



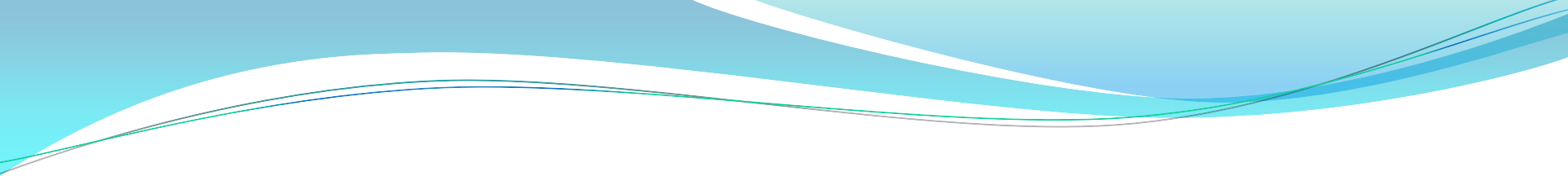
ELECTRONIC NICOTINE DELIVERY SYSTEMS

WHATS UP WITH ENDS?

May 28, 2015

Welcome





Responsible e-cigarette manufacturers, including blu eCigs, do not market to youth. Lorillard understands the sensitivity associated with advertising and marketing campaigns and their potential influence on minors.

We believe that we can and do market and advertise blu e-Cigs in a responsible manner to adult consumers.....

Ronald. S. Milstein, Exec. V.P.



**SLIM. CHARGED.
READY TO GO.**

**AVAILABLE
NATIONWIDE!**

Visit us at blucigs.com/store-locator

blu, blu e cig, and blu e cig are trademarks of Lorillard Tobacco Company. ©2011 Lorillard Tobacco Company. All rights reserved. blu e cig is a registered trademark of Lorillard Tobacco Company. All rights reserved. blu e cig is a registered trademark of Lorillard Tobacco Company. All rights reserved.





HELLO-KITTY.VAPY.CITY TUMBLR.COM

WHY QUIT? SWITCH TO BLU

blu is the smart choice for smokers wanting a change. Take back your freedom to smoke when and where you want without ash or smell. blu is everything you enjoy about smoking and nothing else. Nobody likes a quitter, so make the switch today.

Visit blucigs.com



New! blu Smart Pack



PREMIUM ELECTRONIC CIGARETTE

18+ only.

CALIFORNIA PROPOSITION 65 - Warning: This product contains nicotine, a chemical known to the state of California to cause birth defects or other reproductive harm.

Overview

- **Current RI Law – Electronic Nicotine Delivery Systems (ENDS)**
- **Limitations to RI Law**
- **Proposed RI Legislation**
- **Other State and Local Laws/Ordinances**
- **Federal Laws/Regulations**

RI Law – ENDS Products

- Introduced during the 2014 legislative session
- Signed into law July, 2014
- Certain provisions in effect 7/1/2014; others in effect 1/1/2015
- Amends RI General Laws 11-9-13 and 21-3
- 2 Primary Components
 - Youth Access
 - Licensing Requirements

RI Law – ENDS Products

Definition of an ENDS product:

An electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah and any related device and any cartridge or other component of such device [RIGL 11-9-13.4]

RI Law – ENDS Products

Youth Access

- Prohibits the purchase of ENDS products by children under the age of 18 [11-9-13]
- Prohibits the sale or distribution of ENDS products to children under the age of 18 [11-9-13]
- Prohibits the sale of ENDS products in vending machines unless the machine is in direct view of clerk, has a locked locking device, and products are not sold with other non-ENDS or non-cigarette products [11-9-13.1]

RI Law – ENDS Products

State Responsibility

BHDDH responsibilities include:

- **Coordinating and promoting enforcement of provisions relating to youth access to ENDS**
- **Providing required signage to retailers**
- **Investigating violations of RIGL 11-9-13**
- **Conducting compliance checks to determine retailer compliance with the law [11-9-13.6]**

