**Background**

Electronic cigarettes (e-cigarettes) are battery operated devices that simulate smoking. They contain cartridges filled with liquid nicotine, flavorings and other chemicals. While e-cigarettes do not contain tobacco, they do contain various levels of tobacco-derived nicotine.\(^1\) There is no government oversight of electronic cigarettes or e-liquid.\(^2\) Early studies found detectable levels of cancer-causing chemicals in two leading brands of e-cigarettes.\(^1\) There are over 250 e-cigarette brands on the market, and the three largest tobacco companies (R.J. Reynolds, Phillip Morris and Lorillard) are investing significant time and money developing and promoting these new products.

Even though it is against the law, e-cigarettes are marketed as a less harmful alternative to smoking traditional cigarettes, and ads encourage smokers to use them indoors and in places where smoking is prohibited. Ads, featuring celebrities, can be found in magazines, on the radio and on television. While the FDA has warned about advertising e-cigarettes as safe alternatives to smoking, ads continue to imply this safety message.

---

**Public Health Concerns**

- E-cigarettes are untested, unregulated products. Without Food and Drug Administration (FDA) oversight, there is no way to know what chemicals are in e-cigarettes or how much nicotine is being inhaled.\(^1,2\)
- Lack of regulation makes studying the short and long-term health effects challenging.
- There is no evidence that using e-cigarettes or inhaling the secondhand emissions is safe. Studies have shown heavy metals, carcinogens, fine particles, and nicotine in e-cigarette emissions.\(^1\)
- E-cigarettes are not proven to help quit smoking.\(^1\)
- E-liquid is usually flavored to smell and taste like candy or fruit and research shows flavored tobacco products appeal to youth.\(^3\) E-juice also contains highly concentrated nicotine; contain with skin can be harmful to users and just a small amount can poison a child.\(^1,4\)
- A CDC study found e-cigarette use among middle and high school students more than doubled between 2011 and 2012.\(^5\)
- E-cigarettes can complicate smoke-free indoor air laws because it can be difficult to distinguish e-cigarettes from traditional cigarettes.
E-cigarettes and e-liquid are often sold at e-cigarette lounges, where customers may taste-test and use products in a social environment, complete with couches, televisions and refreshments, for an unlimited amount of time. This practice is an exploitation of the “sampling” loophole in Minnesota’s Clean Indoor Air Act.

The FDA has the ability to regulate these products, but has not yet taken action. In Minnesota, e-cigarettes are taxed as a tobacco product and cannot be sold to minors. However, they are not covered under Minnesota’s Clean Indoor Air Act, so smoking them indoors and in public places is not against state law.

As a result, many Minnesota communities have decided to regulate e-cigarettes at the local level.

Sources

Regulatory Options for Communities

Requiring e-cigarette stores and lounges to be licensed tobacco retailers.

Update indoor air laws to include e-cigarettes, preventing their use in public places like restaurants, malls, and movie theaters.

Prohibit product sampling in tobacco shops.

Require that e-cigarettes and e-juice be kept behind the counter and out of a child’s reach, like other tobacco products.

Prohibit moveable places of business (such as kiosks) or vending machine sales.

FOR MORE INFORMATION ON LOCAL POLICY OPTIONS, CONTACT US AT: NorthlandMN@lung.org

†AMERICAN LUNG ASSOCIATION
 IN MINNESOTA

[ TOBACCO’S HARD SELL ]