PUBLIC HEALTH LAW CENTER

Tobacco Control Legal Consortium

Public Health and Tobacco Policy Center

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 December 15, 2016. 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. The N/A designation refers to the lack of *state laws or regulations* related to e-cigarettes as of December 15, 2016; 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.

State	Included in at Least One Definition of "Tobacco Product" in State Law[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	Youth Access *Alternative nicotine product* includes "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) (2016) Sales Tax	N/A	N/A	Purchase, use or possession of alternative nicotine products by persons under age 19 prohibited. ALA. CODE §§ 28-11-13(a) and 28-11-2(4) (2016)	No	N/A

[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.

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		Vapor Products means "any non-lighted, noncombustible 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 (2016)					
Alaska	No	N/A	N/A	N/A	Sale/distribution of "product containing nicotine" to person	No	N/A

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					under age 19 prohibited. ALASKA STAT. § 11.76.109(a) (2016)		
Arizona	No	*Vapor product* refers to 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) (2016)	N/A	N/A	Sale of vapor product to persons under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(A) (2016) Purchase/possession of vapor product by person under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(B) (2016)	No	Use of e-cigarettes is prohibited in foster homes and vehicles when foster child present. ARIZ. ADMIN. CODE § 21-6-315 (2016)
Arkansas	No	Sales restrictions: *Vapor product* means "an electronic oral device of any size or shape that contains a vapor of nicotine, e-liquid, or any other	N/A	E-liquid containers must be sold in child-resistant packaging (excepting pre-filled cartridges not intended to be	Sale of vapor products, e-liquids or any component thereof prohibited. ARK. CODE ANN. § 5-27-227(a)(1) (2016) Distribution of vapor products, e-liquids or components, free samples or coupons for free samples thereof near youth-centered places or to persons	Yes ARK. CODE ANN. §§ 26-57-214 and 26-57-215(b) (2016)	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 or healthcare

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		substance that when 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		opened by the consumer.) ARK. CODE ANN. § 26-57-254(c) (2016)	under age 18 is prohibited. ARK. CODE ANN. § 5-27-227(f) (2016) Possession/purchase of vapor products, e-liquids or components thereof by persons under age 18 prohibited. ARK. CODE ANN § 5-27-227(b)(1) (2016) Self-service displays or vending machine sales of vapor products or e-liquids restricted to locations inaccessible to persons under age 18; except that restriction does not apply to tobacco businesses, some vending machines, and vape shops. ARK. CODE ANN. § 5-27-227(g) (2016)		facility prohibited. ARK. CODE ANN. §§ 26-57-254(b) and 6-21-609(b) (2016) Use of e-cigarettes "prohibited on each campus of state-supported institutions of higher education." ARK. CODE ANN. § 6-60-804 (2016) Use of e-cigarettes in registered child-care facilities prohibited. ARK. ADMIN. CODE §§ 016.22.1-1101(14) and 016.22.4-1101(8), and 016.22.6-1101(7) (2016) Use of e-cigarettes near State Park buildings restricted. ARK. ADMIN CODE. §

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		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 drug or device by the FDA as it existed on January 1, 2015." ARK. CODE ANN. § 26-57-203(38) (2016) *E-liquid* and *e-liquid product* 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 . . . ."					013.05.1-1191 (2016)

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		ARK CODE ANN. § 26-57-203(13) (2016) *E-liquid container* 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 the manufacturer and . . . not intended to be opened by the consumer." ARK. CODE ANN. § 26-57-254(d) (2016) Smoke-free schools and campuses: *E-cigarette* means "an electronic oral device that provides a vapor of nicotine or another substance that,					

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		when used or inhaled, simulates smoking, including without limitation a device that: (1) [i]s composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, or electronic circuit; (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; 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.					

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		§§ 6-21-609(a) (2016) and 6-60-803(2) (2016)					
California	Yes CAL. BUSINESS AND PROF. CODE §§ 22950.5(d)(1)(B) (2016) and 30121(b) (2016) (as amended by Prop 56)	*Tobacco product* means "(A) 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)(A)–(B) (2016) Tax *Electronic cigarettes* means	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) (2016) (as amended by Prop 56)	Electronic cigarette cartridges and solutions for filling electronic cigarettes must be sold in child-resistant packaging. CAL. HEALTH & SAFETY CODE §119406(a) (2016)	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) and CAL. 22963(a) (2016); CAL. PENAL CODE § 308(a)(1)(A) (2016) Self-service displays prohibited (except vending machines in bars). CAL. BUS. & PROF. CODE § 22962(b)(1)(A) (2016) Vending machines must be located inside a bar at least 15 feet from entrance. CAL. BUS. & PROF. CODE § 22960(b)(1) (2016)	Yes (effective January 1, 2017) CAL. BUS. & PROF. CODE §22972 (2016) (as amended by CAL. BUS. & PROF. CODE § 22971.7 (2016))	Use of electronic cigarettes prohibited wherever smoking is prohibited (CAL. BUS. & PROF. CODE § 22950.5(c) (2016)) including, but not limited to, places of employment (CAL. LABOR CODE § 6404.5 (2016)), family day care facilities, (CAL. HEALTH & SAFETY CODE § 1596.795 (2016)), foster and group homes (CAL. HEALTH & SAFETY CODE § 1530.7 (2016)), within 25 feet of playgrounds or 250 feet of a youth sports events

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		"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…(includin g) 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					(CAL. HEALTH & SAFETY CODE § 104495(b)), and in cars with minors (CAL. HEALTH & SAFETY CODE § 118948 (2016). Schools cannot allow students to use tobacco products, including electronic cigarettes, on campus or whole attending school-sponsored activities. CAL. EDUC. CODE § 48901(a) (2016) Department of Education will require all school districts, charter schools and county offices of education to adopt and enforce policy prohibiting use of electronic

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		with any device that could be used to deliver to a person nicotine in aerosolized or vaporized form. CAL. REV. & TAX CODE § 30121(c) (2016) (as amended by Prop 56).					cigarettes. CAL. HEALTH & SAFETY CODE §104420(n)(2) (2016) Use of nicotine delivery devices prohibited in county offices of education, charter schools, school/district buildings, school/district property, and school/district vehicles. CAL. HEALTH & SAFETY CODE § 104559(a) (2016) Director of State Hospitals can ban tobacco product use or possession on state hospital grounds upon request. CAL. WELFARE & INST. CODE § 4138 (2016)

