PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

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

The following chart is a snapshot of the U.S. landscape of e-cigarette regulation as of March 15, 2019. The information below was based on a 50-state (plus Washington, D.C.) survey of current state statutes pertaining to e-cigarette regulations in the following areas: definition of "tobacco product," taxation, product packaging, youth access/other retail restrictions, retail license/permit requirement, and smoke-free air legislation.[1] Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. In some instances, public domain websites have not yet been updated to include the most recently passed laws. The N/A designation refers to the lack of *state laws or regulations* related to e-cigarettes as of March 15, 2019; 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. Unenforceable advertising restrictions are not captured in the snapshot, nor are requirements governing use in specific places of employment where such locations are also covered by a broader restriction on use in workplaces (*e.g.*, individual schools, health facilities, or courts may not be mentioned if, subsequently, a broader use restriction in all places of employment covers all schools, health facilities or courts). Likewise, 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 and regulations that simply carry out a statutory requirement or restriction.

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State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
Alabama	No	Youth Access *Alternative nicotine product* means "an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe." ALA. CODE § 28-11-2(1) (2019) (publicly accessible version not yet updated)	N/A	N/A	Purchase, use or possession of alternative nicotine products by persons under age 19 prohibited. ALA. CODE § 28-11-13(a) (2019) Minor employees may handle alternative nicotine products when an employee over the age of 21 is present. ALA. CODE § 28-11-13(a) (2019)	No	Licensed emergency medical providers cannot use e-cigarettes "while operating or riding in an ambulance or while providing patient care." ALA. ADMIN. CODE r. 420-2-1-.28(6)(j) (2019) Use of electronic cigarettes prohibited at licensed day care facility premises. ALA. ADMIN. CODE r. 660-5-26.03(4)(k)(10) (2019)

[2] Application of definition within tobacco control scheme varies; see specific regulatory category for details of treatment of electronic nicotine delivery systems within state tobacco control scheme.
[3] Text excepting references to medical/cessation devices approved/regulated by FDA, which is commonly found in youth access or tax definitions of tobacco products or e-cigarettes, excluded for space considerations.

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		Sales Tax *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(a)(16) (2019) *Consumable Vapor Product* means "any					

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		nicotine liquid solution or other material containing nicotine that is depleted when used as a vapor product." ALA. CODE § 40-23-1 (a)(15) (2019)					
Alaska	No	Youth Access *Electronic smoking product* means "(i) any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marketed, or sold as an e-cigarette, e-pipe, e-hookah, vape pen, or any other product name or descriptor; or (ii) a component, solution,	N/A	N/A	Sale/giving an electronic smoking product to person under age 19 prohibited (unless FDA approved for tobacco cessation or other medical purpose, and is provided by qualified persons). ALASKA STAT. § 11.76.109 (2019) Self-service displays of electronic smoking products prohibited except in specialty tobacco shops restricting entry to persons 19 and older. ALASKA STAT. § 11.76.106 (2019) Possession of an electronic smoking product, or a product containing nicotine, by person under 19	Yes. ALASKA STAT. § 43.70.075(a) (2019)	Use of e-cigarettes included in definition of "smoking" and prohibited in same places smoking is prohibited, including enclosed public areas such as office buildings, hotels, bars, common areas of apartment buildings, places of employment, public transportation, sports venues, child care facilities, and

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		alternative tobacco product, e-liquid, e-juice, vapor product, flavoring, or aothe related product of an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device of any size or shape used for, or to assist with, aerosolizing and inhaling chemical substances that may cause an adverse effect on human health." ALASKA STAT. § 11.81.900(b)(23) (2019) Use restrictions *E-cigarette* means "any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person			prohibited. ALASKA STAT. § 11.76.105 (2019) Persons under age 19 prohibited from selling electronic smoking products. ALASKA STAT. § 11.76.109(a)(4) (2019) Vending machines must be located in bar, club or package store away from entrance and under continuous supervision. ALASKA STAT. § 11.76.109(d) (2019)		outdoors within 10 feet of playground equipment, and within 20 feet of windows and vents of buildings in which smoking prohibited (with some exceptions). ALASKA STAT. §§ 18.35.399(12) (definition of "smoking"); 18.35.301 (2019)

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		through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other product name or descriptor [including FDA approved products when] use of those products simulate smoking or expose others to vapor or aerosol." ALASKA STAT. § 18.35.399(4) (2019)					
Arizona	No	*Vapor product* means "a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size that can	N/A	N/A	Sale of vapor product to persons under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(A) (2019) Purchase/possession of vapor product by person under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(B) (2019)	No	Use of e-cigarettes is prohibited in foster homes and in vehicles when foster child is present. ARIZ. ADMIN. CODE § 21-6-315 (2019)

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		be used to heat a liquid nicotine solution contained in cartridges." ARIZ. REV. STAT. § 13-3622(E)(3) (2019)					
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 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	N/A	E-liquid containers must be sold in child-resistant packaging (excepting pre-filled and sealed cartridges.) ARK. CODE ANN. § 26-57-254(c) (2019)	Sale of vapor products, e-liquids or any component thereof prohibited to persons under age 18. ARK. CODE ANN. § 5-27-227(a)(1) (2019) Distribution of free samples of vapor products, e-liquids or components, or coupons for free samples thereof near youth-centered places or to persons under age 18 is prohibited. ARK. CODE ANN. § 5-27-227(f) (2019) Possession/use/purchase of vapor products, e-liquids or components thereof by persons under age 18 prohibited. ARK. CODE ANN. § 5-27-227(b)(1) (2019)	Yes. Separate license required for wholesalers, wholesaler salespersons, retailers, and vending machine sales. ARK. CODE ANN. §§ 26-57-214; 26-57-215(b) (2019)	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, school or childcare vehicles, or healthcare facility prohibited. ARK. CODE ANN. §§ 26-57-254(b); 6-21-609(b) (2019) Use of e-cigarettes "prohibited on each campus of

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		cartridge, other container or liquid delivery device containing nicotine or any other substance and manufactured for use with vapor products; (C) [i]s manufactured distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor..." ARK. CODE ANN. § 26-57-203(38) (2019) *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,			Self-service displays or vending machine sales of vapor products or e-liquids restricted to specialty tobacco and vape shops and locations inaccessible to persons under age 21 unless vending machine is under employee supervision. ARK. CODE ANN. § 5-27-227(g)-(h) (2019)		state-supported institutions of higher education." ARK. CODE ANN. §6-60-804(a) (2019) Use of e-cigarettes near State Park buildings restricted. ARK. ADMIN. CODE § 013.05.1-1191 (2019)

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		nicotine from any source, and flavorings . . . ." ARK. CODE ANN. § 26-57-203(13) (2019) *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) (2019) Smoke-free schools and campuses *E-cigarette* means "an electronic oral device that provides a vapor of nicotine or another substance that, when					

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		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 [thereof]; (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. §§ 6-21-609(a); 6-60-803(2) (2019)					
California	Yes. CAL. BUS. & PROF.	Youth Access and Use Restrictions	State Board of Equalization is directed to adopt	Electronic cigarette cartridges and	Sale of electronic cigarettes to persons under age 21 prohibited (active duty	Yes. CAL. BUS. & PROF. CODE	Use of electronic cigarettes prohibited

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	CODE § 22950.5(d)(1)(B) (2019); CAL. REV. & TAX. CODE § 30121(b) (2019); CAL. HEALTH & SAFETY CODE § 104495 (8)(A) (2019)	*Tobacco product* means "a product containing, made, or derived from tobacco or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah…" CAL. BUS. & PROF. CODE § 22950.5(d)(1) (2019) ; CAL. HEALTH & SAFETY CODE § 104495(8)(A) (2019) Tax *Electronic cigarettes* means "any device or delivery system sold in combination with nicotine which can be	regulations implementing tax on electronic cigarettes equivalent to the Cigarette Distribution Tax (of $0.100 per cigarette). CAL. REV. & TAX CODE § 30130.51(b) (2019)	solutions for filling electronic cigarettes must be sold in child-resistant packaging. CAL. HEALTH & SAFETY CODE § 119406(a) (2019)	military personnel must be at least 18). CAL. BUS. & PROF. CODE §§ 22958(a); 22963(a) (2019); CAL. PENAL CODE § 308(a)(1)(A) (2019) Self-service displays prohibited. CAL. BUS. & PROF. CODE § 22962(b)(1)(A) (2019) Vending machines must be located inside a bar at least 15 feet from entrance. CAL. BUS. & PROF. CODE § 22960(b)(1) (2019) "The possession or use of [electronic cigarettes] by wards and inmates in all institutions and camps under the jurisdiction of the Department of the Youth Authority is prohibited." CAL.WELF. & INST. CODE § 1712.5(a) (2019) Delivery sales, distribution, or nonsale distribution (*e.g.*, mail, phone, online) through	§§ 22972 (retailers); 22975 (a)(2019)(wholesalers and distributors)	wherever smoking is prohibited (with some exceptions) (CAL. BUS. & PROF. CODE § 22950.5(c) (2019)) (definition of smoking) including, but not limited to, enclosed places of employment (CAL. LAB. CODE § 6404.5 (2019)); family day care facilities; (CAL. HEALTH & SAFETY CODE § 1596.795 (2019)); foster and group homes (CAL. HEALTH & SAFETY CODE § 1530.7 (2019)); within 25 feet of playgrounds or 250 feet of a youth sports

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		used to deliver to a person nicotine in aerosolized or vaporized form, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah . . . (including) any component, part, or accessory of such a device that is used during the operation of the device when sold in combination with any liquid or substance containing nicotine (and also includes) any liquid or substance containing nicotine, whether sold separately or sold in combination with any device that could be used to deliver to a person nicotine in aerosolized or vaporized form. CAL. REV. & TAX CODE § 30121(c) (2019)			the U.S. Postal Service or any other public or private postal service prohibited unless the age of the product purchaser is verified as 21 years or older at both time of purchase and delivery. CAL. BUS. & PROF. CODE §§ 22963(a),(b) (2019)		events (CAL. HEALTH & SAFETY CODE § 104495(b),(d) (2019)); in public buildings or "within 20 feet of a main exit, entrance, or operable window of a public building, or in a [state-owned] passenger vehicle" (CAL. GOV'T CODE § 7597(A) (2019)); health facilities (CAL. HEALTH & SAFETY CODE § 1286 (2019)); in cars with minors (CAL. HEALTH & SAFETY CODE § 118948 (2019)); on public transportation (CAL. HEALTH & SAFETY CODE § 118925 (2019));

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		Tobacco products means "a product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, [including] cigars, little cigars, chewing tobacco, pipe tobacco, or snuff, [but not] cigarettes. Tobacco products shall also include electronic cigarettes. CAL. REV. & TAX. CODE § 30121(b) (2019) Use restrictions *Tobacco product* means "a product containing, made, or derived from tobacco					on passenger carriers (buses, trains, planes) (CAL. PUB. UTIL. CODE § 561(a) (2019)); on grounds of facilities under Dep't of Youth Authority jurisdiction, with the exception of residential staff housing where inmates or wards are not present (CAL. WELF. & INST. CODE § 1712.5(b) (2019)); in nonprofit charitable temporary food facilities (CAL. HEALTH & SAFETY CODE § 114332.3(f) (2019)); in outpatient health facilities (CAL.

