Electronic Cigarettes:
An Overview
October 7, 2013
How to Use WebEx

If you can hear us through your computer, you do not need to dial into the call. Just adjust your computer speakers as needed.

If you need technical assistance, call WebEx Technical Support at 1-866-863-3904.

All participants are muted. Type a question into the Q & A panel for our panelists to answer. Send your questions in at any time.

This webinar is being recorded. If you arrive late, miss details or would like to share it, we will send you a link to this recording after the session has ended.
Acknowledgments
Presenters

Cassandra Stepan
Tobacco Prevention & Control Planner
Minnesota Department of Health

Betsy Brock
Director of Research
Association for Nonsmokers - MN

Pat McKone
Director of Mission Programs
American Lung Association in Minnesota

Scott Kelly
Staff Attorney
Public Health Law Center
Webinar Objectives

- Electronic Cigarettes
  - Product descriptions
  - Marketing strategies
  - Health impact

- Regulation
  - Minnesota Tobacco Modernization and Compliance Act
  - Minnesota Clean Indoor Air Act
  - Local Regulations

- Questions
Electronic Cigarettes: Background

Betsy Brock, MPH
Director of Research

Association for Nonsmokers-MN
www.ansrmn.org
History

- Electronic cigarettes, also called e-cigarettes, were invented in 2003 by a Chinese pharmacist.
- Today, there are hundreds of brands.
E-Juice, Smoke Juice

- The liquid used in e-cigarettes is a mixture of nicotine, flavors, and propylene glycol
- Propylene glycol is a food preservative and humectant
- Flavors include: gummy bears, fruit punch, peach, licorice, Swedish Fish, etc.
Brands

NJOY: 40% market share

blu: 40% market share, owned by Lorillard, maker of Newport
FDA Regulation

- The FDA has the authority to regulates e-cigarettes as tobacco products; they have not acted.
- From 2008-2010, the FDA regulated e-cigarettes as drug delivery devices.
  - This was challenged in court; the court determined that e-cigs should be regulated as tobacco products.
Prevalence
E-Cigarette: Prevalence

- Sales are increasingly rapidly: expected to reach $1B in 2013 (cigarettes=$80B)
- Some think that EC sales could overtake traditional cigarette sales in the next decade… or three.

Source: Wells Fargo Securities, Forbes
E-Cigarettes: MN Adult Prevalence

- Around 1% of MN adults report that they currently use EC
- 4% of current cigarette smokers report also using EC
- 6% of 18-24 year old current cigarette smokers also report using EC

Source: Minnesota Adult Tobacco Survey, 2010
E-Cigarettes: Youth Prevalence

In 2012, 10% of high school students reported ever using e-cigarettes, up from 4.7% in 2011.

- More than 75% of these students also report using cigarettes

Dual Use

- Nationally, 20% of smokers report that they have used an e-cigarette (2011)
  - E-cigarette use was significantly higher among current smokers than former or never smokers

- We need to think about this on a population level!

Source: Centers for Disease Control and Prevention
Health Impact
Electronic Cigarettes: Health Effects

- These products are poorly regulated and highly variable. One study found that:
  - Nicotine content labeling was not always accurate; some cartridges that were labeled “no nicotine” actually contained high doses of nicotine
  - Secondhand EC vapor contains nicotine

NJOY: Nicotine content: ???

blu: Nicotine content: ???

Fin: 1.6% nicotine by volume

EZ Cig: 2.1% nicotine

Swisher e-cigar: 18 mg nicotine
Electronic Cigarette: Health Effects

- EC vapor has been found to contain heavy metals, silicate, and nanoparticles (which can go deep into the lungs)

- Many of the ingredients found in EC vapor are known to be dangerous to human health. These ingredients can cause: lung and cardiac inflammation, cancer, and cell damage.

Marketing
blu eCigs 2013 TV Commercial: "Freedom" featuring Jenny McCar...
Vuse E-Cigarette commercial, 2013:

“Tomorrow. It’s where great things happen. Dreams. Opportunities. The promise of new things to come….Welcome to tomorrow.”
blu cigs
50,735 likes · 1,114 talking about this

Product/Service
http://www.blucigs.com/ We make purchasing simple, visit our site and order online today. blu gives you the freedom to smoke whenever and wherever you like.

Posting Guidelines:
Due to regulatory concerns, blu and many other companies that make electronic cigarettes are not able to make claims about their health effects. Blu products are not intended to motivate anyone to stop smoking or to make anyone who does not smoke start. For more information, visit our website at blucigs.com.

© 2013 LCIGC, Inc. blu and blu® electronic cigarettes are not a smoking cessation product and have not been evaluated by the Food and Drug Administration, nor are they intended to treat, prevent or cure any disease or condition. blu™ and blu® are trademarks of Lorillard Technologies, Inc.

blu Facebook page: September, 2013
THE MOST AMAZING THING ABOUT THIS CIGARETTE?

