective

Cathy Callaway
Associate Director, State & Local Campaigns
ACS CAN
Common Themes

• Youth Tobacco Prevention
• Taxes
• “Vapor” Taxes
• “Vapor” Restrictions or “Vaping Bans”
• Flavor “Bans”
• Sales “Bans”
• Advertising Restrictions
• Preemption
Tobacco Harm Reduction (THR) is about reducing the risks faced by adult tobacco smokers by providing them with accurate information about, and instituting regulatory policies that reflect, the comparative risks between cigarettes and non-combustible tobacco products and nicotine replacement therapies, thereby encouraging smokers who do not quit tobacco entirely.
Tobacco Harm Reduction

“is about reducing the risks faced by adult tobacco smokers by providing them with accurate information about, and instituting regulatory policies that reflect, the comparative risks between cigarettes and non-combustible tobacco products and nicotine replacement therapies — thereby encouraging smokers who do not quit tobacco entirely to switch to these tobacco products.”
“In 2015, both Tennessee and Wyoming passed tobacco harm reduction laws. These laws serve as a model for the development and implementation of programs incorporating the use of peer-reviewed and science-based educational materials on tobacco harm reduction, and the comparative risks of different tobacco product categories.”
YOUTH TOBACCO PREVENTION

LEGISLATIVE ENGAGEMENT

RAI Services Company's public affairs department advocates for legislation that strengthens youth tobacco prevention laws across the United States. We believe all states should have comprehensive laws covering youth tobacco prevention. For more on our engagement strategy, visit Stakeholder Engagement and Materiality.

Our current legislative priorities include:

- **No purchase, possession or use of tobacco by youth:** RAI supports efforts to keep tobacco products out of the hands of youth. All states have laws preventing the sale of tobacco to minors, and RAI is committed to working with elected officials, the trade and other stakeholders on programs to prevent access and use by youth.
Legislative Engagement

- No purchase, possession or use of tobacco by youth:
- No youth purchase, possession or use of vapor products:
- Penalties for complicit adults:
- No tobacco possession on school grounds:
“We are proud of advancements made in youth tobacco prevention legislation in 2015, including the successful passage of youth tobacco prevention vapor laws in seven states. Two RAI-supported bills were adopted as suggested state legislation by a prestigious national policy group, The Council of State Governments. These bills, in Arkansas and North Dakota, both prohibit sale, purchase and possession of tobacco products by minors, and require child-resistant packaging for liquid nicotine containers used to fill/refill vapor products. The Arkansas bill also requires registration of vapor retailers and manufacturers.”
RJ Reynolds at NCSL in 2015
In a May 2014 letter to the World Health Organization, 53 global experts on nicotine science and public health policy stated:

“The potential for tobacco harm reduction products to reduce the burden of smoking related disease is very large, and these products could be among the most significant health innovations of the 21st Century – perhaps saving hundreds of millions of lives. The urge to control and suppress them as tobacco products should be resisted and instead regulation that is fit for purpose and designed to realize the potential should be championed by WHO.”

For more information
www.ReynoldsAmerican.com
Minors should never use tobacco or tobacco-derived nicotine products, including vapor products (e-cigarettes).

EVERY STATE SHOULD PROTECT MINORS BY PROHIBITING THE PURCHASE, USE AND POSSESSION OF VAPOR PRODUCTS.

WE SUPPORT LAWS THAT PROHIBIT MINORS’ POSSESSION OF VAPOR PRODUCTS.

States that have prohibited minors from possessing e-cigarettes
As of 6/24/15

WHICH WE BELIEVE ARE LESS RISKY THAN CIGARETTES

Vapor products are different than cigarettes and may pose less risk. Cigarettes are the highest taxed consumer product in the U.S., and if vapor products are taxed at a similar rate, smokers will lose an incentive to switch. If vapor products carry an excise tax, they should carry a low, liquid volume-based tax.

PLACES FOR BANS
- Schools
- Daycares
- Healthcare Facilities

PLACES VAPOR PRODUCTS SHOULD BE ALLOWED
- Adult-Only Facilities
- Bars
- Restaurants
- Outdoor Venues

VAPOR PRODUCTS — FOR ADULTS ONLY
The Tobacco Industry is Transforming!