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		or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah…" CAL. HEALTH & SAFETY CODE § 104495(8)(A) (2019)					HEALTH & SAFETY CODE § 1234 (2019); and within 25 feet of the "commerce area" of certified farmers' markets (CAL. HEALTH & SAFETY CODE § 114371(f) (2019)). Schools may not allow students to use tobacco products, including electronic cigarettes, on campus or while attending school-sponsored activities. CAL. EDUC. CODE § 48901(a) (2019) School districts, charter schools and county offices of education must

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							adopt and enforce policy prohibiting use of electronic cigarettes. CAL. HEALTH & SAFETY CODE § 104420(n)(2) (2019) 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) (2019) Landlord of a residential dwelling unit may prohibit

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							smoking of tobacco product, including electronic cigarettes, on the property or any portion of the building. CAL. CIV. CODE § 1947.5 (2019) Department of Corrections facilities are smoke-free ("with the exception of residential staff housing where inmates are not present"). CAL. PENAL CODE § 5030.1 (2019)
Colorado	Yes. COLO. REV. STAT. § 18-13-121(5) (2019)	*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	N/A	N/A	Sale and distribution of nicotine products to persons under age 18 prohibited. COLO. REV. STAT. §§ 18-13-121(1)(a); 44-7-103(1) (2019)	No	Use of tobacco products prohibited on school property and vehicles, including those of day care, early

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		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)(a)			Possession or purchase of nicotine products by persons under age 18 prohibited. COLO. REV. STAT. §§ 25-14-301(2); 18-13-121(2) (2019) Vending machine sales of nicotine products prohibited. COLO. REV. STAT. § 44-7-103(2) (2019)		learning and K-12 schools. COLO. REV. STAT. § 25-14-103.5 (2019) Smoking/vaping by driver's license applicants and testers prohibited during drive test. 1 COLO. CODE REGS. § 204-30:8-401(p) (2019) Assisted living residences' house rules must address use of electronic cigarettes and vaporizers. 6 COLO. CODE REGS. § 1011-1:7-13.4(A) (2019)
Connecticut	No	Youth Access and Use Restrictions	N/A	N/A	Sale/delivery of electronic nicotine delivery system or	Yes, retailers and	Use of electronic nicotine delivery

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		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 [including an] electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device" CONN. GEN. STAT. §§ 53-344b(a)(1); 19a-342a(a)(2) (2019) *Liquid nicotine container* means "a container that holds a liquid substance containing nicotine that is sold, marketed or			vapor product to persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(b) (2019) Purchase/possession of electronic nicotine delivery system or vapor product by persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(c) (2019) Self-service displays prohibited for electronic nicotine delivery systems or vapor products except in adult-only facilities. CONN. GEN. STAT. § 21a-416(b) (2019)	manufacturers must be registered. CONN. GEN. STAT. §§ 21a-415(a); 21a-415a(a) (2019)	system or vapor product prohibited in any state building, health care institution, 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 75% or more of hotel/motel rooms (with some exceptions). CONN. GEN. STAT. § 19a-342a(b)-(c) (2019)

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		intended for use in an electronic nicotine delivery system or vapor product, except 'liquid nicotine container' does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer." CONN. GEN. STAT. § 19-342a (a)(3) (2019) *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.					

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		GEN. STAT. §§ 53-344b(a)(9); 19a-342a(a)(4) (2019) *Electronic cigarette liquid* means "a liquid, that used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product." CONN. GEN. STAT. § 53-344b(a)(10) (2019)					
Delaware	Yes. DEL. CODE ANN. tit. 30 § 5301(15) (2019)	Sale Restrictions *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 into the body	Vapor products taxed at a rate of $ 0.05 cents per fluidml. DEL. CODE ANN. tit. 30 § 5305(c)(2) (2019)	N/A	Sale/distribution of tobacco substitutes to persons under age 18 prohibited. DEL. CODE ANN. tit. 11 §§ 1116(a); 1118(a) (2019) Purchase or receipt of tobacco substitutes by persons under age 18 prohibited. DEL. CODE ANN. tit. 11 § 1124(a) (2019)	No. Although a license is required to sell e-liquid, no license is required to sell e-cigarette devices. DEL. CODE	Use of electronic smoking devices included in definition of "smoking" and prohibited in same places smoking is prohibited, including public indoor places

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		through inhalation . . . or any noncombustible product containing nicotine intended for use in such a device . . . ." DEL. CODE ANN. tit. 11 § 1115(11) (2019) Use Restrictions *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 [including] any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other			Self-service displays/vending machine sales of tobacco substitutes prohibited in places accessible to persons under age 18. DEL. CODE ANN. tit. 11 § 1119 (2019) Marketing or advertising tobacco substitutes on online or mobile applications directed to children is prohibited. DEL. CODE ANN. tit. 6 §§ 1204C(e), (f)(3) (2019)	ANN. tit. 30 § 5301(15) (definition of tobacco product); DEL. CODE ANN. tit. 30 § 5301(20) (definition of vapor product); DEL. CODE ANN. tit. 30 § 5307 (2019))	(such as workplaces, schools, most hotel rooms, and mass transit, with some exemptions). DEL. CODE ANN. tit. 16 §§ 2902(12) (definition of smoking); 2903; 2908 (2019) "Vaping" prohibited at licensed Family Child Care Homes. 9-103-29 DEL. ADMIN CODE § 29.16 (2019) (effective May 1, 2019) "Vaping" prohibited in foster homes. 9-201-40.0 DEL. ADMIN. CODE § 40.1.13 (2019)

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		product name or descriptor." DEL. CODE ANN. tit. 16 § 2902(3) (2019) Taxation & Licensing *Electronic smoking device* means "a nonlighted, noncombustible device that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine for inhalation into the body of an individual [including] a device that is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor." DEL.					

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		CODE ANN. tit. 30 § 5301(7) (2019) *Vapor product* means "any nicotine liquid solution or other material containing nicotine that is intended to be used with or in an electronic smoking device." DEL. CODE ANN. tit. 30 § 5301(20) (2019)					
District of Columbia	Yes. D.C. CODE §§ 47-2401(5A); 7-1702(8) (2019)	Tax and Youth Access *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	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) (2019)	N/A	Sale of electronic smoking devices to persons under age 21 is prohibited. D.C. CODE § 7-1721.02(a) (2019) Purchase/possession of electronic smoking devices by persons under age 21 prohibited. D.C. CODE § 7-1721.03(a)(1) (2019) Self-service sales of electronic smoking devices prohibited, except in tobacco specialty stores. D.C. CODE §§ 7-1721.04(a); (b)(2) (2019)	Yes. D.C. CODE § 47-2404(a) (2019)	Use of electronic smoking devices included in definition of "smoking" and prohibited in same spaces smoking prohibited, ; including in workplaces and certain public places (such as enclosed public spaces, playgrounds, bus stops and

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		that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device." D.C. CODE § 47-2401(9A) (2019) *Other tobacco product* includes vapor product and "any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be consumed." D.C. CODE § 47-2401(5A) (2019) Youth Access and Use Restrictions *Electronic smoking device* means "any product, including one composed of a heating element, battery, or			Vending machine sales of electronic smoking devices restricted to establishments inaccessible to persons under age 21 and taverns, nightclubs, and restaurants licensed to serve alcohol. D.C. CODE §§ 7-1721.04(b)(1); 47-2404(b)(3) (2019)		sporting events), with some exceptions. D.C. CODE §§ 7-1702(7) (definition of smoking); 7-741.02; 7-1703; 7-1708 (2019) Use of electronic cigarettes on streetcar or streetcar platform prohibited. D.C. MUN. REGS. tit. 18, § 1605.2(c) (2019) Use of electronic cigarettes prohibited on library property. D.C. MUN. REGS. tit. 19, § 810.6 (c)(5) (2019) Use of e-cigarettes prohibited in

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		electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product [including] any such product regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor." D.C. CODE § 7-741.01(1) (2019) *Tobacco product* means "any product that is made from or derived from tobacco and is intended for human consumption or is likely to be					cottage food business during operations. D.C. MUN. REGS. tit. 25, § 109.1(d) (2019)

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		consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including through a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, smokeless tobacco, or an electronic smoking device … [and including] any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices." D.C. CODE § 7-1702(8) (2019)					
Florida	No	Youth Access *Nicotine dispensing device* means "any product that employs an electronic, chemical,	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) (2019)	No	Use of vapor-generating electronic devices are prohibited in enclosed indoor

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		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 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) (2019) *Nicotine product* means "any product that contains nicotine, including liquid nicotine, that is intended for human			Possession of nicotine dispensing devices or nicotine products by persons under age 18 prohibited. FLA. STAT. § 877.112(6) (2019) Self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18 years except sales made through vending machine with lockout device controlled by retailer. FLA. STAT. § 877.112(11)-(12) (2019)		workplaces, except private residences when not in use as child, adult or health care facilities, with some exceptions. FLA. CONST. Art. X, §20(a)-(b) (2019) (Effective date TBD, presumably no later than June 30, 2019) Use of electronic cigarettes and nicotine dispensing devices in courthouses of Sixth Judicial Circuit and within 50 feet of entrances thereto prohibited. ADMIN. ORDER NO. 2015-008

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		consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, but does not include a: (1) Tobacco product, as defined in § 569.002 . . . ." FLA. STAT. § 877.112(1)(b) (2019) Use Restrictions *Vapor-generating electronic device* means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge					PA/PI-CIR (2019) Use of electronic cigarettes prohibited in all firefighter employee places of employment. FLA. ADMIN. CODE ANN. r. 69A-62.024(6) (2019) E-cigarette use prohibited in licensed out-of-home cargiver homes and vehicles (when children present). FLA. ADMIN. CODE ANN. r. 65C-13.030(7)(e)(11); 65C-13.025(4)(g)(I) (2019)

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		for such device, and any other container of a solution or other substance intended to be used with or within [such a device]. FLA. CONST. Art. X, § 20(9) (2019) (Effective date TBD, presumably no later than June 30, 2019)					
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 product' shall include any electronic cigarette, electronic cigar, electronic cigarillo, electronic	N/A	N/A	Sale of vapor products to persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(a)(1)(A) (2019) 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 (2019) Purchase/possession/receipt of vapor products by persons under age 18 prohibited. GA. CODE ANN. §§ 16-12-171(b)(1)(A); 16-12-174(d) (2019)	No	Use of electronic devices that simulate tobacco smoking prohibited by food service employees at work (except in designated areas). GA. COMP. R. & REGS. 511-6-1-.03(5)(j)(1) (2019)