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Colorado	Yes COLO. REV. STAT. § 18-13-121(5) (2016)	*Cigarette, Tobacco product or Nicotine product* means "(I) [a] product that contains nicotine or tobacco or 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) (2016)	N/A	N/A	Sale and distribution of nicotine products to persons under age 18 prohibited. COLO. REV. STAT. §§ 18-13-121(1)(a) and 24-35-503(1) (2016) Possession or purchase of nicotine products by persons under age 18 prohibited. Colo. Rev. Stat. §§ 25-14-301(2) (prohibiting possession) and 18-13-121(2) (2016) (prohibiting purchase) Vending machine sales restricted to more private locations (such as offices), places inaccessible to minors or under control of adult employee. COLO. REV. STAT. § 24-35-503(2) (2016)	No	Use of nicotine products prohibited on school grounds. COLO. REV. STAT. § 25-14-103.5 (2016) Use of nicotine products "in and around licensed child care facilities" prohibited. 12 COLO. CODE REGS § 2509-8:7.701.91 (2016)
Connecticut	No	Sales restrictions: *Electronic nicotine delivery system* means "an electronic device that may be used to	N/A	N/A	Sale/delivery of electronic nicotine delivery system or vapor product to persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(b) (2016)	Yes CONN. GEN. STAT. § 21a-415(a) (2016); CONN. Yes.	Use of electronic nicotine delivery system or vapor product prohibited in any state building, health care institution,

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		simulate smoking in the delivery of nicotine or other substance to a person inhaling from 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, electronic cigarette liquid or other component of such device." CONN. GEN. STAT. § 53-344b(a)(1) (2016) *Electronic cigarette Liquid* means "a liquid that, when used in an electronic nicotine delivery system or vapor product, products a vapor that may or may			Purchase/possession of electronic nicotine delivery system or vapor product by persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(c) (2016) Manufacturers of electronic nicotine delivery systems or vapor products (including the mixing, compounding, repackaging or resizing of any nicotine-containing product) must register with state. CONN. GEN. STAT. § 21a-415a(a) (2016)	Yes GEN. STAT. § 21a-415(a) (2016)	retail food store, restaurant, liquor store, bar (except smoking sections of outdoor seating areas), school buildings, child care facilities, elevators, college dormitories, race tracks, and in more than 25% of hotel/motel rooms CONN. GEN. STAT. § 19a-342a(b)–(d) (2016)

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		not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product." CONN. GEN. STAT. § 53-344b(a)(10) (2016) *Liquid nicotine container* 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 prefilled containers not intended to be opened by consumer. CONN. GEN. STAT. § 19a-342a(a)(3) (2016) *Vapor product* means "any product that employs a					

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		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) (2016) Use restrictions: *Electronic nicotine delivery system* 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 includes, but is not limited to, an					

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		electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such a device . . ." CONN. GEN. STAT. §19a-342a(a)(2) (2016) *Liquid nicotine container* 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 …a container that is prefilled and sealed by the manufacturer and not intended to be opened by the					

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		consumer." CONN. GEN. STAT. § 19a-342a(a)(3) (2016) *Vapor product* 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. §19a-342a(a)(4) (2016)					
Delaware	No	*Tobacco substitute* means "any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine	N/A	N/A	Sale/distribution of tobacco substitutes to persons under age 18 prohibited. 11 DEL. CODE ANN. §§ 1116(a) and 1118(a) (2016) Purchase of tobacco substitutes by persons under	No	Use of electronic smoking devices restricted in same manner as smoking; prohibited in public indoor places in which smoking is

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		into the body through inhalation . . . or any noncombustible product containing nicotine intended for use in such a device . . . ." 11 DEL. CODE ANN. § 1115(11) (2016) *Electronic smoking device* means "any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-			age 18 prohibited. 11 DEL. CODE ANN. § 1124(a) (2016) Self-service displays/vending machine sales of tobacco substitutes prohibited in places accessible to persons under age 18. 11 DEL. CODE ANN. § 1119 (2016)		prohibited. 16 DEL. CODE ANN. § 2903 (2016) Use of electronic smoking devices permitted in vape shops which restrict entry to persons over age 18. 16 DEL. CODE ANN. § 2908 (2016)

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		cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. 16 DEL. CODE ANN. §2902(3) (2016)					
District of Columbia	Yes D.C. CODE § 47-2401(5A) (2016)	*Vapor product* 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 used with or in an electronic cigarette, electronic cigar, electronic cigarillo,	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) (2016)	N/A	No person may manufacture, or sell vapor products without first obtaining a license. D.C. CODE § 47-2404(a) (2016) Vending machine sales of vapor products restricted to establishments inaccessible to persons under age 18. D.C. Code § 47-2404(b)(3) (2016).	Yes D.C. CODE § 47-2404(a) (2016)	Use of electronic cigarettes on streetcar or streetcar platform prohibited. D.C. MUN. REGS. tit. 18, § 1605.2(c) (2016) Use of electronic cigarettes prohibited in or within 25 feet of any public library building. D.C. MUN. REGS. tit. 19, § 810.5(b)(11) (2016)

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		electronic pie, or similar product or device. D.C. CODE § 47-2401(9A) (2016)					
Florida	No	*Nicotine dispensing device* 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 replacement cartridge for such device, and 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) (2016) Possession of nicotine dispensing devices or nicotine products by persons under age 18 prohibited. FLA. STAT. § 877.112(6) (2016) Self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18 years except when under direct control or line of sight of retailer, or sales made through vending machine with lockout device controlled by retailer. FLA. STAT. § 877.112(11)–(12) (2016)	No	Use of electronic cigarettes in courthouses of Sixth Judicial Circuit and within 50 feet of entrances thereto prohibited. ADMIN. ORDER NO. 2015-008 PA/PI-CIR (2016) Use of electronic cigarettes prohibited in all firefighter employee places of employment. 69 FLA. ADMIN. CODE 69A-62.024(6)

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		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) (2016) *Nicotine product* means "any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled,					

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		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) (2016)					
Georgia	No	*Vapor product* 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. The term "vapor	N/A	N/A	Sale of vapor products to persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(a)(1) (2016) 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 (2016) Purchase/possession of vapor products by persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(b)(1) (2016)	No	N/A

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		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) (2016)			Vending machine sales of vapor products restricted to locations not readily accessible to persons under age 18 (excepting machines under control of employee or located at highway rest areas). GA. CODE ANN. § 16-12-173(e) (2016)		
Hawaii	Yes 323F-34(d); 321-211; and 328J-1 (2016)	*Electronic smoking device* means "any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device,	N/A	N/A	Sale/distribution of electronic smoking devices to persons under age 21 prohibited. HAW. REV. STAT. § 712-1258(1) (2016) Purchase of electronic smoking device by person under age 21 prohibited. HAW.	No	Use of electronic smoking devices prohibited in places smoking prohibited, including enclosed or partially enclosed places that are: owned,

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		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. §§ 323F-34(d) and 321-211, and 328J-1 (2016) *Electronic smoking device* means "any electronic product that can be used to simulate smoking in the delivery 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			REV. STAT. § 712-1258(3) (2016) Possession or use of electronic smoking device by person under age 21 in public prohibited. HAW. REV. STAT. § 321-212 (2016) 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) (2016) 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 (2016)		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 through 328J-6 (2016) Use of electronic smoking devices prohibited in state parks. HAW. REV. STAT. § 184-4.5(a) (2016) Use of electronic smoking devices prohibited on indoor and outdoor areas of Hawaii Health Systems Corporation property. HAW.