And so should you. As a retailer, wholesaler or consumer of tobacco products, you have long known about the impact of higher cigarette excise taxes. But as the industry changes, so do the risks to your individual rights!

In addition to fighting higher cigarette taxes, you should be concerned about:

- higher taxes on smokeless products
- illicit trade of cigarettes
- bans on vapor products
- youth tobacco sales and possession
- tobacco harm reduction

These are some of the issues that you will find on our Interactive Map. Click on your state and get involved TODAY!!!

Sign up for state e-mail alerts today!
Illicit Trade

Driven by higher taxes, tobacco consumers may cross county, state or national borders to get lower-priced cigarettes for personal use. Most often, commercial smuggling of tobacco products involves larger, typically long-haul efforts, such as transporting cigarettes from a lower-tax jurisdiction to a higher-tax jurisdiction. Either way, the illegal trade of tobacco products has a far-reaching effect in our society, and more people need to understand the seriousness of this crime.

The website, www.transformtobacco.org, shows how I-95 has become a key transit route for cigarette smuggling from southern states to the Northeast. The illegal profits that are being derived from these operations benefit an organized-crime infrastructure already experienced in transporting illegal drugs and other contraband, and fostering violent crime up and down the I-95 corridor.

The website provides important information of interest to lawmakers, law enforcement officials and concerned citizens on how serious the problem of cigarette smuggling really is, and what federal and state governments can do about it.

As a consumer or retailer of tobacco products, it is up to you to keep informed about these issues and any others that will affect your rights.

Where There's Cigarette Taxes, There's Smuggling
Vapor Taxes

A responsible vapor tax structure should not discourage migration from traditional cigarettes to vapor products. Consistent with this belief, vapor products should carry no tax, or a very low tax.

Excise tax rates on tobacco products should be proportionate to risk. If tax rates on tobacco products are proportionate to risk, smokers may consider switching to potentially less risky, smoke-free products. Vapor products are included with other smoke-free alternatives because these products do not involve the burning of tobacco. They should be taxed at a much lower rate than cigarettes.
Vapor
- Vapor Taxes
- Vapor Restrictions
- Vapor Youth Prevention

Public Use Restrictions on Vapor

Reasonable vapor usage restrictions can protect youth and encourage adults to switch.

Vapor products should not be banned in most places where other smoke-free tobacco products are allowed to use vapor products. Since vapor products do not emit smoke, and therefore do not create a smoke cloud, it is important to allow vapor products in most places where other tobacco products are allowed. There are certain locations where no tobacco products should be allowed.

Adult tobacco consumers should always comply with local laws.

Restrict Here:
- Schools
- Day Care
- Healthcare Facilities

Allow Here:
- Adult-only Facilities
- Outdoor Venues
Advertising/Marketing

At an ever-increasing rate, state and local governments across the country are proposing new restrictions or bans on tobacco advertising and marketing in retail establishments. Common themes of these proposals include:

- Banning tobacco advertising inside the retail store
- Banning the use of color advertising
- Requiring retailers to post graphic images at the point-of-sale
- Requiring tobacco products to be placed in locations in the retail store not visible to consumers
- Banning tobacco sales at certain retail establishments
- Restricting the sale of certain flavored, non-cigarette tobacco products

Click here to take action on restrictive proposals that impact your business.
Reducing Harm

Transform Tobacco

Reducing Harm

Tobacco Harm Reduction (THR) is about reducing the risks for adult cigarette smokers by providing complete and accurate information about the comparative risks among different tobacco product categories. It is also about removing artificial barriers to informed switching, including:

- High taxes on smoke-free and tobacco-derived products that place those products at the same price level as cigarettes
- Messages and warnings that do not make it clear that cigarette smoking is the most risky form of tobacco consumption

A significant and growing body of evidence shows that the health risks associated with smokeless tobacco are lower than the risks associated with cigarettes.

