

State Legislation Regulating E-Cigarettes and Vapor Products

The Striker to Senate Bill 6328 has broad support among health organizations. It will bring statewide regulation and enforcement to a nearly unregulated e-cigarette and vapor products market and strengthen protections against the sale of these harmful products to youth.

Problem: Currently, the Liquor and Cannabis Board does not have the funding or the authority to enforce the state prohibition of selling e-cigarettes and vapor products to minors. Because a license isn't required to sell these highly addictive nicotine-delivery devices, the state does not know how many vape shops there are or where they are located.

Solution: This striker accomplishes the following actions:

- Establishes important youth access protections.
- Provides meaningful enforcement and penalties for those who break the law.
- Regulates Internet and distribution markets.
- Provides common-sense consumer protections such as warnings and nicotine content disclosure.
- Raises tobacco fees and doubles fines — the first increase in 23 years; pays for enforcement, prevention and education.

The striking amendment affects these issues:

Youth access

- **Strengthens consumer protections against sales to minors.** Mandates child-resistant packaging and prohibits the sale of vapor products from open display cases where kids can grab them. Requires retailers to check identification.
- **Doubles fines for selling to youth.** Doubles the fines for selling tobacco products to minors. Treats tobacco and vapor licenses the same not only with respect to fines, but also with regard to penalty progressions for multiple offenses and license suspension and revocation, so that if one is revoked, the other is, too.

Regulated markets, meaningful enforcement

- **Tripled state enforcement and prevention dollars.** Sets higher fees so more than triple the enforcement dollars are going to the Liquor and Cannabis Board to enforce tobacco and vapor product youth access laws and so triple the state prevention money is directed to local jurisdictions.
- **Increases the license fees for tobacco and vapor retailers.** Increases the license fee to sell vapor products from \$0 to \$175 and to sell tobacco from \$93 to \$175 (or \$250 per establishment if it sells both products).
- **Regulates distributors.** Establishes a new distributor license and fee, allowing the Liquor and Cannabis Board to track where the “e-juice” is being shipped from and to hold accountable the distributors sending concentrated nicotine from China and other counties.
- **Regulates Internet sales to protect youth.** Regulates sales over the Internet and requires a license, age verification for all potential customers and other best practices to prevent youth from accessing nicotine products online. Sets strong criminal and civil penalties for violating the Internet sales provisions.

Consumer protections

- **Imposes strong labeling requirements.** Requires disclosure of nicotine level and warning labels on all vapor products packaging.
- **Allows local jurisdictions to act in public health emergencies.** Allows for local jurisdictions or the secretary of Health to analyze and seize products and shut down stores when human health is at risk.

Public use

- **Bans the use of vapor products in areas where children congregate.** Prohibits vaping in child care centers, elevators, playgrounds, school buses, schools and 500 feet from schools. Allows (does not preempt) local health or political jurisdictions from prohibiting vaping in other outdoor areas where children congregate.
- **Gives locals the authority to ban indoor use.** Allows (does not preempt) local health or political jurisdictions to ban indoor use of vapor products, with the exception of state-licensed vapor retail stores when used on licensed premises restricted to persons 18 years of age or older for tastings (limited nicotine tasting requires customer's explicit consent).