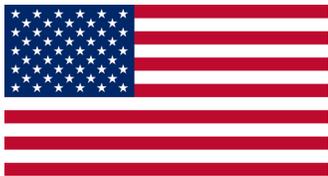


September 2015

This policy scan was conducted to identify unique policy approaches for electronic cigarettes at local and state levels. We used Tobacco Watcher<sup>1</sup>, a digital media surveillance system that captures tobacco-related news in multiple languages, to identify news articles on e-cigarette regulations dating back to March 2008. We conducted full searches of the articles using varied search terms for city/state/province, e-cigarette and policy/ordinance/law to identify jurisdictions that enacted policies related to sale, advertising, promotion and sponsorship, distribution, importation, manufacture, taxation and child safety. Once a jurisdiction was identified, original legislation was retrieved from city/state legislature websites and reviewed to extract key elements of these policies. From our searches, we identified 18 cities and states with unique e-cigarette regulatory approaches beyond vape-free and age-of-majority purchase rules. These findings are not meant to be an exhaustive list of all innovative policies at the local level, but rather provide key examples of approaches that are currently in place to govern these emerging products.

The text below summarizes the policies/regulatory approaches of the jurisdictions included in the scan, along with how the regulation classifies or refers to e-cigarettes. A summary table can be found at the end of the document that provides a cumulative summary of all of the approaches at a glance.

## Subnational E-cigarette Regulation: A Synopsis

ARKANSAS  
U.S.

**Regulatory Domains:** Minimum age (18 years); Vendor licensing; Advertising/promotion/sponsorship; Manufacture; Smoke-free; Child safety/packaging

**Product Classification:** Vapor product; E-liquid product (may or may not contain nicotine)

**Regulation:** S3/25/15 H3/30/15

**Policy Summary:** An amendment to the Arkansas Code sets a minimum age (18) of purchase, use and possession for e-cigarettes. Point of sale signage is required displaying the minimum age. Restrictions on promotional free samples apply based on location and age of recipient. Vendor licensing, retail and manufacturing permits are required. It is prohibited to use these products on school grounds, or in child care or health care facilities. All e-liquid containers sold at retail within the state are required to be child proof: unable to be reasonably opened by a child under 5. Safety and hygiene standards apply in the case of e-liquid preparation (“create your own”).

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<sup>1</sup>Tobacco Watcher. <http://tobacowatcher.globaltobaccocontrol.org/>



HAWAII  
U.S.

**Regulatory Domains:** Minimum age (21 years); Smoke-free

**Product Classification:** Tobacco product; Electronic smoking devices

**Regulation:** SB 1030; HB 940

**Policy Summary:** Hawaii Revised Statutes were amended to require point of sale signage reflecting the minimum age requirement for tobacco products and e-cigarettes. Includes e-cigarette use in the definition of smoking, thereby prohibiting use in places where smoking is banned.



HONG KONG  
China

**Regulatory Domains:** Sale; Advertising/promotion/sponsorship; Smoke-free

**Product Classification:** Electronic cigarettes

**Regulation:** Department of Health Press Release; Pharmacy and Poisons Ordinance

**Policy Summary:** Use of e-cigarettes as well as their online advertisement and promotion is prohibited under the existing Pharmacy and Poisons Ordinance. Nicotine (and by extension, nicotine-containing e-cigarettes) is classified as a pharmaceutical product and poison. It is illegal to possess or sell unregistered pharmaceutical products or possess Part I poisons without prior authorization. No nicotine-containing e-cigarettes have been authorized for marketing.



INDIANA  
U.S.

**Regulatory Domains:** Minimum age (18 years); Advertising/promotion/sponsorship; Manufacture; Child safety/packaging; Safety and hygiene; Ingredients/flavors; Expiration date

**Product Classification:** Tobacco product; Electronic cigarette; Vapor pen; E-liquid

**Regulation:** SB 539; House Enrolled Act No. 1432; Indiana Code, Title 35, Art. 46, Ch. 1

**Policy Summary:** Minimum age of purchase and possession is 18 years, per the amended Indiana Code. Distributing e-cigarettes to a minor for promotion or advertising purposes is prohibited. Point of sale signage required displaying minimum age of purchase. Permits are required for manufacturers of e-liquid and they should be prepared in secure and sanitary facilities. E-liquid containers must be child proof and bear labels displaying active ingredients and batch number. E-liquid must be sold within two years after the date of manufacture. The types of ingredients that can be used for e-liquid are specified.



