



## Policy Guidance Document Regarding E-Cigarettes

June 2011

In light of FDA's [announcement](#) on April 25, 2011 that it will regulate e-cigarettes as tobacco products unless the products are marketed as therapeutic, the American Cancer Society Cancer Action Network, American Heart Association, American Lung Association and the Campaign for Tobacco-Free Kids are issuing an updated policy guidance document regarding e-cigarettes to assist field staff and others.

While FDA made its initial announcement that it intends to regulate most e-cigarettes as a separate class of tobacco products, much more clarification is needed from FDA on exactly how it will regulate these products. Until that time, it will not be clear how a state's laws could best work in conjunction with federal regulations concerning e-cigarettes. We recommend that states keep this in mind when regulating e-cigarettes and proceed with caution. Our organizations still have significant concerns about the potential public health effects of e-cigarettes. We encourage FDA to move forward without delay with further regulatory guidance and with additional product research to determine any public health impacts.

Our organizations will continue to prioritize reducing the terrible burden caused by cigarettes and other tobacco products in the United States by implementing the policies outlined in the Centers for Disease Control and Prevention's [Best Practices for Comprehensive Tobacco Control Programs](#).

- Our organizations support including e-cigarettes in all new smokefree laws. While much more research must be done regarding the potential health consequences caused by the vapor of e-cigarettes to non-users, we recognize that the usage of e-cigarettes further complicates efforts by business owners and officials to enforce smokefree laws. We do not recommend opening up or amending existing state or local comprehensive smokefree laws to specifically add e-cigarettes, which could jeopardize the entire law. Instead, a clarifying opinion or regulation/rule making clear e-cigarettes are covered by the state law would be preferable.
- Many e-cigarette companies have made it a public relations priority to apply existing state youth access laws limiting the sale of e-cigarettes and e-cigarette cartridge refills to adults ages 18 and older. Our organizations would not oppose such measures.
- Our organizations support state laws that would prohibit the sale of any flavored e-cigarette product.
- Our organizations recognize that very little is known about e-cigarette prevalence rates among both adults and youth. We recommend that surveillance questions be included in all appropriate federal and state surveys.

Although e-cigarettes are a different class of tobacco product, our organizations would support taxing e-cigarettes at a rate equivalent with traditional cigarettes. Our organizations will be developing further recommendations regarding taxing both e-cigarette devices and cartridge refills.

- Until FDA issues further guidance or regulations take effect, our organizations would not oppose state legislative efforts to prohibit the sale of e-cigarettes.

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