RI Law – ENDS Products

Retailer Responsibility

- **May not sell or distribute ENDS products to children under the age of 18 [11-9-13.8]**
 - **Penalties accrue to retail license holder**
 - **Penalties: \$250 for 1st violation; \$500 for 2nd violation within 36 months; \$1,000 and 14 day license suspension; and \$1,500 and 90 day license suspension for 4+ violations within 36 months**
 - **License suspension must be waived if clerks trained**

RI Law – ENDS Products

Retailer Responsibility

- **Posting required signage at each cash register or vending machine [11-9-13.7]**
Penalty for non-compliance: \$35-500 per violation

THE SALE OF CIGARETTES, TOBACCO AND ELECTRONIC NICOTINE DELIVERY SYSTEM PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS AGAINST RHODE ISLAND LAW (§11-9-13.8(1), Rhode Island General Laws). PHOTO ID FOR PROOF OF AGE IS REQUIRED FOR PURCHASE.

Contact the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals to Report any Violations of this Act at 401-462-3441



LA VENTA DE CIGARRILLOS, PRODUCTOS DE TABACO, Y PRODUCTOS DE SISTEMA DE ENVIO ELECTRONICO DE NICOTINA A MENORES DE 18 AÑOS DE EDAD, ES CONTRA LA LEY DE RHODE ISLAND (§11-9-13.8(1) DE LA LEY GENERAL DE RHODE ISLAND). PARA VERIFICAR LA EDAD AL COMPRAR, SE REQUIERE PRESENTAR UNA IDENTIFICACIÓN CON FOTO.

Para reportar cualquier violación de esta Ley, llame al Departamento de Cuidado de Salud del Comportamiento, Discapacidades del Desarrollo y Hospitales. 401-462-3441



RI Law – ENDS Products

Retailer Responsibility

- **Requires training of clerks in the responsible sale of ENDS products**
- **Requires BHDDH to determine what those practices will be [11-9-13.13]**

RI Law – ENDS Products

ENDS Products Samples, Coupons, Vouchers

- **Prohibits distribution of free products and coupons/vouchers for free ENDS products to children under the age of 18 and to anyone within 500 feet of a school**
- **Penalty is \$500 per product, coupon or voucher**
- **RI Attorney General responsible for enforcement**

RI Law – ENDS Products

Youth Possession Penalties

- **Up to 30 hours of community service**
 - **Admission to a tobacco treatment program approved by a community substance abuse task force**
- **Minor chooses the penalty**

RI Law – ENDS Products

Licensing Provisions [RIGL 23-1-55 et seq.]

- **Requires ENDS dealer and distributor licenses for anyone selling ENDS products in the State**
- **Managed by the RI Dept. of Health**
- **Defines a dealer as “any person whether located inside or outside the state who sells or distributes ENDS products to consumers in the state.”**

RI Law – ENDS Products

Licensing Provisions [RIGL 23-1-56]

- **Requires a separate license for each place of business**
- **Requires a license for vending machines**
- **Health can set a license fee not exceeding \$25**
- **Licenses expire January 31st of the following year**
- **Requires Health to maintain an ENDS licensee on-line database**

RI Law – ENDS Products

Licensing Provisions [RIGL 23-1-58]

- **Required Health to promulgate rules and regulations which were promulgated May 2015**
- **Penalties for selling ENDS products without a license is \$500**
- **Violations are heard in District Court**

RI Law – ENDS Products

ENDS Licensing

- **As of 5/26/2015, the Dept. of Health has issued 328 dealer and distributor ENDS licenses**
- **To search the licensee list go to:**
www.health.ri.gov/licensing then click on licensee list, scroll on the profession/facility drop-down to “electronic nicotine delivery” and select search active licenses

RI Law – ENDS Products

Limitations to Current Law

- **Does not define ENDS products as tobacco products**
- **Excludes ENDS products from tobacco products tax**
- **Not included in clean indoor air act or smokefree schools act**
- **No resources for enforcement**
- **ENDS v EMDS v other drug usage**

