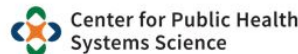
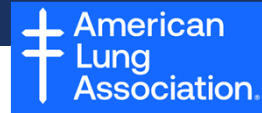


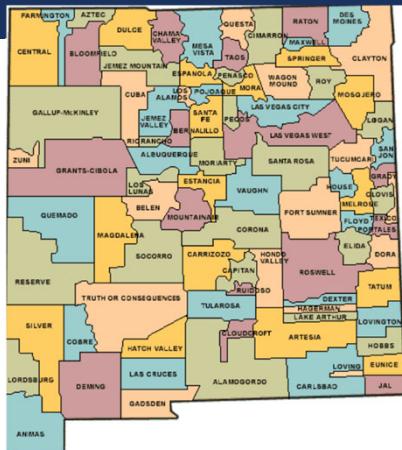
Megan Boelter, JD, MPH
Public Health Law Consultant
Tobacco Regulation

New Mexico
Tobacco Settlement Revenue Oversight
Committee November 14, 2025

PARTNERS, SOURCES, RESOURCES



YOUTH EDUCATION AND ADVOCACY



110,000 high school students (2022 data)¹
121 school districts; 220 high schools²

1. Total number of children enrolled in high school, grades 9-12, in public and private schools in New Mexico. U.S. Census Bureau, American Community Survey, 1-year estimates, Table S1401.
 2. NM School Districts, 2023-2024. <https://www.usnews.com/education/best-high-schools/new-mexico/districts>.
 3. MAP <https://web.ped.nm.gov/bureaus/constituent-services/school-directory/>



Albuquerque Public Schools

REPRESENTATIVE SCHOOL POLICY

Albuquerque Public Schools prohibits the use, possession, and distribution of commercial tobacco and nicotine products, electronic delivery devices, ... on school property and at off-campus school-sponsored events by students, school personnel, and visitors. These activities are prohibited at all times.

Enforcement of these provisions will be outlined in the Albuquerque Public Schools Handbook for Student Success and will be consistent with applicable statutory and case law.

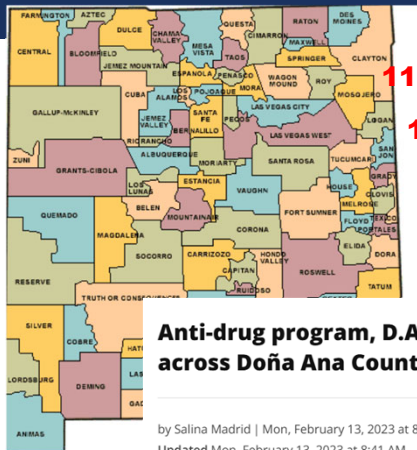
N.M.Admin. Code § 6.12.4.8 - REQUIREMENTS

Each local school board or governing body shall establish a tobacco, alcohol and drug free school policy:

A. The policy shall provide specific rules of conduct prohibiting the use, possession, and distribution of commercial tobacco and nicotine products, electronic delivery devices...on school property and at off-campus school-sponsored events by students, school personnel, and visitors.

B. Each school district shall detail the prohibited acts and activities ...and establish adequate provisions for its enforcement,... the enumeration of ...sanctions or disciplinary action, consistent with applicable statutory and case law.

C. Each policy shall include progressive and supportive disciplinary action beginning with options to promote positive student outcomes such as tobacco education or referral to counseling, parent conferences, and school or community service. Referrals to resources to help students overcome nicotine addictions shall be provided when developmentally appropriate. Parents or guardians shall be notified of all violations and actions taken by each school district.



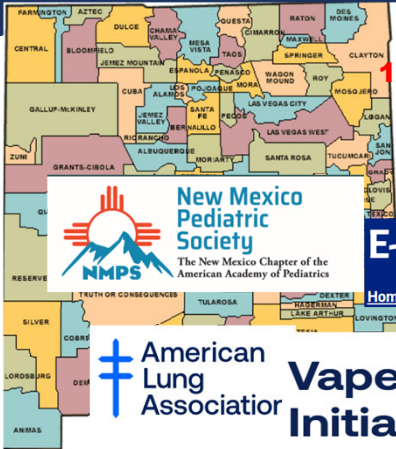
110,000 high school students (2022 data)¹
121 school districts; 220 high schools²

Anti-drug program, D.A.R.E., phased out of schools across Doña Ana County and El Paso

by Salina Madrid | Mon, February 13, 2023 at 8:25 AM
Updated Mon, February 13, 2023 at 8:41 AM



1. Total number of children enrolled in high school, grades 9-12, in public and private schools in New Mexico. U.S. Census Bureau, American Community Survey, 1-year estimates, Table S1401.
2. NM School Districts, 2023-2024. <https://www.usnews.com/education/best-high-schools/new-mexico/districts>.
3. <https://web.ped.nm.gov/bureaus/constituent-services/school-directory/>



110,000 high school students (2022 data)¹
121 school districts; 220 high schools²

E-Cigarettes and Vaping Toolkit

Home / Patient Care / Tobacco Control and Prevention / Youth Tobacco Cessation Toolkits / E-Cigarettes and Vaping Toolkit

New Mexico Pediatric Society
 The New Mexico Chapter of the American Academy of Pediatrics

American Lung Association

Vape-Free Schools Initiative

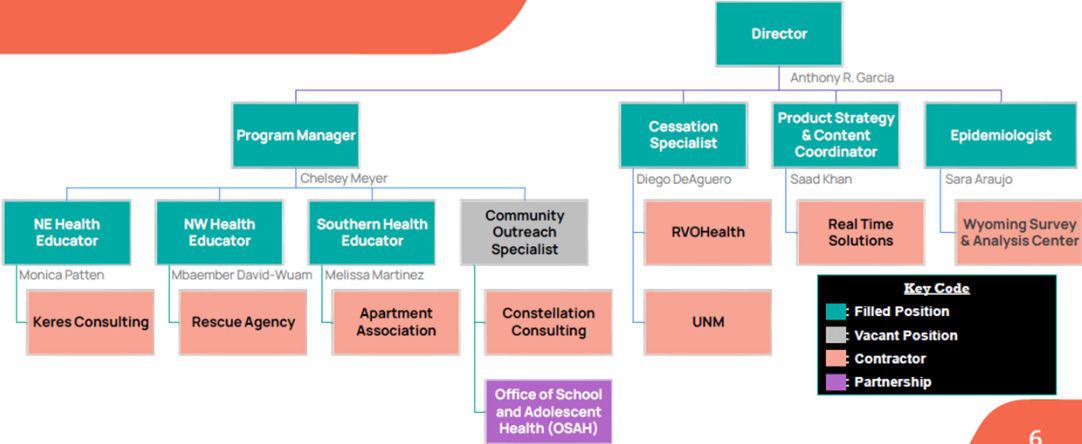
Be a leader in supporting students with guidance, education and cessation.

