Regulating the Electronic Cigarette Industry

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Morris County Office of Health Management
Tobacco Use: A Historical Timeline

- First commercial combustible cigarettes were made in 1865.
- Inexpensive, easy to inhale.
- Early 1950’s research was published showing a statistical link between smoking and lung cancer.
- Early 1960’s the tobacco industry recognized the health problem and placed warning labels on cigarette packaging (Federal Cigarette Labeling and Advertising Act of 1965) and were prohibited from advertising on television and radio (Public Health Cigarette Smoking Act of 1969).

Pictures from: [https://www.nytimes.com/2008/10/07/business/media/07adco.html](https://www.nytimes.com/2008/10/07/business/media/07adco.html)
Electronic Cigarettes: A Historical Timeline

- 1930 - First patent granted to an electronic cigarette.
- 1960’s to 1990’s - Many people worked to commercialize variations of today’s electronic cigarette, all failed.
- 2003 - SUCCESS (or is it?)
- 2006 to 2007 - Electronic cigarettes were introduced to Europe and the United States.
- 2008 - Turkey suspends the sale of electronic cigarettes. The World Health Organization (WHO) does not consider electronic cigarettes as a safe alternative to smoking cigarettes.
- 2009 - Australia, Brazil, Jordan, Hong Kong and Canada ban the import and/or sale of electronic cigarettes. FDA gains authority over tobacco products.
- November 2009 - New Jersey legislators pass a bill that includes electronic cigarettes in the state’s public smoking ban.
- 2011 - Argentina and Holland ban the sale and importation of electronic cigarettes.
- 2011 to 2016 - Industry and FDA go back and forth on rules and regulations concerning electronic cigarettes. U.S. Senators demand additional regulations on flavoring and marketing. Warning letters issued warning letters for sales to minors.
- 2018 - FDA issues warning letters to electronic cigarettes for labeling and/or advertising products geared towards children.
What is an Electronic Cigarette?

A battery operated device designed to deliver nicotine, flavor and other chemicals. The device turns chemicals into aerosol that is inhaled by the user.
Youth Electronic Cigarette Use

What did 12th graders think was in the mist they inhaled from an electronic cigarette?

- Flavored: 63%
- Nicotine: 25%
- Marijuana or hash oil: 7%
- Don't know: 5%

Source: https://www.tobaccofreekids.org/
Reasons for Electronic Cigarette Use

**YOUTH USAGE**
- Friend or family member uses
- Some other reason
- Flavoring
- Safer than cigarettes
- They can be used anywhere
- Cessation
- Ease of access
- Cost
- Famous people use them

**ADULT USAGE**
- Cessation/Health
- Consideration of Others
- Convenience
- Cost
- Flavored
- They can be used anywhere
- Flavored
- Famous people use them


Family Smoking Prevention and Tobacco Control Act

The Family Smoking Prevention and Tobacco Control Act places specific restrictions on marketing tobacco products to children. These provisions include:

- Sales to minors (US - 18)
- Vending machine sales
- The sale of packages of fewer than 20 cigarettes
- Tobacco-brand sponsorships of sports and entertainment events
- Free giveaways of sample cigarettes
- Large and more visible warnings
- Bans cigarettes with characterizing flavors, except menthol and tobacco.

Electronic Cigarette Marketing Tactics

The FDA reported 81 percent of current youth electronic cigarette users cited the availability of appealing flavors as the primary reason for use.

Source: https://www.fda.gov/tobaccoproducts/labeling/productsingredientscomponents/ucm456610.htm
Pictures: geekalerts.com & publichealthinsider.com
FDA Steps to Combat Youth Access and Use

FDA Statement

Statement from FDA Commissioner Scott Gottlieb, M.D., on new enforcement actions and a Youth Tobacco Prevention Plan to stop youth use of, and access to, JUUL and other e-cigarettes

For Immediate Release

APRIL 19, 2018

Statement

• FDA takes all measures to remove e-cigarettes from the reach of children
• FDA has taken a number of actions to reduce youth access to cigarettes
• Agency takes action to remove youth access to JUUL
• FDA will work to prevent sales of e-cigarettes to minors

FDA News Release

FDA takes new steps to address epidemic of youth e-cigarette use, including a historic action against more than 1,300 retailers and 5 major manufacturers for their roles perpetuating youth access

For Immediate Release

September 12, 2016

Release

The U.S. Food and Drug Administration announced a number of new enforcement actions against 1,300 retailers in 30 states for selling e-cigarettes to minors. Also, the agency is taking action against five large e-cigarette manufacturers for unlawfully marketing their products to children. These actions are part of the agency's efforts to reduce youth access to e-cigarettes (commonly referred to as "e-cigs") and to address the growing epidemic of youth e-cigarette use.