IT ISN’T ONE
Rebel with a cause: Sean Penn nonchalantly puffs his #NJOY while discussing the relocation of families in Haiti at the Clinton Global Initiative in #NYC.

Watch Live Here: http://bit.ly/1fIS0eF #CGI2013

Here are our @PrimetimeEmmys picks! Can you guess why? Make sure to watch with an #NJOY so you don’t miss one moment! #NJOYment
Rewrite The Rules:

FIN
Electronic Cigarettes

Print ad for Fin: August, 2013

Source: Trinkets & Trash
FREE SAMPLE!

Received September, 2013
E-Cigarettes: What’s Happening

Pat McKone, Director
Tobacco Control Programs and Policy
Vaping locations in Minnesota
Sept. 2013
• Guiding members on how to get their voices heard
Are “electronic cigarettes” regulated by the MCIAA?
No. The use of “electronic cigarettes” does not meet the definition of smoking in the MCIAA because the devices:

1. don’t have “smoke” – because there is no combustion (nothing is burning),
2. don’t contain tobacco or any other plant product intended for inhalation,
3. are not “lighted” – again, because there is no combustion.

As such, use of the e-cigarette devices in a public place, place of employment, public meeting or public transportation is not a violation of the MCIAA – although, it should be noted, this interpretation does not speak to any potential health hazards that these devices might pose.
Advocacy tips

Paul Allen

Guys, while I know that Duluth is a huge step in the wrong direction, it is critical that we remain positive. We must not allow this setback to affect the positive things we are attempting to do. Believe me, I am just as upset about this as anyone, however I feel that how we conduct ourselves after a setback defines us as a group. Please be careful about how you communicate on the issue in the upcoming days as the words/actions of a few may well be interpreted as the outlook of the group on the whole.

Like · Comment · Follow Post · September 10 at 7:09am

10 people like this.

Matt Black Thank you, Paul - that's good advice
September 10 at 8:32am · Like
Step 1 - Go here and find your legislative and congressional members:
http://www.gis.leg.mn/OpenLayers/districts/

Step 2 - Compose an email to every member on the list that comes up (it can be the same email, you can even CC them all if you wish). Your email should include the following:
* Your name, address, and phone number should be at the top of the email.
* Your success story regarding switching from smoking to vaping
* Your support of common sense regulations - ie, no sales to minors
* Your opposition to the banning of e-cigarettes in public. This is important, because often times when public bans are imposed, provisions aren’t made for sampling.
* Inform them that health studies can be found here:
http://www.mnvapers.com/health-studies

Step 3 - Be sure to CC letters@mnvapers.com to enter the contest.

Thank you, everyone!

Also, a HUGE thank you to Go Ecigz for their continued support of what we’re doing here and for the donation of the iTaste 134. You guys are amazing.
Tracking current news ......

Annie Shandorf
Did you folks see this? Our lovely Atty General of MN signed it. Make sure you leave a love note for her in her email or voicemail.

40 AGs urge tight regulation of e-cigarettes
www.usatoday.com

133 52 Share This Story! Let friends in your social network know what you are reading about Facebook Email Twitter Google+ LinkedIn 40 AGs urge tight regulation of e-cigarettes Post to Facebook Incorrect please try again Try

Annie Shandorf If someone else already shared, I'm sorry for the double post.
16 minutes ago · Like · #1

Write a comment...
Talking Points

• FDA Regulation is needed
  – Agreement on no sales to minors
  – License needed (some disagreement with being a tobacco license)

• Harm Reduction  this is a tobacco industry term
  • Tobacco use is the most harmful product on the market
  • Best practice is to support cessation
  • The science is not there – lots we don’t know
Cessation “stories”... not science

• What we know about e cigarettes and cessation (nicotine is addictive)
Cessation

- There are 7 products approved by the FDA for cessation. These products have gone through clinical trials and have shown that when used in combination with cessation counseling, double the chances for cessation.
- E-cigarettes derail true cessation attempts.
- FDA has sent warning letters to e-cigarette manufacturers regarding false cessation claims.
- E-cigarettes are commonly used along with cigarettes (dual users, undermining true cessation attempts).
Use among youth doubles!

Press Release

Embargoed Until:
Thursday, Sept. 5; 1:00 p.m. ET

E-cigarette use more than doubles among U.S. middle and high school students from 2011-2012

More than 75 percent of youth users smoke conventional cigarettes too

The percentage of U.S. middle and high school students who use electronic cigarettes, or e-cigarettes, more than doubled from 2011 to 2012, according to data published by the Centers for Disease Control and Prevention.
Youth and e-cigarettes

• Dozens of flavors appealing to youth e.g. cotton candy
• Mall kiosks as sales outlets
• Positioning as not so harmful
• Vaping lounges
14 Agencies Sent Letter to FDA Urging Regulation and 40 Attorneys General
Electronic Cigarettes: Regulations
Federalism
Presumption
Reality
Evolution

We ask the FDA to move quickly to ensure that all tobacco products are tested and regulated to ensure that companies do not continue to sell or advertise to our nation’s youth.”

