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Tobacco Control Legal Consortium



U.S. E-Cigarette Regulation: A 50-State Review

The following chart is a snapshot of the U.S. landscape of e-cigarette regulation as of March 15, 2017. The information below was based on a 50-state (plus Washington, D.C.) survey of current state statutes pertaining to e-cigarette regulations in the following areas: definition of “tobacco product,” taxation, product packaging, youth access/other retail restrictions, retail license/permit requirement, and smoke-free air legislation.¹ Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. The N/A designation refers to the lack of *state laws or regulations* related to e-cigarettes as of March 15, 2017; however, many *local laws* in these states (and throughout the U.S.) address e-cigarettes.

¹ N.B. Statutes/regulations available via Westlaw legal database as of the snapshot date are included in the table, as are any regulations not found in the database but about which we have been made aware. Regulations governing the following are NOT included in the chart, as they simply support the sales/other restrictions within the statutory scheme: requirements that retailers/vending machines display signs indicating minimum access age; internet sales restrictions that mirror captured sales restrictions; requirements that retailers verify the age of anyone who appears under a certain age; permission for retailers to refuse a sale if purchaser cannot prove age; penalties assessed for violations; permission for minors participating in enforcement activities to possess product.

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
Alabama	No	<p><u>Youth Access</u></p> <p><i>Alternative nicotine product</i> includes “an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” ALA. CODE § 28-11-2(1) (2017)</p> <p><u>Sales Tax</u></p>	N/A	N/A	Purchase, use or possession of alternative nicotine products by persons under age 19 prohibited. ALA. CODE §§ 28-11-13(a) (2017)	No	N/A

² Application of definition within tobacco control scheme varies; see specific regulatory category for details of treatment of electronic nicotine delivery systems within state tobacco control scheme.

³ Text excepting references to medical/cessation devices approved/regulated by FDA, which is commonly found in youth access or tax definitions of tobacco products or e-cigarettes, excluded for space considerations.

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		<i>Vapor Products</i> means "any non-lighted, noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution. The term includes any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device." ALA. CODE § 40-23-1(a)(16) (2017)					
Alaska	No	N/A	N/A	N/A	Sale/distribution of "product containing nicotine" to	No	N/A

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					person under age 19 prohibited (unless provided by parent or legal guardian). ALASKA STAT. § 11.76.109(a) (2017)		
Arizona	No	<i>Vapor product</i> refers to a “noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size that can be used to heat a liquid nicotine solution contained in cartridges.” ARIZ. REV. STAT. § 13-3622(E)(3) (2017)	N/A	N/A	Sale of vapor product to persons under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(A) (2017) Purchase/possession of vapor product by person under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(B) (2017)	No	Use of e-cigarettes is prohibited in foster homes and in vehicles when foster child is present. ARIZ. ADMIN. CODE § 21-6-315 (2017)
Arkansas	No	<u>Sales restrictions</u> <i>Vapor product</i> means “an electronic oral device of any size or shape that contains a vapor of	N/A	E-liquid containers must be sold in child-resistant packaging (excepting pre-filled and sealed	Sale of vapor products, e-liquids or any component thereof prohibited. ARK. CODE ANN. § 5-27-227(a)(1) (2017) Distribution of vapor products, e-liquids or	Yes ARK. CODE ANN. §§26-57-214 and 26-57-215(b) (2017)	Use of vapor products or e-liquids on grounds of any school or at off-campus school-sponsored events, in or on the grounds of any

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		<p>nicotine, e-liquid, or any other substance that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that: (A) [i]s composed of a heating element, battery, electronic circuit, chemical process, mechanical device, or a combination [thereof]; (B) [w]orks in combination with a cartridge, other container or liquid delivery device containing nicotine or any other substance and manufactured for use with vapor products; (C) [i]s manufactured distributed,</p>		<p>cartridges not intended to be opened by the consumer.) ARK. CODE ANN. § 26-57-254(c) (2017)</p>	<p>components, free samples or coupons for free samples thereof near youth-centered places or to persons under age 18 is prohibited. ARK. CODE ANN. § 5-27-227(f) (2017)</p> <p>Possession/use/purchase of vapor products, e-liquids or components thereof by persons under age 18 prohibited. ARK. CODE ANN § 5-27-227(b)(1) (2017)</p> <p>Self-service displays or vending machine sales of vapor products or e-liquids restricted to locations inaccessible to persons under age 18; restriction does not apply to tobacco businesses, some vending machines, and vape shops. ARK. CODE ANN. § 5-27-227(g)-(h) (2017)</p>		<p>child care facility or healthcare facility prohibited. ARK. CODE ANN. §§ 26-57-254(b) and 6-21-609(b) (2017)</p> <p>Use of e-cigarettes “prohibited on each campus of state-supported institutions of higher education.” ARK. CODE ANN. §6-60-804(a) (2017)</p> <p>Use of e-cigarettes in registered child-care facilities and/or vehicles prohibited. ARK. ADMIN. CODE §§ 016.22.1-1101(8) 016.22.4-1101(8), and 016.22.6-1101(7) (2017)</p> <p>Use of e-cigarettes near State Park buildings</p>

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		<p>marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor; and (D) [d]oes not include a product regulated as a drug or device by the FDA as it existed on January 1, 2015.” ARK. CODE ANN. § 26-57-203(38) (2017)</p> <p><i>E-liquid and e-liquid product</i> mean “a liquid product which may or may not contain nicotine, that is vaporized and inhaled when using a vapor product, and that may or may not include without limitation propylene glycol, vegetable glycerin, nicotine from any</p>					<p>restricted. ARK. ADMIN CODE. § 013.05.1-1191 (2017)</p>

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		<p>source, and flavorings” ARK CODE ANN. § 26-57-203(13) (2017)</p> <p><i>E-liquid container</i> means “a bottle or other container of e-liquid that is sold or provided for mixing at retail and is marketed or intended for use in a vapor product [except those] prefilled and sealed by the manufacturer and . . . not intended to be opened by the consumer.” ARK. CODE ANN. § 26-57-254(d) (2017)</p> <p><u>Smoke-free schools and campuses</u></p> <p><i>E-cigarette</i> means “an electronic oral device that provides a vapor of</p>					

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		nicotine or another substance that, when used or inhaled, simulates smoking, including without limitation a device that: (1) [i]s composed of a heating element, battery, electronic circuit, or a combination [thereof]; (2) [w]orks in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes; and (3) [i]s manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.” ARK. CODE ANN. §§ 6-					

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		21-609(a) (2017) and 6-60-803(2) (2017)					
California	Yes CAL. BUS. & PROF. CODE § 22950.5(d)(1)(B) (2017) and CAL. REV. & TAX. CODE § 30121(b) (2017)	<i>Tobacco product</i> means “a product containing, made, or derived from tobacco or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah...” CAL. BUS. & PROF. CODE §22950.5(d)(1) (2017) <u>Tax</u> <i>Electronic cigarettes</i> means	State Board of Equalization is directed to adopt regulations implementing tax on electronic cigarettes equivalent to the Cigarette Distribution Tax (of \$0.100 per cigarette). CAL. REV. & TAX CODE §30130.51(b) (2017)	Electronic cigarette cartridges and solutions for filling electronic cigarettes must be sold in child-resistant packaging. CAL. HEALTH & SAFETY CODE §119406(a) (2017)	Sale of electronic cigarettes to persons under age 21 prohibited (active duty military personnel must be at least 18). CAL. BUS. & PROF. CODE §§ 22958(a) (2017) and 22963(a) (2017) ; CAL. PENAL CODE § 308(a)(1)(A) (2017) Self-service displays prohibited. CAL. BUS. & PROF. CODE § 22962(b)(1)(A) (2017) Vending machines must be located inside a bar at least 15 feet from entrance. CAL. BUS. & PROF. CODE § 22960(b)(1) (2017)	Yes CAL. BUS. & PROF. CODE §22972 (2017)	Use of electronic cigarettes prohibited wherever smoking is prohibited (CAL. BUS. & PROF. CODE § 22950.5(c) (2017)) including, but not limited to, places of employment (CAL. LAB. CODE § 6404.5 (2017)); family day care facilities; (CAL. HEALTH & SAFETY CODE § 1596.795 (2017)); foster and group homes (CAL. HEALTH & SAFETY CODE § 1530.7 (2017)); within 25 feet of playgrounds or 250 feet of a youth sports events (CAL. HEALTH &

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		<p>“any device or delivery system sold in combination with nicotine which can be used to deliver to a person nicotine in aerosolized or vaporized form, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah . . . (including) any component, part, or accessory of such a device that is used during the operation of the device when sold in combination with any liquid or substance containing nicotine (and also includes) any liquid or substance containing nicotine, whether sold separately or sold in combination</p>					<p>SAFETY CODE § 104495(b),(d) (2017); health facilities (CAL. HEALTH & SAFETY CODE § 1286 (2017)); in cars with minors (CAL. HEALTH & SAFETY CODE § 118948 (2017)); and on public transportation system (CAL. HEALTH & SAFETY CODE § 118925 (2017)).</p> <p>Schools may not allow students to use tobacco products, including electronic cigarettes, on campus or while attending school-sponsored activities. CAL. EDUC. CODE § 48901(a) (2017)</p>

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		with any device that could be used to deliver to a person nicotine in aerosolized or vaporized form. CAL. REV. & TAX CODE § 30121(c) (2017)					Department of Education will require all school districts, charter schools and county offices of education to adopt and enforce policy prohibiting use of electronic cigarettes. CAL. HEALTH & SAFETY CODE § 104420(n)(2) (2017) Use of nicotine delivery devices prohibited in county offices of education, charter schools, school/district buildings, school/district property, and school/district vehicles. CAL. HEALTH & SAFETY CODE § 104559(a) (2017)