I. Survey 17 School Districts; 13 elementary and high school educators or administrators.

TODAY'S TEAM

NUPAC
 Nicotine Use Prevention and Control

NMHealth



```

    graph TD
      Director[Director: Anthony R. Garcia] --> PM[Program Manager: Chelsey Meyer]
      Director --> CS[Cessation Specialist: Diego DeAgüero]
      Director --> PSC[Product Strategy & Content Coordinator: Saad Khan]
      Director --> EP[Epidemiologist: Sara Araujo]
      
      PM --> NE[NE Health Educator: Monica Patten]
      PM --> NW[NW Health Educator: Mbaember David-Wuam]
      PM --> SH[Southern Health Educator: Melissa Martinez]
      PM --> COS[Community Outreach Specialist]
      
      CS --> RVO[RVOHealth]
      CS --> UNM[UNM]
      
      PSC --> RTS[Real Time Solutions]
      
      EP --> WSA[Wyoming Survey & Analysis Center]
      
      NE --- KC[Keres Consulting]
      NW --- RA[Rescue Agency]
      SH --- AA[Apartment Association]
      COS --- CC[Constellation Consulting]
      COS --- OSAH[Office of School and Adolescent Health OSAH]
      
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```

Key Code
 ■ Filled Position
 ■ Vacant Position
 ■ Contractor
 ■ Partnership

6

1. NUPAC Tobacco Settlement Revenue Oversight Committee Presentation 07/07/25.
<https://www.nmlegis.gov/handouts/TSROC%20070725%20Item%203%20NUPAC.pdf>



An educational and advocacy campaign with a goal to: **reduce the sale of nicotine products to minors.**

Rule 6.12.4.9 applies to 129 school districts covering 854 schools and 322,000 students, and 21,000 staff.

- 1
Community Events
- 2
Community Partner Presentations
- 3
City Council Meetings

Evovement is a statewide youth engagement movement funded by the Nicotine Use Prevention and Control (NUPAC) Program

4,400+ high school youth trained since 2010^{1.}



Since 2020, NM Youth have contributed **16,020** volunteer hours

263 high school youth trained / year

110,000 high school students (2022 data)²

121 school districts; 220 high schools³
< 1% of high school youth engaged



1. Evovement Tobacco Settlement Revenue Oversight Committee Presentation 07/07/25. <https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=TSROC&Date=7/7/2025&ItemNumber=4>

2. Total number of children enrolled in high school, grades 9-12, in public and private schools in New Mexico. U.S. Census Bureau, American Community Survey, 1-year estimates, Table S1401.

3. NM School Districts. 2023-2024. <https://www.usnews.com/education/best-high-schools/new-mexico/districts>.

NO MINOR SALE COMMUNITY

Protecting New Mexico's Youth
from Illegal Tobacco Sales



<https://nominorsale.com/about>

Category 5: Advisement and Outreach with Priority Populations

Awardee: Constellation Consulting, Inc PSC # 24-665-2002-00011-00

Fully Executed, 4-Year

- FY2024-FY2027: \$531,400.00 annually TOTAL: \$2,125,600.00
 - Expenditures YTD: \$549,887.00

Category 6: Capacity Development for Tobacco Control Partners

Awardee: Constellation Consulting, Inc PSC # 24-665-2002-00012-00

Fully Executed, 4-Year

- FY2024-FY2027: \$250,000.00 annually TOTAL: \$1,000,000.00
 - Expenditures YTD: \$250,000.00

NUPAC TSROC UPDATE | 1/18/24; Program Contractual Update; Environmental Strategies

FY26
NFNM Statewide
Coalition Updates

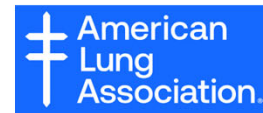
NUPAC

NICOTINE FREE
NEW MEXICO

Monthly Highlights

- July: Website launched
- Aug: Advocacy meeting; Partnership agreement with ABQ Moms to promote NFNM resources to parents.
- Sept: 2-Part Training: Tobacco Use Disorder
- Oct: Presentation: Preemption - Campaign for Tobacco-Free Kids
- Nov: NFNM promotion at the 2025 Head To Toe Conference