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		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) (2019)			Vending machine sales of vapor products restricted to locations not readily accessible to persons under age 18 (excepting machines under direct supervision of employee or located at highway rest areas). GA. CODE ANN. § 16-12-173(e)(1) (2019)		
Hawaii	Yes. HAW. REV. STAT. §§ 323F-34(d); 321-211; 328J-1; 712-1258(7); 304A-122(c) (2019)	Youth Access and Use *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, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo,	N/A	N/A	Sale/distribution of electronic smoking devices to persons under age 21 prohibited. HAW. REV. STAT. §§ 712-1258(1); 245-17(a) (2019) (delivery sales) Purchase/possession of electronic smoking device by person under age 21 prohibited. HAW. REV. STAT. § 712-1258(5) (2019) Possession or use of electronic smoking device by	Yes. HAW. REV. STAT. § 28-164 (2019) (registration)	Use of electronic smoking devices included in definition of smoking and prohibited in same places smoking is prohibited including enclosed or partially enclosed places that are: owned, leased or operated by the

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		electronic pipe, and any cartridge or other component of the device or related product." HAW. REV. STAT. §§ 323F-34(d) (use at Hawaii Health Systems Corp.); 321-211 (youth possession/use); 328J-1 (use restriction); 712-1258(7) (youth access); 245-17(f) (delivery sale); 28-162 (registration); 304A-122(c) (2019) (use on University of Hawaii property) Use in State Parks *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			person under age 21 in public prohibited. HAW. REV. STAT. § 321-212 (2019) 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) (2019) Face-to-face sales of electronic smoking devices required (*i.e.,* no self-service displays or vending sales) except in duty-free facilities and adult-only tobacco businesses. HAW. REV. STAT. § 328J-18 (2019) Delivery sales of electronic smoking devices require third-party age verification, copy of government issued identification or age and signature verification in shipment process upon and before actual delivery. HAW. REV. STAT. § 245-17(b) (2019)		state or counties, open to the public, places of employment, sports arenas/stadiums, and within 20 feet of entrances and exits to such places (with some exceptions). HAW. REV. STAT. §§ 328J-1 (definition of smoking); 328J-2–328J-7 (2019) Use of electronic smoking devices prohibited in state parks. HAW. REV. STAT. § 184-4.5(a) (2019) Use of vapor cigarettes or e-cigarettes in parks. HAW. CODE R. § 15-

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		but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product." HAW. REV. STAT. § 184-4.5(c) (2019)					210-13(a)(25) (2019) Use of electronic smoking devices prohibited on indoor and outdoor areas of Hawaii Health Systems Corporation property. HAW. REV. STAT. § 323F-34(a) (2019) Use of electronic smoking devices prohibited on University of Hawaii property. HAW. REV. STAT. § 304A-122(a) (2019)
Idaho	No	*Electronic cigarette* means "any device that can provide an inhaled dose of nicotine by delivering a vaporized solution [and] includes	N/A	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IDAHO CODE ANN. §§ 39-5705(1); 39-5714(1) (2019)	No	N/A

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		the components of an electronic cigarette including, but not limited to, liquid nicotine" IDAHO CODE ANN. § 39-5702(6) (2019)			Delivery sale of electronic cigarettes require age verification (through credit/debit card verification of name and age) that purchaser is 18 years or older. IDAHO CODE ANN. § 39-5715(2) (2019) Possession/purchase/distribution/use of electronic cigarettes by persons under age 18 prohibited, except possession during course of employment to stock shelves or carry products to customer's vehicles. IDAHO CODE ANN. § 39-5703(1), (2), (5) (2019) Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco stores. IDAHO CODE ANN. § 39-5706 (2019) Shipment of electronic cigarettes must include statement re: prohibition on		

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					shipping to individuals under age 18. IDAHO CODE ANN. § 39-5717A (2019)		
Illinois	No	Sales restrictions *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) (2019) Packaging restrictions *Electronic cigarette or E-Cigarette* means "a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any	N/A	Electronic cigarette liquids may only be sold in child-resistant packaging, excluding e-cigarette products sold in "sealed, pre-filled, or disposable replacement cartridges." 430 ILL. COMP. STAT. 40/10 (2019)	Sale/distribution of alternative nicotine products to persons under age 18 prohibited. 720 ILL. COMP. STAT. 675/1.5(b) (2019) Possession of alternative nicotine products by persons under age 18 prohibited. 720 ILL. COMP. STAT.675/1.5(d) (2019) Self-service display of alternative nicotine products restricted to adult-only tobacco stores. 720 ILL. COMP. STAT. 677/10 (2019) Remote sales of alternative nicotine products require third party age verification. 720 ILL. COMP. STAT. 675/1.5(c)(2) (2019)	No	Use of products containing nicotine prohibited in places smoking prohibited on public higher education campuses. 110 ILL. COMP. STAT. 64/10 (definition of "smoking") and 64/15(a) (2019) Vaping or use of electronic cigarettes prohibited in any building or structure in the Capitol Complex. ILL. ADMIN. CODE tit. 71, § 2005.40(m) (2019)

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		combination thereof that are turned into vapor which is inhaled by the user." 430 ILL. COMP. STAT. 40/2.10 (2019)					
Indiana	Yes. IND. CODE § 7.1-1-3-47.5(b) (2019)	Sales and packaging 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; 24-3-7-4 (2019) *Electronic delivery device* means "any product that: (1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and (2)	N/A	Nicotine liquids/gels must be sold in child-resistant packaging (except prefilled containers not intended to be opened by consumer). IND. CODE § 24-3-7-7 (2019) Manufacturers must use e-liquid containers with tamper evident packaging, a child-resistant cap, and label must identify nicotine content	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IND. CODE §§ 35-46-1-10(a); 35-46-1-10.2(a) (2019) Sale of e-liquids to persons under age 18 prohibited. IND. CODE §§ 7.1-7-5.5-1; 7.1-7-6-5; 7.1-7-6-2 (2019) Possession/purchase of electronic cigarettes by persons under age 18 prohibited. IND. CODE § 35-46-1-10.5(a) (2019) Self-service displays and vending machine sales of electronic cigarettes restricted to tobacco/vape shops and places inaccessible to persons under age 18. IND.	Yes. IND. CODE §§ 7.1-3-18.5-1; 7.1-7-5-1.1(a) (2019)	N/A

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		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 (2019) *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 intended for use with an electronic cigarette or other electronic delivery device [but does not include such container if it is]		and include nicotine addictiveness warning, among other requirements. IND. CODE § 7.1-7-4-6(b) (2019)	CODE §§ 35-46-1-11.8; 35-46-1-11.5(c) (2019) "[S]elf-service sale[s]" of e-liquids prohibited. IND. CODE § 7.1-7-5-1.1(d) (2019) Manufacturers, distributors, and retailers prohibited from marketing e-liquid as a modified risk product IND. CODE § 7.1-7-5-1.1(i) (2019) Manufacture (including mixing, bottling, and packaging) and sale of e-liquids restricted to persons with proper permits. IND. CODE § 7.1-7-4-1(a) (2019) Retailers prohibited from selling e-liquids with more than 75 mg/ml of nicotine. IND. CODE § 7.1-7-5-1.1(e) (2019) "[Retailers] who ship[] e-liquids from a delivery sale order shall include as part of		

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		prefilled and sealed by the manufacturer and not intended to be opened by the consumer." IND. CODE § 24-3-7-6 (2019) E-liquid manufacture and sales restrictions *E-liquid* means "a substance that: (1) may or may not contain nicotine; and (2) is intended to be vaporized and inhaled using a vapor product." IND. CODE § 7.1-7-2-10 (2019) *Vapor product* means "a powered vaporizer that converts e-liquid to a vapor intended for inhalation." IND. CODE § 7.1-7-2-23 (2019)			the shipping documents a document with the following statement: 'E-LIQUIDS: Indiana law prohibits the sale of this product to a person who is less than 18 years of age.'" IND. CODE § 7.1-7-5.5-5 (2019) Delivery sales of e-liquids must be prepaid by purchaser, shipped only to purchaser, and only after good faith effort to ascertain age. IND. CODE §§ 7.1-7-5.5-3; 7.1-7-5.5-2 (2019)		
Iowa	No	*Vapor product* means "any noncombustible product, which may or may not contain	N/A	N/A	Sale/distribution of vapor products to anyone under age 18 prohibited. IOWA CODE ANN. § 453A.2(1) (2019)	Yes. IOWA CODE ANN. §§ 453A.47A(1	Use of electronic cigarettes prohibited on state-operated

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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, that can be used to produce vapor from a solution or other substance . . . [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device." IOWA CODE			Possession/purchase/use of vapor products by persons under age 18 prohibited. IOWA CODE ANN. § 453A.2(2) (2019) No distribution of free vapor products to persons under age 18 or within 500 feet of places when primarily in use by minors. IOWA CODE ANN. § 453A.39(2)(b) (2019) Self-service displays restricted to adult-only locations. IOWA CODE ANN. § 453A.36A(1) (2019) Vending machine sales restricted to adult-only locations. IOWA CODE ANN. § 453A.36(6) (2019) Retailers making delivery sale of vapor product must use method that requires signature of person at least 18 years of age before package is released. IOWA	); 453A.13(1); 453A.36 (7)(a) (2019)	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 (Appendix E) (October 2018) Use of electronic smoking devices prohibited by regulation on campus of Iowa State University. IOWA ADMIN. CODE r. 681-13.17(262) (2019)

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		ANN. § 453A.1(29) (2019)			CODE ANN. § 453A.47B(2) (2019)		Use of electronic cigarettes prohibited by regulation on University of Iowa campus. IOWA ADMIN. CODE r. 681-12.6(262) (2019) Vaping prohibited in foster home and any vehicle when foster child is present. IOWA ADMIN. CODE r. 441-113.5(237)(6)(g) (2019)
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	Privilege tax for sale or dealing of electronic cigarettes "at the rate of $0.05 per milliliter of consumable material." KAN. STAT. ANN. § 79-3399(a) (2019)	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. KAN. STAT. ANN. § 79-3321(l) (2019) Purchase/possession of electronic cigarettes by person under age 18	Yes, both retailers and vending machine distributors. KAN. STAT. ANN. § 79-3303(a) (2019)	N/A

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		cartridges or other chemical delivery systems." KAN. STAT. ANN. § 79-3301(m) (2019) *Consumable material* "means any liquid solution or other material that is depleted as an electronic cigarette is used." KAN. STAT. ANN. § 79-3399(b) (2019)			prohibited. KAN. STAT. ANN. § 79-3321(m), (n) (2019) Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to persons under age 18 or which has a lock-out device. KAN. STAT. ANN. § 79-3321 (t), (u) (2019) Possession or distribution of electronic cigarettes prohibited at juvenile correctional facility or institution. KAN. ADMIN. REGS. § 123-2-111(a), (b)(16) (2019)		
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	N/A	N/A	Sale/distribution of vapor products, including free samples, to persons under age 18 prohibited. KY. REV. STAT. ANN. §§ 438.310(1); 438.313(1); 438.315(1) (2019) Purchase of vapor products by persons under age 18 prohibited. KY. REV. STAT.	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

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		component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. . . . [I]ncludes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended 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) (2019)			ANN. §§ 438.311(1); 438.315(2) (2019) Possession/use of vapor products by person under age 18 prohibited. KY. REV. STAT. ANN. § 438.350(1) (2019) Vending machines must be inaccessible to persons under age 18 or in line of sight of cashier. KY. REV. STAT. ANN. § 438.315(3) (2019)		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 Hardin District Court. KY. R. HARDIN DISTRICT COURT, RULE 15.01 (2019) Electronic cigarettes prohibited from underground

