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Policy Statement on Youth and Electronic Cigarettes or “E-cigarettes”

The Weber Area Council of Governments (WACOG) is very concerned about the increase in the use of electronic cigarettes, or “e-cigarettes” among youth. The increase of sales to youth and overall youth access related to e-cigarettes is alarming. Despite the fact that e-cigarettes are age-restricted by law in Utah, youth use rates have skyrocketed. In Utah, the percentage of e-cigarette use among middle and high school students tripled from 2011 to 2013.¹ In the Weber-Morgan Health District, youth use rates increased by over 500 percent.² The WACOG strongly urges the state of Utah to apply laws governing cigarettes and other tobacco products to e-cigarettes, in order to narrow regulatory gaps related to youth access of e-cigarettes. The WACOG supports state legislation that includes any of the following measures:

- 1. Extend enforcement authority to the State and local health departments for the sales of electronic cigarettes, electronic cigarette cartridges, electronic cigarette liquid, and electronic cigarette paraphernalia to underage persons; extends the application of civil penalties to those sales; and extends licensing and enforcement authority and civil penalties to the manufacturing of electronic cigarette liquid.**
- 2. Establish licensing requirement and fees for retail sales of electronic cigarettes, electronic cigarette cartridges, electronic cigarette liquid and electronic cigarette paraphernalia.**
- 3. Establish a procedure for the application for, issuance and revocation of retail licenses for the sale of electronic cigarettes, electronic cigarette cartridges, electronic cigarette liquid and electronic cigarette paraphernalia.**
- 4. Establish licensing requirement and fees for the manufacture and wholesale sales of electronic cigarette liquid.**
- 5. Establish a procedure for the application for, issuance and revocation of licenses for the manufacture and wholesale sale of electronic cigarette liquid.**
- 6. Extend coverage of code to prohibit providing electronic cigarette cartridges and electronic cigarette liquids to underage persons.**
- 7. Rename tobacco paraphernalia to smoking paraphernalia, extends definition of paraphernalia to electronic cigarette accessories, cartridges and electronic cigarette liquid and extends the prohibition of providing these products to minors.**
- 8. Include electronic cigarette cartridges and electronic cigarette liquids in the investigations and enforcement authority of peace officers.**

Background

Despite the dramatic rise in the use of e-cigarettes, there is very little known about the actual health risks of their impact on efforts to reduce youth tobacco use or even help smokers quit. No federal agency currently regulates how e-cigarettes are made or how and to whom they are marketed and sold.

While new companies whose primary products are e-cigarettes originally dominated the e-cigarette market, all three U.S. tobacco companies—Altria/Philip Morris, Reynolds American and Lorillard—have now all entered the e-cigarette market. Lorillard in 2012 purchased BlueCigs, and is selling them nationally. Altria and Reynolds recently started selling their e-cigarette products: Reynolds in Colorado in July 2013 and Altria in Indiana in August 2013. Reynolds American recently announced plans to launch Vuse, their e-cigarette product, in Utah in mid-January 2014.

E-cigarettes have also been advertised using themes and images that bear a striking similarity to the advertising that decades ago made cigarettes so attractive to youth and made them appear to be an essential part of American culture—the very type of advertising that is no longer permitted for cigarettes. Several manufacturers, including Lorillard and NJOY, have recently introduced television-advertising campaigns for their e-cigarettes, and Reynolds has said it plans an extensive marketing campaign including TV ads.

These developments underscore the urgent need for the U.S. Food and Drug Administration and the state of Utah to take action to protect public health. The lack of regulation poses serious risks to public health:

Concerns:

- **Nicotine use as a gateway to conventional cigarettes for children**
 1. In 2012, an estimated 160,000 students in the U.S. who reported ever using e-cigarettes had never used conventional cigarettes.³
 2. In youths, concerns regarding e-cigarette use include the potential negative impact of nicotine on adolescent brain development, as well as the risk for nicotine addiction and initiation of the use of conventional cigarettes or other tobacco products.⁴
 3. Youth are sensitive to nicotine and can feel dependent earlier than adults. Because of nicotine addiction, about three out of four teen smokers end up smoking into adulthood, even if they intend to quit after a few years⁵
- **Candy-like flavors and product design appeal to children – based on data collected nationally and in Utah**
 1. “Young adults perceive the new tobacco products positively and are willing to experiment with them”⁶
 2. Appealing features, i.e. “high-tech,” colorful, fruit & candy flavors, designed to look like every-day items
 3. In 2011, 1 in 20 Utah Students (grades 8, 10, and 12) had tried e-cigarettes⁷
- **E-cigarette use has doubled among youth nationally, tripled among youth in Utah**
 1. The Centers for Disease Control (CDC) recently showed that e-cigarette use has

doubled since 2011, prompting CDC's conclusion that e-cigarette use is "condemning many kids to struggling with a lifelong addiction to nicotine".⁸