- Dec: Advocacy meeting with local, state, and national partners

New Mexico
TOBACCO POLICY COLLABORATIVE PLANNING SESSION
AUG 15-16, 2024



Community Based Organizations

Since FY20, Constellation Consulting has supported the New Mexico Department of Health's Nicotine Use Prevention And Control Program's efforts to address tobacco and nicotine use within community based organizations in our state. To learn more, please [click here](#).



Constellation Consulting, LLC is honored to convene the People Experiencing Poverty Advisory Council that meets online throughout the year to discuss organizational and community opportunities and strategies for supporting tobacco and nicotine control and treatment efforts. Community based organizations who provide services and resources for people experience poverty and economic injustice are welcome to attend these sessions.

Webinar Participants: **Keres**

University of New Mexico

Wyoming Survey and Analysis Center

Southwest Tobacco Tribal Coalition

<https://nmpopulationhealth.org/tobacco-nicotine-prevention-control/>

NICOTINE FREE
NEW MEXICO

Nicotine and Tobacco Policies Supported by Nicotine Free New Mexico Include:

- Increasing tobacco tax to match evidence-based standards shown to support prevention and intervention to reduce the number of youth who ever use nicotine and tobacco products and increase the number of adults who quit using nicotine and tobacco products.
- Bans of flavored tobacco and nicotine products, including menthol.
- Sustaining statewide funding for nicotine and tobacco activities and programming in New Mexico.
- Nicotine-free buildings, including, but not limited to: behavioral health facilities, social-service organizations, community-based organizations, etc.

Preemption and local authority. CTFK Presentation Oct 2025

Sustainable statewide funding for programming.
TSROC Committee Hearing 09/06/23

<https://nmpopulationhealth.org/tobacco-nicotine-prevention-control/nicotinefreenm/>

JUUL SETTLEMENT FUNDS

- Can allow for growth in the Evolvment program
- **A focus on elementary and middle school prevention efforts**
 - Utilizing stanford curriculum and **Evolvment members to conduct presentations** in their communities

<https://med.stanford.edu/halpern-felsher-reach-lab/resources.html>



Halpern-Felsher REACH Lab
Department of Pediatrics

REACH Lab

Halpern-Felsher REACH Lab

Marketing and Promotion

Copyright and Usage
Policies

Our Team



Research



Prevention and
Intervention Curriculums

The Stanford REACH Lab Resources & Infographics

TOBACCO PREVENTION TOOLKIT
COPD/Asthma Awareness & PREVENTION TOOLKIT
DRUG PREVENTION & INTERVENTION TOOLKIT
healthy choices
safety first



Welcome to the Stanford REACH Lab resource page! Here you will find all of our **FREE** print-out materials, newsletters, infographics, flyers, posters, and more! **Please feel free to download, print, and use our posters across your campuses, clinics, or organizations!**

Calling all educators who would like an interactive training on our new 6-lesson curriculum. We will take a deeper dive into our You & Me, Together Vape-Free curriculum, review content, and discuss how to best use it with youth! **Trainings are free of charge, will be led by a Reach Lab curriculum member, and provides great resources for working with our curriculum.** <https://med.stanford.edu/halpern-felsher-reach-lab/resources.html>



Welcome to **Stanford REACH Lab's Tobacco Prevention Toolkit!**