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							Director of State Hospitals can ban tobacco product use or possession on state hospital grounds upon request. CAL. WELF. & INST. CODE § 4138 (2017)
Colorado	Yes COLO. REV. STAT. § 18-13-121(5) (2017)	<i>Cigarette, Tobacco product or Nicotine product</i> means “(I) [a] product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or (II) [a]ny device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo or	N/A	N/A	Sale and distribution of nicotine products to persons under age 18 prohibited. COLO. REV. STAT. §§ 18-13-121(1)(a) and 24-35-503(1) (2017) Possession or purchase of nicotine products by persons under age 18 prohibited. COLO. REV. STAT. §§ 25-14-301(2) and 18-13-121(2) (2017) Vending machine sales restricted to locations inaccessible to minors or under control of adult employee. COLO. REV. STAT. § 24-35-503(2) (2017)	No	Use of nicotine products prohibited on school grounds. COLO. REV. STAT. § 25-14-103.5 (2017) Use of nicotine products “in and around licensed child care facilities” prohibited. 12 COLO. CODE REGS § 2509-8:7.701.91 (2017)

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		pipe.” COLO. REV. STAT. § 18-13-121(5) (2017)					
Connecticut	No	<p><i>Electronic nicotine delivery system</i> means “an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge, electronic cigarette liquid or other component of such device.”</p> <p>CONN. GEN. STAT. § 53-344b(a)(1) (2017)</p> <p><i>Electronic cigarette</i></p>	N/A	N/A	<p>Sale/delivery of electronic nicotine delivery system or vapor product to persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(b) (2017)</p> <p>Purchase/possession of electronic nicotine delivery system or vapor product by persons under age 18 prohibited. CONN. GEN. STAT. § 53-344b(c) (2017)</p> <p>Manufacturers of electronic nicotine delivery systems or vapor products (including the mixing, compounding, repackaging or resizing of any nicotine-containing product) must register with the State. CONN. GEN. STAT. § 21a-415a(a) (2017)</p>	Yes CONN. GEN. STAT. § 21a-415(a) (2017)	Use of electronic nicotine delivery system or vapor product prohibited in any state building, health care institution, retail food store, restaurant, liquor store, bar (except smoking sections of outdoor seating areas), school buildings, child care facilities, elevators, college dormitories, race tracks, and in 75% or more of hotel/motel rooms CONN. GEN. STAT. § 19a-342a(b)–(d) (2017)

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		<p><i>Liquid</i> means “a liquid that, when used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product.” CONN. GEN. STAT. § 53-344b(a)(10) (2017)</p> <p><i>Liquid nicotine container</i> means “a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product” except prefilled and sealed containers not</p>					

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		<p>intended to be opened by consumer. CONN. GEN. STAT. § 19a-342a(a)(3) (2017)</p> <p><i>Vapor product</i> means "any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product" CONN. GEN. STAT. §§ 53-344b(a)(9) and 19a-342a(a)(4) (2017)</p>					
Delaware	No	<i>Tobacco substitute</i>	N/A	N/A	Sale/distribution of tobacco	No	Use of electronic

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		<p>means “any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation . . . or any noncombustible product containing nicotine intended for use in such a device” 11 DEL. CODE ANN. § 1115(11) (2017)</p> <p><i>Electronic smoking device</i> means “any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor</p>			<p>substitutes to persons under age 18 prohibited. 11 DEL. CODE ANN. §§ 1116(a) and 1118(a) (2017)</p> <p>Purchase of tobacco substitutes by persons under age 18 prohibited. 11 DEL. CODE ANN. § 1124(a) (2017)</p> <p>Self-service displays/vending machine sales of tobacco substitutes prohibited in places accessible to persons under age 18. 11 DEL. CODE ANN. § 1119 (2017)</p>		<p>smoking devices restricted in same manner as smoking; prohibited in public indoor places in which smoking is prohibited. 16 DEL. CODE ANN. § 2903 (2017)</p> <p>Use of electronic smoking devices permitted in vape shops which restrict entry to persons over age 18. 16 DEL. CODE ANN. § 2908 (2017)</p>

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		or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.” 16 DEL. CODE ANN. §2902(3) (2017)					
District of Columbia	Yes. D.C. CODE § 47-2401(5A) (2017) ; D.C. CODE § 7-1702(7) (2017)	<u>Tax and Youth Access</u> <i>Vapor product</i> means “(A) any non-lighting, noncombustible product that employs a mechanical heating element, battery, or electronic circuit, regardless of shape or size, that can be used to produce aerosol from nicotine in a	Vapor products taxed at rate equal to tax imposed on cigarette packs, expressed as percentage of average wholesale price. D.C. CODE § 47-2402.01(a)(1)(C) (2017)	N/A	No person may manufacture, or sell vapor products without first obtaining a license. D.C. CODE § 47-2404(a) (2017) Vending machine sales of vapor products restricted to establishments inaccessible to persons under age 18. D.C. Code § 47-2404(b)(3)(A) (2017) .	Yes D.C. CODE § 47-2404(a) (2017)	Use of electronic smoking devices prohibited similar to combustible tobacco products, including in places of employment and certain public places (such as playgrounds, bus stops and sporting events). D.C. CODE § 7-741.02 (2017) ; D.C. CODE § 7-1703 (2017)

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		<p>solution; or (B) any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” D.C. CODE § 47-2401(9A) (2017)</p> <p><u>Use restrictions</u></p> <p><i>Electronic smoking device</i> means “any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a</p>					<p>Use of electronic cigarettes on streetcar or streetcar platform prohibited. D.C. MUN. REGS. tit. 18, § 1605.2(c) (2017)</p> <p>Use of electronic cigarettes prohibited in or within 25 feet of any public library building. D.C. MUN. REGS. tit. 19, § 810.5(b)(11) (2017)</p>

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		person to simulate smoking through inhalation of vapor or aerosol from the product [including] any such product regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor. D.C. CODE §7-741.01(1) (2017)					
Florida	No	<i>Nicotine dispensing device</i> means “any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not	N/A	N/A	Sale/distribution of nicotine dispensing devices or nicotine products to persons under age 18 prohibited. FLA. STAT. § 877.112(2)–(3) (2017) Possession of nicotine dispensing devices or nicotine products by persons under age 18 prohibited. FLA. STAT. § 877.112(6) (2017)	No	Use of electronic cigarettes and nicotine dispensing devices in courthouses of Sixth Judicial Circuit and within 50 feet of entrances thereto prohibited. ADMIN. ORDER NO. 2015-008 PA/PI-CIR (2017)

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		limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.” FLA. STAT. § 877.112(1)(a)			Self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18 years except sales made through vending machine with lockout device controlled by retailer. FLA. STAT. § 877.112(11)–(12) (2017)		Use of electronic cigarettes prohibited in all firefighter employee places of employment. FLA. ADMIN. CODE ANN. 69A-62.024(6) (2017)

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		<p>(2017)</p> <p><i>Nicotine product</i> means “any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, but does not include a: (1) Tobacco product, as defined in § 569.002”</p> <p>FLA. STAT. § 877.112(1)(b) (2017)</p>					
Georgia	No	<p><i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating</p>	N/A	N/A	<p>Sale of vapor products to persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(a)(1) (2017)</p> <p>Distribution of free vapor</p>	No	N/A

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		<p>element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term ‘vapor product’ shall include any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or</p>			<p>products on public property, within 500 feet of playground or school, or to persons under the age 18 prohibited. GA. CODE ANN. § 16-12-174 (2017)</p> <p>Purchase/possession of vapor products by persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(b)(1) (2017)</p> <p>Vending machine sales of vapor products restricted to locations not readily accessible to persons under age 18 (excepting machines under direct supervision of employee or located at highway rest areas). GA. CODE ANN. § 16-12-173(e) (2017)</p>		

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		similar product or device.” GA. CODE ANN. § 16-12-170(10) (2017)					
Hawaii	Yes HAW. REV. STAT. §§ 323F-34(d); 321-211; 328J-1; and 712-1258(5) (2017)	<i>Electronic smoking device</i> means “any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product.” HAW. REV. STAT. §§ 323F-34(d); 321-211; and 328J-1 (2017) <i>Electronic smoking device</i> means “any	N/A	N/A	Sale/distribution of electronic smoking devices to persons under age 21 prohibited. HAW. REV. STAT. § 712-1258(1) (2017) Purchase of electronic smoking device by person under age 21 prohibited. HAW. REV. STAT. § 712-1258(3) (2017) Possession or use of electronic smoking device by person under age 21 in public prohibited. HAW. REV. STAT. § 321-212 (2017) Distribution of samples of electronic smoking devices on public property or within 1000 feet of a school is prohibited. HAW. REV. STAT. § 328J-17(a) (2017) Self-service displays and vending machine sales of electronic smoking devices	No	Use of electronic smoking devices prohibited in places smoking prohibited, including enclosed or partially enclosed places that are: owned, leased or operated by the state or counties, open to the public, places of employment, sports arenas/stadiums, and within 20 feet of entrances and exits to such places. HAW. REV. STAT. §§ 328J-2–328J-6 (2017) Use of electronic smoking devices prohibited in state parks. HAW. REV. STAT. § 184-

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.” HAW. REV. STAT. §184-4.5 (2017)			prohibited except in duty-free facilities and adult-only tobacco businesses. HAW. REV. STAT. § 328J-18 (2017)		4.5(a) (2017) Use of electronic smoking devices prohibited on indoor and outdoor areas of Hawaii Health Systems Corporation property. HAW. REV. STAT. § 323F-34(a) (2017)
Idaho	No	<i>Electronic cigarette</i> means “any device that can provide an inhaled dose of nicotine by delivering a vaporized solution [and] includes the components of an electronic cigarette including, but not limited to, liquid	N/A	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IDAHO CODE ANN. § 39-5705(1) (2017) Possession/purchase/distribution/use of electronic cigarettes by persons under age 18 prohibited. IDAHO CODE ANN. § 39-5703(1)–(2) (2017)	No	N/A