2. E-cigarette use among youth in Utah has tripled from 2011 to 2013.⁹
- **E-cigarettes contain significant and unregulated amounts of nicotine which poses the risk of nicotine addiction**
 - based on recent FDA and published studies
 - 1. FDA studies show wide variations in the amount of nicotine, making them poor candidates for a tobacco cessation treatment products - Large deviations from the content claimed on the label¹⁰
 - 2. No current regulation of how e-cigarettes are made or what is in them
 - 3. Poor cartridge labeling that lacks any indication of cartridge content, expiration date, or health warnings¹¹
 - 4. Sold with ambiguous amounts of nicotine on the label. It is unclear if a value (eg, 24 mg), is mg/cartridge or mg/ml¹²
 - 5. Cartridges leak¹³ - and pose a poisoning risk to children
 - a. The Utah Poison Control Center data shows a shocking increasing trend in calls related to e- cigarettes, especially among youth under the age of 5 years old.¹⁴
- **Lack of licensing requirement for e-cigarette retailers in Utah**
 1. Utah does not currently require a tobacco retail license for e-cigarette retailers.
 - a. Currently, state law only requires tobacco specialty retail licenses for stand-alone e-cigarette specialty shops opened after July 1, 2012 (Utah State Code 10-8-41-6). There is no way of knowing how many e-cigarette retailers are in Utah due to the lack of uniform licensing to sell the products.
 - b. There are no penalties to stores that sell to minors. Citations can only be issued to the store clerk who sells by law enforcement (Utah State Code 77-39-101)

Effective regulation can guard against these risks and prevent e-cigarettes from increasing the number of people addicted to nicotine or re-glamorizing the act of smoking. This is not the first time the tobacco industry has introduced products they claim will reduce the death and disease caused by existing tobacco products. The tobacco industry has a long history of deceiving the public and targeting kids, with devastating consequences for the nation's health. Federal and state authorities must ensure that history does not repeat itself with a new generation of tobacco products, including e-cigarettes.

¹ Tobacco Prevention and Control Program. *Prevention Needs Assessment Tobacco Questions, 2013*. Salt Lake City: Utah Department of Health. Tobacco Prevention and Control Program. *Prevention Needs Assessment Tobacco Questions, 2011*. Salt Lake City: Utah Department of Health.

² Tobacco Prevention and Control Program. *Prevention Needs Assessment Tobacco Questions, 2013*. Salt Lake City: Utah Department of Health. Tobacco Prevention and Control Program. *Prevention Needs Assessment Tobacco Questions, 2011*. Salt Lake City: Utah Department of Health.

³ Centers for Disease Control and Prevention. Electronic Cigarette Use Among Middle and High School Students-United States, 2011-2012. *MMWR* 2013;62:729

⁴ Dwyer JB, McQuown SC, Leslie FM. The dynamic effects of nicotine on the developing brain. *Pharmacol Ther* 2009;122:125-39.

⁵ U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*.

Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.

⁶ “Young adults perceive the new tobacco products (includes ALL new products such as dissolvables, snus and e-cigs) positively and are willing to experiment with them,” Choi et al 2012 [Choi K, Fabian L, Mottey N, Corbett A, Forster J](#). Young adults' favorable perceptions of snus, dissolvable tobacco products, and electronic cigarettes: findings from a focus group study. [Am J Public Health](#). 2012 Nov;102(11):2088-93. doi: 10.2105/AJPH.2011.300525. Epub 2012 Jul 19.

⁷ Utah Prevention Needs Assessment Survey, 2011

⁸ Centers for Disease Control and Prevention. Electronic Cigarette Use Among Middle and High School Students-United States, 2011-2012. *MMWR* 2013;62:729

⁹ Tobacco Prevention and Control Program. *Prevention Needs Assessment Tobacco Questions, 2013*. Salt Lake City: Utah Department of Health. Tobacco Prevention and Control Program. *Prevention Needs Assessment Tobacco Questions, 2011*. Salt Lake City: Utah Department of Health.

¹⁰ Cobb, N. K., Byron, M. J., Abrams, D. B., & Shields, P. G. (2010). Novel nicotine delivery systems and public health: The rise of the “e-cigarette”. *American Journal of Public Health, 100*, 2340–2342. doi:10.2105/AJPH.2010.199281

¹¹ Trtchounian, A. & Talbot, P. (December 7, 2010) Electronic Nicotine Delivery Systems: Is there a need for regulation? *Tobacco Control. 2011;20:47- 52* doi:10.1136/tc.2010.037259

¹² Trtchounian, A. & Talbot, P. (December 7, 2010) Electronic Nicotine Delivery Systems: Is there a need for regulation? *Tobacco Control. 2011;20:47- 52* doi:10.1136/tc.2010.037259

¹³ Trtchounian, A. & Talbot, P. (December 7, 2010) Electronic Nicotine Delivery Systems: Is there a need for regulation? *Tobacco Control. 2011;20:47- 52* doi:10.1136/tc.2010.037259

¹⁴ Utah Poison Control Center. Calls related to tobacco and nicotine. University of Utah, College of Pharmacy. L.S. Skaggs Pharmacy Institute. Received 11/4/2013.