This Tobacco Prevention Toolkit, developed by the **Stanford REACH Lab**, is comprised of a collection of curriculums, lessons, programs, and resources catered to prevent and reduce adolescent and young adult tobacco/nicotine use. While there are some crossovers between our toolkits, our intent is to keep everything packaged and easy for educators, parents, and the like to navigate our resources. For any questions or concerns please contact us directly at stanfordreachlab@stanford.edu.



You and Me, Together Vape-Free Curriculum

Elementary School (2 lessons) | Middle School (5 lessons) | High School (5 lessons)

Overview: Addressing key factors in youth e-cigarette use by correcting misperceptions, strengthening refusal skills against marketing and peer influence, reducing stress and depression, improving coping, and lowering both intention & use of e-cigarette products.



Healthy Futures: Alternative-to-Suspension Program (ATS)

Middle School | High School | Young Adults

Overview: An Alternative-to-Suspension (ATS) Program including a 40-60 minute self-paced, interactive course and/or a 2 or 4-hour facilitated course. This course is for any student found using tobacco/vaping on school campus, or anyone working with students who want to quit and/or reduce use.

<https://med.stanford.edu/tobaccopreventiontoolkit.html>



MARIJUANA & SMOKEFREE AIR OFFICE HOURS

Last Tuesday of Every Month
10:30 am PST | Via Zoom

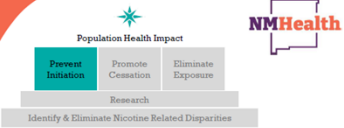
UPCOMING WEBINAR



Tobacco control law implementation


Improving retailer compliance with tobacco control policies - tools and experiences from North America

Mass Media & Marketing + Environmental Approaches



Contractor	Scope of Work
Constellation Consulting	Statewide Training and Education
Keres Consulting	College/University Education
Office of School and Adolescent Health (OSAH) ¹	School-Based Health Clinic Training and Education
Rescue Agency	K-12 School Partnerships; Youth Training, Education, & Engagement
Real Time Solutions	Mass Media Health Communication & Behavior Change Campaigns ²

Voluntary Protections + Education and Awareness



Contractor	Scope of Work
Apartment Association	Multi-Unit Housing Policy; Smoke-Free Home Promotion; Education
Constellation Consulting	Behavioral Health Facility & Community Based Organization Policy
Keres Consulting	Tribal Multi-Unit Housing Policy; College & University Policy
Rescue Agency	K-12 School District Policy; School Communication and Enforcement

CONTRACTORS & FUNDING SOURCE

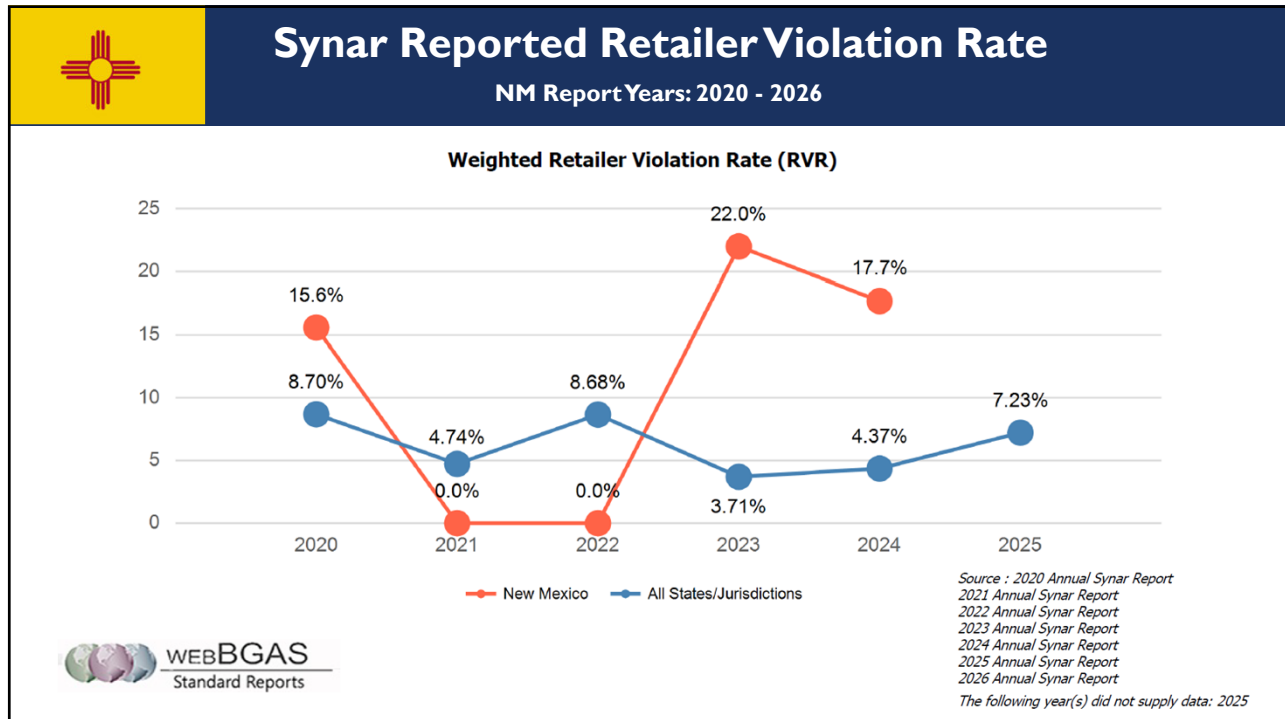


Contractor	TSF	CDC ¹	Juul ²
Apartment Association of New Mexico	X		
Constellation Consulting	X		X
Keres Consulting	X		X
Office of School and Adolescent Health ³			X
Real Time Solutions	X	X	X
Rescue Agency New Mexico	X		X
RVOHealth	X		X
University of Wyoming Survey & Analysis Center	X		X
University of New Mexico			X

1. CDC Grant terms October 2025; No additional grant dollars were provided for FY26; No additional federal grant dollars expected.
2. Juul Settlement Funds only expected for FY26.
3. Partnership with OSAH to increase scope of existing contracts.

30

24/7 New Mexico	American Cancer Society	American Cancer Society Cancer Action Network
American Heart Association	American Lung Association	American Nonsmokers' Rights Foundation
Ben Archer Health Centers	Cancer Support Now	Carlsbad Community Anti-Drug/Gang Coalition
Children in Need of Services (CHINS)	CHINS Tobacco Prevention Specialist	Chronic Disease Prevention Council
Evolvement	Concilio CDS	COSAP Program at UNM
Keres Consulting, Inc.	Disability Advisory Group About Tobacco	DOH/Comprehensive Cancer Program
NM Asian Family Center	Transgender Resource Center of NM	HealthInsight New Mexico
No Minor Sale	New Mexico Cancer Center	Heal+NM (Health Equity Alliance for LGBTQ+ New Mexicans)
Nuestra Salud	NM Public Health Association	New Mexico State University
