Vaping Devices under the Smoking in Public Places Law

Board of Health Public Hearing
February 25, 2016
Proposed Action Will:

• Prohibit Vaping in Public Places and Places of Employment
Vaping in Public Places Regs.

475 local and 8 state laws

Local health jurisdictions in WA:
- Seattle/King County
- Pierce
- Clark
- Grant
- Snohomish
# Public Process

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<td>• Presentation on vaping devices</td>
<td>• Policy Committee confirmation of proposed action</td>
<td>• Jan 4 – Feb 5</td>
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<td>• Approves work on vaping devices under SIPP</td>
<td>• Met with vape shops</td>
<td>• Work session</td>
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Justification: Public Health Concerns

- Secondhand exposure to health impacts of vapor
- Vaping other substances/drugs in the devices
- Rapidly increasing use by youth and young adults
- Complicates enforcement under SIPP
Secondhand Exposure

• Vapor found to contain heavy metals, ultrafine particulates, toxic chemicals, and cancer-causing agents like formaldehyde
• Ingredients are not regulated - vapor may contain many different byproducts
• Long term health impact is unknown
Vaping Other Substances

• Devices can be used to consume marijuana and synthetic drugs
• Users can create their own e-juice
• Bystanders have no way of knowing what is being vaped nor what is in the secondhand vapor
Rapid Increase in Youth Use

26% of high school sophomores in Spokane County report using a vaping device

- Nicotine impact on developing brain
- Concern with nicotine addiction
- May lead to smoking cigarettes

Youth influenced by social norms
Complicates Enforcement

• Businesses concern over authority and ability to prohibit
• Confusion over complaints - what SIPP covers and what it does not
Comments in Support

• Concern for personal and public health
• Growing influence on youth
• Business confusion and enforcement
Comments in Support

Concern for personal and public health

- “I totally support a ban on vaping in public places and in the workplace. Like a lot of others, I am not convinced it is 100% safe...”

- “…it is disturbing to me that people are allowed to smoke their e-cigarettes and blow their unhealthy smoke into the air that I am then forced to breathe in public places...puts me, my family, and the public at risk and should be unlawful.”

Concerned citizens
Comments in Support

Concern for personal and public health

• “PLEASE, PLEASE, PLEASE do not allow vaping in public places. When you passed the no smoking law, it was the greatest gift ever to all of us who do not smoke or have lung disorders. To allow vaping would be a giant step backwards.”

• “The time is right to impose some restrictions on the use of this device/product in public spaces and in the workplace so the rest of us are not subjected to the potential harm that I firmly believe will come from second hand exposure.”

Concerned citizens
Comments in Support

Concern for personal and public health

• “Please, for the love of god, ban this. It's entirely out of control. And if someone doesn't do something about it soon, I'm going to start defending my right to breathe fresh air...”

• “A year ago I went to a restaurant with three friends. One of these friends...pulled out a vaping devices and began “smoking”...I actually found my appetite disappearing and when our food arrived, I was actually nauseous.”
Comments in Support

Concern for personal and public health

• “The American Cancer Society...We do not know that e-cigarettes are not harmless. The aerosol from e-cigarettes has been found to contain heavy metals, volatile organic compounds and tobacco-specific nitrosamines, as well as other known carcinogens. Research has confirmed that people passively exposed to e-cigarettes emissions absorb nicotine at levels comparable to passive smokers.”
Comments in Support

Concern for personal and public health

• “I work in healthcare... we launched an internal campaign to help our patients. We did research, spoke to experts and looked for data... Our research led us to understand that e-cigs are not safer than traditional tobacco.”

• “As a family physician I strongly suggest the ban on smoking cigarettes in public places and in places of employment... be amended to include the smoking of tobacco flavored products, the smoking of marijuana and the vaping of any substance.”

Medical practitioners
Comments in Support

Concern for personal and public health

• “As a physician and a member of the general public, I am writing this letter in support...It would be in keeping with current medical thinking to ban “vaping” and marijuana smoking in public places as a hazard to public health, just as cigarette smoking is currently banned in public places.”

• “Pollution is pollution.”
Comments in Support

Concern for personal and public health

• “I strongly affirm the needed clarification to prohibit smoking of any substances including marijuana or vaping of any substance in public places and places of employment.”