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		nicotine" IDAHO CODE ANN. § 39-5702(6) (2017)			Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco stores. IDAHO CODE ANN. § 39-5706 (2017) Shipment of e-cigarettes must include statement re: prohibition on shipping to individuals under age 18. IDAHO CODE ANN. § 39-5717A (2017)		
Illinois	No	<u>Sales restrictions</u> <i>Alternative nicotine product</i> means "a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means." 720	N/A	Electronic cigarette liquids may only be sold in child-resistant packaging, excluding e-cigarette products sold in "sealed, pre-filled, or disposable replacement cartridges." 430 ILL. COMP. STAT. 40/10 (2017)	Sale/Distribution of alternative nicotine products to persons under age 18 prohibited. 720 ILL. COMP. STAT. 675/1.5(b) (2017) Possession of alternative nicotine products by persons under age 18 prohibited. 720 ILL. COMP. STAT. 675/1.5(d) (2017) Self-service display of alternative nicotine products restricted to adult-only tobacco stores. 720 ILL. COMP. STAT. 677/10 (2017)	No	Use of products containing nicotine prohibited in places smoking prohibited on public higher education campuses. 110 ILL. COMP. STAT. 64/15 (2017)

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>ILL. COMP. STAT. 675/1.5(a) (2017)</p> <p><u>Packaging restrictions</u></p> <p><i>Electronic cigarette or E-Cigarette</i> means “a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any combination thereof that are turned into vapor which is inhaled by the user.” 430 ILL. COMP. STAT. 40/2.10 (2017)</p>					
Indiana	Yes IND. CODE § 7.1-1-3-47.5(b) (2017)	<p><u>Sales and packaging restrictions</u></p> <p><i>Electronic cigarette</i> means “a device that is capable of providing an inhalable dose of nicotine by delivering a</p>	N/A	<p>Nicotine liquid and gel must be sold in child-resistant packaging. IND. CODE § 24-3-7-7 (2017)</p> <p>Manufacturers must use e-</p>	<p>Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IND. CODE §§ 35-46-1-10(a) and 35-46-1-10.2(a) (2017)</p> <p>Sale of e-liquids to persons under age 18 prohibited. IND. CODE §7.1-7-6-2 (2017)</p> <p>Possession/purchase of</p>	Yes IND. CODE §§ 7.1-3-18.5-1 (2017)	N/A

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>vaporized solution...[and] includes the components and cartridges.” IND. CODE §§ 35-46-1-1.5 and 24-3-7-4 (2017)</p> <p><i>Electronic delivery device</i> means “any product that: (1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and (2) can be used by a person to simulate smoking in the delivery of nicotine, lobelia, or any other substance through inhalation of vapor from the product . . . [and] includes any component part . . . whether or not the component part is marketed or sold separately.” IND.</p>		<p>liquid containers with tamper evident packaging, a child-resistant cap, and label must identify nicotine content and active ingredients, among other requirements. IND. CODE § 7.1-7-4-6 (2017)</p>	<p>electronic cigarettes by persons under age 18 prohibited. IND. CODE § 35-46-1-10.5(a) (2017)</p> <p>Self-service displays and vending machine sales of electronic cigarettes restricted to tobacco/vape shops and places inaccessible to persons under age 18. IND. CODE §§ 35-46-1-11.8(a) and 35-46-1-11.5(c) (2017)</p> <p>Manufacture (including mixing, bottling, and packaging) and sale of e-liquids restricted to persons with proper permits. IND. CODE § 7.1-7-4-1 (2017)</p> <p>E-liquid ingredients are limited to those approved in statute or by the Department of Health or the U.S. Food and Drug Administration and manufacture/mixing/storage of e-liquid must comply with state law. IND. CODE § 7.1-7-5-1(a-c) (2017)</p>		

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>CODE § 24-3-7-5 (2017)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container that: (1) contains a nicotine liquid or other substance containing nicotine; and (2) is sold, marketed or intended for use with an electronic cigarette or other electronic delivery device [but does not include such container if it is] prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” IND. CODE § 24-3-7-6 (2017)</p> <p><u>E-liquid manufacture and sales restrictions</u></p>					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p><i>Electronic cigarette</i> means “a powered vaporizer that: (1) is the size and shape of a traditional cigarette; (2) uses a sealed nonrefillable cartridge containing not more than four (4) milliliters of a liquid; and (3) is intended to be vaporized and inhaled. The term does not include a vapor pen.” IND. CODE § 7.1-7-2-9 (2017)</p> <p><i>E-liquid</i> means “a substance that: (1) is intended to be vaporized and inhaled using a vapor pen; and (2) specifically excludes substances contained in</p>					

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>nonrefillable sealed cartridges of four (4) milliliters or less used in electronic cigarettes." IND. CODE § 7.1-7-2-10 (2017)</p> <p><i>Vapor pen</i> means "a powered vaporizer, other than an electronic cigarette, that converts e-liquid to a vapor intended for inhalation." IND. CODE § 7.1-7-2-23 (2017)</p>					
Iowa	No	<i>Vapor product</i> means "any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means,	N/A	N/A	<p>Sale/distribution of vapor products to anyone under age 18 prohibited. IOWA CODE ANN. § 453A.2(1) (2017)</p> <p>Possession/purchase/use of vapor products by persons under age 18 prohibited. IOWA CODE ANN. § 453A.2(2) (2017)</p> <p>No distribution of free vapor products to persons under age</p>	<p>Yes IOWA CODE ANN. §§ 453A.47A(1); 453A.13(1); and 453A.36(7) (2017)</p>	Use of electronic cigarettes prohibited on state-operated and owned buildings and outdoor grounds used in connection with the building, except in privately-owned buildings located on Capitol

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		regardless of shape or size, that can be used to produce vapor from a solution or other substance . . . [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” IOWA CODE ANN. § 453A.1(28) (2017)			18 or within 500 feet of places when primarily in use by minors. IOWA CODE ANN. § 453A.39(2)(b) (2017) Self-service displays prohibited. IOWA CODE ANN. § 453A.36A(1) (2017) Vending machine sales restricted to adult-only locations. IOWA CODE ANN. § 453A.36(6) (2017)		Complex property. IOWA STATE EMPLOYEE POLICY § 9.57 (2014) . Use of electronic smoking devices prohibited on campus of Iowa State University. IOWA ADMIN CODE 681-13.17(262) (2017) Use of electronic cigarettes prohibited on University of Iowa campus. IOWA ADMIN. CODE 681-12.6(262) (2017)
Kansas	No	<i>Electronic cigarette</i>	Privilege tax for	N/A	Sale/distribution of electronic	Yes	N/A

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		means "a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems." KAN. STAT. ANN. § 79-3301(ff) (2017)	sale or dealing of electronic cigarettes "at the rate of \$0.20 per milliliter of consumable material." KAN. STAT. ANN. § 79-3399 (2017)		cigarettes to persons under age 18 prohibited. KAN. STAT. ANN. § 79-3321(l) (2017) Purchase/possession of electronic cigarettes by person under age 18 prohibited. KAN. STAT. ANN. § 79-3321(m)-(n) (2017) Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to persons under age 18 or which has a lock-out device. KAN. STAT. ANN. § 79-3321 (t)-(u) (2017)	KAN. STAT. ANN. § 79-3303(a) (2017)	
Kentucky	No	<i>Vapor product</i> means "any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and	N/A	N/A	Sale of vapor products or alternative nicotine product to persons under age 18 prohibited. KY. REV. STAT. ANN. § 438.310(1) and KY. REV. STAT. ANN. § 438.315(1) (2017) Purchase of vapor products or alternative nicotine products by persons under age 18 prohibited. KY. REV. STAT.	No	Use of electronic cigarettes and vaping devices prohibited on any and all properties owned or operated by the Executive branch, including buildings, land and vehicles owned, leased or contracted for state use. Includes

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. . . . [I]ncludes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar			<p>ANN. §§ 438.311(1) and 438.315(2) (2017)</p> <p>Possession/use of vapor products or alternative nicotine products by person under age 18 prohibited. KY. REV. STAT. ANN. § 438.350(1) (2017)</p> <p>Distribution of free vapor products or alternative nicotine products to persons under age 18 years prohibited. KY. REV. ANN. STAT. § 438.313(1) (2017)</p> <p>Vending machines must be inaccessible to persons under age 18 or in line of sight of cashier. KY. REV. STAT. ANN. § 438.315(3) (2017)</p>		<p>certain health care facilities, veterans’ facilities, state parks, fairgrounds and highway rest areas. KY. EXEC. ORD. 2014-747</p> <p>Use of electronic cigarettes prohibited in courtrooms and hallways of Hardin District Court KY. R. HARDIN DISTRICT COURT, RULE 15.01 (2017)</p>

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>product or device.” KY. REV. STAT. ANN. § 438.305(9) (2017)</p> <p><i>Alternative nicotine product</i> means “a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means.” KY. REV. STAT. ANN. § 438.305(1) (2017)</p>					
Louisiana	No	<p><i>Vapor product</i> means “any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means,</p>	<p>Vapor products and electronic cigarettes taxed at \$0.05 per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is</p>	N/A	<p>Sale/distribution of vapor products to persons under age 18 prohibited. LA. REV. STAT. ANN. §§ 14:91.8(C); 26:911(A)(1); and 14:91.6(A) (2017)</p> <p>Purchase of vapor product by persons under age 18 prohibited. LA. REV. STAT. ANN. § 14:91.8(E) (2017)</p> <p>Possession of vapor product</p>	<p>Yes LA. REV. STAT. ANN. § 26:906(A) (2017)</p>	N/A

