



# E-CIGARETTES AND JUULS: STOPPING A NEW EPIDEMIC

## LEGISLATIVE OVERVIEW SERIES: 2020 PUBLIC HEALTH SPOTLIGHT

### Introduction

#### HARMFUL NEW NICOTINE PRODUCTS

Electronic cigarettes (e-cigarettes) are devices that often resemble cigarettes, cigars, and pipes, and deliver nicotine, flavors, or other substances in the form of a vapor or aerosol. Use of these devices — commonly referred to as “vaping” — has become exceedingly popular despite the documented health risks. Most e-cigarettes contain nicotine, which is highly addictive, toxic to fetuses, harmful to adolescent brain development, and a health risk for pregnant women. E-cigarette aerosol can also contain cancer-causing chemicals, heavy metals like lead, and volatile organic compounds. Evidence shows that even e-cigarettes without nicotine are harmful to the lungs. Juuls, a popular brand of e-cigarettes shaped like USB flash drives, contain more nicotine than many e-cigarettes on the U.S.

### BY THE NUMBERS

#### E-Cigarettes<sup>1</sup>

**77.8%**

Increase in use among high schoolers during 2017–2018.

**1.5 million**

More teens used e-cigarettes in 2018 compared to 2017

**72%**

Portion of the market in the U.S. controlled by Juul.

**641%**

Increase in Juul device sales, 2016–2017.

### Legislative Trends

#### AGE OF SALE

In 2019, Arkansas, Connecticut, Delaware, Illinois, Maryland, New York, Ohio, Texas, Utah, Vermont, Virginia, and Washington state joined six other states and the District of Columbia in raising the minimum age of tobacco sales to 21, applicable to both traditional tobacco products and e-cigarettes. Alabama and Nebraska also prohibited the sale of e-cigarettes to those under age 19.

#### FLAVORED PRODUCTS

Regulating the sale of flavored tobacco and vaping products is known to reduce youth e-cigarette use. In 2019, Massachusetts became the first state to ban all flavored tobacco products, including e-cigarettes, while North Dakota prohibited the sale of flavored e-cigarettes and e-liquids to minors. Legislatures in nine other states considered restricting the sale of flavored tobacco products, e-cigarettes, or e-liquids.

#### PRICE INCREASES

States have regulated e-cigarette prices by applying a percentage price increase based on the sale price, pricing e-cigarettes and vapor products at the same rates as combustible cigarettes, and imposing a per milliliter (ml) price increase on liquid nicotine or consumable material.

In 2019, eight states increased prices of e-cigarettes, e-liquids, or vapor products:

- **Connecticut:** e-cigarette products prefilled and sealed by manufacturers increased by \$0.40 per milliliter of e-liquid. Other e-cigarette products are now taxed at 10% of the wholesale price.
- **Illinois:** e-cigarettes increased by 15% of wholesale price.
- **Maine:** e-cigarettes and e-liquids increased by 43% of wholesale price.
- **New York:** vapor products increased by 20% of retail price.



### CLEARING THE AIR

TWENTY STATES AND 892 MUNICIPALITIES HAVE EXPANDED SMOKE-FREE AIR LAWS TO PROHIBIT E-CIGARETTE USE.

(SOURCE: AMERICAN NONSMOKERS' RIGHTS FOUNDATION)

- **Nevada:** vapor products and alternative nicotine products increased by 30% of wholesale price.
- **Ohio:** vapor products increased by \$0.01 per vapor volume.
- **Vermont:** tobacco substitutes and any liquids or delivery devices for use with tobacco substitutes increased by 92% of wholesale price.
- **Washington:** vapor products increased by \$0.27 per ml and accessible containers of solution greater than five ml increased by \$0.09 per ml.

## Looking Ahead

ASTHO expects states to continue adopting laws aimed at reducing youth access to e-cigarettes. In addition to laws regulating flavored products, age of sale, and pricing, other state actions may include:

- Sales restrictions on products with specific nicotine concentrations (i.e. nicotine concentration above XX mg per ml) and nicotine absorption disclosures to better inform consumers of product contents.
- Prohibitions on the bulk sale of e-cigarette products, which would help prevent the resale of these products to those under the legal purchase age.
- Prohibiting the purchase of e-cigarettes through online sales.
- Incorporating e-cigarettes in the definition of tobacco products to make enforcement consistent and so they are included in evidence-based policies, such as clean indoor air laws.

1. Gentzke AS, Creamer M, Cullen KA, et al. Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018. MMWR Morb Mortal Wkly Rep 2019;68:157–164. DOI: <http://dx.doi.org/10.15585/mmwr.mm6806e1>. Accessed on March 10, 2020.

# GROWING POPULARITY

E-cigarette use by youth is a growing concern among state and federal policymakers. It is also a public health issue the FDA claims has "hit epidemic proportions." E-cigarettes are now the most popular tobacco products among youth and young adults.




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