

Implications of a Sampling Exemption for Vaping Devices under the Smoking in Public Places Law



Allowing customers to sample vaping devices and e-juice in vape stores is a common practice. Vape store owners feel that the ability of customers to sample flavors, test products, and learn about the vaping experience is integral to the success of their business and satisfaction of customers. Owners state that sampling is effective in marketing the product and convincing those doubtful of the claimed benefits to use the product.

Most vape store owners are interested in an exemption to the Smoking in Public Places law that would allow for sampling in vape stores.

SRHD staff, leadership and the Board of Health Policy Committee recommend against any exemption that would allow the practice of sampling to continue. The significant implications of doing so include:



- The Smoking in Public Places Law was designed to protect employees from secondhand smoke and it does not have any exemptions (except for 25% of hotel rooms). Creating an exemption for sampling of vaping products would be inconsistent with the intent of the law.
- Sampling is not permitted in retail stores that sell cigarettes, marijuana or cigars. Vape stores should not be an exception to this public health standard.
- Maintenance people, delivery personnel and others who service vape businesses would be exposed to second hand vapor.
- Neighboring businesses can be impacted by sampling in vape stores, as businesses often have shared spaces and shared duct work.
- Youth could be exposed to the sampling and cloud competitions which often occur in vape shops. There are no state or local regulations that prohibit youth from entering retail stores where sampling is permitted. Research shows that as youth witness behaviors, the behavior becomes a social norm. The result is a decrease in the perception of harm and an increased interest in experiencing the behavior themselves.
- Lack of quality control with liquid nicotine can lead to adverse health effects when sampling multiple doses of varying concentrations of nicotine. Washington Poison Control Center reported a person who visited multiple vape stores and participated in sampling. The person was reported as having seizures as a result.
- Enforcement of Smoking in Public Places law is primarily done on complaint basis. Allowing sampling in some places and not others is confusing and will complicate enforcement efforts.