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		or other component of the device or related product." HAW. REV. STAT. §184-4.5 (2016)					REV. STAT. § 323F-34(a) (2016)
Idaho	No	*Electronic cigarette* means "any device that can provide an inhaled 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) (2016)	N/A	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IDAHO CODE ANN. § 39-5705(1) (2016) Possession/purchase/distribution/use of electronic cigarettes by persons under age 18 prohibited. IDAHO CODE ANN. § 39-5703(1)–(2) (2016) Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco stores. IDAHO CODE ANN. § 39-5706 (2016) Shipment of e-cigarettes must include statement re: prohibition on shipping to individuals under age 18. IDAHO CODE ANN. § 39-5717a (2016)	No	N/A
Illinois	No	Sales restrictions:	N/A	Electronic cigarette	Sale/Distribution of alternative nicotine products to persons	No	Use of products containing

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		Alternative nicotine product means "a 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) (2016) Packaging restrictions: *Electronic cigarette or E-Cigarette* means "a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any		liquids may only be sold in "special packaging" pursuant to rules adopted by the Department of Public Health,[4] excluding e-cigarette products sold in "sealed, pre-filled, or disposable replacement cartridges." 430 ILL. COMP. STAT. 40/10 (2016)	under age 18 prohibited. 720 ILL. COMP. STAT. 675/1.5(b) (2016) Possession of alternative nicotine products by persons under age 18 prohibited. 720 ILL. COMP. STAT.675/1.5(d) (2016) Self-service display of alternative nicotine products restricted to adult-only tobacco stores. 720 ILL. COMP. STAT. 677/10 (2016)		nicotine prohibited in places smoking prohibited on public higher education campuses. 110 ILL. COMP. STAT. 64/15 (2016)

[4] No such regulations as of 5/22/15.

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		combination thereof that are turned into vapor which is inhaled by the user." 430 ILL. COMP. STAT. 40/2.10 (2016)					
Indiana	Yes IND. CODE § 7.1-1-3-47.5(b) (2016)	Sales restrictions: *Electronic cigarette* 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 and 24-3-7-4 (2016) Packaging restrictions: *Electronic delivery device* means "any product that: (1) contains or delivers	N/A	Nicotine liquid and gel must be sold in child-resistant packaging, unless pre-filled, sealed and not intended to be opened by consumer. IND. CODE § 24-3-7- 7 (2016); IND. CODE § 7.1-7-4-6 (2016) E-liquid container must use a tamper evident package and label must	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IND. CODE §§ 35-46-1-10(a) and 35-46-1-10.2(a) (2016) Sale of e-liquids to persons under age 18 prohibited. IND. CODE §7.1-7-6-2 (2016) Possession/purchase of electronic cigarettes by persons under age 18 prohibited. IND. CODE § 35-46-1-10.5(a) (2016) Self-service displays and vending machine sales of electronic cigarettes restricted to places inaccessible to persons under age 18. IND. CODE §§ 35-46-1-11.8(a) and 35-46-1-11.5(c) (2016)	Yes IND. CODE §§ 7.1-3-18.5-1 and 7.1-7-4-1 (2016)	N/A

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		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 component part is marketed or sold separately." IND. CODE § 24-3-7-5 (2016) *Nicotine liquid container* means "a bottle or other container that: (1) contains a nicotine liquid or other substance containing nicotine; and (2) is sold, marketed or		identify nicotine content, active ingredients, among other requirements. IND. CODE § 7.1-7-4-6 (2016)	Manufacture (including mixing, bottling, packaging and sale) and sale of e-liquids restricted to persons with proper permits. IND. CODE § 7.1-7-4-1 (2016) E-liquid ingredients are limited to those approved in statute or by the Department of Health or the U.S. Food and Drug Administration and manufacture/mixing/storage of e-liquid must comply with state law. IND. CODE § 7.1-7-5-1(a-c) (2016)		

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		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 (2016) E-liquid manufacture and sales restrictions: *Electronic cigarette* means "a powered vaporizer that: (1) is the size and shape of a traditional cigarette; (2) uses a sealed nonrefillable cartridge containing not more than four (4) milliliters of a					

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		liquid; and (3) is intended to be vaporized and inhaled. The term does not include a vapor pen." IND. CODE § 7.1-7-2-9 (2016) *E-liquid* means "a substance that: (1) is intended to be vaporized and inhaled using a vapor pen; and (2) specifically excludes substances contained in nonrefillable sealed cartridges of four (4) milliliters or less used in electronic cigarettes." IND. CODE § 7.1-7-2-10 *Vapor pen* means a powered vaporizer, other than an electronic cigarette, that converts e-					

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		liquid to a vapor intended for inhalation. IND. CODE § 7.1-7-2-23					
Iowa	No	*Vapor product* means "any noncombustible 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	N/A	N/A	Sale/distribution of vapor products to anyone under age 18 prohibited. IOWA CODE ANN. § 453A.2(1) (2016) Possession/purchase/use of vapor products by persons under age 18 prohibited. IOWA CODE ANN. § 453A.2(2) (2016) No distribution of free vapor products to persons under age 18 or within 500 feet of places primarily used by minors. IOWA CODE ANN. § 453A.39(2)(b) (2016) Self-service displays prohibited. IOWA CODE ANN. § 453A.36A(1) (2016) Vending machine sales restricted to adult-only locations. IOWA CODE ANN. § 453A.36(6) (2016)	Yes IOWA CODE ANN. §§ 453A.47A(1) and 453A.13(1), and 453A.36(7) (2016)	Use of electronic cigarettes 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.

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		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 ANN. § 453A.1(28) (2016)					
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(ff) (2016)	Privilege tax for sale or dealing of electronic cigarettes "at the rate of $0.20 per milliliter of consumable material." KAN. STAT. ANN. § 79-3399 (2016)	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. KAN. STAT. ANN. § 79-3321(l) (2016) Purchase/possession of electronic cigarettes by person under age 18 prohibited. KAN. STAT. ANN. § 79-3321(m)–(n) (2016) Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to persons under age 18 or	Yes KAN. STAT. ANN. § 79-3303(a) (2016)	N/A

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					which has a lock-out device. KAN. STAT. ANN. § 79-3321 (t)-(u) (2016)		
Kentucky	No	*Vapor product* 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	N/A	N/A	Sale of vapor products or alternative nicotine product to persons under age 18 prohibited. KY. REV. STAT. ANN. § 438.310(1) (2016) Sale of vapor products "through a vending machine is prohibited to any person under the age of eighteen (18) years" KY. REV. STAT. ANN. § 438.315(1) (2016) Purchase of vapor products or alternative nicotine products by persons under age 18 prohibited. KY. REV. STAT. ANN. §438.311(1) and § 438.315(2) (2016) Possession/use of vapor products or alternative nicotine products by person under age 18 prohibited. KY. REV. STAT. ANN. § 438.350(1) (2016) Distribution of free vapor products or alternative nicotine products to persons under age	No	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 Use of electronic cigarettes prohibited in courtrooms and hallways of The Hardin District Court