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							mines. KY. REV. STAT. ANN. § 352.170(3) (2019) Child care professionals prohibited from vaping in presence of a child. 922 KY. ADMIN. REGS. 2:180:5(7)(b); 2:120:3(10) (and must be done outside); 2:100:10(10)(b) (2019)

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
Louisiana	No	Youth Access and Tax *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 solution or other form that is intended to be used with or in an electronic cigarette,	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) (2019)	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. LA. REV. STAT. ANN. §§ 14:91.8(C); 26:911(A)(1); 14:91.6(A) (2019) Purchase of vapor product by persons under age 18 prohibited. LA. REV. STAT. ANN. § 14:91.8(E) (2019) 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) (2019) Self-service displays of vapor products restricted to tobacco businesses and vending machines located in age-restricted settings. LA. REV. STAT. ANN. §§ 26:910; 26:910.1 (2019)	Yes. LA. REV. STAT. ANN. § 26:902(1) (2019)	Smoking or carrying electronic cigarettes and advanced personal vaporizers prohibited on any school property. LA. REV. STAT. ANN. §§ 17:240(A)(2) (definition of smoking); 17:240(B)(2) (2019)

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		electronic cigar, electronic cigarillo, electronic pipe, or similar product or device." LA. REV. STAT. ANN. §§ 14:91.8(G)(7); 14:91.6(B)(7); 47:842(20) (2019) Youth Access *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 or other substances . . . [and] includes any electronic cigarette, electronic cigar,					

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		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." LA. REV. STAT. ANN. § 26:901(31) (2019)					
Maine	Yes. ME. REV. STAT. ANN. tit. 22 § 1551(3) (2018)	Sales and Use *Tobacco Product* means "any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed,	N/A	Nicotine liquid containers cannot be sold/distributed unless child-resistant. ME. REV. STAT. ANN. tit. 22 § 1560-B(2) (2019)	Sale/distribution to persons under age 21 prohibited (unless the person has attained 18 years of age as of July 1, 2018). ME. REV. STAT. ANN. tit. 22 § 1555-B (2) (2019) 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-	Yes. ME. REV. STAT. ANN. tit. 22 § 1551-A(1) (2019)	Use of electronic cigarettes included in definition of "smoking" and prohibited in same spaces smoking prohibited (ME.REV STAT. ANN. tit. 22 § 1541(6) (2019)) (definition of

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		absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus…[including] an electronic smoking device and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine." ME. REV. STAT. ANN. tit. 22 § 1551(3) (2019) *Electronic smoking device* means "a device used to deliver nicotine or any other substance intended for human consumption that may			cigarettes in presence of supervisor at least 21 years old. ME. REV. STAT. ANN. tit. 22 § 1555-B(1) (2019) Self-service displays of tobacco products prohibited except for sale of tobacco products in multi-unit packages of 10 or more units, in tobacco specialty stores or in locations inaccessible to persons under age 21. ME. REV. STAT. ANN. tit. 22 § 1555-B(11) (2019) Vending machine sales of tobacco products restricted to locations inaccessible to persons under age 21. ME. REV. STAT. ANN. tit. 22 §1553-A(1)(C) (2019) Purchase of tobacco products by persons under age 21 prohibited. ME. REV. STAT. ANN. tit. 22 § 1555-B(5-A) (2019)		"smoking"); including certain indoor public spaces and day care/babysitting facilities (and related transportation vehicles) (ME. REV. STAT. ANN. tit. 22 § 1542 (2019)); certain outdoor areas, (ME. REV. STAT. ANN. tit. 22 § 1550(2) (2019)); and near beaches, state parks, and historic sites. (ME. REV. STAT. ANN. tit. 22 § 1580-E(2) (2019)) Vaping and use of electronic cigarettes prohibited throughout the Wells Reserve

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		be used by a person to simulate smoking through inhalation of vapor or aerosol from the device [including] a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen." ME. REV STAT. tit. 22 § 1541(1-A) (2019) Packaging Restrictions *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					except at designated smoking area in parking lot. 94-335-1 ME. CODE R. § 1(G)(4) (2019)

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		means and that may be used to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen." ME. REV. STAT. ANN. tit. 22 § 1560-B(1)(B) (2019) *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					

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		and sealed by the manufacturer and not intended to be opened by the consumer." ME. REV. STAT. tit. 22 § 1560-B(1)(C) (2019)					
Maryland	No	*Electronic nicotine delivery system* means "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 an individual inhaling from the device [including] an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and vaping liquid." MD. CODE ANN., BUS. REG. § 16.7-101(c) (2019) *Vaping liquid* means "a liquid that: (1) consists of propyle glycol, vegetable glycerin or	N/A	N/A	Sale/distribution of electronic nicotine delivery systems to minors prohibited. MD. CODE ANN., HEALTH GEN. § 24-305(b) (2019); MD. CODE ANN., CRIM LAW §§ 10-107(b)(2), (c)(1) (2019) Use/possession of electronic nicotine delivery systems by minors prohibited. MD. CODE ANN., CRIM. LAW § 10-108(c) (2019)	Yes, license required for shipment, manufacture, distribution, import or sale of electronic nicotine delivery systems into or within State. MD. CODE ANN., BUS. REG.§§ 16.7-201, 16.7-211(a), 16.7-213(a) (2019)	N/A

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		other similar substance; (2) may or may not contain natural or artificial flavors; (3) may or may not contain nicotine; and (4) converts vapor intended for inhalation when heated in an electronic device." MD. CODE ANN., BUS. REG. § 16.7-101(k) (2019)					
Massachusetts	Yes. MASS. GEN. LAW ch. 270 § 6 (a) (2019)	*Tobacco Product* means "a product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoke, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including…electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any	N/A	Liquids or gels containing nicotine must be sold in child-resistant package. MASS. GEN. LAW ch. 270 § 27(a) (2019); 940 MASS. CODE REGS. 21.05 (2019) Electronic smoking devices may not be opened,	Sale/distribution of electronic smoking devices to persons under age 21 prohibited (except those who have attained the age of 18 before December 31, 2018). MASS. GEN. LAW ch. 270 § 6 (b) (2019)940 MASS. CODE REGS. 21.04(3) (2019) Self-service displays and vending machine sales of electronic smoking devices restricted to adult-only facilities. 940 MASS. CODE REGS. 21.04(2), (4) (2019)	No	Use of electronic cigarettes included in definition of "smoking" and prohibited in same spaces smoking prohibited, MASS. GEN. LAW ch. 270 § 22(a) (2019) (definition of smoking); including workplaces, indoor public places, child care

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		other similar products that rely on vaporization or aerosolization, [and including] any component, part or accessory." MASS. GEN. LAW ch. 270 § 6 (a) (2019) *Liquid nicotine container* means "a package: (i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and (ii) that is used to hold soluble nicotine in any concentration [but does not include [prefilled and disposable container … if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use,		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) (2019)	Sampling/free distribution of electronic smoking devices prohibited. 940 MASS. CODE REGS. 21.04(1)(a) (2019) Distribution of free samples in a retail or other commercial establishment prohibited (except in retail tobacco stores and smoking bars). MASS. GEN. LAW ch. 270 § 6 (c) (2019) Sale of electronic cigarettes in health care institution buildings or grounds prohibited. MASS. GEN. LAW ch. 112 § 61A (2019) Mail-order or internet sales of electronic smoking devices prohibited unless retailer requires age-verification and signature by person of legal sales age upon receipt. 940 MASS. CODE REGS. 21.04(1)(c), (4)(a) (2019)		centers, state buildings and vehicles, (with some exceptions) MASS. GEN. LAW ch. 270 §§ 22(b), (c) (2019); and public transportation. MASS. GEN. LAW ch. 272 § 43A (2019) Use of electronic cigarettes prohibited in school buildings, grounds, buses or school-sponsored events. MASS. GEN. LAW ch. 74 § 58 (2019); MASS GEN. LAW ch. 71 § 2A (2019) Nursing homes must designate electronic cigarette-free

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		including reasonably foreseeable ingestion or other contact by children." MASS. GEN. LAW CH. 270 § 27(a) (2019) *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, [and] whether or not sold separately . . . ." 940 MASS. CODE REGS. 21.03 (2019)					areas in common areas. No employee may use electronic cigarettes in any patient area. MASS. GEN. LAW 111 § 72X (2019) Use of nicotine delivery systems at licensed recreational children camps prohibited. 105 MASS. CODE REGS. 430.165 (2019)
Michigan	No	N/A	N/A	N/A	N/A	No	Use of electronic smoking devices prohibited in Third Judicial Circuit Court. MICH. COMP. LAWS ANN., R 3

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							CIR Rule § 8.115 (F)(1) (2019)
Minnesota	Yes MINN. STAT. § 297F.01 (19) (2019)	*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) (2019)	Tax of 95% of wholesale price imposed on tobacco products, including e-cigarettes. MINN. STAT. § 297F.05(3) (2019); 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) (2019)	Sale/distribution of electronic delivery devices prohibited to persons under age 18. MINN. STAT. §§ 609.685(1)(a), (2)(a) (2019) Purchase/possession/use of electronic delivery device by person under age 18 prohibited. MINN. STAT. §§ 609.685(2)(b), (3) (2019) Sale of electronic delivery devices from a moveable place of business (kiosk) prohibited. MINN. STAT. § 461.21 (2019) 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 (2019)	Yes. A town board or the governing body may license and regulate electronic delivery devices however, if they do not, the county board shall license and regulate electronic delivery devices. MINN. STAT. § 461.12(1) (2019)	Use of electronic cigarettes prohibited in day care and health facilities, government owned or operated buildings, facilities owned by Minnesota State Colleges and Universities, the University of Minnesota, facilities licensed by the commissioner of human services and those licensed by the commissioner of health (with some exceptions). MINN. STAT. § 144.414 (2019)

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							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 (2019) Salon employees may not use electronic cigarettes while performing any services. MINN. R.2105.0375 (2019)
Mississippi	No	*Alternative nicotine product* means "(1) An electronic cigarette; or (2) Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing,	N/A	N/A	Sale/distribution of alternative nicotine products or any cartridge or component to persons under 18 prohibited. MISS. CODE ANN. § 97-32-51(2) (2019) Internet sales of alternative nicotine products or any	No	N/A

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		dissolving, inhaling or by any other means." MISS. CODE ANN. § 97-32-51(1)(a) (2019) *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. § 97-32-51(1)(b) (2019)			cartridge or component require third-party age verification. MISS. CODE ANN. § 97-32-51(3)(b) (2019)		
Missouri	No	*Vapor product* means "any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other	N/A	Nicotine liquid containers must be child-resistant (except prefilled containers not	Sale/distribution of vapor products to persons under age 18 prohibited. MO. REV. STAT. §§ 407.926.1; 407.931.1; 407.931.3 (2019)	Yes. MO. REV. STAT. § 407.934.1 (2019)	N/A