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form . . . [and] includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device." LA. REV. STAT. ANN. §§ 26:901(31); 14:91.8(G)(7); 14:91.6(B)(7); and 47:842(20) (2017)	used. LA. REV. STAT. ANN. § 47:841(F) (2017)		by persons under age 18 prohibited unless accompanied by parent or in a private residence. LA. REV. STAT. ANN. § 14:91.8(F) (2017) Self-service displays of vapor products restricted to tobacco businesses and vending machines located in age-restricted settings. LA. REV. STAT. ANN. §§ 26:910 and 26:910.1(A) (2017)		
Maine	Yes. MAINE	Sales/Packaging	N/A	Nicotine liquid	Sale/distribution to persons	Yes.	Use of electronic

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
	<p>REV. STAT. ANN. tit. 22 § 1541(6) (2017) and Attorney General Tobacco Enforcement.</p>	<p><u>restrictions</u></p> <p><i>Tobacco Products</i> means “any form of tobacco and any material or device used in the smoking, chewing or other form of tobacco consumption, including cigarette papers, rolling papers, pipes, electronic smoking devices and components (i.e., electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen). Attorney General Tobacco Enforcement.</p> <p><i>Electronic nicotine delivery device</i> means “any noncombustible device containing or delivering</p>		<p>containers must be sold/distributed in child-resistant packaging. MAINE REV. STAT. ANN tit. 22 § 1560-B(2) (2017)</p>	<p>under age 18 prohibited. Attorney General Tobacco Enforcement.</p> <p>Employees of e-cigarette retailers must be at least 17 years of age; if employee’s age is between 17 and 21, he or she may only sell e-cigarettes in presence of supervisor at least 21 years old. Attorney General Tobacco Enforcement.</p> <p>Self-service displays of e-cigarettes prohibited except in certain tobacco specialty stores. Attorney General Tobacco Enforcement.</p> <p>Vending machine sales of e-cigarettes restricted to locations inaccessible to persons under age 18. Attorney General Tobacco Enforcement.</p>	<p>Attorney General Tobacco Enforcement.</p>	<p>smoking devices prohibited in most places smoking prohibited, including certain indoor public spaces, places of employment, day care/babysitting facilities, motor vehicles with children under 16, and certain outdoor areas including eating areas and near beaches, state parks and historic sites. MAINE REV STAT. ANN. tit. 22 §§ 1541(6) (defining “smoking”); 1542; 1549(2); 1550(2); and 1580-E(2) (2017)</p>

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		nicotine or any other substance intended for human consumption that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means and that may be used to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.” MAINE REV. STAT. ANN. tit. 22 § 1560-B(1)(B) (2017)					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p><i>Nicotine liquid container</i> means “a container used to hold a liquid, gel or other substance containing nicotine that is sold, marketed or intended for use as or with an electronic nicotine delivery device [but does not include cartridges] prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” MAINE REV STAT. tit. 22 § 1560-B(1)(C) (2017)</p> <p><u>Use restrictions:</u></p> <p><i>Electronic smoking device</i> means “a device used to deliver nicotine or any other substance intended for human consumption that</p>					

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		may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.” MAINE REV STAT. tit. 22 § 1541(1-A) (2017)					
Maryland	No	N/A	N/A	N/A	Sale/distribution of “an electronic device that can be used to deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe” to minors prohibited (excluding FDA-approved “tobacco cessation products”). MD. CODE ANN., HEALTH-GEN. § 24-305(b) (2017)	No	N/A
Massachusetts	No	<i>Electronic smoking</i>	N/A	Liquids or gels	Sale of electronic smoking	No	N/A

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		<i>device</i> means “any product that can deliver nicotine to the user through inhalation of vapor [including] any component part of such product, including liquid for use in the device regardless of whether the liquid contains nicotine, [and] whether or not sold separately . . .” 940 MASS. CODE REGS. 21.03 (2017)		containing nicotine must be sold in child-resistant package. 940 MASS. CODE REGS. 21.05 (2017) Electronic smoking devices may not be opened, repackaged or sold in smaller quantities than the smallest package distributed by the manufacturer for individual consumer use. 940 MASS. CODE REGS. 21.04(1)(b) (2017) .	devices to persons under age 18 prohibited. 940 MASS. CODE REGS. 21.04(3) (2017) Self-service displays and vending machine sales of electronic smoking devices restricted to adult-only facilities. 940 MASS. CODE REGS. 21.04(2) and 21.04(4) (2017) Sampling of electronic smoking devices prohibited. 940 MASS. CODE REGS. 21.04(1)(a) (2017)		
Michigan	No	N/A	N/A	N/A	N/A		N/A

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Minnesota	Yes MINN. STAT. § 297F.01 (19) (2017)	<i>Electronic delivery device</i> means “any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately.” MINN. STAT. § 609.685(1)(c) (2017)	Tax of 95% of wholesale price imposed on tobacco products, including e-cigarettes. MINN. STAT. § 297F.05(3) (2017) Minn. Dep’t of Revenue Notice #12-10	Liquids intended for human consumption and use in an electronic delivery device (whether they contain nicotine or not) must be sold in child resistant packaging. MINN. STAT. § 461.20(b) (2017)	Sale/distribution of electronic delivery devices prohibited to persons under age 18. MINN. STAT. § 609.685 (1a), (2) (2017) Purchase/possession/use of electronic delivery device by person under age 18 prohibited. MINN. STAT. § 609.685(2)(b), (3) (2017) Sale of electronic delivery devices from a moveable place of business (kiosk) prohibited. MINN. STAT. § 461.21 (2017) Self-service displays of electronic delivery devices restricted to adult-only, tobacco-only businesses; vending machines restricted to locations inaccessible to persons under age 18. MINN. STAT. § 461.18 (2017)	Yes MINN. STAT. § 461.12(1) (2017)	Use of electronic delivery devices prohibited in day care and health facilities, and government owned or operated buildings. MINN. STAT. § 144.414 (2017) Use of electronic delivery devices prohibited in public and charter schools and any facility or vehicle owned, rented or leased by a school district. MINN. STAT. § 144.4165 (2017)
Mississippi	No	<i>Alternative nicotine product</i> means “(1) An electronic cigarette; or (2) Any other product	N/A	N/A	Sale of alternative nicotine products or any cartridge or component to persons under 18 prohibited. MISS. CODE ANN. § 97-32-51(2) (2017)	No	N/A

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		<p>that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means.” MISS. CODE ANN. § 97-32-51(1)(a)(i) (2017)</p> <p><i>Electronic cigarette</i> means “an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to stimulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.”</p>					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		MISS. CODE ANN. § 97-32-51(1)(b)(i) (2017)					
Missouri	No	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe...and any vapor cartridge or other container of nicotine in a solution or other form that is	N/A	Nicotine liquid containers must be child-resistant. MO. REV. STAT. § 407.926.4(1) (2017)	Sale/distribution of vapor products to persons under age 18 prohibited. MO. REV. STAT. §§ 407.926 and 407.931 (2017) Vending machine sales restricted to places inaccessible to persons under age 18 or through machines equipped with lock-out device. MO. REV. STAT. § 407.931.2 (2017) Purchase of vapor products by persons less than age 18 prohibited. MO. REV. STAT. § 407.933.1 (2017)	Yes MO. REV. STAT. § 407.934.1 (2017)	N/A

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>intended to be used with or in [any of the aforementioned devices] [but] does not include any alternative nicotine product or tobacco product.” MO REV. STAT. § 407.925(12) (2017)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product [but does not include cartridges] prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” MO. REV. STAT. § 407.926.4(2)</p>					

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		(2017)					
Montana	No	<i>Vapor product</i> means "a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with [any	N/A	N/A	<p>Sale/distribution of vapor products to persons under age 18 prohibited. MONT. CODE ANN. § 16-11-305(1) (2017)</p> <p>Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. MONT. CODE ANN. § 16-11-306(1) (2017)</p> <p>Possession/use of vapor products by persons under age 18 prohibited. MONT. CODE ANN. § 45-5-637(1) (2017)</p>	Yes MONT. CODE ANN. § 16-11-303(1) (2017)	N/A

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State	Included in at Least One Definition of "Tobacco Product" in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		aforementioned] device." MONT. CODE ANN. § 16-11-302(7) (2017)					
Nebraska	No	<i>Vapor product</i> means "any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [and includes] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a	N/A	N/A	<p>Sale/distribution of vapor products to persons under age 18 prohibited. NEB. REV. STAT. §§ 28-1419 and 28-1425 (2017)</p> <p>Use of vapor products by persons under age 18 prohibited. NEB. REV. STAT. § 28-1418 (2017)</p> <p>Vending machine sales of vapor products are restricted to locations inaccessible to persons under age 18. NEB. REV. STAT. § 28-1429.02 (2017)</p> <p>Self-service displays restricted to tobacco specialty stores and cigar bars. NEB. REV. STAT. § 28-1429.03 (2017)</p>	No	N/A

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		solution or other form [intended to be used with an aforementioned device].” NEB. REV. STAT. § 28-1418.01(4) (2017)					
Nevada	No	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine in a solution or other form [including] an electronic cigarette, cigar, cigarillo or pipe . . . and a vapor cartridge or other container of	N/A	N/A	Sale/distribution vapor products to persons under age 18 prohibited. NEV. REV. STAT. ANN. § 202.2493.2 (2017)	No	N/A