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		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 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) (2016) *Alternative nicotine product* means "a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other			18 years prohibited. KY. REV. ANN. STAT.§ 438.313(1) (2016) Vending machines must be inaccessible to persons under age 18 or in line of sight of cashier. KY. REV. STAT. ANN. § 438.315(3) (2016)		prohibits smoking in its hallways/courtrooms (including electronic cigarettes). Hardin District Court. KY. R. HARDIN DISTRICT COURT, RULE 15.01 (2016)

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		means." KY. REV. STAT. ANN. § 438.305(1) (2016)					
Louisiana	No	*Vapor product* 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 container of nicotine in a	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) (2016)	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. LA. REV. STAT. ANN. §§ 14:91.8(C) and 26:911(A)(1), and 14:91.6(A) (2016) Purchase of vapor product by persons under age 18 prohibited. LA. REV. STAT. ANN. § 14:91.8(E) (2016) 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) (2016) Self-service displays of vapor products restricted to tobacco businesses and vending machines located in age-restricted settings. LA. REV. STAT. ANN. §§ 26:910.1(A) and 26:910 (2016)	Yes LA. REV. STAT. ANN. § 26:902 (2016)	N/A

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		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) and 14:91.8(G)(7) and 14:91.6(B)(7), and 47:842(20) (2016)					
Maine	Yes. Maine Rev Stat. Ann. tit. 22 § 1541(6) (2016) and Attorney General Tobacco Enforcement.	Sales/Packaging restrictions: *Tobacco Products* means "any form of tobacco and any material or device used in the smoking, chewing or other form of tobacco consumption, including cigarette papers, rolling papers, pipes, electronic smoking devices and	N/A	Nicotine liquid containers must be sold/distributed in child-resistant packaging. MAINE REV. STAT. ANN tit. 22 § 1560-B(2) (2016)	Sale/distribution to persons under age 18 prohibited. Attorney General Tobacco Enforcement. 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. Attorney General Tobacco Enforcement. Self-service displays of e-cigarettes prohibited except in	Yes. Attorney General Tobacco Enforcement.	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 near beaches, state

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		components (i.e., electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so called vape pen). Attorney General Tobacco Enforcement. *Electronic nicotine delivery device* 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 other electronic, chemical or mechanical means and that may be used to simulate smoking through inhalation of vapor or aerosol from the			certain tobacco specialty stores. Attorney General Tobacco Enforcement. Vending machine sales of e-cigarettes restricted to locations inaccessible to persons under age 18. Attorney General Tobacco Enforcement.		parks and historic sites. MAINE REV STAT. ANN. tit. 22 § 1541(6) (2016) (defining "smoking") and 1542 and 1549(2); and 1550(2),and 1580-E (2016)

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		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." MAINE REV. STAT. ANN. tit. 22 § 1560-B(1)(B) (2016) *Nicotine liquid container* 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 sealed by the manufacturer and					

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		not intended to be opened by the consumer." MAINE REV STAT. tit. 22 § 1560-B(1)(C) (2016) Use restrictions: *Electronic smoking device* 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, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called					

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		vape pen." MAINE REV STAT. tit. 22 § 1541(1-A) (2016)					
Maryland	No	N/A	N/A	N/A	Sale of "an electronic device, a component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine to the 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 § 24-305(b) (2016)	No	N/A
Massachusetts	No	*Electronic smoking device* 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, whether or not sold	N/A	Liquids or gels containing nicotine must be sold in child-resistant package. 940 MASS. CODE REGS. 21.05 (2016) Electronic smoking devices may not be opened,	Sale of electronic smoking devices to persons under age 18 prohibited. 940 MASS. CODE REGS. 21.03 (2016) Self-service displays and vending machine sales of electronic smoking devices restricted to adult-only facilities. 940 MASS. CODE REGS. 21.04(4)(c) (2016) Sampling of electronic smoking devices prohibited.	No	N/A

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		separately . . . ." 940 MASS. CODE REGS. 21.03 (2016)		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) (2016).	940 MASS. CODE REGS. 21.04(1)(a) (2016)		
Michigan	No	N/A	N/A	N/A	N/A		N/A

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Minnesota	Yes MINN. STAT. § 297F.01 (19) (2016)	*Electronic delivery device* 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) (2016)	Tax of 95% of wholesale price imposed on tobacco products, including e-cigarettes. MINN. STAT. § 297F.05(3) (2016) 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) (2016)	Sale/distribution of electronic delivery devices prohibited to persons under age 18. MINN. STAT. § 609.685 (1a), (2) (2016) Purchase/possession/use of electronic delivery device by person under age 18 prohibited. MINN. STAT. § 609.685(2b), (3) (2016) Sale of electronic delivery devices from a moveable place of business (kiosk) prohibited. MINN. STAT. § 461.21 (2016) Self-service displays of electronic delivery devices restricted to adult-only tobacco-only businesses; vending machines restricted to locations inaccessible to persons under age 18. MINN. STAT. § 461.18 (2016)	Yes MINN. STAT. § 461.12(1) (2016)	Use of electronic delivery devices prohibited in day care and health facilities, in correctional facilities and other government owned or operated buildings. MINN. STAT. § 144.414 (2016) 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 (2016)
Mississippi	No	*Alternative nicotine product* means "(1) An electronic cigarette; or (2) Any other product that consists of or	N/A	N/A	Sale of alternative nicotine products or any cartridge or component to persons under 18 prohibited. MISS. CODE ANN. § 97-32-51(2) (2016)	No	N/A

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		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) (2016) *Electronic cigarette* 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. §					

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		97-32-51(1)(b)(i) (2016)					
Missouri	No	*Vapor product* 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, that can be used to produce vapor from nicotine in a solution in 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	N/A	Nicotine liquid containers must be child-resistant. MO. REV. STAT. § 407.926.4(1) (2016)	Sale/distribution of vapor products to persons under age 18 prohibited. MO. REV. STAT. §§ 407.926 and 407.931 (2016) 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 (2016) Purchase of vapor products by persons less than age 18 prohibited. MO. REV. STAT. § 407.933.1 (2016)	Yes MO. REV. STAT. § 407.934.1 (201e6)	N/A

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		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) (2016) *Nicotine liquid container* 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 not intended to be opened by the consumer." MO. REV. STAT. § 407.926.4(2) (2016)					

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Montana	No	*Vapor product* means "a non-combustible 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) (2015) Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. MONT. CODE ANN. § 16-11-306(1) (2015) Possession/use of vapor products by persons under age 18 prohibited. MONT. CODE ANN. § 45-5-637(1) (2015)	Yes MONT. CODEE ANN. § 16-11-303(1) (2015)	N/A