Today's actions include the following:...
Not All Electronic Cigarettes are Created Equal
Health Effects of Electronic Cigarette Use

Adverse effects of vaping

- Brain
  - Addiction
- Eyes
  - Irritation
  - Blurry vision
  - Wounds and burns in case of e-cigarette explosion
- Mouth and airways
  - Irritation
  - Cough
  - Increased airway resistance
- Heart and circulation
  - Increased heart rate
  - Chest pain
  - Increased blood pressure
- Stomach
  - Vomiting
  - Nausea
  - Pain

Side effects of Nicotine

- Blood
  - Increased clotting tendency
- Lungs
  - Bronchospasm
- Muscular
  - Tremor
  - Pain
- Gastro-intestinal
  - Nausea
  - Dry mouth
  - Dyspepsia
  - Diarrhea
  - Heartburn
- Joints
  - Pain
- Central
  - Lightheadedness
  - Headache
  - Sleep disturbances
  - Abnormal dreams
  - Irritability
  - Dizziness
- Heart
  - Increased or decreased heart rate
  - Increased blood pressure
  - Tachycardia
  - More (or less) arrhythmias
  - Coronary artery constriction
- Endocrine
  - Hyperinsulinemia
  - Insulin resistance

Pictures: Wikipedia.com
Nicotine Toxicity and JUUL

Sources of Nicotine

<table>
<thead>
<tr>
<th>Source</th>
<th>Content (mg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 whole cigarette</td>
<td>10-30</td>
</tr>
<tr>
<td>1 cigarette butt</td>
<td>5-7</td>
</tr>
<tr>
<td>1 cigar</td>
<td>15-40</td>
</tr>
<tr>
<td>1 gram chewing tobacco</td>
<td>6-8</td>
</tr>
<tr>
<td>1 nicotine patch</td>
<td>8-100</td>
</tr>
<tr>
<td>1 piece nicotine gum</td>
<td>2-4</td>
</tr>
<tr>
<td>1 vial (5 ml) e-juice</td>
<td>0-100</td>
</tr>
</tbody>
</table>

Ingestion of toxic dose of nicotine

<table>
<thead>
<tr>
<th>Dose</th>
<th>Onset</th>
<th>Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low toxic dose*</td>
<td>15-90 minutes</td>
<td>Tremor, nausea, increase in heart rate/blood pressure/respiratory rate, mental alertness, euphoria</td>
</tr>
<tr>
<td>High toxic dose**</td>
<td>0-60 minutes</td>
<td>Nausea/vomiting, diarrhea, increase in heart rate/blood pressure/respiratory rate, dizziness, confusion, seizure</td>
</tr>
<tr>
<td></td>
<td>30 minutes to 4 hours</td>
<td>Low blood pressure, slow heart rate, lethargy, weakness, paralysis</td>
</tr>
</tbody>
</table>

*1/10th cigarette in children; ½ to 1 whole cigarette in adults
**1/3rd - 1 whole cigarette in children; 1-3 whole cigarettes in adults

Electronic Cigarette Initiatives in NJ

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>LICENSE TYPE</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boonton (Town)</td>
<td>Initial License</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>Renewal</td>
<td>$750.00</td>
</tr>
<tr>
<td>Bloomingdale</td>
<td>Initial and renewal</td>
<td>$250.00</td>
</tr>
<tr>
<td>Butler</td>
<td>Initial license</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>Renewal</td>
<td>$750.00</td>
</tr>
<tr>
<td>Cranford</td>
<td>Initial and renewal</td>
<td>$200.00</td>
</tr>
<tr>
<td>East Brunswick</td>
<td>Initial license</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Renewal license</td>
<td>$75.00</td>
</tr>
<tr>
<td>Hanover Township</td>
<td>Initial and renewal</td>
<td>$750.00</td>
</tr>
<tr>
<td>Highland Park</td>
<td>Initial and renewal</td>
<td>$600.00</td>
</tr>
<tr>
<td>Hillside</td>
<td>Initial and renewal</td>
<td>$750.00</td>
</tr>
<tr>
<td>Little Falls</td>
<td>Initial and renewal</td>
<td>$500.00</td>
</tr>
<tr>
<td>Montgomery Township</td>
<td>Initial and renewal</td>
<td>$600.00</td>
</tr>
<tr>
<td>Princeton</td>
<td>Initial and renewal</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Ridgewood</td>
<td>Initial and renewal</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>South Brunswick</td>
<td>Initial and renewal</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Wayne</td>
<td>Initial and renewal</td>
<td>$500.00</td>
</tr>
<tr>
<td>West Orange</td>
<td>Initial and renewal</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Westfield</td>
<td>Initial and renewal</td>
<td>$200.00</td>
</tr>
<tr>
<td>Westwood</td>
<td>Initial and renewal</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Woodbridge</td>
<td>Initial and renewal</td>
<td>$900.00</td>
</tr>
</tbody>
</table>

“Action can be taken at the national, state, local, tribal, and territorial levels to address e-cigarette use among youth and young adults. Actions could include incorporating e-cigarettes into smoke free policies, preventing access to e-cigarettes by youth, price and tax policies, retail licensure, regulation of e-cigarette marketing likely to attract youth, and educational initiatives targeting youth and young adults.”