Poston & Associates	Office of Substance Abuse Prevention/FDA	NMDOH/TUPAC
San Juan County Partnership	Pueblo of Acoma	Oso Vista Ranch Project
Southwest Tribal Epidemiology Center	Santa Fe Public Schools	Preventing Tobacco Addiction Foundation / Tobacco 21
UNM Office of Substance Use	Transgender Resource Center of NM	Rescue
New Mexico School Based Health Centers	UNM Prevention Research Center / UNM HEART	Santa Fe Recovery
New Mexico African American Tobacco Prevention Network	Umoja Behavioral Health PC	University of Wyoming
	YMCA of El Paso	Youth Development Inc.



2025 NM SAMHSA Grant Funds

Summary - New Mexico

Non-Discretionary Funding

Substance Use Prevention and Treatment Block Grant	\$20,960,902
Community Mental Health Services Block Grant	\$6,334,517
Projects for Assistance in Transition from Homelessness (PATH)	\$732,489
Protection and Advocacy for Individuals with Mental Illness (PAIMI)	\$888,945
Subtotal of Non-Discretionary Funding	\$28,916,853

Potential loss ≤10% of SATBG

If Synar RVR > 20%

Potential loss:

Over \$2M

(2025)

Substance Abuse and Mental Health
Services Administration

https://www.samhsa.gov/grants/grants-dashboard?f%5B0%5D=by_award_fy%3A2025&f%5B1%5D=by_state%3ANew%20Mexico

NM Synar Report Comments FY2024

Limited resources for activities to support enforcement and compliance with youth and young adult tobacco access laws.

- NM does not specifically include e-cigarettes in Synar inspections, only cigarettes.
- Revised inspection protocols need to include e-cigarettes/vapes/liquids/pouches.
- Additional state general funds are needed to contract NM DPS/SIU to conduct e-cig inspections.
- *“The state’s Synar program has been and continues to be underfunded which presents challenges with complying with the Synar regulation.”*



TOBACCO LEGISLATION TRENDS



TPA PREEMPTION SECTION:





TPA PREEMPTION LANGUAGE Requires Clarification

(§61-37-24)

When a municipalityadopts an ordinance...pertaining to the sales of tobacco products, the ordinance, ...**shall be consistent with the provisions of the Tobacco Products Act.** (§61-37-24)

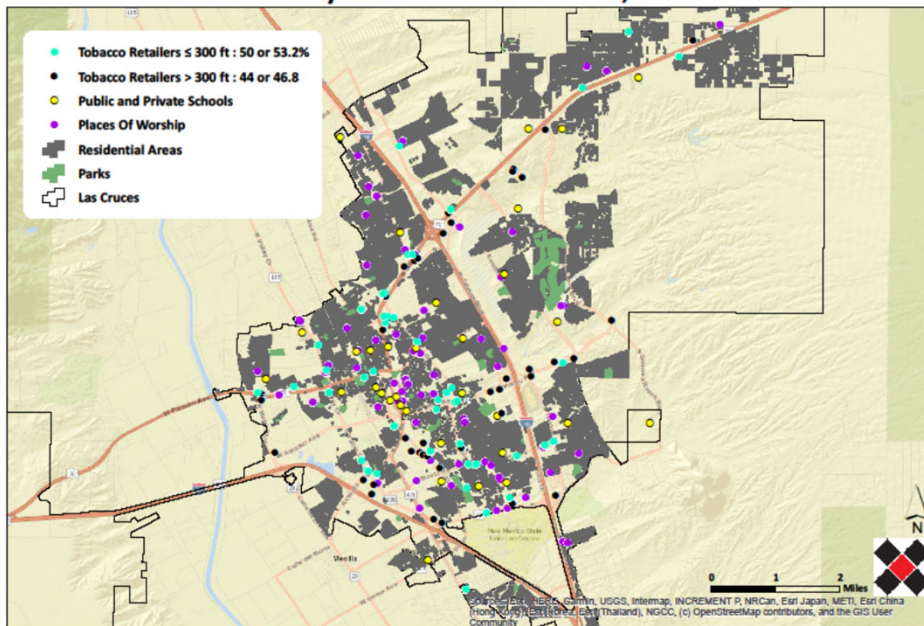
(§61-37-4)

A license shall not be issued, retained, transferred or renewed if:

1. **the location for the license or license transfer is within three hundred feet of a school;** (07/01/2020)
2. **the location for the license would result in a violation of a zoning or other ordinance of a governing body in which the proposed location would exist.**

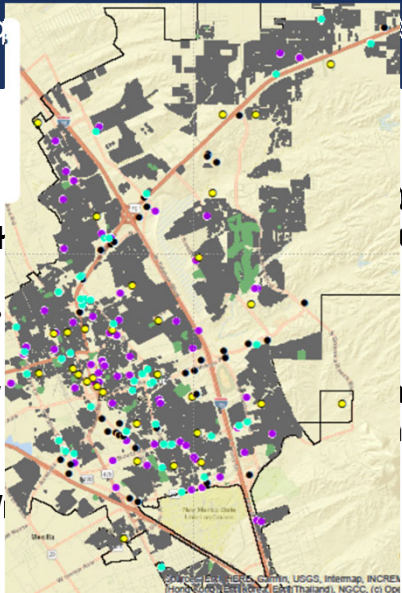


Proximity of Tobacco Retailers to Residential Housing, Schools, Places of Worship, and Parks within the City Limits of Las Cruces, New Mexico



TPA PREEMPTION PROVISION

Requirements/Cities/Counties



WHY?

- No prior or
- Clarification/

SHOULD? CITIES DO?

- are silent
- the state against a local
- the TPA
- Judiciary or Legislature

2020 SUPPORT FOR TPA REVISION

(Ambiguous Preemption Language)

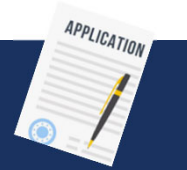
- The New Mexico Municipal League
- City Council of Albuquerque
- City Council of Las Cruces
- City Council of Santa Fe
- City of Las Vegas
- City of Espanola
- Bernalillo County Commission
- Albuquerque Public Schools Board of Education
- Rio Arriba County Commission
- Greater Albuquerque Medical Association (GAMA)
- New Mexico Chronic Disease Prevention Council (CDPC)
- Evolvement
- Health Equity Alliance for LGBTQ+
- New Mexicans (HEAL+ NM)
- Southwest Tribal Tobacco Coalition
- New Mexico Public Health Association
- New Mexico Pharmacist Association
- New Mexico Hospital Association
- American Heart Association
- American Cancer Society Cancer Action Network
- American Lung Association