RI Public Health and Workforce Safety Act (RI General Laws 23-20.10)

- RIGL 23-20.10-3 Prohibits smoking in all enclosed public spaces within the State of RI
- RIGL 23-20.10-4 Prohibits smoking in all enclosed facilities within places of employment
- RIGL 23-20.10-6 Exempts private residences, smoking rooms in hotels, private or semi-private rooms in assisted living facilities and nursing homes...; and in retail tobacco stores and smoking bars and gaming facilities

RI Public Health and Workforce Safety Act (RI General Laws 23-20.10)

RIGL 23-20.10-2(15) Smoking bar means any establishment whose business is primarily devoted to the serving of tobacco products for consumption on the premises, in which the annual revenues generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the establishment and the serving of food or alcohol is only incidental to the consumption of such tobacco products. The establishment annually must demonstrate that revenue generated by the serving of tobacco is greater than the combined revenue generated by the serving of beverages and food.

Proposed RI Legislation

- **Liquid Nicotine Packaging/Smokefree Schools (H 5493, S 714))**
- **No indoor ENDS use (S 489, H 5690)**
- **ENDS dealers required to obtain tobacco dealer licenses (S 720)**
- **ENDS products subject to RI sales tax (S 463)**
- **Hookah bars/smoking bars reporting requirements (H 5224, H 5689, S 303)**
- **Vape shop licensing (S 441)**
- **EMDS licensing (S 441)**
- **Raise legal age for ENDS use to 21 (H 5225)**

Proposed RI Legislation

- To check status of proposed legislation as well as current RI law:

www.rilin.state.ri.us

Click on “legislation” on top bar

ENDS – Other State Laws and Municipal Ordinances

Rhode Island

- **City of Providence**
- **City of Cranston**

Other State Laws/Municipal Ordinances

FDA Deeming Regulations

- **Implications for FDA Tobacco Inspection Compliance Program**
- **Issues**

Electronic Nicotine Delivery Systems

“The presence of microprocessors and memory chips in e-cigarettes raises the concern about the collection and use of personal privacy information. A microprocessor may facilitate consumer data collection for dissemination to a third party, either wirelessly by Bluetooth or through USB interface when the battery is recharged.

Electronic Nicotine Delivery Systems

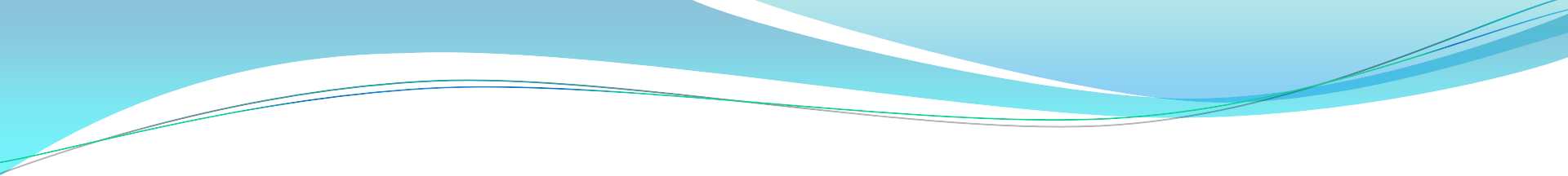
Data may include the smoker's personal information... and possibly health-related data.

Of further concern is the ability of the software and microprocessor to directly or covertly manipulate nicotine delivery, and software viruses.”

Christopher J. Brown, James M. Cheng
Tobacco Control 23(2014)

SUPERSMOKER Bluetooth™





The outcome of the (Providence ordinances) litigation is very important because the court decision could either prevent other cities from considering similar action or set a precedent for local governments to introduce the same kind of local tobacco product and promotion restrictions.

Thomas Briant, Executive Director
National Assoc. of Tobacco Outlets



Bette Ann McHugh
RI Dept of BHDDH
bette.mchugh@bhddh.ri.gov
462-5686