- US Surgeon General
Tobacco Age of Sale Enforcement (TASE) Program

70% of smokers regret ever having smoked in the first place.

Do you know many teenagers who would think through the consequence of that first action?
Retail Electronic Smoking Device Establishment: Morristown’s Proposed Ordinance

- Must possess a retail electronic smoking device establishment license issued by the Town Division of Health
- Restrictions: Cannot possess a license issued by the Town Division of Health (e.g. food license), a license for the retail sale of motor fuel by the State of New Jersey and/or a liquor license issued by the State of New Jersey
- Employees must be 21 years of age or older
- Sixty (60) days to remove product from shelving

- Age restrictions for entry into a retail electronic cigarette smoking device establishment (21 years or older)
- New locations cannot be within 500 feet of any public recreational field or park, public or private elementary or secondary school
- Educational component for retailers on state and local regulations pertaining to tobacco and electronic cigarette
- High monetary penalties for non-compliance
Who’s Selling in Morristown?

- Supermarket (1)
- Convenience Store (4)
- Liquor Store (5)
- Smoke/Vape Shop (2)
- Pharmacy (2)
- Gas Station (2)

According to the 2018 NYTS, 14.8 percent of middle and high school e-cigarette users under 18 report obtaining e-cigarettes from a vape shop in the past month, 8.4 percent from a gas station or convenience store, and 6.5 percent from the Internet.

According to the CDC, 68% of students (17.7 million) are exposed to electronic cigarette advertisements when visiting a retail store.

Source: National Youth Tobacco Survey
Tobacco Age of Sale

ONLY $21+

TOBACCO & E-CIG SALES
AGE 21 AND OVER

A PERSON WHO SELLS OR OFFERS TO SELL TOBACCO PRODUCTS OR ELECTRONIC SMOKING OR VAPOR DEVICES, COMPONENTS, CARTRIDGES OR RELATED PRODUCTS TO A PERSON LESS THAN 21 YEARS OF AGE SHALL PAY A PENALTY UP TO $1,000 AND MAY BE SUBJECT TO A LICENSE SUSPENSION OR REVOCATION. PROOF OF AGE MAY BE REQUIRED FOR PURCHASE. THOSE PERSONS OR ESTABLISHMENTS IN VIOLATION ARE SUBJECT TO PROSECUTION.

Town of Morristown
200 South Street
Morristown, NJ 07963
(973) 756-1975

THE TOWN OF
MORRISTOWN

We Card
State Law Prohibits the Sale of Tobacco to Minors.

Please Have ID Ready
Big and Small Business Make a Move to Protect the Public’s Health

Pennington Circle convenience stores pull e-cigs from shelves, open 31 Smoke and Vape

The owners of two convenience stores on the Pennington Circle say they have pulled all electronic cigarette products from the shelves of those stores and opened a separate store from which it is to sell them.

Co-owners Dolly (left) and Kapil (right) said they have pulled all electronic cigarette products from their shelves and opened a separate store from which it is to sell them.

ShopRite to stop selling tobacco products

By Kari Garvin

Ahold Delhaize’s ShopRite division will stop selling cigarettes and electronic cigarettes at all stores after Jan. 1.

The announcement comes amid a host of news about the cigarette industry, including a recent proposal for the national tobacco tax and a ban on flavored cigarettes.

While ShopRite’s move is a positive step forward in reducing the harm caused by tobacco products, it is important to note that many other retailers continue to sell these products.

CVS stores to stop selling tobacco

By Elizabeth Llamas

CVS said Wednesday that it will stop selling cigarettes and other tobacco products at its stores nationwide.

The move comes as part of the company’s efforts to reduce its dependence on tobacco products.

Tobacco and smoking accessories policy

Tobacco products, including e-cigarettes and pipes, are heavily regulated and not to be sold or advertised in the U.S. Smoking accessories that are traditionally intended for smoking tobacco products are allowed.

There are some exceptions for tobacco-related products, such as traditional pipes and hookahs. However, our guidelines explain which to be sold and handling accessory products are allowed or not.
Resources

Information for this presentation was gathered from the following sites:

- [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6140188/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6140188/)
- [https://www.nytimes.com/2008/10/07/business/media/07adco.html](https://www.nytimes.com/2008/10/07/business/media/07adco.html)
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