E-CIGARETTE / VAPOR PRODUCT DIRECTORIES

MAIN POLICY PROVISIONS

Each e-cigarette manufacturer of products sold in the state shall certify:

- That the manufacturer **received a marketing authorization (MGO)** from the FDA;
- OR
- That the product was:
 1. Marketed in the U.S. as of 8/8/2016; and
 2. Manufacturer submitted a PMTA application on or before 9/9/2020; and
 - i. **The product application remains under review**, or
 - ii. A final decision has not otherwise taken effect.
(e.g. a court order or FDA administrative order staying an MDO).



WHAT ARE REGISTRY BILLS?

FDA PMTA PROCESS

- **Only 39 e-cigarette products with MGOs.**
- **Estimated 400,000 e-cigarette products with pending PMTA authorization status.**
- **Cannot legally market in United States without a Marketing Granting Order.**

<https://www.publichealthlawcenter.org/sites/default/files/inline-files/Vermont-Registry-Bill-webinar.pdf>

E-CIGARETTE / VAPOR PRODUCT DIRECTORIES

Only products with “Timely Filed” PMTA Applications are Eligible for Registry:

- For those products marketed in the U.S. as of **August 8, 2016**; AND
- Submitted to the FDA on or before **September 9, 2020**, and accepted for filing.



Industry Market-Share Protection Law

<https://www.publichealthlawcenter.org/sites/default/files/inline-files/Vermont-Registry-Bill-webinar.pdf>

Oklahoma Vapor Product Manufacturers and Registration 63.1-229.35

Manufacturer	FDA Authorization	Product Name	Packaging Type	Packaging Size	Characterizing Flavor	Additional Properties (Amount of Nicotine, Volume, etc.)
Logic Technology Development LLC	24-Mar-20	Power Kit-Tobacco	Box/Closed System	75 Units per Case	Tobacco	Nicotine - 27 MG/ML, Volume - 2 x1.2 ML per Unit
Logic Technology Development LLC	Pending	Power Kit-Menthol	Box/Closed System	75 Units per Case	Menthol	Nicotine - 27 MG/ML, Volume - 2 x1.2 ML per Unit
Shenzhen Runfree Technology Co., Ltd.	YES	Runfree 6 PUFFS R			Apple Peach	0% Battery Capacity: 550mAh - Heating Element: Mesh Coil - Prefilled E-Juice Capacity: 2.5ml - Customizable Flavors
Shenzhen Runfree Technology Co., Ltd.	YES	Runfree 6 PUFFS RF003	packaged in boxes of 10 units	pieces: 55.8cm x 29cm x 28cm / 13kg	Banana Ice	0% Battery Capacity: 550mAh - Heating Element: Mesh Coil - Prefilled E-Juice Capacity: 2.5ml - Customizable Flavors

- Inconsistent Product Descriptions
- Difficult to vet PMTA status
- Difficult for enforcement officer to distinguish product type, volume, accessory, etc. matches product description in registry


REGISTRY ENFORCEMENT ?



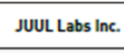
Which vape is on the list?
What volume?
Which iteration?



E-Cigarettes Authorized by the FDA


These are the only e-cigarettes authorized to be sold in the U.S. (Last updated: July 2025)




Manufacturer	Product Name	
 Logic Technology Development LLC	Logic Regular Cartridge/Capsule Package	Logic Pro Capsule Tank System (1)
	Logic Vapeleaf Cartridge/Capsule Package	Logic Pro Capsule Tank System (2)
	Logic Vapeleaf Tobacco Vapor System	Logic Power Tobacco e-Liquid Package
	Logic Pro Tobacco e-Liquid Package	Logic Power Rechargeable Kit
 NJOY LLC	NJOY DAILY Rich Tobacco 4.5%	NJOY ACE POD Classic Tobacco 2.4%
	NJOY DAILY EXTRA Rich Tobacco 6%	NJOY ACE POD Classic Tobacco 5%
	NJOY DAILY EXTRA Menthol 6%	NJOY ACE POD Rich Tobacco 5%
	NJOY DAILY Menthol 4.5%	NJOY ACE POD Menthol 2.4%
	NJOY ACE Device	NJOY ACE POD Menthol 5%
 JUUL Labs Inc.	JUULpods (Menthol 3.0%)	JUULpods (Menthol 5.0%)
	JUULpods (Virginia Tobacco 3.0%)	JUULpods (Virginia Tobacco 5.0%)
	JUUL Device	

39 FDA Authorized E-cigarette Products

4 Manufacturers