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		device." MONT. CODE ANN. § 16-11-302(7) (2015)					
Nebraska	No	*Vapor product* 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 or any vapor cartridge or other container of nicotine in a solution or other	N/A	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. NEB. REV. STAT. §§ 28-1419 and 28-1425 (2016) Use of vapor products by persons under age 18 prohibited. NEB. REV. STAT. § 28-1418 (2016) Vending machine sales of vapor products are restricted to locations inaccessible to persons under age 18. NEB. REV. STAT. § 28-1429.02(2) (2016) Self-service displays restricted to tobacco specialty stores and cigar bars. NEB. REV STAT. § 28-1429.03 (2016)	No	N/A

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		form [intended to be used with an aforementioned device]." NEB. REV. STAT. § 28-1418.01(4) (2016)					
Nevada	No	*Vapor product* 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 pip…and a vapor cartridge or other container of nicotine in a	N/A	N/A	Sale/distribution vapor products to persons under age 18 prohibited. NEV. REV. STAT. ANN. § 202.2493.2 (2016)	No	N/A

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		solution or other form [intended for use with an aforementioned device]." NEV. REV. STAT. ANN §§ 202.2485.5 and 370.054 (2016).					
New Hampshire	No	*E-cigarette* means "any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking [including e-cigarettes, e-cigars, or e-pipes . . . ." N.H. REV. STAT. ANN. § 126-K:2(II-a) (2016) *Liquid nicotine* means "any liquid product composed	N/A	N/A	Sale/distribution of e-cigarettes and liquid nicotine to persons under age 18 prohibited. N.H. REV. STAT. ANN. §§ 126-K:4(I) and 126-K:8(I) (2016) Distribution of free e-cigarettes or liquid nicotine prohibited except in locations inaccessible to persons under age 18 or licensed retail tobacco store. N.H. REV. STAT. ANN. § 126-K:5(I) (2016) Purchase/possession/use of e-cigarettes or liquid nicotine by persons under age 18 prohibited. N.H. REV. STAT. ANN. § 126-K:6(I) (2016)	No	Use of e-cigarette and liquid nicotine on "public educational facility" grounds prohibited. N.H. REV. STAT. ANN. § 126-K:7(I) (2016)

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		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) (2016)					
New Jersey	No	*Electronic smoking device* means "an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe." N.J. STAT. § 26:3D-57 (2016) *Liquid nicotine* means "any solution containing nicotine which is designed or sold for use with an electronic smoking	N/A	Liquid nicotine must be sold in child-resistant containers. N.J. STAT. § 2A:170-51.9(a)	Sale/distribution of electronic smoking device to person under age 19 prohibited. N.J. STAT. §§ 2A:170-51.4.1(a)(2) (2016) and 2C:33-13.1(a) (2016)	No	Use of electronic smoking device included in definition of "smoking" and prohibited in same spaces smoking prohibited, including indoor public places, workplaces and schools (with some exceptions). N.J. STAT. § 26:3D-57 through 60 (2016)

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		device." N.J. STAT. § 2A:170-51.9(a)(2) (2016) *Liquid nicotine container* 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 the manufacturer [and] not intended to be opened by the consumer." N.J. STAT. § 2A:170-51.9(a)(3) (2016) *Vapor product* means "any non-combustible product containing					

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		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 device." N.J. STAT. § 2A:170-51.9(a)(4) (2016)					
New Mexico	No	*E-cigarette* means "(1) . . . any	N/A	Nicotine liquid	Sale/distribution of e-cigarettes or a nicotine liquid	No	Use/possession/distribution of

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		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) (2016); N.M. ADMIN. CODE § 6.12.4.7(B) (2016) *Electronic delivery device* means "any electronic device,		Containers must be child-resistant (unless prefilled and not intended to be opened by consumer). N.M. STAT. ANN. §§ 30-49-3(D) and §57-2C-1 E-cigarettes and nicotine liquid containers must be sold in "original factory-sealed package". N.M. STAT. ANN. § 30-49-3(C) (2016)	container to persons under age 18 prohibited. N.M. STAT. ANN. §§ 30-49-3(A) and (E) (2016); N.M. STAT. ANN. § 30-49-8(A) (2016) Procurement of e-cigarette or nicotine liquid container by persons under age 18 prohibited. N.M. STAT. ANN. § 30-49-3(B) (2016) E-cigarettes and nicotine liquid containers may only be sold by a retailer face-to-face. N.M. STAT. ANN. § 30-49-7(A)(1) (2016) Self-service displays of e-cigarettes and nicotine liquid containers prohibited. N.M. STAT. ANN. § 30-49-7(A)(2) (2016) Vending machine sales are restricted to adult-only locations. N.M. STAT. ANN. § 30-49-7(B) (2016)		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) (2016)

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		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) (2016) *Nicotine liquid container* means "a 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) (2016); N.M. ADMIN. CODE 6.12.4.7(E) (2016) *Nicotine liquid container* means "a					

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		bottle or container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an e-electronic delivery device [excepting those prefilled, sealed] and not intended to be opened by the consumer) N.M. STAT. ANN. § 57-2C-1(C)(3) (2016)					
New York	No	*Electronic cigarette* (*or e-cigarette*) 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	N/A	Liquid nicotine must be sold in a child resistant bottle. N.Y. GEN. BUS. LAW § 399-gg(1) (2016)	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. N.Y. PUB. HEALTH LAW § 1399-cc(7) (2016) Vending machine sales of e-cigarettes permitted in bars,	No	E-cigarette use restricted similar to smoking on Niagara Frontier Transportation Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 1151.9 (2016)

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		§ 1399-aa(13) (2016) *Liquid nicotine* (or *electronic liquid or e-liquid*) means "a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette." N.Y. PUB. HEALTH LAW § 1399-cc(1)(e) (2016)			private clubs, and tobacco businesses; in other businesses that have 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 (2016)		

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North Carolina	Yes N.C. GEN. STAT. §§ 14-313(4), and 105-113.4(11a), and 148-23.1(d)(2) (2016)	*Vapor product* 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 pipe." N.C. GEN. STAT. §§ 14-313(a)(5), and 14-401.18A(a)(4) , and N.C. GEN. STAT. § 148-23.1(d)(3) (2016) *E-liquid* means "a liquid product, whether or not it contains nicotine,	Vapor products taxed at rate of $0.05/fluid ml. of consumable product. N.C. GEN. STAT. § 105-113.35(a1) (2016)	E-liquid containers for e-liquid products containing nicotine must be child-resistant and must state the product contains nicotine. N.C. GEN STA. § 14-401.18A(b)–(c) (2016)	Sale/distribution of vapor products to persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(b) (2016) Distribution of vapor products to inmates prohibited. N.C. GEN. STAT. § 14-258.1(c) (2016) Vending machine sales of vapor products restricted to locations inaccessible to minors or where controlled by owner. N.C. GEN. STAT. § 14-313(b1) (2016) Purchase of vapor products by persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(c) (2016)	Yes. N.C. GEN. STAT. §105-113.36 (2016)	Use/possession of vapor products prohibited on State correctional facilities premises, except for religious purposes. N.C. GEN. STAT. § 148-23.1 (2016) Use of e-cigarettes prohibited at child care centers. 10A N.C. ADMIN. CODE 9.0604(h) (2016)