KANSAS  
U.S.

**Regulatory Domains:** Minimum age (18 years); Advertising/promotion/sponsorship; Tax

**Product Classification:** Electronic cigarette

**Regulation:** Kansas State 2014 Statute, Art. 33; Revenue Enhancements and Other Provisions

**Policy Summary:** The amended Kansas State Statute prohibits the sale to, or possession by, minors under the age of 18. Retailers are required to post signage that indicates that sale to minors is prohibited. It is also illegal to distribute samples within 500 feet of a school facility used primarily by minors under 18. Bill creates a new tax for e-cigarettes set at \$0.20 per milliliter of consumable material as well as a proportionate tax on all fractional parts, to come into effect July 2016.



MAHARASHTRA  
India

**Regulatory Domains:** Sale; Distribution; Importation; Manufacture

**Product Classification:** Drug

**Regulation:** Show-cause notices (not available online); Drugs and Cosmetics Act 1940 and Rules 1945

**Policy Summary:** Sale, distribution, manufacture and importation of electronic cigarettes are banned per existing law, as no e-cigarette has received approval by the Drugs Controller General of India. The drug and cosmetics act dictates that this approval is required before a product is released to the market. Generally, products that contain more than 2mg of nicotine are sold only with a medical prescription.



MINNESOTA  
U.S.

**Regulatory Domains:** Sale; Minimum age (18 years); Tax; Smoke-free; Child safety/packaging

**Product Classification:** Tobacco product; Electronic cigarette; E-cigarette; Electronic delivery device

**Regulation:** Minnesota tobacco tax; HF 2402

**Policy Summary:** It is unlawful for a minor under 18 to possess e-cigarettes, and for e-cigarettes to be sold from kiosks or other moveable places of business, per the amended Minnesota Statutes. Use of these products is restricted in certain public places and in public schools. E-cigarettes are considered tobacco products and thus subject to the state tobacco tax, which is 95 percent of the wholesale cost of e-cigarettes or nicotine-containing cartridge/e-liquids. Tax does not apply to reusable or refillable components. E-liquid intended for human consumption and use in e-cigarettes must be contained in child-resistant packaging.



NEW YORK CITY, NEW YORK  
U.S.

**Regulatory Domains:** Minimum age (21 years); Vendor licensing; Smoke-free

**Product Classification:** Electronic cigarette

**Regulation:** Minimum Age Law Int. No. 250-A; Smoke-free Law Int. No. 1210-A

**Policy Summary:** An amended law establishes a minimum age of purchase of 21 years. Vendor licensing is required. Use of these products where smoking is banned is illegal, including enclosed public places (e.g. bars, restaurants and offices), parks, beaches and public transit. Use is prohibited in vehicles owned by the city of New York or company vehicles with more than one person.



NORTH CAROLINA  
U.S.

**Regulatory Domains:** Minimum age (18 years); Advertising/promotion/sponsorship; Tax

**Product Classification:** Tobacco product; Vapor product; Consumable product

**Regulation:** HB 1050; SL 2013-165

**Policy Summary:** Minimum age of purchase is 18 years for e-cigarettes, per amended law. Distribution, including the provision of product samples to minors, is explicitly prohibited. The display of point of sale signage that prohibits sale to minors is required. Amended revenue laws dictate that a 5 cent excise tax be applied to each milliliter of e-liquid.



NORTH DAKOTA  
U.S.