Policymakers can promote THR by supporting legislative language recognizing the difference in risk between cigarettes and smokeless tobacco and by endorsing THR as a viable strategy for reducing health impacts and health costs for states.

At a minimum, public health authorities should convey truthful information about the comparative risk of tobacco products.
Underage Prevention Laws

R.J. Reynolds and the other operating companies of Reynolds American Inc. (RAI) support legislation that prevents minors from using tobacco products.

As of August 2014, all but eight states had laws prohibiting minors from purchasing tobacco: Alaska, Colorado, Massachusetts, Nevada, New Jersey, New York, Rhode Island, and West Virginia. All but eleven states had youth tobacco possession laws in place. These are Delaware, Hawaii, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Tennessee and Pennsylvania. More troubling, there are still six states which prohibit youth from possessing tobacco, but allow for an exemption where parents or guardians give permission for that possession: Delaware, Georgia, Kentucky, Louisiana, Ohio, and Texas.

FDA inspections of retail establishments have shown a 95% retailer compliance rate when it comes to checking identification prior to sale, leaving kids to gain access to tobacco products through other channels—complicit adults, and adults involved in illicit trade of cigarettes, are the major source of this access. Yet, there are still eight states which do not make it a crime to provide tobacco to kids: Arizona, Florida, Kentucky, Idaho, Minnesota, Missouri, Montana, and South Carolina.

A majority of states also have penalties associated with those possession laws. Some lawmakers believe that pen
Legislative Issues

Each year, legislative proposals are introduced on issues of importance to Philip Morris USA’s business, our stakeholders and trade partners.

For more information of these issues, see below:

Characterizing Flavors
In recent years, some in the public health community have expressed concern that tobacco products with characterizing flavors other than tobacco are packaged, advertised, and marketed in a manner that may appeal to youth.

Cigarette Excise Taxes
Federal, state and local governments have looked to cigarette tax increases to help fill budget shortfalls. Often these excise tax increases do not meet projected revenues and create incentives for cigarette smuggling.

Federal Regulation of Tobacco
Philadelphia USA actively supported legislation that granted the Food and Drug Administration (FDA) federal regulatory authority over tobacco products. Under this law, FDA has authority to regulate cigarettes, cigarette
take action

Governments around the country—federal, state, and local—are targeting adult tobacco consumers, retailers, and wholesalers with excessive taxation and unfair policies and regulations. Help us fight for fair tobacco policies. Take action today!

in your state

Is your state considering legislation that will affect you? To get updates on issues and legislation, join Tobacco Issues today!

latest alerts

With your help, we can fight excessive tobacco excise taxes and unfair tobacco-related policies on the federal, state and local levels. Take a look below for our most recent alerts, and take action today!

Tell Alaska Lawmakers: Don’t increase Tobacco Taxes!
Recent years have seen a significant amount of legislative and regulatory activity affecting adult tobacco consumers and the businesses that sell tobacco products. These government actions can have a big impact on the retail and wholesale trade, and on your bottom line. As federal, state, and local policymakers consider changing or implementing new legislation or regulations, it is very important for you to stay informed on key issues and make sure your voice is heard.

**Tax increases.** States continue to face budget deficits and more proposals to increase tobacco excise taxes are likely in the future. Additionally, the federal government continues to consider a tobacco excise tax increase each year. [Learn more.](#)

**Retail Sales Bans and Restrictions.** States and local governments across the country, big and small, continue to explore and enact sales bans and other burdensome restrictions on tobacco sales. [Learn more.](#)

With your help we can fight unfair tobacco policies at the federal, state, and local levels. Take a look below for our most recent alerts and take action today! [Read More ➞](#)
5 Things You Can Do Right Now To Save Vaping!
State & Local Issues

Indoor Use Bans
CASAA works to prevent state and local municipalities from including electronic cigarette use in smoking bans. Empirical evidence suggests that smokers who see e-cigarettes in use where smoking is prohibited see that as a great incentive to switch. Additionally, smoking bans are based on accepted theories that second-hand smoke is a hazard to bystanders. Because e-cigarettes do not emit smoke and the vapor is non-toxic, there is no evidence to support including e-cigarette use in smoking bans.