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		that is intended to be vaporized and inhaled using a vapor product." N.C. GEN. STAT. §14-401.18A(a)(2) (2016) *E-liquid container* 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) (2016) Tax provisions: *Vapor product* means "any nonlighted, noncombustible product that employs a mechanical heating					

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		element, batter, 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) (2016) *Consumable product* means "any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used." N.C. GEN. STAT. §					

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		105-113.4 (1k)(2016)					
North Dakota	No	Use restrictions: *E-cigarette* means "any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which	N/A	Nicotine liquid containers must be child-resistant. N.D. CENT. CODE § 12.1-31-03.2 (2016)	Sale/distribution of electronic smoking devices to persons under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(1)(a) (2016) Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to persons under age 18 or	No	Use of e-cigarettes included in definition of smoking and therefore prohibited in public places and places of employment and within 20 feet of

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		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) (2016) Sales restrictions: *Electronic smoking device* 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-hookah. Electronic smoking device			which are controlled by the seller. N.D. CENT. CODE §§ 12.1-31-03(1)(b) and 12.1-31-03.1(1) (2016) Purchase/possession/use of electronic smoking device by person under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(2) (2016)		entrances, exits, windows, air intakes and ventilation systems thereof. N.D. CENT. CODE § 23-12-10 (2016)

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		includes any component, part, or accessory of such a product, whether or not sold separately . . . ." N.D. CENT. CODE ANN. § 12.1-31-03(9)(b) (2016) *Nicotine liquid container* 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 ANN. § 12.1-31-03.2(2) (2016)					

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Ohio	No	*Alternative nicotine product* "means . . . an 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) (2016) *Electronic cigarette* "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		Alternative nicotine products must be sold in the same minimum quantities as manufacturer's container. OHIO REV. CODE ANN. § 2927.02(B)(5) (2016)	Sale/distribution of alternative nicotine products to persons under age 18 prohibited. OHIO REV. CODE ANN. § 2927.02(B)(1) (2016) Vending machine sales restricted to locations inaccessible to persons under age 18 or under control of owner. OHIO REV. CODE ANN. § 2927.02(C) (2016) 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) (2016)	No	Use of electronic nicotine delivery systems, which includes e-cigarettes, prohibited in the capitol buildings. OHIO ADMIN. CODE 128-4-02(G)(9) (2016) Use of electronic cigarettes prohibited on University of Cincinnati properties. OHIO ADMIN. CODE 3361:10-17-06 (2016). Use of e-cigarettes prohibited on premises of Cuyahoga Community College. OHIO ADMIN. CODE 3354:1-20-05(c)(3)(f) (2016)

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		be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe." OHIO REV. CODE ANN. § 2927.02(A)(6)(a) (2016)					Use of electronic nicotine delivery systems prohibited on Kent University campus and properties. OHIO ADMIN. CODE 3342-5-21 (2016)
Oklahoma	No	*Vapor product* 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	N/A	N/A	Purchase/possession of vapor products by persons under age 18 prohibited. OKLA. STAT. tit. 10A § 2-8-224(A) (2016) Sale/distribution of vapor products to persons under age 18 prohibited. OKLA. STAT. tit. 37 §§ 600.3(A) and 600.13 (2016) Vending machines sales are restricted to locations inaccessible to persons under age 18. OKLA. STAT. tit.37 § 600.7 Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within	No	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.

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		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) (2016)			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) (2016) Self-service displays of vapor products restricted to adult-only facilities. OKLA. STAT. tit. 37 § 600.10A(A) (2016)		EXEC. ORD. 2015-5 (continuing OKLA. EXEC. ORD. 2013-43)
Oregon	No	*Inhalant* means "nicotine, a cannabinoid or any 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	N/A	Inhalant delivery systems must be sold in child-resistant packaging which is not attractive to persons under age 18, and "labeled in accordance	Sale of inhalant delivery system to person under age 18 prohibited. OR. REV. STAT. ANN. § 431A.175(2)(a) (2016) Self-service displays of inhalant delivery systems prohibited. OR. REV. STAT. ANN. § 167.407(1) (2016) Purchase/possession of inhalant delivery system by	No	Aerosolizing or vaporizing inhalants in public 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

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		inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person's respiratory system . . . ." OR. REV. STAT. ANN. § 433.835(2) (2016) *Inhalant delivery system* 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 substance in any form sold for the purpose of being vaporized or aerosolized by a device [described above], whether the		with rules adopted by the authority." OR. REV. STAT. ANN. § 431A.175(2)(d)-(g) (2016)	person under age 18 prohibited unless in private residence with consenting parent or guardian. OR. REV. STAT. ANN. §§ 167.401(1) and 167.400 (2016) Vending sales of inhalant delivery systems restricted to adult-only facilities. OR. REV. STAT. ANN. § 167.402(2) (2016) Public/private schools, youth correction and juvenile detention facilities must prohibit possession of inhalant delivery systems by persons under age 18 present at facility or at facility-sponsored event. OR. REV. STAT. ANN. § 339.883 (2016)		ventilation intakes of enclosed areas prohibited. OR. REV. STAT. ANN. §§ 433.845 and 433.850(1) (2016); OR. ADMIN. R. 414-350-0090(6) and 414-300-0070(12) (2016) Hospitals may not permit use of "inhalant delivery system[s]" in hospital or within 10 feet of a doorway, window or ventilation intake thereof. OR. REV. STAT. ANN. § 441.815(2) (2016) Use of inhalant delivery system in car while person under age 18 is present prohibited. OR. REV. STAT.

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		component or substance is sold separately or is not sold separately . . . ." OR. REV. STAT. ANN. § 431A.175 (2016)					ANN. § 811.193 (2016)
Pennsylvania	Yes. 72 PA. CONS. STAT. § 8201-A (2016)	*Electronic Cigarette* means "(1) an 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 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, an e-	Electronic cigarettes taxed at rate of 40% of purchase price charged to the retailer. 72 PA. CONS. STAT. § 8202-A(a.1) (2016)	N/A	N/A	No	N/A

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		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 (2016)					
Rhode Island	No	*Electronic nicotine-delivery system* means "an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from 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	N/A	Electronic nicotine delivery system must be sold in "original, factory-wrapped package." R.I. GEN. LAWS ANN. § 11-9-13.8(2) (2016)	Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. R.I. GEN. LAWS ANN. § 11-9-13 and R.I. GEN. LAWS ANN. § 11-9-13.8(1) (2016) Public use/possession of electronic nicotine-delivery systems by persons under age 18 prohibited. R.I. GEN. LAWS ANN. § 11-9-14 (2016) Purchase of electronic nicotine-delivery systems by persons under age 18 prohibited. R.I. GEN. LAWS ANN. § 11-9-13 (2016)	Yes R.I. GEN. LAWS ANN. § 23-1-56(a) (2016)	N/A