**Regulatory Domains:** Sale; Minimum age (18 years); Smoke-free; Child safety/packaging

**Product Classification:** Electronic smoking device; E-cigarette

**Regulation:** HB 1186; NDDC 23-12-09

**Policy Summary:** Sale to minors under the age of 18 is prohibited, per the amended North Dakota Century Code. There are restrictions on sale of e-cigarettes via mail or through telecommunications, including fax, telephone or the internet. Defines smoking to include use of e-cigarettes and thus prohibiting use in public places, places of employment and within 20 feet of entrances, exits, operable windows, air intakes and ventilation systems of places where smoking is banned. Law explicitly mandates that e-liquid containers comply with child safety standards.



NOVA SCOTIA  
Canada

**Regulatory Domains:** Sale; Minimum age (19 years); Advertising/promotion/sponsorship

**Product Classification:** Electronic cigarette

**Regulation:** Tobacco Act Amendments Summary; Bill 60 Explanatory Note; Bill 60 Full Text

**Policy Summary:** Vendors are required to treat e-cigarettes like regular cigarettes, per amendments to the Tobacco Act. Therefore, these products must be kept out of view and cannot be sold to minors under the age of 19. No point of sale promotion or advertising outside of the store is permitted. E-cigarettes cannot be sold in pharmacies or other locations where tobacco sales are prohibited.



ONTARIO  
Canada

**Regulatory Domains:** Sale; Minimum age (19 years); Advertising/promotion/sponsorship; Smoke-free; Child safety/packaging; Ingredients/flavors

**Product Classification:** Electronic cigarette

**Regulation:** Bill 45, Making Healthier Choices Act, 2015

**Policy Summary:** A new law, the Electronic Cigarettes Act 2015, prohibits sale of electronic cigarettes to minors under the age of 19. E-cigarettes cannot be displayed in a way that allows a person to be able to view or handle these products before purchasing. Restrictions on sale and promotion of e-cigarettes apply. Use of e-cigarettes in enclosed public or work places is banned. Use of e-cigarettes in vehicles that contain a person under the age of 16 is prohibited. Provisions regarding the regulation on packaging and prohibited sale of flavored e-cigarettes have been set forth by the law pending future legislation.



OREGON  
U.S.

**Regulatory Domains:** Minimum age (18 years); Advertising/promotion/sponsorship; Smoke-free; Child safety/packaging

**Product Classification:** Inhalant delivery system

**Regulation:** HB 2546

**Policy Summary:** The amendment to the Oregon Revised Statutes prohibits the sale of e-cigarettes to minors under the age of 18. It is also unlawful for minors under 18 to possess e-cigarettes unless a parent/guardian is present and they are in a private residence. Point of sale signage must be displayed to indicate that the sale of e-cigarettes to minors is prohibited. E-cigarettes for sale must comply with yet-to-be-decided federal regulations on labeling. Packages must be sealed, child-resistant and not be attractive to minors. Use is prohibited in public places and places of employment. Use is forbidden in a vehicle where a minor under 18 is present.



PUNJAB  
India

**Regulatory Domains:** Sale; Distribution; Importation; Manufacture

**Product Classification:** Drug

**Regulation:** Tobacco Control Program; Official Letter

**Policy Summary:** E-cigarettes are not approved, thus their sale contravenes the provisions of India’s drug and cosmetics act. As a result, sale, distribution, manufacture and importation of electronic cigarettes are banned as no e-cigarette has received approval by the Drugs Controller General of India. Generally, products that contain more than 2mg of nicotine are sold only with a medical prescription.



QUEENSLAND  
Australia

**Regulatory Domains:** Sale; Minimum age (18 years); Advertising/promotion/sponsorship; Smoke-free

**Product Classification:** Electronic cigarettes

**Regulation:** Summary Note on E-cigarette Regulation; Tobacco and Other Smoking Products Act 1998 (Tobacco Act); Tobacco and Other Smoking Products Regulation 2010

**Policy Summary:** The manufacture, sale, possession and use of e-cigarettes which contain nicotine are prohibited in Queensland, per the amended Tobacco Act. Non-nicotine containing e-cigarettes cannot be sold to minors under the age of 18. Advertising, promotion or display of these products is prohibited at retail outlets. E-cigarettes cannot be used in places where smoking is not permitted (e.g. public indoor and outdoor areas or in vehicles where children under the age of 16 are present).