State Tobacco Taxes
Because of the decline in cigarette tax revenue and increased pressure from anti-tobacco groups to discourage smokers from switching to smoke-free alternatives, some states have considered increasing the taxes on smoke-free tobacco and adding taxes to electronic cigarettes. Rather than decreasing smoking or smokeless tobacco use in invertebrate users, such taxes convince smokers to keep smoking and smoke-free tobacco users to seek lower-cost products out-of-state. While there is some evidence to suggest tax increases do reduce tobacco use in youth in the short term, more smoke-free users quit than smokers and there is little evidence to show how long the users remain abstinent from tobacco.

Sales Bans
Legislators and health departments have proposed various sales bans on new dissolvable tobacco products, snus, and e-cigarettes. Proposals range from prohibiting sales to minors to prohibiting sales of the products in stores with pharmacies. While there is no evidence to support it, many claim that pleasant flavors entice youth to try the products, resulting in nicotine addiction that will lead to smoking. CASAA supports prohibiting sales of tobacco and nicotine products to minors, but urges legislators and health boards to keep smoke-free products readily available to smoking adults as low-risk alternatives to smoking. Fortunately, no sales bans have passed as of this writing.
Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks: This comprehensive research paper was funded by a grant from CASAA members given to Dr Igor Burstein, School of Public Health, Drexel University. It confirms that chemicals in electronic cigarettes (e-cigarettes) pose no health concern for users or bystanders. This is the first definitive study of e-cigarette chemistry and finds that there are no health concerns based on generally accepted exposure limits.

CASAA's Medical Info-graph Handout: This two-sided handout is perfect for printing and giving to your doctors. We suggest printing multiple copies for your doctor to hand out to other patients.

CASAA Flyer: Single sheet flyer explaining what CASAA is and what we do. Great for vape meets and taking to local shops.

CASAA Informational Card Holder Sign: This is a great way to inform your local e-cigarette store and their customers about CASAA. Perfect for "brick and mortar" e-cigarette stores, these signs advertising CASAA can be printed and posted as is, or can be used with custom easel displays such as shown with the testimonial display sign below.

A complete display kit is available on CASAA's store. The kit includes the sign, a card holder display stand and 250 folded informational business cards: CASAA Vendor Display Kit.

Get one for your store or if you are a CASAA member and would like to contribute to CASAA's efforts, consider skipping a direct donation and instead buying one or more kits to give to stores in your area.

CASAA Testimonial Display Sign with Card Holder: Help CASAA get vapers' stories! Perfect for vendors and for vaping groups that have local meets, these signs can be printed and posted as is, or can be used with custom easel displays such as these:
- http://www.display2go.com/P-180184/Slanted-Sign-Holders-are-a-Great-Buy?o=1-588

The Facts About Electronic Cigarettes Tri-fold Brochure: Informational Tri-fold Brochure Handout (Updated April 2014)

8 Biggest Electronic Cigarette Myths: There are many myths and misconceptions about electronic cigarettes. Here are some of the most common:

1. They are safe.
2. They are cheap.
3. They are easy to get.
4. They are good for you.
5. They are bad for you.
6. They are going to bring back smoking.
7. They are going to ruin the vape community.
8. They are going to ruin the health community.

While these myths may seem plausible, they are not based on scientific evidence. It is important to be aware of these myths and to make informed decisions about vaping.
In Summary

• Industry will continue to work to derail our most effective policy interventions in favor of protecting their bottom line

• Be prepared
  – They like to pounce when we aren’t paying attention
  – Anticipate their messages and prepare to counter

• Definitions and language are important

• Watch out for preemption even if you aren’t working on point of sale, tobacco 21 or smoke-free policies
Thank You!

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Consortium Resources

**Deeming Rule Analysis and Resources:**

**E-Cigarette Resources:**
http://publichealthlawcenter.org/topics/tobacco-control/e-cigarettes *(Check out our new 50-State review of e-cigarette regulation — available Aug. 8)*
Tobacco Control Legal Consortium at the Public Health Law Center
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