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		nicotine in a solution or other form [intended for use with an aforementioned device].” NEV. REV. STAT. ANN §§ 202.2485.5 and 370.054 (2017).					
New Hampshire	No	<i>E-cigarette</i> means “any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking . . . includes . . . e-cigarettes, e-cigars, or e-pipes” N.H. REV. STAT. ANN. § 126-K:2(II-a) (2017) <i>Liquid nicotine</i> means “any liquid	N/A	N/A	Sale/distribution of e-cigarettes and liquid nicotine to persons under age 18 prohibited. N.H. REV. STAT. ANN. §§ 126-K:4(I) and 126-K:8(I) (2017) Distribution of free e-cigarettes or liquid nicotine restricted to locations inaccessible to persons under age 18 or licensed retail tobacco store. N.H. REV. STAT. ANN. § 126-K:5(I) (2017) Purchase/possession/use of e-cigarettes or liquid nicotine by persons under age 18 prohibited. N.H. REV. STAT. ANN. § 126-K:6(I) (2017)	No	Use of e-cigarette and liquid nicotine on “public educational facility” grounds prohibited. N.H. REV. STAT. ANN. § 126-K:7(I) (2017)

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.” N.H. REV. STAT. ANN. § 126-K:2(III-a) (2017)					
New Jersey	No	<i>Electronic smoking device</i> means “an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.” N.J. STAT. § 26:3D-57 (2017) <u>Packaging restrictions</u> <i>Liquid nicotine</i> means “any solution containing	N/A	Liquid nicotine must be sold in child-resistant containers. N.J. STAT. § 2A:170-51.9(a) (2017)	Sale/distribution of electronic smoking device to person under age 19 prohibited. N.J. STAT. §§ 2A:170-51.4.1(a)(2) (2017) and 2C:33-13.1(a) (2017)	No	Use of electronic smoking device included in definition of “smoking” and prohibited in same spaces smoking prohibited, including indoor public places, workplaces and schools (with some exceptions). N.J. STAT. § 26:3D-57-60 (2017)

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>nicotine which is designed or sold for use with an electronic smoking device.” N.J. STAT. § 2A:170-51.9(a)(2) (2017)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container of liquid, wax, gel, or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product [but] does not include [containers] prefilled and sealed by the manufacturer [and] not intended to be opened by the consumer.” N.J. STAT. § 2A:170-51.9(a)(3) (2017)</p>					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p><i>Vapor product</i> means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution or any form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form intended to be used with, or in, any such device.”</p> <p>N.J. STAT. §</p>					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		2A:170-51.9(a)(4) (2017)					
New Mexico	No	<p><u>Tobacco control</u></p> <p><i>E-cigarette</i> means “(1) . . . any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and (2) includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor . . .” N.M. STAT. ANN. § 30-49-2(B) (2017); N.M.</p>	N/A	<p>Nicotine liquid containers must be child-resistant (unless prefilled, sealed, and not intended to be opened by consumer). N.M. STAT. ANN. §§ 30-49-3(D) and § 57-2C-1 (2017)</p> <p>E-cigarettes and nicotine liquid containers must be sold in “original factory-sealed package”. N.M. STAT. ANN. § 30-49-3(C) (2017)</p>	<p>Sale/distribution of e-cigarettes or a nicotine liquid container to persons under age 18 prohibited. N.M. STAT. ANN. §§ 30-49-3(A), (E) (2017); N.M. STAT. ANN. § 30-49-8(A) (2017)</p> <p>Procurement of e-cigarette or nicotine liquid container by persons under age 18 prohibited. N.M. STAT. ANN. § 30-49-3(B) (2017)</p> <p>E-cigarettes and nicotine liquid containers may only be sold by a retailer face-to-face. N.M. STAT. ANN. § 30-49-7(A)(1) (2017)</p> <p>Self-service displays of e-cigarettes and nicotine liquid containers prohibited. N.M. STAT. ANN. § 30-49-7(A)(2) (2017)</p> <p>Vending machine sales are restricted to adult-only locations. N.M. STAT. ANN. § 30-49-7(B) (2017)</p>	No	Use/possession/distribution of nicotine liquid containers and e-cigarettes prohibited on school property and by students at school-sponsored activities. N.M. ADMIN. CODE § 6.12.4.8(A) (2017)

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>ADMIN. CODE § 6.12.4.7(B) (2016)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.”</p> <p>N.M. STAT. ANN. § 30-49-2(D) (2017); N.M. ADMIN. CODE 6.12.4.7(E) (2016)</p> <p><u>Trade practices</u></p> <p><i>Electronic delivery device</i> means “any electronic device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of</p>					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>nicotine, the use or inhalation of which simulates smoking.” N.M. STAT. ANN. § 57-2C-1(C)(2) (2017)</p> <p><i>Nicotine liquid container</i> means “a bottle or container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an electronic delivery device [excepting those] pre-filled and sealed . . . and not intended to be opened by the consumer.” N.M. STAT. ANN. § 57-2C-1(C)(3) (2017)</p>					
New York	No	<i>Electronic cigarette (or e-cigarette)</i> means “an electronic device	N/A	Liquid nicotine must be sold in a child resistant bottle. N.Y.	Sale/distribution of e-cigarettes or liquid nicotine to persons under age 18 prohibited. N.Y. PUB.	No	E-cigarette use restricted similar to smoking on Niagara Frontier

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.” N.Y. PUB. HEALTH LAW § 1399-aa(13) (2017)</p> <p><i>Liquid nicotine</i> (or <i>electronic liquid</i> or <i>e-liquid</i>) means “a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.” N.Y. PUB. HEALTH LAW § 1399-cc(1)(e) (2017)</p>		<p>GEN. BUS. LAW § 399-gg(1) (2017)</p>	<p>HEALTH LAW § 1399-cc(2) (2016)</p> <p>Self service displays of e-cigarettes or liquid nicotine prohibited except in tobacco businesses and adult-only locations. N.Y. PUB. HEALTH LAW § 1399-cc(7) (2017)</p> <p>Vending machine sales of e-cigarettes permitted in bars, private clubs, and tobacco businesses; in other businesses that have proportionally few employees under 18, the products must not be accessible to the general public and must be visible to and under the direct control of person in charge. N.Y. PUB. HEALTH LAW § 1399-dd (2017)</p>		<p>Transportation Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 1151.9 (2017)</p> <p>E-cigarette use restricted similar to smoking on Rochester-Genesee Regional Transportation Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 4901.4(a)(10) (2017)</p>

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
North Carolina	Yes N.C. GEN. STAT. §§ 14-313(4), 105-113.4(11a), and 148-23.1(d)(2) (2017)	<u>Sales/Distribution restrictions</u> <i>Vapor product</i> means “any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe.” N.C. GEN. STAT. §§ 14-313(a)(5), 14-401.18A(a)(4), and 148-23.1(d)(3) (2017) <i>E-liquid</i> means “a liquid product,	Vapor products taxed at rate of \$0.05/fluid ml. of consumable product. N.C. GEN. STAT. § 105-113.35(a1) (2017)	E-liquid containers for e-liquid products containing nicotine must be child-resistant and must state the product contains nicotine. N.C. GEN. STAT. § 14-401.18A(b)–(c) (2017)	Sale/distribution of vapor products to persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(b) (2017) Distribution of vapor products to inmates prohibited except in (and by) local confinement facilities. N.C. GEN. STAT. § 14-258.1(c) (2017) Vending machine sales of vapor products restricted to locations inaccessible to minors or where controlled by owner. N.C. GEN. STAT. § 14-313(b1) (2017) Purchase of vapor products by persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(c) (2017)	Yes. N.C. GEN. STAT. § 105-113.36 (2017)	Use/possession of vapor products prohibited on State correctional facilities premises, except for religious purposes. N.C. GEN. STAT. § 148-23.1 (2017) Use of e-cigarettes prohibited at child care centers. 10A N.C. ADMIN. CODE 9.0604(h) (2017)

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product.” N.C. GEN. STAT. §14-401.18A(a)(2) (2017)</p> <p><i>E-liquid container</i> means “a bottle or other container of e-liquid [except] a container [that] is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer.” N.C. GEN. STAT. § 14-401.18A(a)(3) (2017)</p> <p><u>Tax provisions</u></p> <p><i>Vapor product</i> means “any nonlighted, noncombustible product that</p>					

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>employs a mechanical heating element, batter, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution [including] any vapor cartridge or other container of nicotine . . . intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device.” N.C. GEN. STA. § 105-113.4(13a) (2017)</p> <p><i>Consumable product</i> means “any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used.”</p>					

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		N.C. GEN. STAT. § 105-113.4 (1k) (2017)					
North Dakota	No	Use restrictions <i>E-cigarette</i> means “any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use or inhalation of which	N/A	Nicotine liquid containers must be child-resistant. N.D. CENT. CODE § 12.1-31-03.2 (2017)	Sale/distribution of electronic smoking devices to persons under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(1)(a) (2017) Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to persons under age 18 or which are controlled by the seller. N.D. CENT. CODE §§ 12.1-31-03(1)(b) and 12.1-31-03.1(1) (2017)	No	Use of e-cigarettes included in definition of smoking and therefore prohibited in public places, places of employment and within 20 feet of entrances, exits, windows, air intakes and ventilation systems thereof.