RHODE ISLAND  
U.S.

**Regulatory Domains:** Minimum age (18 years); Vendor licensing; Advertising/promotion/sponsorship; Smoke-free; Child safety/packaging

**Product Classification:** Electronic nicotine-delivery system (ENDs); E-cigarettes; Vapor devices

**Regulation:** HB 7021; SB 0714

**Policy Summary:** Sale of e-cigarettes to minors under the age of 18 is forbidden, per amendment to the General Laws. Point of sale signage that indicates that sale of ENDs to minors is prohibited must be displayed. Dealers and distributors are required to obtain a marketing license for e-cigarettes. E-cigarettes can be sold only in original factory-wrapped packaging. Distribution of free e-cigarettes within 500 feet of any school, or to minors under 18, is prohibited. Use and possession of e-cigarettes by minors is prohibited. Child-resistant packaging is required for e-liquid. Use of e-cigarettes in schools is prohibited.



TEXAS  
U.S.

**Regulatory Domains:** Minimum age (18 years); Vendor licensing; Advertising/promotion/sponsorship; Smoke-free; Child safety/packaging

**Product Classification:** E-cigarette

**Regulation:** SB 97

**Policy Summary:** 18 years is set as the minimum age of purchase, use and possession for e-cigarettes, per an amendment to the Health and Safety Code. Possession exceptions include handling the products as a result of employee duties or in the presence of a parent/guardian or spouse. Free samples or discounts cannot be given to those under 18 years of age. Point of sale signage is required displaying the minimum age and penalties. Those who sell e-cigarettes are required to register with the comptroller. It is prohibited to use these products in a number of public places including public transit, school grounds, elevators, hospitals and libraries. All e-liquid containers are required to be child resistant. Packs must comply with any future federal packaging regulations.



VERMONT  
U.S.

**Regulatory Domains:** Minimum age (18 years); Child safety/packaging

**Product Classification:** Tobacco substitute; Electronic delivery device; Liquid nicotine

**Regulation:** SB 239; Vermont Statute, Title 7, Ch. 1001, 1003 & 1007

**Policy Summary:** The amended Vermont Statute defines e-cigarettes as tobacco substitutes and prohibits the sale of e-cigarettes to minors under the age of 18. Tobacco substitutes cannot be displayed where these products can be accessed by consumers without direct assistance by the sales personnel. Vermont is one of the first states in the United States to require that liquid nicotine containers comply with child safety standards (effective as of January 1, 2015).

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Table 1. Subnational E-Cigarette Regulation: At a Glance

Jurisdiction	Sale		Marketing, Distribution and Manufacturing					Tax	Use	Additional Regulation			
	Minimum age	Ban/restrictions on sales	Vendor licensing	Ban on advertising, promotion and/or sponsorship	Ban on distribution	Ban on importation	Ban on manufacturing	Tax	Ban on use in enclosed public places	Child safety/packaging	Safety and hygiene	Ingredients/flavors	Expiration date
Arkansas (U.S.)	18		√	*			*		*	√			
Hawaii (U.S.)	21								√				
Hong Kong (China)		√		√					√				
Indiana (U.S.)	18			*			*			√	√	√	√
Kansas (U.S.)	18			*				√					
Maharashtra (India)		√			√	√	√						
Minnesota (U.S.)	18	√						√	*	√			
New York City (U.S.)	21		√						√				
North Carolina (U.S.)	18			*				√					
North Dakota (U.S.)	18	√							√	√			
Nova Scotia (Canada)	19	√		*									
Ontario (Canada)	19	√		*					√	**		**	
Oregon (U.S.)	18			√					√	√			
Punjab (India)		√			√	√	√						
Queensland (Australia)	18	√		*					√				
Rhode Island (U.S.)	18		√	*					*	√			
Texas (U.S.)	18		√	*					√	√			
Vermont (U.S.)	18									√			

Legend		
√	Current regulation in place	
*	Restrictions/conditional ban	
**	Provisions for forthcoming policy	