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		component of such device." R.I. GEN. LAWS ANN. § 11-9-13.4(15) (2016)			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. R.I. GEN. LAWS ANN. § 11-9-13.1(a) (2016) Distribution of free electronic nicotine-delivery system to persons under age 18 or within 500 feet of any school prohibited. R.I. GEN. LAWS ANN. § 11-9-13.10 (2016)		
South Carolina	No	*Alternative nicotine product* 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.	N/A	N/A	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) (2016) Purchase/possession of alternative nicotine products by persons under age 18 prohibited. S.C. CODE ANN. § 16-17-500(F) (2016) Vending machine sales of alternative nicotine products restricted to locations	No	Use of electronic cigarettes prohibited in ambulances. S.C. CODE ANN. REGS. 61-7 § 601(O) (2016)

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		CODE ANN. § 16-17-501(6) (2016) *Electronic cigarette* 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." S.C. CODE ANN. § 16-17-501(7) (2016)			inaccessible to persons under age 18 or locked and under control of owner S.C. CODE ANN. § 16-17-500(D) (2016)		
South Dakota	Yes S.D. CODIFIED LAWS § 34-46-20 (2016)	*Vapor product* means "any noncombustible product containing nicotine that employs a heating element, power	N/A	Vapor products must be sold in original manufacturer's packaging. S.D.	Sale/distribution of vapor products to persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(1) (2016) Purchase/possession/ use of vapor products by persons	No	Department of Corrections policy prohibits the use of electronic cigarettes by staff and offenders in all buildings and

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		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 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 (2016)		CODIFIED LAWS § 34-46-21 (2016)	under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(2) (2016) 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) (2016) Self-service displays of vapor products restricted to tobacco specialty store or vending machines inaccessible to persons under age 18. S.D. CODIFIED LAWS § 34-46-21 (2016)		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 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	*Vapor product* means "any noncombustible	N/A	Liquid nicotine containers	Sale/distribution of vapor products to persons under age 18 years prohibited. TENN.	No	N/A

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		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 any vapor cartridge or other container of a solution containing nicotine or any other substance		must be child-resistant. TENN. CODE ANN. § 39-17-1512(b) (2016)	CODE ANN. § 39-17-1504(a) (2016) Purchase/possession of vapor products by persons under age 18 prohibited. TENN. CODE ANN. § 39-17-1505(a) (2016) Distribution of free vapor products/samples prohibited on "any public street, sidewalk, or park" is prohibited. TENN. CODE ANN. § 39-17-1504(c) (2016)		

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		that is intended to be used with or in an [aforementioned] product . . . ." TENN. CODE ANN. § 39-17-1503(10) (2015) *Liquid nicotine container* means "a bottle or other container that contains liquid nicotine or any other substance containing nicotine, where the liquid of 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) (2016)					

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Texas	No	*E-cigarette* means "an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, batter, or electronic circuit to delivery 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) (2016) *Vapor products* means "Electronic cigarettes (e-	N/A	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 (2016)	Sale/distribution of e-cigarettes to persons under age 18 is prohibited. TEX. HEALTH & SAFETY CODE ANN. §§ 161.082(a) and 161.087(a) (2016) Persons making delivery sales of e-cigarettes must register and comply with certain reporting requirements. TEX. HEALTH & SAFETY CODE ANN.§ 161.456(a) (2016) 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 (2016) Self-service/vending sales of e-cigarettes restricted to locations inaccessible to persons under age 18. TEX. HEALTH & SAFETY CODE ANN. § 161.086 (2016)	No	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) (2016) 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) (2016) Use of vapor products is prohibited inside Department of

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		cigarettes) or any other device that uses a 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) (2016)					Criminal Justice facilities, but permitted in designated outdoor areas. 37 TEX. ADMIN. CODE § 151.25(d) (2016)
Utah	Yes UTAH CODE §§ 26-42-102(6) and 17-50-333(1)(c), and 10-8-41.6(1)(c) (2016)	Sales restrictions: *Electronic cigarette* means "(i) an electronic device used to deliver or capable of delivering vapor containing nicotine into a person's respiratory system; (ii) any component of or accessory intended for use with the device	N/A	Sales of electronic cigarette products must comply with packaging, labeling, and content/ingredient restrictions adopted by the Department of Health. Restrictions include	Selling/distributing electronic cigarettes to persons under age 19 prohibited. UTAH CODE §§ 76-10-104(1) and 76-10-111(2) (2016) Purchase/ possession of electronic cigarette by person aged 18 years or younger prohibited. UTAH CODE § 76-10-105 (2016) Self-service displays and vending machine sales restricted to locations	Yes UTAH CODE § 59-14-803(1) (2016)	Use of e-cigarettes included in definition of smoking and therefore similarly restricted in public indoor places temporarily excepting vape shops restricting entry to persons 19 and older. UTAH CODE §§ 26-38-2(4) (defining

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		described in subsection [(i)]; or (iii) an accessory sold in the same package as the device described in subsection [(i)]. (b) includes an e-cigarette as defined in §26-38-2." UTAH CODE § 59-14-802(2) (2016) *Electronic cigarette product* means "an electronic cigarette or an electronic cigarette substance." UTAH CODE §§ 59-14-802(3) and 76-10-101(3), and 26-57-102(3) (2016) *Electronic cigarette substance* means "any substance, including liquid containing nicotine, used or intended for use in an		packaging of electronic-cigarette substances in a child-resistant container, display of nicotine content on label, and required safety warning, among other things. UTAH ADMIN. CODE R384-415-1 to R384-415-11 (2016) (authorized by UTAH CODE § 26-57-103)	inaccessible to persons under age 19 without a parent or guardian. UTAH CODE § 76-10-105.1(2) (2016) 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 §§ 17-50-333(1)–(4) and 10-8-41.6(1)–(4) (2016) 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 §§ 17-50-333(5) and 10-8-41.6(5) (2016)		smoking), 26-38-2.6(1) (allowing exceptions for vape shops), 26-38-3 (2016) (allowing general exceptions) It is a misdemeanor to intentionally transport/deliver/distribute or aid distribution of electronic cigarettes in a correctional facility. UTAH CODE § 76-8-311.3(5)(d) (2016) School boards directed to adopt rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities. UTAH CODE § 53A-11-908(2) (2016)

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		electronic cigarette." UTAH CODE § 59-14-802(4) (2016) Use restrictions: *E-cigarette* 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					

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		product name or descriptor, if the function of the product meets the definition of Subsection [(a)]." UTAH CODE § 26-38-2(1) (2016)					
Vermont	No	*Tobacco substitute* 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) (2016) *Nicotine liquid container* means "a bottle or other container of a nicotine liquid or other substance containing nicotine	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) (2016)	Sale/distribution of tobacco substitutes to persons under age 18 prohibited. 7 VT. STAT. ANN § 1003(a) (2016) Purchase/possession of tobacco substitutes by persons under age 18 prohibited. 7 VT. STAT. ANN. § 1005(a) (2016) Self-service displays and vending machine sales restricted to locations inaccessible to persons under age 18 years. 7 VT. STAT. ANN. § 1003(b), (d) (2016)	Yes 7 VT. STAT. ANN. § 1002(a) (2016)	Use of tobacco substitutes prohibited at child care facilities. 33 VT. STAT. ANN. § 3504 (2016) Use of tobacco substitutes prohibited on "public school grounds" and at sponsored events. 16 VT. STAT. ANN. § 140 (2016) Use of tobacco substitutes prohibited in workplaces (but this does not apply to vape shops). 18 VT. STAT. ANN. § 1421 (2016)