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>simulates smoking [including a product marketed as an] e-cigarette, e-cigar, and e-pipe or under any other product, name, or descriptor.” N.D. CENT. CODE § 23-12-09(3) (2017)</p> <p><u>Sales restrictions</u></p> <p><i>Electronic smoking device</i> means “any electronic product that delivers nicotine or other substances to the individual inhaling from the device, including, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately .</p>			<p>Purchase/possession/use of electronic smoking device by person under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(2) (2017)</p>		<p>N.D. CENT. CODE § 23-12-10 (2017)</p>

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		<p>...” N.D. CENT. CODE § 12.1-31-03(9)(b) (2017)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of a liquid or other substance containing nicotine in which the liquid or substance is sold, marketed, or intended for use in an electronic smoking device [except a container that] is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” N.D. CENT. CODE § 12.1-31-03.2(2) (2017)</p>					
Ohio	No	<p><i>Alternative nicotine product</i> “means . . . an electronic cigarette or any other product or</p>		<p>Alternative nicotine products must be sold in the same minimum</p>	<p>Sale/distribution of alternative nicotine products to persons under age 18 prohibited. OHIO REV. CODE ANN. § 2927.02(B)(1) (2017)</p>	No	<p>Use of electronic nicotine delivery systems, which includes e-cigarettes,</p>

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		<p>device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.” OHIO REV. CODE ANN. § 2927.02(A)(2)(a) (2017)</p> <p><i>Electronic cigarette</i> “means . . . any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar,</p>		<p>quantities as manufacturer’s container. OHIO REV. CODE ANN. § 2927.02(B)(5) (2017)</p>	<p>Vending machine sales restricted to locations inaccessible to persons under age 18 or under control of owner. OHIO REV. CODE ANN. § 2927.02(C) (2017)</p> <p>Purchase/possession/use of alternative nicotine products not allowed for persons under age 18 unless a parent accompanies them. OHIO REV. CODE ANN. § 2151.87(B) (2017)</p>		<p>prohibited in the capitol buildings. OHIO ADMIN. CODE 128-4-02(G)(9) (2017)</p> <p>Use of electronic cigarettes prohibited in body art establishment rooms used for body art or sterilization procedures. OHIO ADMIN. CODE 3701-9-04(K) (2017)</p> <p>Use of electronic cigarettes prohibited on University of Cincinnati properties. OHIO ADMIN. CODE 3361:10-17-06 (2017) (effective May 1, 2017)</p> <p>Use of e-cigarettes prohibited on premises of</p>

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		electronic cigarillo, or electronic pipe.” OHIO REV. CODE ANN. § 2927.02(A)(6)(a) (2017)					Cuyahoga Community College. OHIO ADMIN. CODE 3354:1-20-05(c)(3)(f) (2017) Use of electronic cigarettes prohibited in nonresidential buildings of Wright State University. OHIO ADMIN CODE 3352-7-05 (2017) Use of electronic nicotine delivery systems prohibited on Kent University campus and properties. OHIO ADMIN. CODE 3342-5-21 (2017) (effective July 1, 2017) Use of tobacco, including products containing nicotine,

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							prohibited on campus of University of Akron. OHIO ADMIN. CODE 3359-20-05.10 (2017) (effective July 1, 2017)
Oklahoma	No	<i>Vapor product</i> means "noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form [including] any vapor cartridge or other container with or without nicotine or other form that is intended to be used	N/A	N/A	<p>Purchase/possession of vapor products by persons under age 18 prohibited. OKLA. STAT. tit. 10A § 2-8-224(A) (2017)</p> <p>Sale/distribution of vapor products to persons under age 18 prohibited. OKLA. STAT. tit. 37 §§ 600.3(A) and 600.13 (2017)</p> <p>Vending machines sales are restricted to locations inaccessible to persons under age 18. OKLA. STAT. tit.37 § 600.7</p> <p>Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other</p>	No	Use of vaping devices and e-cigarettes prohibited on properties owned, leased or contracted for use by the state, including buildings, land and vehicles owned, leased or contracted for use by the state, except when used by those living in Veteran's Affairs Residential Facilities while they are on facility grounds. OKLA. EXEC. ORD. 2015-5 (continuing OKLA. EXEC.

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device” OKLA. STAT. tit.37, § 600.2(8) (2017)			facility used primarily by persons under the age of 18 prohibited. OKLA. STAT. tit. 37 § 600.8(A)–(B) (2017) Self-service displays of vapor products restricted to adult-only facilities. OKLA. STAT. tit. 37 § 600.10A(A) (2017)		ORD. 2013-43)
Oregon	No	<i>Inhalant</i> means “nicotine, a cannabinoid or any other substance that (a) [i]s in a form that allows the nicotine, cannabinoid or substance to be delivered into a person’s respiratory system; (b) [i]s inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person’s respiratory system” OR. REV. STAT. ANN. § 433.835(2) (2017)	N/A	Inhalant delivery systems must be sold in child-resistant packaging which is not attractive to persons under age 18, and “labeled in accordance with rules adopted by the authority.” OR. REV. STAT. ANN. § 431A.175(2)(d)–(g) (2017) ; OR. ADMIN. R. 333-015-0310 and 333-015-0320	Sale of inhalant delivery system to person under age 18 prohibited. OR. REV. STAT. ANN. § 431A.175(2)(a) (2017) Self-service displays of inhalant delivery systems prohibited except in adult-only stores. OR. REV. STAT. ANN. § 167.407(1) (2017) Purchase/possession of inhalant delivery system by person under age 18 prohibited unless in private residence with consenting parent or guardian. OR. REV. STAT. ANN. §§ 167.401(1) and 167.400 (2017) Vending sales of inhalant delivery systems restricted to	No	Aerosolizing or vaporizing inhalants in public places, places of employment, jury rooms, at least 75% of hotel rooms, child care homes/centers, and within 10 feet of entrances, exits, windows or ventilation intakes of enclosed areas prohibited. OR. REV. STAT. ANN. §§ 433.845 and 433.850(1) (2017) ; OR. ADMIN. R. 414-350-0090(6); 414-180-0015(15); 414-205-

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<i>Inhalant delivery system</i> means “(i) [a] device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or (ii) a component of a device [described above] or a substance in any form sold for the purpose of being vaporized or aerosolized by a device [described above], whether the component or substance is sold separately or is not sold separately” OR. REV. STAT. ANN. § 431A.175(1)(a)(A) (2017)			adult-only facilities. OR. REV. STAT. ANN. § 167.402(2) (2017) Public/private schools, youth correction and juvenile detention facilities must prohibit possession of inhalant delivery systems by persons under age 18 present at facility or at facility-sponsored event. OR. REV. STAT. ANN. § 339.883 (2017)		0100(2)(a) and 414-300-0070(12) (2017) Hospitals may not permit use of “inhalant delivery system[s]” in hospital or within 10 feet of a doorway, window or ventilation intake thereof. OR. REV. STAT. ANN. § 441.815(2) (2017) Use of inhalant delivery system in car while person under age 18 is present prohibited. OR. REV. STAT. ANN. § 811.193 (2017)
Pennsylvania	Yes. 72 PA. CONS. STAT. § 8201-A	<i>Electronic Cigarette</i> means “(1) an electronic	Electronic cigarettes taxed at rate of 40% of	N/A	N/A	Yes. 72 PA. CONS. STAT. §	N/A

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
	(2017)	oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking. (2) The term includes (i) [a] device as described in paragraph (1), notwithstanding whether the device is manufactured, distributed marketed or sold as an e-cigarette, e-cigar and e-pipe or under any other product, name or description[,] (ii) [a] liquid or substance placed in or sold for use in an electronic cigarette.” 72 PA. CONS. STAT. §	purchase price charged to the retailer. 72 PA. CONS. STAT. § 8202-A(a.1) (2017)			8220-A(a) (2017)	

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		8201-A (2017)					
Rhode Island	No	<i>Electronic nicotine-delivery system</i> means "an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah and any related device and any cartridge or other component of such device." R.I. GEN. LAWS ANN. § 11-9-13.4(15) (2017)	N/A	Electronic nicotine delivery system must be sold in "original, factory-wrapped package." R.I. GEN. LAWS ANN. § 11-9-13.8(2) (2017)	<p>Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. R.I. GEN. LAWS ANN. §§ 11-9-13 and 11-9-13.8(1) (2017)</p> <p>Public use/possession of electronic nicotine-delivery systems by persons under age 18 prohibited. R.I. GEN. LAWS ANN. § 11-9-14 (2017)</p> <p>Purchase of electronic nicotine-delivery systems by persons under age 18 prohibited. R.I. GEN. LAWS ANN. § 11-9-13 (2017)</p> <p>Vending machine restricted to locked machines in locations continually supervised and in direct line of sight of authorized person on a business premises or in locations inaccessible to persons under age 21. R.I. GEN. LAWS ANN. § 11-9-13.1(a) (2017)</p> <p>Distribution of free electronic</p>	Yes R.I. GEN. LAWS ANN. § 23-1-56(a) (2017)	N/A

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					nicotine-delivery system to persons under age 18 or within 500 feet of any school prohibited. R.I. GEN. LAWS ANN. § 11-9-13.10 (2017)		
South Carolina	No	<p><i>Alternative nicotine product</i> means "a product, including electronic cigarettes, that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means." S.C. CODE ANN. § 16-17-501(6) (2017)</p> <p><i>Electronic cigarette</i> means "an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to</p>	N/A	N/A	<p>Sale/distribution of alternative nicotine products to persons under age 18 prohibited. S.C. CODE ANN. § 16-17-500(A) and 16-17-502(A) (2017)</p> <p>Purchase/possession of alternative nicotine products by persons under age 18 prohibited. S.C. CODE ANN. § 16-17-500(F) (2017)</p> <p>Vending machine sales of alternative nicotine products restricted to locations inaccessible to persons under age 18 or locked and under control of owner S.C. CODE ANN. § 16-17-500(D) (2017)</p>	No	Use of electronic cigarettes prohibited in ambulances. S.C. CODE ANN. REGS. 61-7 § 601(O) (2017)