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		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…and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in [any of the aforementioned devices] [but] does not include any alternative nicotine product or tobacco product." MO. REV. STAT. § 407.925.12 (2019) *Nicotine liquid container* means "a bottle or other container of liquid or other substance		intended to be opened by consumer). MO. REV. STAT. § 407.926.4(1), (2) (2019)	Vending machine sales restricted to places inaccessible to persons under age 18 or through machines equipped with lock-out device and under direct unobstructed supervision of an adult. MO. REV. STAT. § 407.931.2 (2019) Purchase/possession of vapor products by persons less than age 18 prohibited. MO. REV. STAT. § 407.933.1 (2019)		

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		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) (2019)					
Montana	No	*Vapor product* means "a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance [including] an electronic cigarette, electronic cigar, electronic cigarillo,	N/A	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. MONT. CODE ANN. § 16-11-305(1) (2019) Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. MONT. CODE ANN. § 16-11-306(1) (2019) Possession/use of vapor products by persons under age 18 prohibited. MONT.	Yes. MONT. CODE ANN. § 16-11-303(1) (2019)	N/A

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		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] device." MONT. CODE ANN. § 16-11-302(7) (2019)			CODE ANN. § 45-5-637(1) (2019)		
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	N/A	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. NEB. REV. STAT. §§ 28-1419; 28-1425 (2019) Use of vapor products by persons under age 18 prohibited. NEB. REV. STAT. § 28-1418 (2019) Vending machine sales of vapor products are restricted to locations inaccessible to persons under age 18. NEB. REV. STAT. § 28-1429.02 (2019)	No	N/A

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		cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form [intended to be used with an aforementioned device]." NEB. REV. STAT. § 28-1418.01(4) (2019)			Self-service displays restricted to tobacco specialty stores and cigar bars. NEB. REV STAT. § 28-1429.03 (2019)		
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 pipe . . . and a vapor cartridge or other container of	N/A	N/A	Sale/distribution vapor products to persons under age 18 prohibited. NEV. REV. STAT. ANN. § 202.2493.2 (2019)	No	Use of vapor products prohibited within any procedure area of an invasive body decoration establishment. NEV. ADMIN. CODE § 444.xxx(49)(1) (2019)

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		nicotine in a solution or other form [meant for use with an aforementioned device]." NEV. REV. STAT. ANN §§ 202.2485.5; 370.054 (2019)					
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 . . . includes . . . e-cigarettes, e-cigars, or e-pipes . . . ." N.H. REV. STAT. ANN. § 126-K:2(II-a) (2019) *Liquid nicotine* means "any liquid product composed either in whole or in part of pure nicotine and propylene	N/A	E-cigarettes and liquid nicotine must be sold in original packaging. N.H. CODE ADMIN. R. LIQ. 1003.01 (2019)	Sale/distribution of e-cigarettes and liquid nicotine to persons under age 18 prohibited. N.H. REV. STAT. ANN. §§ 126-K:4(I); 126-K:8(I) (2019) Distribution of free e-cigarettes or liquid nicotine restricted to locations inaccessible to persons under age 18 or licensed retail tobacco store. N.H. REV. STAT. ANN. § 126-K:5(I) (2019) Purchase/possession/use of e-cigarettes or liquid nicotine by persons under age 18 prohibited. N.H. REV. STAT. ANN. § 126-K:6(I) (2019)	No	Use of e-cigarettes prohibited in all areas smoking is prohibited (N.H. DEP'T HEALTH & HUMAN SERVS., ELECTRONIC CIGARETTES (last visited March 15, 2019)); including hospitals, public transportation, restaurants and day care agencies during hours of operation, as well as any other enclosed place of public access when smoking cannot be

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		glycol and manufactured for use with e-cigarettes." N.H. REV. STAT. ANN. § 126-K:2(III-a) (2019)					"effectively segregated." N.H. REV. STAT. ANN. § 155:66 (2019) Use of e-cigarette and liquid nicotine in or on the grounds of a "public educational facility" prohibited. N.H. REV. STAT. ANN. § 126-K:7(I) (2019)
New Jersey	Yes. N.J. STAT. § 54:40B-2 (2019)	Use restrictions *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	Liquid nicotine taxed at rate of $0.10 per fluid milliliter by volume, and a proportionate rate on all fractional parts of fluid milliliter. N.J. STAT. § 54:40B-3.2(a) (2019)	Liquid nicotine must be sold in child-resistant containers. N.J. STAT. § 2A:170-51.9(a) (2019)	Sale/distribution of electronic smoking device to person under age 21 prohibited. N.J. STAT. §§ 2A:170-51.4(a)(2); 2C:33-13.1(a) (2019) Advertising electronic cigarettes prohibited on NJ Transit. N.J. ADMIN. CODE § 16:86-1.2(a)(8) (2019)	No	Use of electronic smoking device included in definition of "smoking" (N.J. STAT. §§ 26:3D-57), and prohibited in same spaces smoking prohibited, including: indoor public places, workplaces,

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		pipe." N.J. STAT. § 26:3D-57 (2019) Packaging restrictions *Liquid nicotine* means "any solution containing nicotine which is designed or sold for use with an electronic smoking device." N.J. STAT. § 2A:170-51.9(a)(2) (2019) *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					public parks and beaches (26:3D-58); with some exceptions (26:3D-59); and restricted in lodging establishments (26:3D–60) (2019). Children's Group Homes must prohibit use of electronic smoking devices by children and staff sale/distribution of such devices to children. N.J. ADMIN. CODE § 3A:56-4.6 (2019) Use of electronic cigarettes prohibited in Atlantic City International Airport similar to

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		manufacturer [and] not intended to be opened by the consumer." N.J. STAT. § 2A:170-51.9(a)(3) (2019) *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, 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					smoking. N.J. ADMIN. CODE § 19:76-4.3 (2019)

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		with, or in, any such device." N.J. STAT. § 2A:170-51.9(a)(4) (2019) Tax *Tobacco product* means "any product containing, made, or derived from any tobacco, nicotine, or other chemicals or substances for consumption by a person, including…liquid nicotine." N.J. STAT. § 54:40B-2 (2019) *Electronic smoking device* means "a nonlighted, noncombustible device that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or					

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		vaporized nicotine for inhalation into the body of a person, [including devices marketed as] an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any othe rsimilar product with any other product name or descriptor." N.J. STAT. § 54:40B-2 (2019) *Liquid nicotine* means "any solution containing nicotine that is designed or sold for use with an electronic smoking device." N.J. STAT. § 54:40B-2 (2019)					
New Mexico	No	Youth Access and Use Restrictions *E-cigarette* means "(1) . . . any electronic oral device, whether composed of a heating element and battery or an electronic circuit,	N/A	Nicotine liquid must be sold in child-resistant containers (unless prefilled, sealed, and not intended to be opened by	Sale/distribution of e-cigarettes or a nicotine liquid container to persons under age 18 prohibited. N.M. STAT. ANN. §§ 30-49-3(A),(E); 30-49-8(A) (2019) Procurement of e-cigarette or nicotine liquid container by	No	Use/possession/ distribution of nicotine liquid containers and e-cigarettes prohibited on school property and by students at school-

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		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) (2019); N.M. CODE R. § 6.12.4.7(B) (2019) *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)		consumer). N.M. STAT. ANN. §§ 30-49-3(D); 57-2C-1(A) (2019) E-cigarettes and nicotine liquid containers must be sold in "original factory-sealed package." N.M. STAT. ANN. § 30-49-3(C) (2019)	persons under age 18 prohibited. N.M. STAT. ANN. § 30-49-3(B) (2019) Self-service displays of e-cigarettes and nicotine liquid prohibited. N.M. STAT. ANN. § 30-49-7(A) (2019) Vending machine sales of e-cigarettes and nicotine liquid containers restricted to locations inaccessible by minors. N.M. STAT. ANN. § 30-49-7(B) (2019)		sponsored activities. N.M. CODE R. § 6.12.4.8(A) (2019)

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		(2019); N.M. CODE R. 6.12.4.7(E) (2018) Trade practices *Electronic delivery device* means "any electronic device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine, the use or inhalation of which simulates smoking." N.M. STAT. ANN. § 57-2C-1(C)(2) (2019) *Nicotine liquid container* means "a 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 electronic delivery device [excepting					

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		those] pre-filled and sealed . . . and not intended to be opened by the consumer." N.M. STAT. ANN. § 57-2C-1(C)(3) (2019)					
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 § 1399-aa(13) (2019) *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) (2019)	N/A	Liquid nicotine ("electronic liquid") must be sold in a child resistant bottle. N.Y. GEN. BUS. LAW § 399-gg(1) (2019)	Sale/distribution of e-cigarettes or liquid nicotine to persons under age 18 prohibited. N.Y. PUB. HEALTH LAW §§ 1399-cc(2); 1399-bb(4); 1399-bb(5) (2019) Self-service displays of e-cigarettes or liquid nicotine prohibited except in tobacco businesses and adult-only locations. N.Y. PUB. HEALTH LAW § 1399-cc(7) (2019) Vending machine sales of e-cigarettes permitted in bars, private clubs, and tobacco businesses; in other businesses that have proportionally few employees under 18, the products must not be accessible to the general	No	E-cigarette use prohibited where smoking is prohibited, including, but not limited to indoor areas such as work places, restaurants, mass transit, hospitals, schools and dorms, and outdoor areas, such as railroad stations, hospital and school grounds (with some exceptions) N.Y. PUB. HEALTH LAW §§ 1399-n(9) (definition of vaping); 1399-o;

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		Vaping means "the use of an electronic cigarette." N.Y. PUB. HEALTH LAW § 1399-n (9) (2019)			public and must be visible to and under the direct control of person in charge. N.Y. PUB. HEALTH LAW § 1399-dd (2019)		1399-q (exceptions) (2019); and most playgrounds (with certain restrictions) N.Y. PUB. HEALTH LAW § 1399-o-1(1) (2019) E-cigarette use restricted similar to smoking on Niagara Frontier Transportation Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 1151.9 (2019) E-cigarette use restricted similar to smoking on Rochester-Genesee Regional Transportation Authority property. N.Y.