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		which is sold, marketed, or intended 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) (2016)					Use of tobacco substitutes prohibited in indoor public places and certain outdoor areas on state property and hospital grounds similarly to smoking (with some exceptions). 18 VT. STAT. ANN. § 1742 (2016) Use of tobacco substitutes prohibited in cars with young children. 23 VT. STAT. ANN. § 1134b (2016)
Virginia	No	*Nicotine vapor product* means "any noncombustible product containing nicotine that employs a heating element, power source, electronic	N/A	Liquid nicotine must be sold in a child-resistant container. VA. CODE ANN. § 59.1-293.11(A) (2016)	Sale/distribution of nicotine vapor products to persons under age 18 prohibited. VA. CODE ANN. § 18.2-371.2(A) (2016) Purchase/possession of nicotine vapor product by person under age 18	No	School boards directed to develop and implement policy to prohibit e-cigarette use on school bus, school property and at school-sponsored

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		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 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) (2016) *Liquid nicotine* means "a liquid or other substance			prohibited. VA. CODE ANN. § 18.2-371.2(B) (2016)		activities. VA. CODE ANN. § § 22.1-79.5 and 22.1-279.6(H) (2016)

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		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 (2016) *Liquid nicotine container* means "a bottle or other container holding liquid nicotine in any concentration [except containers] prefilled and sealed by the manufacturer . . . and . . . not intended to be opened by the consumer. VA. CODE ANN. § 59.1-293.10 (2016)					
Washington	No	*Vapor product* means "any noncombustible product that may contain nicotine and that employs a	N/A	Liquid nicotine containers must be child resistant, labeled with	Sale of vapor products to persons under age 18 prohibited. WASH. REV. CODE ANN. § 26.28.080(1) (2016)	Yes. WASH. REV. CODE ANN. § 70.345.030	Use of vapor products prohibited in and on grounds of child care facilities, schools,

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		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 device]." WASH. REV. CODE ANN. § 70.345.010(19) (2016)		warnings concerning nicotine, keeping away from children, age restrictions and nicotine content. WASH. REV. CODE ANN. §§ 70.345.130(1) and 70.345.075 (2016)	Purchase/possession of vapor products by persons under age 18 prohibited. WASH. REV. CODE ANN. § 70.345.140(1) (2016) Self-service displays of vapor products prohibited except in retailers inaccessible to persons under age 18. WASH. REV. CODE ANN. § 70.345.080 (2016) 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. WASH. REV. CODE ANN. § 70.345.100 (2016) Free vapor product distribution prohibited unless part of in-person transaction/sale of vapor product. WASH. REV. CODE ANN. § 70.345.110 (2016)	(1)(a) (2016)	and playgrounds, school buses and elevators, and within 500 feet of schools. WASH. REV. CODE ANN. § 70.345.150 (2016) Use of electronic cigarettes within public institutions of higher education restricted through regulation. (*e.g.*, Eastern Washington University WASH. ADMIN. CODE § 172-122-310 (2016); Peninsula College WASH. ADMIN. CODE § 132A-125-030(10)(d) (2016); Lake Washington Institute of Technology WASH. ADMIN. CODE § 495D-

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		Closed system nicotine container 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 § 70.335.010(4)					140-070(4) (2016); and University of Washington WASH. ADMIN. CODE § 478-136-035 (2016))

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		Liquid nicotine container means "a package from which 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. § 70.335.010(8)					
West Virginia	Yes ("tobacco-derived product") W.VA. CODE ANN. § 16-9A-2(a)(1) (2016)	Youth Access and Use *Tobacco product and Tobacco-derived Product* mean "any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption,	E-cigarette liquid taxed at rate of $0.075 per milliliter or fraction thereof. W.VA. CODE ANN. § 11-17-4b(b)(1) (2016)	N/A	Sale/distribution of vapor products to persons under age 18 years prohibited. W.VA. CODE ANN. § 16-9A-2(b)(3) (2016) Vending machine sales of vapor products restricted to places inaccessible to persons under age 18. W.VA. CODE ANN. § 16-9A-8 (2016) Use/possession of tobacco products or tobacco-derived products by persons under age	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. CODE ANN. § 16-9A-4 (2016)

State	Included in at Least One Definition of "Tobacco Product" in State Law[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		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) (2016) *Vapor product* means "any non-combustible			18 prohibited. W.VA. CODE ANN. § 16-9A-3 (2016)		

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		product containing nicotine that employs a heating element, power source, electronic circuit or other 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.					

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		CODE ANN. § 16-9A-2(a)(3) (2016) Tax *E-cigarette* means "an electrical or electronic device that provides a smoke, vapor, fog, mist, gas or aerosol suspension of nicotine or another substance 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					

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		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) (2016) *E-cigarette Liquid* 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] 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.					

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		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) (2016)					
Wisconsin	No	*Nicotine product* means "a product that contains nicotine and is not any of the following: (1) a tobacco product; [or] (2) a cigarette." WIS. STAT. ANN. § 134.66(1)(f) (2016)	N/A	N/A	Sale/distribution of nicotine products to persons under age 18 prohibited. WIS. STAT. ANN. §§ 134.66(2) and 254.92(2m) (2016) Purchase/possession of nicotine products by persons under age 18 prohibited. WIS. STAT. ANN. § 254.92(2) (2016)	No	N/A
Wyoming	Yes WYO. STAT. ANN. § 14-3-301(a)(i) (2016)	Sales Restrictions: *Tobacco products* means "any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine,	N/A	Liquid nicotine containers must "be sold in child resistant packaging." WYO. STAT. ANN. § 35-7-	Sales/distribution/delivery of electronic cigarettes to persons under age 18 prohibited. WYO. STAT. ANN § 14-3-302(a) (2016) Purchase of tobacco products by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-304(a) (2016)	No	Use of electronic cigarettes prohibited in child care facilities when children are present. FAMILY SERVICES Ch. 4 WYO. CODE R. §14

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		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) (2016) *Electronic cigarette* 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 liquid nicotine solution contained in a cartridge or other delivery system." WYO. STAT. ANN § 14-3-301(a)(v) (2016)		2002(a) (2016)	Possession/use of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-305(a) (2016) 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) (2016)		

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		Packaging restrictions: *Vapor product* 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					

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		form that is intended to be used with or in an [aforementioned] device." WYO. STAT. ANN. § 35-7-2001(a)(iii) (2016) *Liquid nicotine container* 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) (2016)					