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		simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” S.C. CODE ANN. § 16-17-501(7) (2017)					
South Dakota	Yes S.D. CODIFIED LAWS § 34-46-20 (2017)	<i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette,	N/A	Vapor products must be sold in original manufacturer’s packaging. S.D. CODIFIED LAWS § 34-46-21 (2017)	Sale/distribution of vapor products to persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(1) (2017) Purchase/possession/ use of vapor products by persons under age 18 prohibited. S.D. CODIFIED LAWS § 34-46-2(2) (2017) Distribution of free vapor products within 500 feet of school, playground, or other child-focused facility prohibited. S.D. CODIFIED LAWS § 34-46-2(7) (2017) Self-service displays of vapor products restricted to tobacco	No	Department of Corrections policy prohibits the use of electronic cigarettes by staff and offenders in all buildings and offices and on all real property owned, leased or occupied by the Department. The policy defines electronic cigarettes as “any device that allows users to inhale nicotine vapor, or is capable of delivering nicotine

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		electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” S.D. CODIFIED LAWS § 34-46-20 (2017)			specialty store or vending machines inaccessible to persons under age 18. S.D. CODIFIED LAWS § 34-46-21 (2017)		in a vapor form. Devices typically consist of a mouthpiece, heating element, and a unit containing a rechargeable battery and various electronic circuits.” S.D. Dep’t of Corrections Policy §1.3.C.7 (2015) .
Tennessee	No	<i>Vapor product</i> means “any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of	N/A	Liquid nicotine containers must be child-resistant. TENN. CODE ANN. § 39-17-1512(b) (2017)	Sale/distribution of vapor products to persons under age 18 years prohibited. TENN. CODE ANN. § 39-17-1504(a) (2017) Purchase/possession of vapor products by persons under age 18 prohibited. TENN. CODE ANN. § 39-17-1505(a) (2017) Distribution of free vapor products/samples prohibited on “any public street, sidewalk, or park”. TENN.	No	N/A

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		shape or size, that can be used to produce or emit vapor [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge or other container of a solution containing nicotine or any other substance that is intended to be used with or in an [aforementioned] product” TENN. CODE ANN. § 39-17-1503(10) (2017) <i>Liquid nicotine container</i> means “a bottle or other			CODE ANN. § 39-17-1504(c) (2017)		

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		container that contains liquid nicotine or any other substance containing nicotine, where the liquid or other substance is sold, marketed or intended for use in a vapor product [except containers] prefilled and sealed by the manufacturer, and not intended to be opened by the consumer. TENN. CODE ANN. § 39-17-1512(a) (2017)					
Texas	No	<i>E-cigarette</i> means “an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to delivery nicotine or other substances to the individual inhaling from the	N/A	Liquid nicotine sold as an accessory for an e-cigarette must be sold in a child-resistant container unless prefilled and sealed by the manufacturer and not intended to be	Sale/distribution of e-cigarettes to persons under age 18 is prohibited. TEX. HEALTH & SAFETY CODE ANN. §§ 161.082(a) and 161.087(a) (2017) Persons making delivery sales of e-cigarettes must register and comply with certain reporting requirements. TEX. HEALTH & SAFETY CODE ANN. §	No	Use of e-cigarettes restricted to designated areas in schools, elevators, enclosed theaters, libraries, museums, hospitals, certain buses, planes and trains. TEX. PENAL CODE ANN. § 48.01(a-1)

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>device [including products sold as] e-cigarette, e-cigar, or e-pipe or under another product name or description [and including any] component, part, or accessory for the device [whether or not] sold separately” TEX. HEALTH & SAFETY CODE ANN. § 161.081(1-a) (2017)</p> <p><i>Vapor products</i> means “Electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device, or any substance used to fill or refill the</p>		<p>opened by a consumer. TEX. HEALTH & SAFETY CODE ANN. § 161.0875 (2017)</p>	<p>161.456(a) (2017)</p> <p>Purchase/possession/use of e-cigarettes by persons under age 18 years prohibited unless possession occurs in the presence of “adult parent,” guardian or spouse. TEX. HEALTH & SAFETY CODE ANN. § 161.252 (2017)</p> <p>Self-service/vending sales of e-cigarettes restricted to locations inaccessible to persons under age 18. TEX. HEALTH & SAFETY CODE ANN. § 161.086 (2017)</p>		<p>(2017)</p> <p>School trustees must prohibit e-cigarette use and student possession of e-cigarettes at “a school-related or school-sanctioned activity on or off school property.” TEX. EDUC. CODE ANN. § 38.006(b) (2017)</p> <p>Use of vapor products is prohibited inside Department of Criminal Justice facilities, but permitted in designated outdoor areas. 37 TEX. ADMIN. CODE § 151.25(d) (2017)</p> <p>Use of e-cigarettes prohibited at child-care centers, including</p>

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		device." 37 TEX. ADMIN. CODE. § 151.25(a)(10) (2017)					playgrounds, vehicles, and during off-site field trips. 40 TEX. ADMIN. CODE § 746.3703(d) (2017) E-cigarette use in residential child care facilities and foster homes prohibited. 40 TEX. ADMIN. CODE §§ 748.1661, 749.2931 (2017) Use of electronic cigarettes prohibited in licensed pediatric extended care transportation vehicles. 40 TEX. ADMIN. CODE § 15.1102(d)(3) (2017)
Utah	Yes UTAH CODE ANN. §§ 26-42-102(6) ,	<u>Sales restrictions</u> <i>Electronic cigarette</i> means "(i) an	N/A	Sales of electronic cigarette products must	Selling/distributing electronic cigarettes to persons under age 19 prohibited. UTAH CODE ANN. §§ 76-10-104(1)	Yes UTAH CODE ANN. § 59-	Use of e-cigarettes included in definition of smoking and

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
	<p>17-50-333(1)(c), and 10-8-41.6(1)(c) (2017)</p>	<p>electronic device used to deliver or capable of delivering vapor containing nicotine into an individual’s respiratory system; (ii) any component of the device described in subsection [(i)]; or (iii) an accessory sold in the same package as the device described in subsection [(i)]. (b) [I]ncludes an e-cigarette as defined in § 26-38-2.”</p> <p>UTAH CODE ANN. § 59-14-802(2) (2017)</p> <p><i>Electronic cigarette product</i> means “an electronic cigarette or an electronic cigarette substance.” UTAH CODE ANN. §§ 59-14-802(3), 76-10-</p>		<p>comply with packaging, labeling, and content/ingredient restrictions adopted by the Department of Health. Restrictions include packaging of electronic-cigarette substances in a child-resistant container, display of nicotine content on label, and required safety warning, among other things. UTAH ADMIN. CODE R384-415-1-9 (2017) (authorized by UTAH CODE ANN. § 26-57-103)</p>	<p>(2017)</p> <p>Purchase/possession of electronic cigarette by person aged 18 years or younger prohibited. UTAH CODE ANN. § 76-10-105 (2017)</p> <p>Self-service displays and vending machine sales restricted to locations inaccessible to persons under age 19 without a parent or guardian. UTAH CODE ANN. § 76-10-105.1(2) (2017)</p> <p>Retail tobacco specialty businesses (tobacco product sales, including e-cigarettes, account for more than 35% of total annual gross receipts) must be licensed by counties and municipalities. UTAH CODE ANN. §§ 17-50-333(1)–(4) and 10-8-41.6(1)–(4) (2017)</p> <p>Location of tobacco retail specialty businesses minimally restricted relative to schools, child care facilities, churches, libraries,</p>	<p>14-803(1) (2017)</p>	<p>therefore similarly restricted in public indoor places temporarily excepting vape shops restricting entry to persons 19 and older (until July 1, 2017). UTAH CODE ANN. §§ 26-38-2(4) (defining smoking), 26-38-2.6(1) (allowing exceptions for vape shops), 26-38-3 (prohibiting smoking in public places) (2017)</p> <p>Distribution of electronic cigarettes prohibited in a correctional facility. UTAH CODE ANN. § 76-8-311.3(5)(d) (2017)</p> <p>School boards directed to adopt</p>

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		<p>101(3), and 26-57-102(3) (2017)</p> <p><i>Electronic cigarette substance</i> means “any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.” UTAH CODE ANN. § 59-14-802(4) (2016)</p> <p><u>Use restrictions</u></p> <p><i>E-cigarette</i> means “[a] any electronic oral device: (i) that provides a vapor of nicotine or other substance; and (ii) which simulates smoking through its use or through inhalation of the device; and (b) includes an oral device that is: (i) composed of a</p>			<p>playgrounds, other tobacco specialty shops, and other facilities. UTAH CODE ANN. §§ 17-50-333(5) and 10-8-41.6(5) (2017)</p>		<p>rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities. UTAH CODE § 53A-11-908(2) (2017)</p>

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		heating element, battery, or electronic circuit; and (ii) marketed, manufactured, distributed, or sold as: (A) an e-cigarette; (B) e-cigar; (C) e-pipe; or (D) any other product name or descriptor, if the function of the product meets the definition of Subsection [(a)].” UTAH CODE ANN. § 26-38-2(1) (2017)					
Vermont	No	<i>Tobacco substitute</i> means “products, including electronic cigarettes or other electronic or battery-powered devices, that contain and are designed to deliver nicotine or other substances into the body through inhaling vapor” 7 VT. STAT.	N/A	Liquid nicotine must be sold in child-resistant packaging, excluding pre-filled cartridges not intended to be opened by consumer. 7 VT. STAT. ANN. § 1012(a) (2017)	Sale/distribution of tobacco substitutes to persons under age 18 prohibited. 7 VT. STAT. ANN § 1003(a) (2017) Purchase/possession of tobacco substitutes by persons under age 18 prohibited. 7 VT. STAT. ANN. § 1005(a) (2017) Self-service displays and vending machine sales restricted to locations	Yes 7 VT. STAT. ANN. § 1002(a) (2017)	Use of tobacco substitutes prohibited at child care facilities. 33 VT. STAT. ANN. § 3504 (2017) Use of tobacco substitutes prohibited on “public school grounds” and at sponsored events. 16 VT. STAT.