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							COMP. CODES R. & REGS. tit. 21, § 4901.4(a)(10) (2019) "Vaping" restricted similar to smoking on Syracuse Regional Airport property. N.Y. COMP. CODES R. & REGS. tit. 21, § 176.3(i) (2019)
North Carolina	Yes. N.C. GEN. STAT. §§ 14-313(a)(4); 105-113.4(11a); 148-23.1(d)(2) (2019)	Sales/Distribution restrictions *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	Vapor products taxed at rate of $0.05/fluid ml. of consumable product. N.C. GEN. STAT. § 105-113.35(a1) (2019)	E-liquid products containing nicotine must be sold in child-resistant containers and must state the product contains nicotine. N.C. GEN STAT. § 14-401.18A(b)–(c) (2019)	Sale/distribution of vapor products to persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(b) (2019) Vending machine sales of vapor products restricted to locations inaccessible to minors or where controlled by owner. N.C. GEN. STAT. § 14-313(b1) (2019) Purchase of vapor products by persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(c) (2019)	No	Use of e-cigarettes prohibited at child care centers. 10A N.C. ADMIN. CODE 9.0604(h) (2019) Use of e-cigarettes prohibited at Family Child Care Homes. 10A N.C. ADMIN. CODE

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		cigarette, electronic cigar, electronic cigarillo, and electronic pipe." N.C. GEN. STAT. §§ 14-313(a)(5), 14-401.18A(a)(4); 148-23.1(d)(3) (2019) *E-liquid* means "a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product." N.C. GEN. STAT. § 14-401.18A(a)(2) (2019) *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) (2019)			Internet distribution of vapor products requires third-party age verification. N.C. GEN. STAT. § 14-313(b2) (2019)		9.1719 (a)(10) (2019) Sale/distribution/ use of vapor products in State Correctional facilities prohibited. N.C. GEN. STAT. §§ 14-258.1(c); 148-23.1(b), (b1) (2019) E-cigarette use prohibited on school property and at school sponsored events. N.C. GEN. STAT. ANN. § 115C-407 (2018) (requiring tobacco-free policy); DEP'T PUB. INST., Preventing and Reducing E-cigarette Use and Other Tobacco Use among

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		Tax provisions *Vapor product* means "any nonlighted, 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 [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. STAT. § 105-113.4(13a) (2019) *Consumable product* means "any nicotine liquid solution or other					Students February 21, 2019 (specifying tobacco-free policies must prohibit use of e-cigarettes)

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		material containing nicotine that is depleted as a vapor product is used." N.C. GEN. STAT. § 105-113.4(1k) (2019)					
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 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) (2019) Sales restrictions	N/A	Nicotine liquid containers must be child-resistant. N.D. CENT. CODE § 12.1-31-03.2(1) (2019)	Sale/distribution of electronic smoking devices to persons under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(1)(a) (2019) Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to persons under age 18 or which are controlled by the seller. N.D. CENT. CODE §§ 12.1-31-03(1)(b); 12.1-31-03.1(1), (2) (2019) Purchase/possession/use of electronic smoking device by person under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(2) (2019) Retailers' sale and shipment of electronic smoking	No	Use of e-cigarettes included in definition of smoking and therefore prohibited in public places, places of employment and within 20 feet of entrances, exits, windows, air intakes and ventilation systems thereof (with some exceptions). N.D. CENT. CODE §§ 23-12-09(14) (publicly accessible version not yet updated)

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		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 includes any component, part, or accessory of such a product, whether or not sold separately . . . ." N.D. CENT. CODE § 12.1-31-03(9)(b) (2019) *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,			devices through mail prohibited unless retailer verifies the purchaser is at least 18 years of age and requires signature upon delivery of a person at least 18 years of age. N.D. CENT. CODE § 51-32-01(2) (2019)		(definition of smoking); 23-12-10 (2019)

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		marketed, or intended for use in an electronic smoking device [except a container that] is prefilled and sealed by the manufacturer and not intended to be opened by the consumer." N.D. CENT. CODE § 12.1-31-03.2(2) (2019)					
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) (2019)	N/A	Alternative nicotine products must be sold in the same minimum quantities as manufacturer's container. OHIO REV. CODE ANN. § 2927.02(B)(5) (2019)	Sale/distribution of alternative nicotine products to persons under age 18 prohibited. OHIO REV. CODE ANN. § 2927.02(B)(1) (2019) Vending machine sales restricted to locations inaccessible to persons under age 18 or under control of owner. OHIO REV. CODE ANN. § 2927.02(C) (2019) Purchase/possession/use of alternative nicotine products not allowed for persons under age 18 unless a parent	No	Use of electronic nicotine delivery systems, which includes e-cigarettes, prohibited in the capitol buildings. OHIO ADMIN. CODE 128-4-02(G)(9) (2019) Use of electronic cigarettes prohibited in body art establishment rooms used for

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		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 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) (2019)			accompanies them. OHIO REV. CODE ANN. § 2151.87(B) (2019)		body art or sterilization procedures. OHIO ADMIN. CODE 3701-9-04(K) (2019) Use of electronic cigarettes/electronic nicotine delivery systems prohibited on various college and university campuses by regulation (*e.g.*, University of Cincinnati, OHIO ADMIN. CODE 3361:10-17-06(B)(1) (2019); Cuyahoga Community College, OHIO ADMIN. CODE 3354:1-20-05(C)(1),(2),(3)(f) (2019); Wright State University, OHIO ADMIN.

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							CODE 3352-7-05(B),(C)(1) (2019); Kent University, OHIO ADMIN. CODE 3342-5-21(A),(B) (2019); University of Akron, OHIO ADMIN. CODE 3359-20-05.10(A)(2), (B)(1) (2019) Vaping/use of electronic cigarettes prohibited in Franklin County Court of Common Pleas. OHIO FRANKLIN PROB RULE 54.3 (2019)
Oklahoma	No.	*Vapor product* means "noncombustible products, that may or may not contain nicotine, that employ a mechanical heating	N/A	N/A	Purchase/possession of vapor products by persons under age 18 prohibited. OKLA. STAT ANN. tit. 10A § 2-8-224(A) (2019)	No	Use of vaping devices and e-cigarettes prohibited on properties owned, leased or

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		element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form [including] any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device . . . ." OKLA. STAT. ANN. tit. 63 § 1-229.12(8) (2019)			Sale/distribution of vapor products to persons under age 18 prohibited. OKLA. STAT. ANN. tit. 63 §§ 1-229.13(A); 1-229.26(A) (2019) Vending machines sales are restricted to locations inaccessible to persons under age 18. OKLA. STAT. ANN. tit. 63 § 1-229.17 (2019) Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility used primarily by persons under the age of 18 prohibited. OKLA. STAT. ANN. tit. 63 § 1-229.18(A)–(B) (2019) Self-service displays of vapor products restricted to adult-only facilities. OKLA. STAT. ANN. tit. 63 § 1-229.21(A) (2019)		contracted for use by the state, including buildings, land and vehicles owned, leased or contracted for use by the state, except when used by those living in Veteran's Affairs Residential Facilities while they are on facility grounds. OKLA. EXEC. ORD. 2015-5 (continuing OKLA. EXEC. ORD. 2013-43) Vaping prohibited in those parts of the Capitol Building assigned to the House. H.R. 1001, 57th Leg., 1st Sess (Okla. 2019), Rule 11.5

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							Possession/use of electronic cigarettes and vaping devices prohibited on grounds of Comprehensive Community Addiction Recovery Centers', Mental Illness Service Programs, Gambling Treatment Programs, Community Mental Health Centers, Substance Related and Addictive Disorder Treatment, and Opioid Treatment Programs. OKLA. ADMIN. CODE §§ 450:24-21-1.1(a);

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							450:27-3-5(a); 450:65-7-4.1(a); 450:17-23-3(a); 450:18-5-3.3(a); 450:70-2-3(a) (2019)
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 inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person's respiratory system . . . ." OR. REV. STAT. ANN. § 433.835(3) (2019) *Inhalant delivery system* means "(i) [a] device that can be used to deliver nicotine or	N/A	Inhalant delivery systems (including all component parts such as inhalants) must be labeled pursuant to state rules and sold in child-resistant packaging which is not attractive to persons under age 18. OR. REV. STAT. ANN. §§ 431A.175(2)(d)-(f) (2019)	Sale of inhalant delivery system to person under age 21 years of age prohibited. OR. REV. STAT. ANN. § 167.755(1) (2019) Self-service displays of inhalant delivery systems prohibited except in locations inaccessible to persons under 21 years of age. OR. REV. STAT. ANN. § 167.765 (2019) Purchase of inhalant delivery system by person under age 21 prohibited. OR. REV. STAT. ANN. § 167.760 (2019) Possession of inhalant delivery system by person under age 18 prohibited. OR. REV. STAT. ANN. § 167.785 (2019)	No	Aerosolizing or vaporizing inhalants in public places, places of employment, jury rooms, at least 75% of hotel rooms, and within 10 feet of entrances, exits, windows or ventilation intakes of enclosed areas prohibited (with some exceptions). OR. REV. STAT. ANN. §§ 433.845; 433.850 (2019) Hospitals may not permit use of

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		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 component or substance is sold separately or is not sold separately . . . ." OR. REV. STAT. ANN. § 431A.175(1)(a) (2019)			Vending sales of inhalant delivery systems restricted to locations inaccessible to persons under age 21 years of age. OR. REV. STAT. ANN. § 167.780(2) (2019) Public/private schools, college, community college, university career school, technical education school, youth correction and juvenile detention facilities must prohibit possession of inhalant delivery systems by persons under age 21 present at facility or at facility-sponsored event. OR. REV. STAT. ANN. § 339.883 (2019) Sale of nicotine inhalant delivery devices and liquid nicotine containers prohibited by medical marijuana dispensaries. OR. ADMIN. R. 333-008-1200(11) (2019)		"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) (2019) Use of inhalant delivery system in car while person under age 18 is present prohibited. OR. REV. STAT. ANN. § 811.193 (2019)
Pennsylvania	Yes. 72 PA. CONS.	*Electronic Cigarette* means "(1) an	Electronic cigarettes taxed	Tobacco products (incl.	N/A	Yes. 72 PA. CONS.	N/A

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	STAT. § 8201-A (2019)	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, e-cigar and e-pipe or under any other product, name or description[,] (ii) [a] liquid or substance placed in or sold for use in an electronic cigarette." 72 PA. CONS. STAT. § 8201-A (2019)	at rate of 40% of purchase price charged to the retailer. 72 PA. CONS. STAT. § 8202-A(a.1) (2019)	electronic cigarettes) must be sold in original manufacturer packaging without modification or alteration. 72 PA. CONS. STAT. § 8233-A (2019)		STAT. § 8220-A(a) (2019)	

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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 component of such device." 11 R.I. GEN. LAWS ANN. § 11-9-13.4(15) (2019); 23 R.I. GEN. LAWS ANN. § 23-20.10-2(4) (2019) *Liquid nicotine container* means "a bottle or other container of a liquid or other substance where	N/A	Electronic nicotine delivery system must be sold in "original, factory-wrapped package." 11 R.I. GEN. LAWS ANN. § 11-9-13.8(2) (2019) Electronic nicotine delivery system liquids must be sold in child-resistant packaging. 11 R.I. GEN. LAWS. ANN. § 11-9-13.20(a), (b) (2019)	Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. §§ 11-9-13; 11-9-13.10; 11-9-13.8(1) (2019) Public use/possession of electronic nicotine-delivery systems by persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-14 (2019) Purchase of electronic nicotine-delivery systems by persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-13 (2019) 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. 11 R.I. GEN. LAWS ANN. § 11-9-13.1(A) (2019)	Yes. 23 R.I. GEN. LAWS ANN. § 23-1-56(a) (2019)	Use of electronic nicotine delivery systems included in definition of "smoking" and prohibited in same places smoking is prohibited (23 R.I. GEN. LAWS ANN. §§ 23-20.10-2(19) (2019) (definition of smoking)), including public places, health care facilities, child and adult day care facilities, common areas of multi-unit housing (more than 4 units), public transportation, schools and indoor and outdoor sports arenas (23 R.I.

