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**E-Cigarettes and Vaping  
October 2015**

Since the inception of the modern e-cigarette in 2003 and arrival into the US market just several years later, these devices continue to go unregulated at the federal level except for those that make specific health claims. A lack of regulation has led to the proliferation of vape stores and for the first time since the 1970s, nicotine is being advertised on TV and the radio, often with ads promoting liquid nicotine flavors appealing to youth along with unsubstantiated health claims.

**What is the current law in Florida?**State law prohibits the sale of any “nicotine dispensing device” to those 18 and under as well as underage possession. The penalty for first-time offenders is a $25 civil fine, or 16 hours of community service and anyone under the age of 18 who is caught three times risks losing a driver's license.  The law makes it a misdemeanor to sell vapor smoking devices to minors and requires stores to post signs warning of the ban.

**What is the difference between an e-cigarette and a vaporizer?**  
Both are battery operated devices that heat a liquid cartridge to produce a vapor of various particulates and toxins rather than traditional smoke. E-cigarettes create a vapor by using a heating element to heat the liquid and vaporizers create a vapor by using warm air to heat the liquid. E-hookah, e-pipes, and e-cigars are other electronic devices that also resemble the e-cigarette delivery method.

**How are they being used?**Both devices are being used to vaporize liquid nicotine or BHO marijuana (a high potency liquid extraction of THC, the active ingredient in marijuana). Vaporizing masks the pungent odor associated with smoking marijuana.

**Concerns:**

* A study published in the 2015 Pediatrics Journal found that vaporizing marijuana using e-cigarettes was common among lifetime e-cigarette users and lifetime marijuana users. 15.4% of e-cigarette users reported using e-cigarettes to vaporize hash oil, 10% reported using them to vaporize wax infused with THC and 19.6% reported using portable electronic vaporizers to vaporize dried cannabis marijuana leaves.[[1]](#endnote-1)
* The same survey found among lifetime e-cigarette users, top locations in which they used e-cigarettes were in their homes (50.5%), schools (24.6%), and public places where smoking is not allowed (24.1%).[[2]](#endnote-2)
* In addition, the same study found that “the THC concentrations of vaporized hash oil and waxes can exceed that of dried cannabis by 4 to 30 times” and high school students who were surveyed, were 27 times more likely to use e-cigarettes to vaporize cannabis than their adult counterparts. iii
* Adolescents are exposed to unregulated advertising for e-cigarettes in multiple channels, and approximately half had tried e-cigarettes or intend to try them in the future.[[3]](#endnote-3)
* There are toxicological concerns over the concentration levels of some flavor chemicals used in e-cigarette fluids.[[4]](#endnote-4)
* E-cigarettes use among high school and middle school students TRIPLED from 4.5% in 2013 to 13.4% in 2014 and high schoolers used more e-cigarettes than both hookahs and traditional cigarettes.[[5]](#endnote-5)
* A recent study of young adults found that the use of alternative tobacco products, such as e-cigarettes, is associated with a 2.5 times increase in later cigarette use.[[6]](#endnote-6)

**Recommended Actions:**State law does not fully address product placement in stores, zoning of vape stores and their proximity to schools or business licenses for retail shops. Vaping is not currently addressed in the [Florida Clean Air Indoor Act.](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0386/0386.html) More than two dozen local communities in Florida have passed local ordinances to address some of these issues not covered by the state or FDA.

1. Check to see if your city or county has a local ordinance that addresses where e-cigarettes can be used and where retail vaping shops can be located. A local ordinance should define these products as “electronic chemical delivery devices.” [Click here to see a sample ordinance.](https://www.municode.com/library/fl/ocala/codes/code_of_ordinances?nodeId=PTIICOOR_CH15PUHESA_ARTIIIGATOPR)
2. Make sure that your school has adapted its Tobacco Free policy to include e-cigarettes and vaporizers in the existing definition of tobacco use policy. [For a model policy please click here.](http://www.sdhc.k12.fl.us/policymanual/detail/192)
3. Talk to your county officials about establishing Tobacco Retail Licenses. This would allow the county to regulate Vape shops to ensure they are following rules associated with product placement, advertising and zoning while also keeping a check on drug paraphernalia as it relates. [Click here for a model Tobacco Retail License.](http://cityofgrassvalleycom-web.s3-website-us-west-1.amazonaws.com/files-archived/agendas/STAFFREPORTS2009/AG081109/ITEM14ORD.pdf)

1. *High School Students’ Use of Electronic Cigarettes to Vaporize Cannabis,* Meghan E. Morean, Grace Kong, Deepa R. Camenga, Dana A. Cavallo, and Suchitra Krishnan-Sarin, Pediatrics peds.2015-1727; published ahead of print September 7, 2015, doi:10.1542/peds.2015-1727 [↑](#endnote-ref-1)
2. *High School Students’ Use of Electronic Cigarettes to Vaporize Cannabis*, Meghan E. Morean, Grace Kong, Deepa R. Camenga, Dana A. Cavallo, and Suchitra Krishnan-Sarin, Pediatrics peds.2015-1727; published ahead of print September 7, 2015, doi:10.1542/peds.2015-1727 [↑](#endnote-ref-2)
3. *High School Students’ Use of Electronic Cigarettes to Vaporize Cannabis*, Meghan E. Morean, Grace Kong, Deepa R. Camenga, Dana A. Cavallo, and Suchitra Krishnan-Sarin, Pediatrics peds.2015-1727; published ahead of print September 7, 2015, doi:10.1542/peds.2015-1727

   iv Nina Parikh, et al, *EXPOSURE TO ADVERTISING FOR E-CIGARETTES AND PRODUCT TRIAL AMONG U.S. ADOLESCENTS*, presentation at the *2015 Society for Research on Nicotine & Tobacco conference*. Accessed online at <https://www.srnt.org/SRNT_2015_Abstracts_WEB.pdf> on October 20, 2015. [↑](#endnote-ref-3)
4. v Tierney PA, Karpinski CD, Brown JE, et al. *Tob Control* Published Online First: [April 15, 2015] doi:10.1136/tobaccocontrol-2014-052175 [↑](#endnote-ref-4)
5. vi 2014 National Youth Tobacco Survey [↑](#endnote-ref-5)
6. i Stephen M. Amrock, MD, SM; Michael Weitzman, M. *Alternative Tobacco Products as a Second Front in the War on Tobacco*. JAMA, October 2015 DOI: 10.1001/jama.2015.11394 [↑](#endnote-ref-6)