• “I fully support their right vape should they choose (and endanger their own lives in the process), but that right should not extend to harming others.”
Comments in Support

Concern for personal and public health

• “I very much agree that you should not be able to smoke an electronic cigarette inside.”

• “I see no problem with vaping as long as it is respectful of those around, ie: outside, in a vape shop or at home.”

• “There are times and places anyone would agree where and where not to vape.”

• “Even if we could agree that vaping doesn’t present harm to bystanders I would still agree that it is not appropriate to vape in all public places.”
Comments in Support

Growing Influence on Youth

• “I am a mother of two teens and we regularly discuss the risks associated with tobacco use, alcohol use, marijuana use and other traps teens can get into given the peer pressures associated with trying to fit in and be part of the crowd. I ask for your help in tackling this tough, but incredibly important task that all parents have. The less our kids see use out in public, the better our chances are of keeping them safe and, ideally, preventing use all together.”

Concerned citizens
Comments in Support

Growing Influence on Youth

• “More alarming than any aspect of e-cigs is the overwhelming adoption of these intentionally “fun” flavored products by our children...I implore you for the health of our community and the future of our children to adopt a resolution...”

• “There are times and places anyone would agree where and where not to vape. I wouldn’t go to my kids school and vape down the hall.”
Comments in Support

Growing Influence on Youth

• “The American Cancer Society...Prohibiting public use of these products helps to remove the social acceptability of smoking.”

• “East Valley Community Coalition...concerned about the numbers of kids reporting they have tried e-cigarettes. We support amending the Smoking in Public Places law...Failure to do that sends a mixed message to our youth and community, increasing the likelihood they will believe smoking and being around a vaping device is harmless.”

Advocacy groups
Comments in Support

Growing Influence on Youth

• “The dangers of nicotine, and the subsequent health risks, are widely known...The skyrocketing use of c-cigarettes and vapor products among minors creates a health risk we cannot afford. Regulation of e-cigarettes, especially those regulations aimed at prohibiting sale to minors and limiting the exposure of minors to first and secondhand nicotine, is an important piece in protecting the health and welfare of children.”

• “Should be the same as cigarettes. It’s not only health but a huge influence.”

Medical practitioners
Comments in Support

Business Confusion and Enforcement

• “A few months ago, I went into Burger King on W. Francis. Teens and adults were smoking them, even in the area where children play. I inquired about it…the manager said it is allowed. I never went in again.”

• “The sweet smell is offensive and dangerous to my health. The management said that they cannot do anything about it.”

Concerned citizens
Comments in Opposition

- Federal and state action
- Disagree with the science
- Relative harm
- Businesses should be able to choose
- Vaping devices help people quit smoking
- Sampling exemption
Comments in Opposition

Federal and state preemption

• “Why pass ordinances/rules in your county that may become obsolete or otherwise ineffective...”
Federal and State Regulation

Proposed FDA Regulations

✓ Product testing and registration
✓ Ingredient disclosure
✓ Warning labels
✓ Prohibit sales to minors
✓ Prohibit free samples
✓ Prohibit vending machine sales

Pending State Regulation

✓ Establishes licensing structure
✓ Requires child-proof packing, warning labels and ingredient disclosures
✓ Requires products behind counter and restricts sampling, coupons and vending machines
✓ Prohibits possession by minors and use on school property

Nothing addresses vaping in public places
Comments in Opposition

Disagree with the science

• “...to my knowledge, no extensive research has been done to determine if vaping products are a hazard to anyone...”

• “There is exactly 0 credible evidence that electronic cigarettes are more than incidentally hazardous to anyone’s health, and even less evidence suggesting that the occasional “second-hand vapor” is anything more than an annoyance.”

• “There is no scientific proof that “second hand smoke” from electronic cigarettes has any negative side affects.”
Comments in Opposition

Disagree with the science

• “There has not to my knowledge been any valid information linking second hand vape to health risks.”

• “...there is not enough information to support this decision besides a matter of opinion by sorely uninformed individuals.”

