

# E-CIGARETTES

Tobacco Control Program | Division of Public and Behavioral Health

## BACKGROUND

Electronic cigarettes, known as “e-cigarettes,” are a product designed to deliver vaporized inhalants such as nicotine by simulating traditional cigarette products. National e-cigarette use rates among youth grew from 1.5% in 2011 to 16% in 2015.<sup>1</sup> In Nevada, 42.6% of Nevada youth report ever having used e-cigarettes.<sup>2</sup> Comparatively, 24% of Nevada adults report ever having used e-cigarettes.<sup>3</sup> The Surgeon General states e-cigarettes expose users to several chemicals, including nicotine, carbonyl compounds and volatile organic compounds. Currently, the risk e-cigarettes carry are not completely understood; however, according to the Surgeon General, nicotine exposure can harm the developing adolescent brain and can impact learning, memory, and attention.<sup>4</sup> Additionally, nicotine use during pregnancy is not recommended, as prenatal nicotine exposure can result in adverse consequences after birth including Sudden Infant Death Syndrome (SIDS) and childhood obesity.<sup>1</sup> In 2016, the United States Food and Drug Administration (FDA) finalized their “deeming rule,” allowing the FDA to regulate e-cigarettes as tobacco products.<sup>5</sup> The current Nevada Revised Statute (NRS 370.003) conflicts with the 2016 FDA recommendations regarding e-cigarettes.<sup>6</sup>

**15%**  
of Nevada high school students report current use of electronic vapor products.<sup>2</sup>

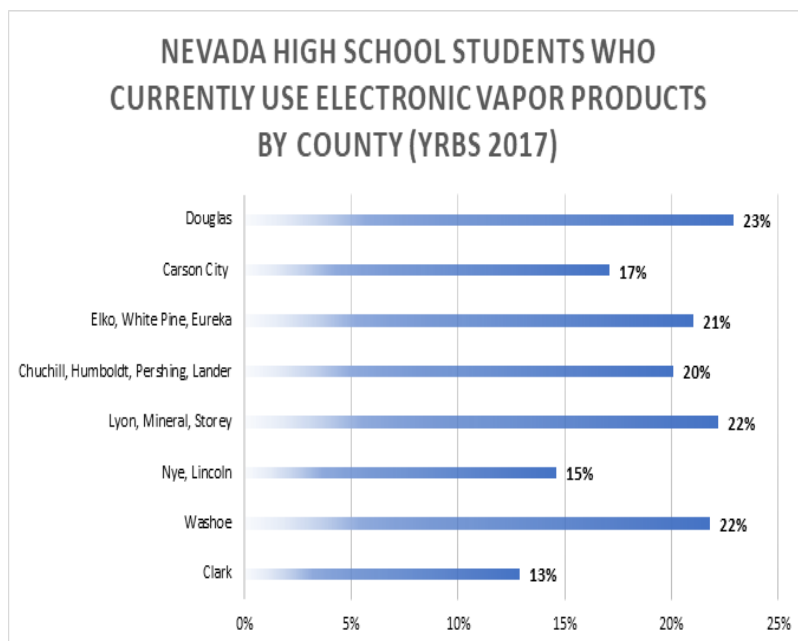
## CURRENT POLICY

Tobacco retail licensing, tax, and clean indoor air policies regulating e-cigarettes in Nevada are not consistent with traditional cigarettes and other tobacco products. In 2015, legislation was approved to nominally define e-cigarettes in NRS as an “alternative nicotine product.”<sup>6</sup> This definition was intended to create a tax bracket for an excise tax to be levied at a later date.<sup>7</sup> Legislation to increase the minimum legal e-cigarette sales age to 18 years old was also passed in 2015, creating minimum legal sales age parity between traditional tobacco products and e-cigarettes.<sup>8</sup>

## RECOMMENDATIONS

In December 2018, the Surgeon General issued an official advisory recommending the following strategies, mirroring traditional tobacco regulations:<sup>4</sup>

- Price increases through avenues such as taxation;
- Advertisement restrictions;
- Preventing youth access through age restriction;
- Retail licensure; and
- Educational initiatives targeting youth and young adults



<sup>1</sup> E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016.

<sup>2</sup> Nevada Youth Risk Behavior Survey, 2017.

<sup>3</sup> Nevada Adult Tobacco Survey, Appendix C, 2016.

<sup>4</sup> Surgeon General’s Advisory on E-cigarette Use Among Youth. (2018). Retrieved from: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

<sup>5</sup> U.S. Food & Drug Administration. (2016). Retrieved from: <http://www.fda.gov/downloads/TobaccoProducts/GuidanceComplianceRegulatoryInformation/UCM501431.pdf>

<sup>6</sup> Nevada Revised Statute 370.003.

<sup>7</sup> Minutes of the Senate Committee on Revenue and Economic Development, February 12, 2015. Retrieved from: <https://www.leg.state.nv.us/Session/78th2015/Minutes/Senate/REV/Final/199.pdf>

<sup>8</sup> Nevada Revised Statutes 202.2493.

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