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		the liquid or substance is sold, marketed, or intended for use in a vapor product" excluding such containers that are "prefilled and sealed by the manufacturer and not intended to be opened by the consumer." 11 R.I. GEN. LAWS. ANN. § 11-9-13.20(c) (2019)			Distribution of free electronic nicotine-delivery systems or coupons for free products within 500 feet of any school prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-13.10 (2019)		GEN. LAWS ANN. § 23-20.10-3 (2019)); workplaces (23 R.I. GEN. LAWS ANN. § 23-20.10-4 (2019)), with some exceptions (23 R.I. GEN. LAWS ANN. §§ 23-20.10-6; 23-20.10-6.123-20.10-6.1(2019) (2019)). Possession and use of e-cigarettes, including by visitors, prohibited in all Rhode Island Department of Corrections facilities, vehicles and property. 240-20 R.I. CODE R. §§ 1.6(D), 1.16(D) (2019)

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							(referencing R.I. Dep't of Corrections Policy No. 8.08-2 DOC, Smoking and Tobacco Regulations (April 28, 2014)
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. CODE ANN. § 16-17-501(6) (2019) *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	N/A	N/A	Sale/distribution of alternative nicotine products to persons under age 18 prohibited. S.C. CODE ANN. §§ 16-17-500(A); 16-17-502(A) (2019) Purchase/possession of alternative nicotine products by persons under age 18 prohibited. S.C. CODE ANN. § 16-17-500(F)(1) (2019) Vending machine sales of alternative nicotine products restricted to locations inaccessible to persons under age 18 or locked and under control of owner. S.C. CODE ANN. § 16-17-500(D) (2019)	No	Use of electronic cigarettes prohibited in ambulances. S.C. CODE ANN. REGS. 61-7 § 601(O) (2019)

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		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) (2019)			Internet or remote sales of alternative nicotine products require third party age verification. S.C. CODE ANN. § 16-17-500(C) (2019)		
South Dakota	Yes S.D. CODIFIED LAWS § 34-46-20 (2019)	*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, electronic smoking device, or similar	N/A	Vapor products must be sold in original manufacturer's packaging. S.D. CODIFIED LAWS § 34-46-21 (2019)	Sale/distribution of vapor products to persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(1) (2019) Purchase/possession/ use of vapor products by persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(2) (2019) 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) (2019)	No	Use of electronic smoking device prohibited similar to smoking (S.D. CODIFIED LAWS § 34-46-1(6)) (definition of smoking), including public places and workplaces (S.D. CODIFIED LAWS § 34-46-14) (effective July 1, 2019) Department of Corrections policy prohibits

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		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 (2019) (inclusion of "electronic smoking device" effective July 1, 2019) *Electronic smoking device* means "any e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen containing or delivering nicotine or any other substance intended for human consumption that may be used by a person ni any manner for the purpose of inhaling vapor or aerosol from the product. S.D. CODIFIED LAWS § 34-			Self-service displays of vapor products restricted to tobacco specialty store or vending machines inaccessible to persons under age 18. S.D. CODIFIED LAWS §§ 34-46-2(5); 34-46-21 (2019)		the use of electronic cigarettes by staff and offenders in all buildings and offices, on all real property owned, leased or occupied by the Department, and all state vehicles. 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

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		46-1(1) (2019) (effective July 1, 2019)					various electronic circuits." S.D. Dep't of Corrections Policy § 1.3.C.7 (2018)
Tennessee	No	*Vapor product* means "any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit vapor [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge or other container of a solution containing nicotine or any other substance that is intended to be used	N/A	Liquid nicotine containers must be child-resistant. TENN. CODE ANN. § 39-17-1512(b) (2019)	Sale/distribution of vapor products to persons under age 18 years prohibited. TENN. CODE ANN. § 39-17-1504(a) (2019) Purchase/possession of vapor products by persons under age 18 prohibited. TENN. CODE ANN. § 39-17-1505(a) (2019) Minors permitted to handle vapor products in the course of employment when under the supervision of someone at least 21 years of age. TENN. CODE ANN. § 39-17-1505(f) (2019) Distribution of free vapor products/samples prohibited on "any public street, sidewalk, or park." TENN.	No	Use of electronic nicotine delivery systems prohibited at Tennessee Technological University, Cookeville Student Housing. TENN. COMP. R. & REGS. 0240-09-02-.05(2)(d) (2019)

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		with or in an [aforementioned] product . . . ." TENN. CODE ANN. § 39-17-1503(10) (2019) *Liquid nicotine container* means "a bottle or other container that contains liquid nicotine or any other substance containing nicotine, where the liquid or other substance is sold, marketed or intended for use in a vapor product [except containers] prefilled and sealed by the manufacturer, and not intended to be opened by the consumer." TENN. CODE ANN. § 39-17-1512(a) (2019)			CODE ANN. § 39-17-1504(c) (2019) Distribution by mail of vapor products requires distributor obtain an affirmative statement from recipient that the person is 18 years or older. TENN. CODE ANN. § 39-17-1504(d) (2019)		
Texas	No	*E-cigarette* means "an electronic cigarette or any other device that simulates smoking by using a mechanical	N/A	Liquid nicotine sold as an accessory for an e-cigarette must be sold in	Sale/distribution of e-cigarettes and distribution/redemption of coupons for e-cigarettes to persons under age 18 is	Yes. Persons engaged in delivery sales of e-	Use of e-cigarettes restricted to designated areas in schools,

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		heating element, battery, 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) (2019) *Vapor products* means "Electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the		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 (2019)	prohibited. TEX. HEALTH & SAFETY CODE ANN. §§ 161.082; 161.087 (2019) 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 (2019) Self-service/vending sales of e-cigarettes restricted to locations inaccessible to persons under age 18. TEX. HEALTH & SAFETY CODE ANN. § 161.086 (2019) Retailers of e-cigarette delivery sales must register with the state, verify, at time of purchase and at delivery, that the purchaser is over 18 years of age, include a notice about the prohibition on selling e-cigarettes to minors, and file certain information about the purchaser with the	cigarettes must register with the comptroller. TEX. HEALTH & SAFETY CODE ANN. § 161.456 (2019)	elevators, enclosed theaters, libraries, museums, hospitals, certain buses, planes and trains. TEX. PENAL CODE ANN. § 48.01(a-1), (d) (2019) 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) (2019) Use of e-cigarettes or vapor products is prohibited at

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		individual inhaling from the device, or any substance used to fill or refill the device." 37 TEX. ADMIN. CODE. § 151.25(a)(10) (2019)			comptroller. TEX. HEALTH & SAFETY CODE ANN. § 161.452(c) (2019)		school, and before/after-school programs, including the premises, playground, transportation vehicles, and during field trips. 40 TEX. ADMIN. CODE § 744.2603(d) (2019) Use of vapor products is prohibited inside Department of Criminal Justice facilities, but permitted in designated outdoor areas. 37 TEX. ADMIN. CODE § 151.25(d) (2019) Use of e-cigarettes prohibited at

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							childcare homes and centers, including playgrounds, vehicles, and during off-site field trips. 40 TEX. ADMIN. CODE §§ 746.3703(d); 747.3503(d) (2019) E-cigarette use in residential child care facilities and in vehicles transporting children prohibited. 40 TEX. ADMIN. CODE § 748.1661 (2019) Use of electronic cigarettes prohibited in licensed pediatric extended care transportation

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							vehicles. 40 TEX. ADMIN. CODE § 15.1102(d)(3) (2019) In foster homes, adults must use e-cigarettes outside, and may not use e-cigarettes when transporting children by car. 26 TEX. ADMIN. CODE. § 749.2931 (2019)
Utah	Yes. UTAH CODE ANN. §§ 26-62-102(9); 17-50-333(g); 10-8-41.6(1)(g) (2019)	Sales restrictions *Electronic cigarette* means "(i) an electronic device used to deliver or capable of delivering vapor containing nicotine into an individual's respiratory system; (ii) any component of the device described in subsection [(i)]; or (iii) an accessory sold in the	N/A	Sales of unsealed electronic cigarette substances (*e.g.,* refillable or open systems) must comply with state labeling, packaging, and nicotine content restrictions including:	Selling/distributing electronic cigarettes to persons under age 19 prohibited. UTAH CODE ANN. § 76-10-104(1) (2019) Purchase/possession of electronic cigarette by person aged 18 years or younger prohibited. UTAH CODE ANN. § 76-10-105(1) (2019) Retail sales of electronic cigarette to consumer must	Yes. Selling/ distributing electronic cigarettes requires a state license UTAH CODE ANN. § 59-14-803(1) (2019) Retailers of electronic	Use of e-cigarettes included in definition of "smoking" and prohibited in same places smoking is prohibited (UTAH CODE ANN. § 26-38-2(6) (2019) (defining smoking)), including most

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		same package as the device described in subsection [(i)]. (b) [I]ncludes an e-cigarette as defined in § 26-38-2." UTAH CODE ANN. § 59-14-802(2)(a) (2019) *Electronic cigarette product* means "an electronic cigarette or an electronic cigarette substance." UTAH CODE ANN. §§ 59-14-802(3); 76-10-101(3); 26-57-102(3) (2019) *Electronic cigarette substance* means "any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette." UTAH CODE ANN. § 59-14-802(4) (2019) Use restrictions		required safety warning, prohibition on labels reflecting certain additives, maximum nicotine levels, and child-resistant packaging, UTAH ADMIN. CODE r. 384-415-3 through 384-415-6 (2019) (authorized by UTAH CODE ANN. § 26-57-103 (2019))	be through a face-to-face exchange, except sales through a tobacco specialty shop, vending machine or self-service display inaccessible to persons under age 19. UTAH CODE ANN. § 76-10-105.1(2), (3) (2019) Tobacco specialty businesses (including those selling electronic cigarettes) must prohibit anyone under age 19 from entering (unless accompanied by parent or is 18 and older and active-duty military). UTAH CODE ANN. § 26-62-205 (2019) Tobacco retail specialty businesses (including those selling electronic cigarettes) must be located 1,000 feet from "community locations" (including, but not limited to, schools, churches, playgrounds and youth centers), 600 feet from other tobacco specialty shops, and 600 feet from property used	cigarettes must hold a valid tobacco retail permit from local health department. UTAH CODE ANN. §§ 26-62-201; 17-50-333(3)(a); 10-8-41.6(3)(a) (2019)	public indoor spaces (with some exceptions). UTAH CODE ANN. § 26-38-3 (2019) Distribution of electronic cigarettes prohibited in a correctional facility. UTAH CODE ANN. § 76-8-311.3(5)(d) (2019) School boards directed to adopt rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities. UTAH CODE ANN. § 53G-8-