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		<p>ANN. § 1001(8) (2017)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of a nicotine liquid or other substance containing nicotine which is sold, marketed, or intended for use in a tobacco substitute [except a container] prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” 7 VT. STAT. ANN. § 1012(b)(2) (2017)</p>			<p>inaccessible to persons under age 18 years. 7 VT. STAT. ANN. § 1003(b), (d) (2017)</p>		<p>ANN. § 140 (2017)</p> <p>Use of tobacco substitutes prohibited in workplaces (but this does not apply to vape shops). 18 VT. STAT. ANN. § 1421 (2017)</p> <p>Use of tobacco substitutes prohibited in indoor public places and certain outdoor areas on state property and hospital grounds similarly to smoking (with some exceptions). 18 VT. STAT. ANN. § 1742 (2017)</p> <p>Use of tobacco substitutes prohibited in cars with young children. 23 VT. STAT. ANN. §</p>

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							1134b (2017)
Virginia	No	<i>Nicotine vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is	N/A	Liquid nicotine must be sold in a child-resistant container. VA. CODE ANN. § 59.1-293.11(A) (2017)	Sale/distribution of nicotine vapor products to persons under age 18 prohibited. VA. CODE ANN. § 18.2-371.2(A) (2017) Purchase/possession of nicotine vapor product by person under age 18 prohibited. VA. CODE ANN. § 18.2-371.2(B) (2017)	No	School boards directed to develop and implement policy to prohibit electronic cigarette use on school bus, school property and at school-sponsored activities. VA. CODE ANN. §§ 22.1-79.5 and 22.1-279.6(H) (2017)

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		<p>intended to be used with or in an [aforementioned] device.” VA. CODE ANN. § 18.2-371.2(H) (2017)</p> <p><i>Liquid nicotine</i> means “a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.” VA. CODE ANN. § 59.1-293.10 (2017)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container holding liquid nicotine in any concentration [except containers] prefilled and sealed by the manufacturer . . . and . . . not intended to be</p>					

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		opened by the consumer.” VA. CODE ANN. § 59.1-293.10 (2017)					
Washington	No	<i>Vapor product</i> means “any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance [including] electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain	N/A	Liquid nicotine containers must be child resistant. WASH. REV. CODE ANN. § 70.345.130(1) All “liquid nicotine containers must be labeled with a warning regarding harmful effects of nicotine, a warning to keep the “vapor product” away from children, a warning that vaping is illegal for minors, and for “open systems,” a disclosure of the amount of nicotine in	Sale of vapor products to persons under age 18 prohibited. WASH. REV. CODE ANN. § 26.28.080(1) (2017) Purchase/possession of vapor products by persons under age 18 prohibited. WASH. REV. CODE ANN. § 70.345.140(1) (2017) Self-service displays of vapor products prohibited except in retailers inaccessible to persons under age 18. WASH. REV. CODE ANN. § 70.345.080 (2017) Samples of vapor products must take place within licensed retail premises that is restricted to those over the age of 18 years, contain no nicotine (unless “customer explicitly consents”), and use a disposable mouthpiece. WASH. REV. CODE ANN. §	Yes. WASH. REV. CODE ANN. § 70.345.030 (1)(a) (2017)	Use of vapor products prohibited in and on grounds of child care facilities, schools, playgrounds, school buses, elevators, and within 500 feet of schools. WASH. REV. CODE ANN. § 70.345.150 (2017) Use of electronic cigarettes within public institutions of higher education restricted through regulation. (<i>e.g.</i> , Eastern Washington University WASH. ADMIN. CODE § 172-122-310 (2017)); Peninsula

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		<p>nicotine in a solution or other form that is intended to be used with or in [such a device].” WASH. REV. CODE ANN. § 70.345.010(19) (2017)</p> <p><i>Closed system nicotine container</i> means “a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable</p>		<p>milligrams per milliliter, along with the total volume of the container in milliliters. WASH. REV. CODE § 70-345-075 (2017). This requirement expires on August 10, 2018.</p>	<p>70.345.100 (2017)</p> <p>Free vapor product distribution prohibited unless part of in-person transaction/sale of vapor product. WASH. REV. CODE ANN. § 70.345.110 (2017)</p>		<p>College WASH. ADMIN. CODE § 132A-125-030(10)(d) (2017); Lake Washington Institute of Technology WASH. ADMIN. CODE § 495D-140-070(4) (2017); and University of Washington WASH. ADMIN. CODE § 478-136-035 (2017)</p>

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State	Included in at Least One Definition of “Tobacco Product” in State Law ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p>handling or use, including reasonably foreseeable ingestion or other contact by children.” WASH. REV. CODE § 70.345.010(4) (2017)</p> <p><i>Liquid nicotine container</i> means “a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration [excepting] closed system nicotine containers.” WASH. REV. CODE ANN. § 70.345.010(8) (2017)</p>					
West Virginia	Yes (“tobacco-derived	<u>Youth Access and Use</u>	E-cigarette liquid taxed at rate of \$0.075 per	N/A	Sale/distribution of vapor products to persons under age 18 years prohibited. W. VA.	No	Use of tobacco-derived products prohibited in

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	product”) W. VA. CODE ANN. § 16-9A-2(a)(1) (2017)	<i>Tobacco product and Tobacco-derived Product</i> mean “any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco-containing products. A ‘tobacco-derived product’ includes	milliliter or fraction thereof. W. VA. CODE ANN. § 11-17-4b(b)(1) (2017)		CODE ANN. § 16-9A-2(b)(3) (2017) Vending machine sales of vapor products restricted to places inaccessible to persons under age 18. W. VA. CODE ANN. § 16-9A-8 (2017) Use/possession of tobacco products or tobacco-derived products by persons under age 18 prohibited. W. VA. CODE ANN. § 16-9A-3 (2017)		schools and on school grounds except those areas not used for instructional purposes and inaccessible to students. W. VA. CODE ANN. § 16-9A-4 (2017)

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		<p>electronic cigarettes or similar devices, alternative nicotine products and vapor products.” W. VA. CODE ANN. § 16-9A-2(a)(1) (2017)</p> <p><i>Vapor product</i> means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or</p>					

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		<p>similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” W. VA. CODE ANN. § 16-9A-2(a)(3) (2017)</p> <p><u>Tax</u></p> <p><i>E-cigarette</i> means “an electrical or electronic device that provides a smoke, vapor, fog, mist, gas or aerosol suspension of nicotine or another substance that, when used or inhaled, simulates the activity of smoking...[including] but not limited to, a device that is composed of a</p>					

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		<p>heating element, battery or electrical or electronic circuit, or a combination of heating element, battery and electrical or electronic circuit, which works in combination with e-liquid to produce an inhalable product . . . [including products marketed or sold as] e-cigarette, e-cigar, e-pipe or under any other name or descriptor.” W. VA. CODE ANN. § 11-17-4b(a)(1) (2017)</p> <p><i>E-cigarette Liquid</i> means “any of the liquids or liquid mixtures used in e-cigarettes and is also known as e-juice, e-liquid, or e-liquid product . . .</p>					

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		[including] e-cigarette liquid mixing kits and...components. When used in, or with, an e-cigarette, e-cigarette liquid is vaporized or otherwise converted into an inhalable product. E-cigarette liquid may or may not include, without limitation, propylene glycol, vegetable glycerin, nicotine from any source or flavorings.” W. VA. CODE ANN. § 11-17-4b(a)(2) (2017)					
Wisconsin	No	<i>Nicotine product</i> means “a product that contains nicotine and is not any of the following: (1) a tobacco product; [or] (2) a cigarette.” WIS. STAT. ANN. § 134.66(1)(f) (2017)	N/A	N/A	Sale/distribution of nicotine products to persons under age 18 prohibited. WIS. STAT. ANN. §§ 134.66(2) and 254.92(2m) (2017) Purchase/possession of nicotine products by persons under age 18 prohibited. WIS. STAT. ANN. § 254.92(2)	No	N/A

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Wyoming	Yes WYO. STAT. ANN. § 14-3-301(a)(i) (2017)	<p><u>Sales Restrictions:</u></p> <p><i>Tobacco products</i> means “any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco” WYO. STAT. ANN. § 14-3-301(a)(i) (2017)</p> <p><i>Electronic cigarette</i> means “a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver</p>	N/A	Liquid nicotine containers must “be sold in child resistant packaging.” WYO. STAT. ANN. § 35-7-2002(a) (2017)	<p>(2017)</p> <p>Sales/distribution of electronic cigarettes to persons under age 18 prohibited. WYO. STAT. ANN § 14-3-302(a) and (c) (2017)</p> <p>Purchase of tobacco products by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-304(a) (2017)</p> <p>Possession/use of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-305(a) (2016)</p> <p>Self-service displays and vending machine sales of electronic cigarettes restricted to locations inaccessible to persons under age 18. WYO. STAT. ANN § 14-3-303(b) (2017)</p>	No	Use of electronic cigarettes prohibited in child care facilities when children are present. FAMILY SERVICES Ch. 4 WYO. CODE R. § 14(t) (2017)

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		<p>doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.”</p> <p>WYO. STAT. ANN § 14-3-301(a)(v) (2017)</p> <p><u>Packaging restrictions:</u></p> <p><i>Vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form</p>					

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		<p>[including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” WYO. STAT. ANN. §§ 35-7-2001(a)(iii) and 9-4-1204(iv) (2017)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in</p>					

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		a vapor product [not including a cartridge that is] prefilled and sealed by the manufacturer and not intended to be opened by the consumer” WYO. STAT. ANN. § 35-7-2001(a)(ii) (2017)					