Lori Swanson
Minnesota Attorney General
Tobacco Modernization and Compliance Act

- Expanded state laws related to the sale and use of **tobacco products** and related devices
- Prohibits the sale to minors of any:
  - Nicotine delivery devices
  - Lobelia delivery devices
Distinctions (tobacco vs. e-cigarettes)

Tobacco regulations don’t specifically apply to electronic cigarettes:

• License to sell
• Self-service
• Compliance checks
• Administrative penalties
• Suspensions
Freedom to Breathe Act

144.411 CITATION.
Sections 144.411 to 144.417 may be cited as the Minnesota Clean Indoor Air Act.
History: 1973 c 211 s 1

144.412 PUBLIC POLICY.
The purpose of sections 144.411 to 144.417 is to protect employees and the general public from the hazards of secondhand smoke by eliminating smoking in public places, places of employment, public transportation, and at public meetings.
History: 1973 c 211 s 2, 1987 c 399 s 1, 2007 c 82 s 2

144.413 DEFINITIONS.
Subdivision 1. Scope. As used in sections 144.411 to 144.416, the terms defined in this section have the meanings given them.

Subd. 1a. Indoor area. "Indoor area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.041 gauge window screen with an 18 by 16 mesh count is not a wall.

Subd. 1b. Place of employment. "Place of employment" means any indoor area at which two or more individuals perform any type of service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, and dormitories, gymnasiats, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:
(1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more off-site employees; or
(2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Subd. 2. Public place. "Public place" means any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities other than public schools, as defined in section 120A.91, subdivision 11; hospitals, nursing homes; and common areas of rental apartment buildings.
“Smoking”

144.413 DEFINITIONS.

Subd. 4. Smoking.
"Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.
Local Opportunities

“All public health is local: It’s got to start and be sustained at the local level.”

Dr. Howard Koh, Assistant Secretary, Dept. of Health & Human Services, 2009
461.19 EFFECT ON LOCAL ORDINANCE; NOTICE.
Sections 461.12 to 461.18 do not preempt a local ordinance that provides for more restrictive regulation of tobacco sales. A governing body shall give notice of its intention to consider adoption or substantial amendment of any local ordinance required under section 461.12 or permitted under this section. The governing body shall take reasonable steps to send notice by mail at least 30 days prior to the meeting to the last known address of each licensee or person required to hold a license under section 461.12. The notice shall state the time, place, and date of the meeting and the subject matter of the proposed ordinance.
144.417 COMMISSIONER OF HEALTH, ENFORCEMENT, PENALTIES.

Subd. 4. Local government ordinances.

(a) Nothing in sections 144.414 to 144.417 prohibits a statutory or home rule charter city or county from enacting and enforcing more stringent measures to protect individuals from secondhand smoke.

(b) Except as provided in sections 144.411 to 144.417, smoking is permitted outside of restaurants, bars, and bingo halls unless limited or prohibited by restrictions adopted in accordance with paragraph (a).
“Policy”
Ordinances

- **Regulate** people and property
- Provide **penalties** for violations
- Comply with **procedural requirements**
- Need to be **consistent** with **state** and **federal laws**
Retail Licensing

Incorporate Electronic Cigarettes

• Definitions
• Licensing requirements
  • Background checks
  • Fees
• Prohibited sales
  • Self-Service
• Other illegal acts
  • Sampling
• Compliance checks
• Violations and penalties
Clean Air

NO SMOKING

INCLUDING ELECTRONIC CIGARETTES
Examples

Section 2. Definitions.
(5) “Electronic cigarette” means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

Section 5. Prohibited Conduct Generally. It shall be unlawful for any person to:

(1) Sale without a license- It shall be a violation of this ordinance to sell or offer to sell any tobacco, tobacco product, tobacco related device or e-cigarette without a license issued by the Jackson County Board of Commissioners unless otherwise the person is licensed by the town or city in which the sale occurs.

City Council votes to restrict e-cigarette use in Duluth
New restrictions soon will confront users of electronic cigarettes in Duluth.
Examples

As E-cigs grow in popularity, bans start to pop up

Local News

August 19, 2013
North Mankato limits e-cig sampling
City won't give licenses for up to 1 year

By Dan Linehan
dlinehan@mankatofreepress.com

NORTH MANKATO — The city of North Mankato won’t issue licenses for hookah bars or indoor sampling of
Questions
Technical Assistance Providers

Betsy Brock – Betsy@ansrmn.org
(651) 646-3005

Pat McKone - Pat.McKone@lungum.org
(218) 726-4721

Scott M. Kelly – scott.kelly@wmitchell.edu
(651) 695-7611

The legal information and assistance provided in this webinar does not constitute legal advice or legal representation.