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		E-cigarette means "[(a)] any electronic oral device: (i) that provides an aerosol or vapor of nicotine or other substance; and (ii) which simulates smoking through its use or through inhalation of the device; and (b) includes an oral device that is: (i) composed of a heating element, battery, or electronic circuit; and (ii) marketed, manufactured, distributed, or sold as: (A) an e-cigarette; (B) e-cigar; (C) e-pipe; or (D) any other product name or descriptor, if the function of the product meets the definition of Subsection [(a)]." UTAH CODE ANN. § 26-38-2(1) (2019)			or zoned for agriculture or residential use. UTAH CODE ANN. §§ 17-50-333(4)(a); 10-8-41.6(4)(a) (2019) Distribution of electronic cigarette samples restricted to distribution to adults at "professional conventions" or with "purchase of another tobacco product or electronic cigarette." UTAH CODE ANN. § 76-10-111 (2019)		209(2)(b)(ii) (2019) Use of e-cigarettes prohibited in cars when person 15 years or younger is present. UTAH CODE ANN. § 41-6a-1717 (2019)

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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 the inhalation of vapor . . . ." 7 VT. STAT. ANN. § 1001(8) (2019) *Nicotine liquid container* means "a bottle or other container of a nicotine liquid or other substance containing nicotine 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	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) (2019)	Sale/distribution of tobacco substitutes to persons under age 18 prohibited. 7 VT. STAT. ANN § 1003(a) (2019) Purchase/possession of tobacco substitutes by persons under age 18 prohibited. 7 VT. STAT. ANN. § 1005(a)(1) (2019) Self-service displays restricted to locations inaccessible to persons under age 18 years. 7 VT. STAT. ANN. § 1003(c)(2) (2019) No person under the age of 16 years may sell tobacco substitutes. 7 VT. STAT. ANN. § 1002(f) (2019)	Yes. 7 VT. STAT. ANN. § 1002(a) (2019)	Use of tobacco substitutes restricted similar to smoking and prohibited in public places, including indoor public places, grounds of publicly-owned and hospital buildings and within 25 feet of any state owned building, and in workplaces (with some exceptions). 18 VT. STAT. ANN. §§ 1742; 1743 (exceptions); 1421(a) (2019) Use of tobacco substitutes prohibited at child care facilities and afterschool programs. 33 VT.

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		VT. STAT. ANN. § 1012(b)(2) (2019)					STAT. ANN. § 3504(a) (2019) Use of tobacco substitutes prohibited on "public school grounds" and at sponsored events. 16 VT. STAT. ANN. § 140 (2019) Use of tobacco substitutes prohibited in cars occupied by a child under 18 years of age. 23 VT. STAT. ANN. § 1134b(a) (2019)
Virginia	No	*Nicotine vapor product* means "any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other	N/A	Liquid nicotine must be sold in a child-resistant container (except sealed, prefilled cartridges not intended to be	Sale/distribution of nicotine vapor products to persons under age 21 prohibited (unless person is active duty military 18 yrs of age or older). VA. CODE ANN. § 18.2-371.2(A), (B), (D)	No	School boards directed to develop and implement policy to prohibit use and distribution of nicotine vapor products on

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		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) (2019) *Liquid nicotine* means "a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a		opened by consumer). VA CODE ANN. § 59.1-293.11(A) (2019)	(2019) (effective July 1, 2019) Purchase/possession of nicotine vapor product by person under age 21 prohibited (unless person is active duty military 18 yrs of age or older). VA. CODE ANN. §§ 18.2-371.2(B), (D) (2019) (effective July 1, 2019) Mail order and internet sales of nicotine vapor products require verification that purchaser is over age 21 at time of purchase and signature of recipient over age 21 at time of delivery (unless purchaser is active duty military 18 yrs of age or older). VA. CODE ANN. §§ 18.2-371.2(C), (D) (2019) (effective July 1, 2019) Vending machine sales of nicotine vapor products restricted to places not generally accessible to		school bus, school property and at school-sponsored activities. VA. CODE ANN. §§ 22.1-79.5; 22.1-279.6(H) (2019) (change of term from "electronic cigarette" to "nicotine vapor product" effective July 1, 2019)

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		nicotine vapor product." VA. CODE ANN. § 59.1-293.10 (2019) *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 (2019)			persons under age 21 years. VA. CODE ANN. §18.2-371.2(A) (2019) (effective July 1, 2019)		
Washington	No	*Vapor product* means "any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or	N/A	Liquid nicotine containers must be child resistant. WASH. REV. CODE ANN. § 70.345.130(1) (2019) All "liquid nicotine	Sale/distribution of vapor products to persons under age 18 prohibited. WASH. REV. CODE ANN. § 26.28.080(1) (2019) Purchase/possession of vapor products by persons under age 18 prohibited. WASH. REV. CODE ANN. § 70.345.140(1) (2019)	Yes. WASH. REV. CODE ANN. § 70.345.030(1)(a) (2019)	Use of vapor products prohibited in and on grounds of child care facilities, schools, playgrounds, school buses, elevators, and within 500 feet of

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		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) (2019) *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		containers must be labeled with a warning regarding harmful effects of nicotine, a warning to keep the 'vapor product' away from children, a warning that vaping is illegal for minors, and for 'open systems,' a disclosure of the amount of nicotine in milligrams per milliliter, along with the total volume of the container in milliliters." WASH. REV. CODE ANN. § 70-345-075(1) (2019)	Self-service displays of vapor products prohibited except in retailers inaccessible to persons under age 18. WASH. REV. CODE ANN. § 70.345.080 (2019) 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 (2019) Free vapor product distribution prohibited without contemporaneous purchase of vapor product. WASH. REV. CODE ANN. § 70.345.110 (2019) Delivery sales of vapor products prohibited unless seller has a valid delivery sale license, verifies the age		schools. WASH. REV. CODE ANN. § 70.345.150 (2019) Vaping prohibited in indoor early learning facilities, vehicles used to transport children, and outdoors on property during nonbusiness hours in a place that would not be considered a "public place" and at least 25 feet from entrances, windows and vents. WASH. ADMIN. CODE § 110-300-0420(2) (2019) (recodification

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		delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children." WASH. REV. CODE § 70.345.010(4) (2019) *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.			of the purchaser through a third-party database, and only accepts payment through a credit or debit card in the purchaser's name. WASH. REV. CODE ANN. § 70.345.090(1)-(7) (2019) Sales/distribution, and/or advertisement of electronic cigarettes on certain campuses of higher education prohibited. (*e.g.*, Eastern Washington University WASH. ADMIN. CODE § 172-122-310(3) (2019);WSU Vancouver WASH. ADMIN. CODE § 504-37-020(5), (7) (2019); Washington State University Pullman WASH. ADMIN. CODE § 504-38-020(6), (8) (2019))		effective August 1, 2019) Use of electronic cigarettes within public institutions of higher education restricted through regulation (*e.g.*, Eastern Washington University WASH. ADMIN. CODE § 172-122-310 (2019); Peninsula College WASH. ADMIN. CODE § 132A-125-030(10)(d) (2019); Spokane Falls Community College WASH. ADMIN. CODE § 132Q-10-231 (2019); Bellingham Technical College WASH.

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		REV. CODE ANN. § 70.345.010(8) (2019)					ADMIN. CODE § 495B-140-070(2) (2019); Washington State University Vancouver WASH. ADMIN. CODE § 504-37-020 (2019); Washington State University Pullman WASH. ADMIN. CODE § 504-38-020 (2019); Bellevue College WASH. ADMIN. CODE § 132H-126-100(24) (2019); Lake Washington Institute of Technology WASH. ADMIN. CODE § 495D-140-070(4) (2019); and University of Washington WASH. ADMIN.

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							CODE § 478-136-035 (2019)) Use of electronic smoking devices in State veteran homes prohibited (except designated outdoor smoking areas). WASH. ADMIN. CODE § 484-20-090(1)(h) (2019)
West Virginia	Yes. W. VA. CODE ANN. § 16-9A-2(a)(1) (2019)	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, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted,	E-cigarette liquid taxed at rate of $0.075 per milliliter or fraction thereof. W. VA. CODE ANN. § 11-17-4b(b)(1) (2019)	N/A	Sale/distribution of vapor products to persons under age 18 years prohibited. W. VA. CODE ANN. § 16-9A-2(b)(3) (2019) Vending machine sales of vapor products restricted to places inaccessible to persons under age 18. W. VA. CODE ANN. § 16-9A-8 (2019) Use/possession of tobacco products or tobacco-derived products by persons under age 18 prohibited. W. VA.	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 (2019) Use of e-cigarettes in

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		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) (2019) *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 and			CODE ANN. § 16-9A-3 (2019)		state-owned vehicles prohibited. W. VA. CODE R. § 148-3-7.7 (2019)

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		size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device." W. VA. CODE ANN. § 16-9A-2(a)(3) (2019) 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					

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		inhaled, simulates the activity of smoking…[including] but not limited to, a device that is composed of a heating element, battery or electrical or electronic circuit, or a combination of heating element, battery and electrical or electronic circuit, which works in combination with e-liquid to produce an inhalable product . . . [including products marketed or sold as] e-cigarette, e-cigar, e-pipe or under any other name or descriptor." W. VA. CODE ANN. § 11-17-4b(a)(1) (2019) *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					

State	Included in at Least 1 State Law Definition of "Tobacco Product."[2]	Definition[3]	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		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. 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) (2019)					
Wisconsin	No	*Nicotine product* means "a product that contains nicotine and is not . . . 1. A tobacco product. 2. A cigarette. 3. A[n FDA-approved] smoking cessation product . . . ." WIS. STAT. ANN. § 134.66(1)(f) (2019)	N/A	N/A	Sale/distribution of nicotine products to persons under age 18 prohibited. WIS. STAT. ANN. § 134.66(2)(a) (2019) Sampling of nicotine products restricted to places inaccessible to persons under age 18 (without	No	E-cigarette use prohibited at State Fair Park indoor facilities and main stage area. Wisconsin State Fair Park Admission Policies

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					parent/guardian). WIS. STAT. ANN. § 134.66(2)(am) (2019) Purchase/possession of nicotine products by persons under age 18 prohibited. WIS. STAT. ANN. § 254.92(2) (2019)		
Wyoming	Yes WYO. STAT. ANN. § 14-3-301(a)(i) (2019)	Sales Restrictions: *Tobacco products* means "any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco . . . ." WYO. STAT. ANN. § 14-3-301(a)(i) (2019) *Electronic cigarette* means "a product that employs any mechanical heating element, battery or	N/A	Liquid nicotine containers must "be sold in child resistant packaging." WYO. STAT. ANN. § 35-7-2002(a) (2019)	Sales/distribution/delivery of electronic cigarettes to persons under age 18 prohibited. WYO. STAT. ANN §§ 14-3-302(a), (c) (2019) Purchase of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-304(a) (2019) Possession/use of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-305(a) (2019) Self-service displays and vending machine sales of electronic cigarettes restricted to locations	No	Use of electronic cigarettes prohibited in child care facilities when children are present. FAMILY SERVICES Ch. 4 WYO. CODE R. § 14(t) (2019)

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		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) (2019) 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,			inaccessible to persons under age 18. WYO. STAT. ANN § 14-3-303(b) (2019)		

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		electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device." WYO. STAT. ANN. §§ 35-7-2001(a)(iii) (2019) *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					

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		opened by the consumer . . . ." WYO. STAT. ANN. § 35-7-2001(a)(ii) (2019)					