• “…there are conflicting studies about this, but I feel that the studies that show there is no harmful health effects get disregarded and the studies that state there may be harmful effects or conclude that further study is warranted are reported as fact that they are harmful.”
Science and Research

Public Health Approach to Research Assessment

• Expertise of researchers
• Objective, independent and balanced
• Scientifically valid methodology
• Replicable
• Transparency, including assumptions
• Evaluation of alternative explanations
• Peer reviewed
• Conclusions confirmed by other studies and supported by expert organizations
Science and Research

Samples of Studies Reviewed

• Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers
• Acute impact of active and passive electronic cigarette smoking on serum cotinine and lung function
• Electronic Cigarettes Are a Source of Thirdhand Exposure to Nicotine
• Secondhand Exposure to Vapors From Electronic Cigarettes
• Levels of selected carcinogens and toxicants in vapor from electronic cigarettes
• Waterpipes and e-cigarettes: Impact of alternative smoking techniques on indoor air quality and health
Comments in Opposition

Relative Harm

• “It is far less invasive than cigarette smoke.”

• “Studies have shown that nicotine concentrations in vapor to be ten times lower than that of cigarette smoke.”

• “Now, it is a question of the lesser of two evils. Vaping is a significantly healthier alternative.”
Comments in Opposition

Relative Harm

• “...every study done so far has proved e-cigarettes and vaping to be far less harmful than portrayed and by far better than traditional smoking.”

• “From what we know about electronic cigarettes, they are a safer, healthier, and less offensive means of delivering nicotine for smokers.”
Relative Harm

Clean Indoor Air

Secondhand Vapor
Comments in Opposition

Businesses Should be Allowed to Choose

• “I think it should be left up to the owner of the building.”

• “It should be up to the establishment whether or not vaping is allowed not a blanket ban that affects everyone.”

• “There are better options to consider, such as allowing businesses to govern their own stores.”
Comments in Opposition

Businesses Should be Allowed to Choose

• “If businesses do not want people to vape in their establishment, then I think they should put up a placard on their doors stating that vaping is not allowed, rather than subject the entire vaping community to vape outdoors!”

• “Allow businesses to make a decision themselves and allow people to make a decision as well without banning everything.”
Business Choice

- Many will choose not to
- Impact on other businesses
Comments in Opposition

Vaping Devices Help People Quit Smoking

• “Do not punish people who are trying to quit!!!!!!”
• “As a pack-a-day cigarette smoker who has drastically reduced my tobacco usage as a result of electronic cigarettes, I encourage you not to implement the proposed restrictions,...”
• “I understand the need to protect non-vapors, but discouraging people from being able to vape is discouraging possibly the biggest health intervention of our time!”
Comments in Opposition

Vaping Devices Help People Quit Smoking

- "asking us to vape outside is not fair…"
- “I should be able to enjoy my e-cig indoors without feeling I’m being punished and have to go outside…”
- “People like me who use e-cigarettes should not be punished for trying to live healthier lives.”
- “…a big reason i quit cigarettes is because i could vape indoors without having to sit in the rain, snow, or going outside in general.”
Cessation Device

- Not approved by FDA
- Not proven to be effective
- Dual use
- Can use to attempt to quit, but not in public
- Impact on those trying to quit or who have quit
Comments in Opposition

Sampling Exemption

• “It is very helpful to be able to go into a vape shop and try out different devices and find what works best for me,…”

• “I urge you to exempt adult-only vape shops from any indoor vaping ban that inhibits an adult smoker from choosing a safer alternative.”

• “…if we in our own stores were unable to demonstrate vaping products and how they work to potential customers I believe many fewer customers would believe an e-cig really works!”
Sampling Exemption

- SIPP designed to protect employees and has no exceptions
- Sampling not permitted in stores selling tobacco or marijuana
- Delivery and maintenance people exposed to secondhand vapor
- Impact on neighboring businesses
- Complicates enforcement
- Youth exposure
- Impacts of excessive nicotine
Vaping Under SIPP Resolution

BOH options for discussion and vote:

• At end of hearing today
• March

Effective date: July 1, 2016

• Provides time for education of public and business owners
• Provides time for required signs to be displayed
  (SRHD will have signs available)
Public Hearing

Concerning the
Smoking in Public Places Law

Board of Health Public Hearing
February 25, 2016