R.J. Reynolds Vapor Company	Vuse Vibe Power Unit (1)	Vuse Replacement Cartridge Original 4.8% G2	
	Vuse Vibe Tank Original 3.0%	Vuse Alto Power Unit	
	Vuse Vibe Power Unit (2)	Vuse Alto Pod Golden Tobacco 5%	
	Vuse Ciro Power Unit (1)	Vuse Alto Pod Rich Tobacco 5%	
	Vuse Ciro Cartridge Original 1.5%	Vuse Alto Pod Golden Tobacco 2.4%	
	Vuse Ciro Power Unit (2)	Vuse Alto Pod Rich Tobacco 2.4%	
	Vuse Solo Power Unit	Vuse Alto Pod Golden Tobacco 1.8%	
	Vuse Replacement Cartridge Original 4.8% G1	Vuse Alto Pod Rich Tobacco 1.8%	



<https://digitalmedia.hhs.gov/tobacco/hosted/Authorized-E-Cig-July2025.pdf>

Nicotine Pouch Products Authorized by the FDA


These are the only nicotine pouch products that may be lawfully sold in the United States.
[Last updated: July 2025]



Manufacturer	Product Name	
Swedish Match USA, Inc.	ZYN Cool Mint 3 mg	
	ZYN Cool Mint 6 mg	
	ZYN Peppermint 3 mg	
	ZYN Peppermint 6 mg	
	ZYN Spearmint 3 mg	
	ZYN Spearmint 6 mg	
	ZYN Wintergreen 3 mg	
	ZYN Wintergreen 6 mg	
	ZYN Citrus 3 mg	ZYN Cinnamon 3 mg
	ZYN Citrus 6 mg	ZYN Cinnamon 6 mg
ZYN Citrus 3 mg	ZYN Smooth 3 mg	
ZYN Citrus 6 mg	ZYN Smooth 6 mg	
ZYN Coffee 3 mg	ZYN Chill 3 mg	
ZYN Coffee 6 mg	ZYN Chill 6 mg	
	ZYN Menthol 3 mg	
	ZYN Menthol 6 mg	

20 Nicotine Pouches
1 Manufacturer

<https://digitalmedia.hhs.gov/tobacco/hosted/Authorized-Nicotine-Pouch-Products.pdf>



Searchable Tobacco Products Database

Search the Database [?](#)

Search Company, Product Name, STN, MRTP, Additional Information

Category

Sub-Category

Submission Type - Marketing Authority

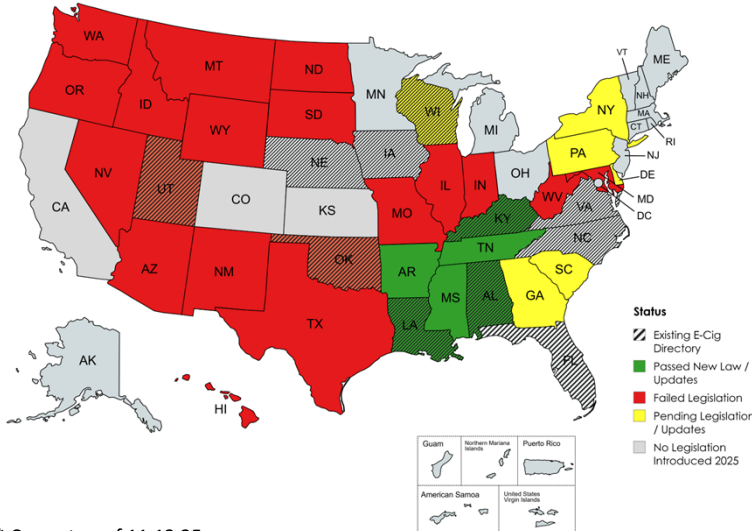
Date of Action From

Date of Action To

Company	Product Name	Category	Sub-Category	Submission Type - Marketing Authority	Date of Action	Order Letter	Decision Summary	Environmental Assessment	FONSI	STN	Associated MRTP	Additional Information
<p>Content current as of: 06/21/2024</p> <p style="text-align: right; font-size: small;"> https://www.accessdata.fda.gov/scripts/searchtobacco/ </p>												



E-CIGARETTE DIRECTORY LEGISLATION 2025



* Current as of 11.13.25.

Quick Reference:

- 14 states have adopted directories since 2021.
- 3 of those passed in 2025.
- AR, TN, MS.
- 5 states (DE, GA, NY, PA, SC) are still hearing/considering directory legislation 2025-2026.
- **9 STATES HAVE PUBLISHED AN ECIG DIRECTORY TO DATE:**
- **AL, AR, FL[†], LA, NC, NE, OK, UT, WI.**

Note:

- VA (Directory pub. Dec 2025.)
- IA (On hold pending litigation.)

[†] Atypical Directory



STATE LEGISLATIVE TRENDS

2021-2023







- 6 states filed legislation; **4 bills pass.**


2024

- 28 states filed bills (3 states that passed registries but returned to add funding for enforcement, definitions, oversight agency changes);
- **7 bills pass**

2025

- **TOTAL: 50 Bills introduced in 31 states.**
 - **41 of those NEW directories.**
 - **3 NEW directories passed (AR, MS, TN);**
 - **9 NEW directory bills still pending (DE, GA, NY (4), PA, SC (2)).**
 - **29 NEW directory bills failed.**

	 USA	 LOUISIANA	 OKLAHOMA	 ALABAMA	 WISCONSIN 1848	 N C
Oversight	FDA	Office of Alcohol and Tobacco Control (ATC) Pub 2023	Alcoholic Beverage Laws Enforcement Commission (ABLE) Pub 2023	Department of Revenue (ALDOR) Pub 2022	Department of Revenue Pub 09.01.25	Department of Revenue Pub 05.01.25
Product	ALL Tobacco Products	Vapor Products, *ANPs, ENDS	Vapor Products	E-cigarettes (Pouches)	Electronic Vaping Devices	Vapor products and Consumable Products
Total # Products MGO	39 e-cig 20 pouches	660	~12,219	~1,037	216	1,059
		MGOs* = 45 No Final Order = 592	MGOs* = ?? No Final Order = ??	MGOs* = 60 No Final Order = 977	MGOs = 62 No Final Order 154	N/A
# Manuf	6	~29	~55	25	9	25
Funding	N/A	\$100 fee / product Est. Rev.: \$47, 200 Est COST: \$540,000 FY24	NO FEES SET HB3179 (2024) (Failed) Proposed \$5,000/manuf. Est. min \$75,000	\$2,000/MANUF; \$500 renewal App \$805,000 min/yr some funds from lic fee	\$500/device; \$500 renewal \$201,100 FY23-24, \$643,100 FY24-25	\$2,000/MANUF; \$500 renewal



DIRECTORY TRENDS & OBSERVATIONS

Trends

- New Tactics
 - Fees
 - Compliance checks
 - Tax provisions
 - Big Tobacco vs Independent Vape Retailers
- Multiple bills filed in each chamber
- Shovel bills
- Good and bad policy - TEXAS
- Atypical directory or proposed terms – WY; KY; CO
- Focus on foreign manufacturer
- Expanding product type or allowances for PMTA status

Observations

- Improving Poor Legislation
Pending directory legislation is expected to pass
- Traditional Sponsors, Advocates, Community Engagement
- Vigilance; Coordination within and among orgs

CTP NEWS

June 10, 2024

Justice Department and FDA Announce Federal Multi-Agency Task Force to Curb the Distribution and Sale of Illegal E-Cigarettes

FDA U.S. FOOD & DRUG ADMINISTRATION

U.S. Department of JUSTICE

ATF Bureau of Alcohol, Tobacco, Firearms and Explosives


U.S. Marshals Service

FEDERAL TRADE COMMISSION

UNITED STATES POSTAL INSPECTION SERVICE


<https://www.fda.gov/news-events/press-announcements/justice-department-and-fda-announce-federal-multi-agency-task-force-curb-distribution-and-sale>

EMERGING CHALLENGES...



Nicotine Pouches

- Mint, fruit, and drink flavors
- Various nicotine strengths




Heated Tobacco Products

- IQOS.
- Marketing Authorization
- **Non-combusted** Cigarettes

Unsubstantiated claims

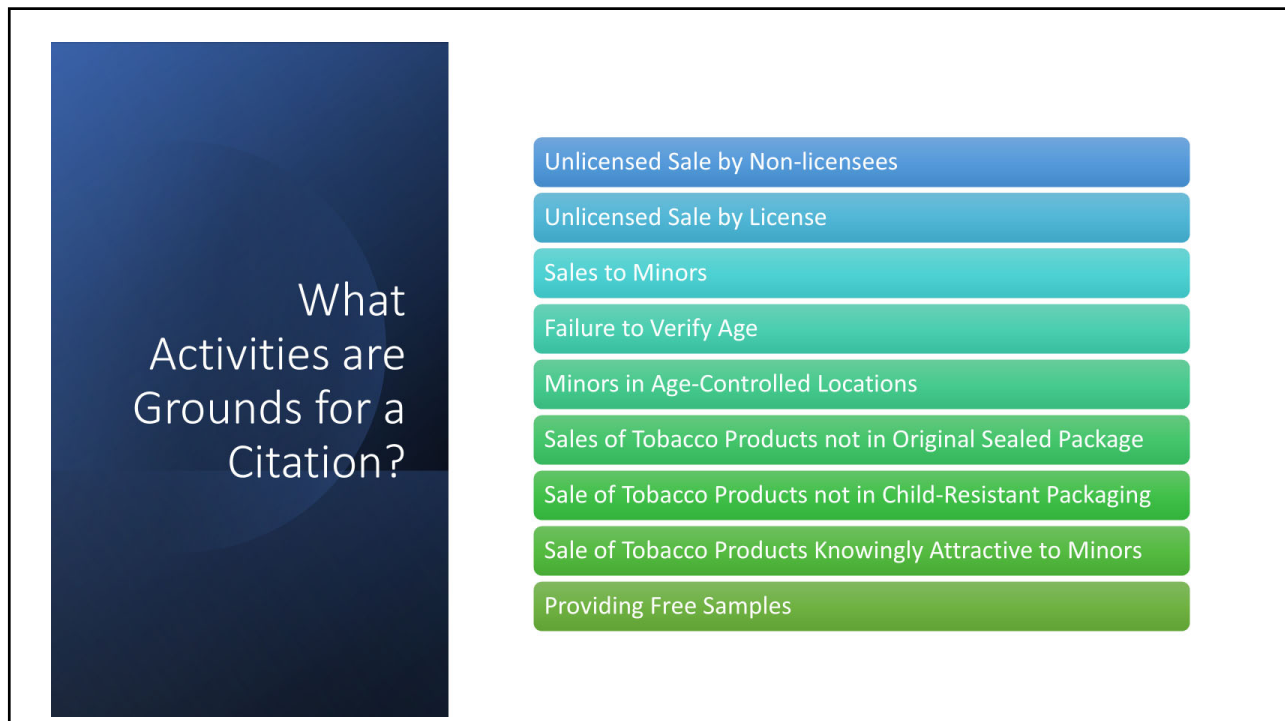
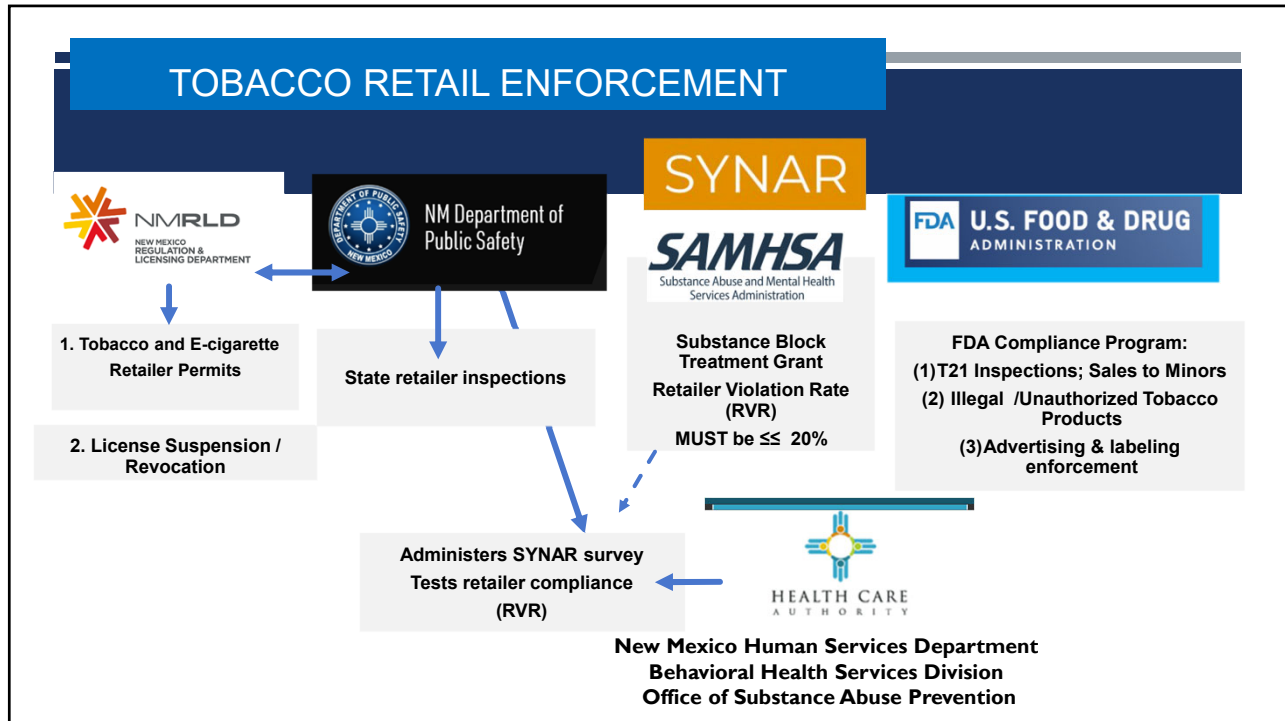
- Reduced exposure
- false claim not “tobacco product”
- harm reduction



Smart Vapes

- No Marketing Order
- Several flavors
- Video games - vape to continue playing (encourages consumption)
- Connectivity to phones

Original Source: CTKF; Alexandria Felton



NM Tobacco Products Act SALES TO MINORS Penalties:

SALES TO MINORS: [15.8.6.9 NMAC – N, 1/1/2021]

- 1st violation: \$1,000 fine;
- 2nd violation: \$4,000 fine; 7 day suspension
- 3rd violation: \$7,000 fine; 30 day suspension
- 4th violation: Permanent License Revocation



ALL OTHER VIOLATIONS INVOLVING MINORS: [15.8.6.10 NMAC – N, 1/1/2021]

- 1st violation: \$1,000 fine;
- 2nd violation: \$2,000 fine; 1 day suspension
- 3rd violation: \$5,000 fine; 7 day suspension
- 4th violation: \$10,000 fine; 14 day suspension

**COMPLIANCE DATA HELPFUL TO DETERMINE IF
POLICY CHANGE IS WARRANTED**

TOBACCO TAX POLICY:

TOBACCO TAX POLICY:

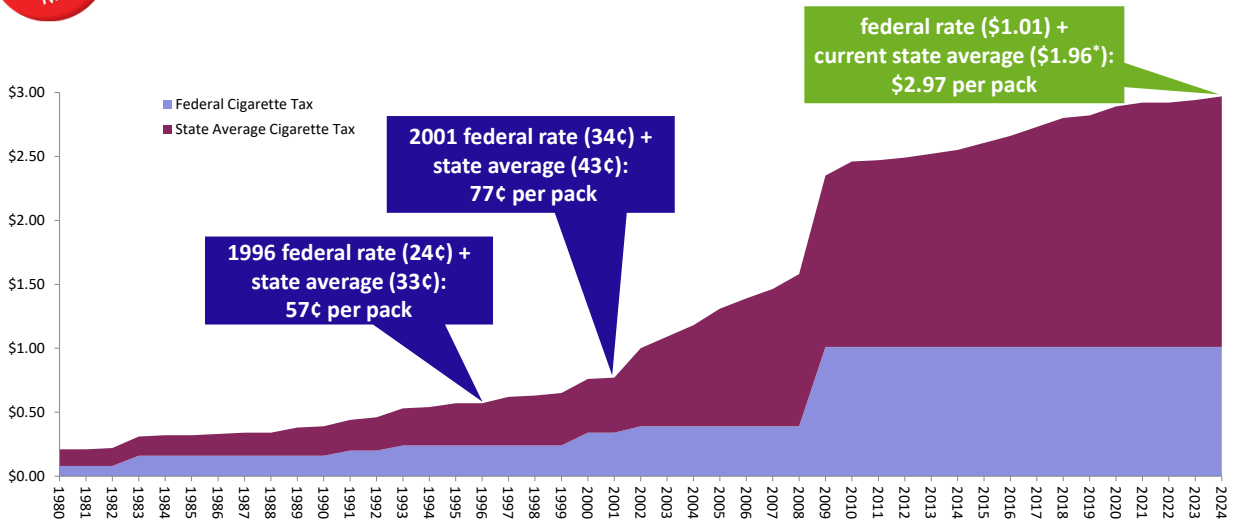


- States with the greatest tobacco tax increases see the largest declines in smoking
- Excise taxes have the greatest impact on smoking rates among those 18 to 24.
- Taxation of tobacco is not correlated with a decline in the density of convenience stores or consumer spending.
- Tobacco excise taxes can reduce tobacco-related health disparities among people with limited incomes, pregnant persons, and among racial and ethnic populations.
- “Regressive tax” : industry messaging targeting consumers from specific communities.

Community Preventive Services Task Force (CPSTF), USA.gov <https://www.thecommunityguide.org/pages/about-community-guide.html>

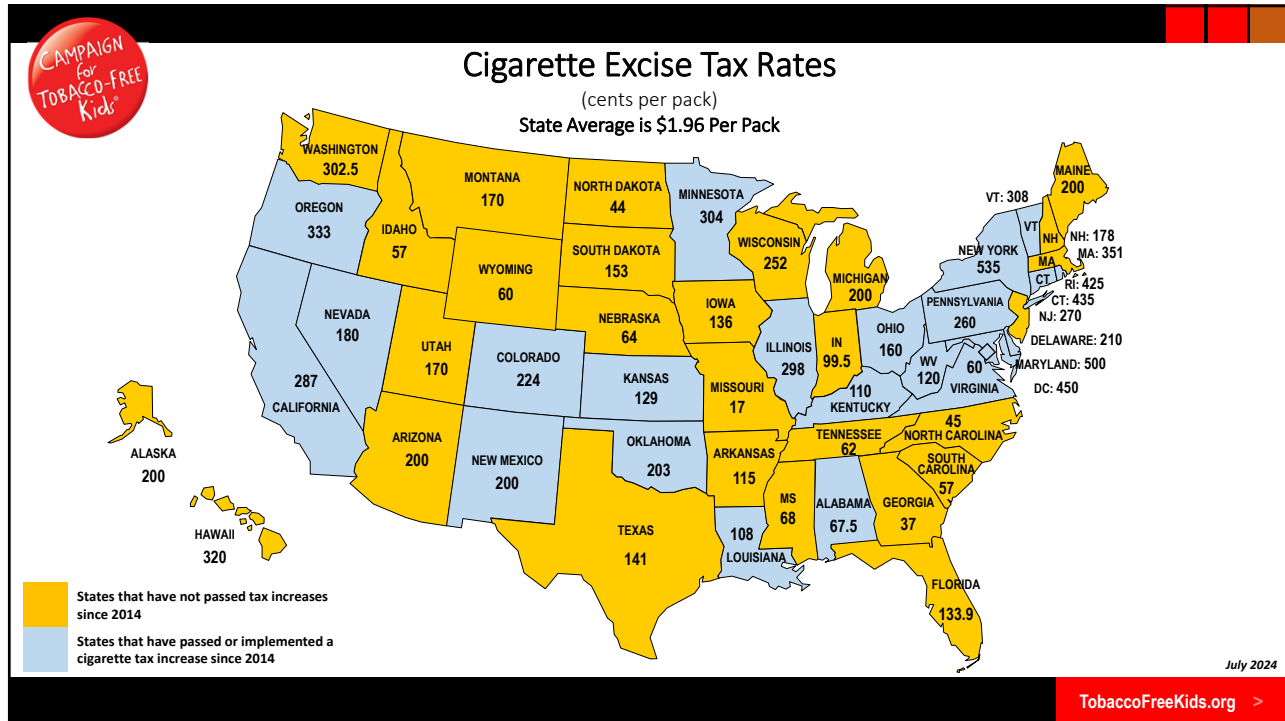


Federal Cigarette Excise Tax + Average State Cigarette Tax



* Includes state cigarette tax rates effective July 1, 2024. Does not include local cigarette taxes, some of which are \$1.00 or higher, including Anchorage, Aspen, Chicago, New York City, and Philadelphia.

July 2024



Thank You

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QUESTIONS