

Electronic Cigarettes



AAFP Position

The American Academy of Family Physicians (AAFP) recognizes the alarmingly increased use of electronic nicotine delivery systems (ENDS) – also called electronic cigarettes, e-cigarettes, or vaping devices – by youth and young adults, as well as its use by those attempting to quit smoking tobacco. The AAFP opposes all forms of advertisement for tobacco products, including any form of ENDS. **The direct or indirect marketing and advertising of any tobacco products to children and youth should cease immediately.** The AAFP supports efforts to limit youth access to e-cigarettes and implement flavor bans for all mint, menthol and fruit flavors. The AAFP also calls for further research to assess e-cigarettes' safety, quality, and efficacy as a potential smoking cessation device for current cigarette smokers.

Explaining E-cigarettes

E-cigarettes are electronic devices for nicotine intake that produce an aerosol by heating a cartridge with liquid containing nicotine and other chemicals, including carcinogens and heavy metals.¹ Nicotine is a highly addictive substance that can affect the brain's development, making it especially toxic to developing fetuses and adolescents. The creation and sale of JUULL, Puff Bar and other e-cigarette products have reversed **two decades** of progress in reducing teenage addiction to nicotine.² The strength of nicotine included in e-cigarettes has been steadily increasing over time. From January 2017-March 2022, the monthly average nicotine strength of e-cigarette products increased from **2.5% to 4.4%.**³

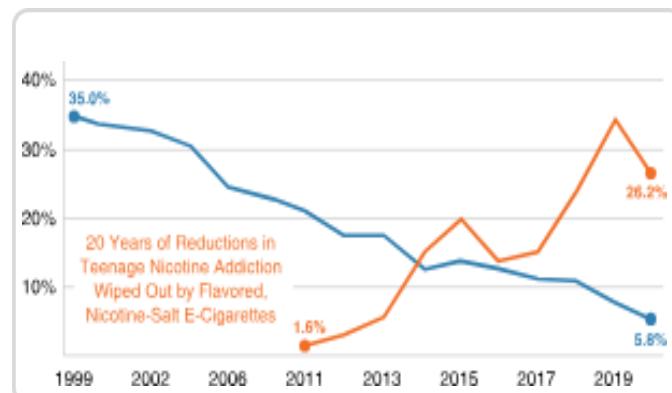


Figure 1: The Vape Epidemic - Tobacco 21

E-cigarettes and Youth

E-cigarette use is the most common among American youth. According to the CDC in 2023, **2.1 million** (7.7%) students actively used e-cigarettes, with a breakdown of **550,000** (4.6%) of middle school students and **1.56 million** (10.0%) of high school students.⁴ There is evidence that suggests that vaping can introduce youth to tobacco cigarettes and other nicotine products later in life.

A 2024 University of Michigan study



showed that for 12–17-year-olds, those who vaped and used tobacco products were **54 times** more likely to start smoking, and eight times more likely to use marijuana, and three times likelier to use other drugs.⁵

¹Centers for Disease Control and Prevention. (2020). "About Electronic Cigarettes (E-Cigarettes)." Web.

²Tobacco Twenty-one. (2021). "The Vape Epidemic," <https://tobacco21.org/the-juul-epidemic/>.

³Wang X; Ghimire R; Shrestha SS; Borowiecki M; Emery S; Trivers KF. (2023). "Trends in Nicotine Strength in Electronic Cigarettes Sold in the United States by Flavor, Product Type, and Manufacturer, 2017–2022,"

⁴Centers for Disease Control and Prevention. (2024). "E-Cigarette Use among Youth."

⁵Laura Bailey. (2024). "Study Finds Vaping Is Linked to Smoking Cigarettes, Using Marijuana and Other Drugs over Time."

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Health Impacts of E-cigarettes

Potential health risks can be identified by the findings from a 2018 National Academies of Sciences, Engineering, and Medicine report. **There is moderate evidence for increased asthma-like symptoms in adolescents who use e-cigarettes.** Some chemicals present in various e-cigarettes such as formaldehyde and acrolein can cause DNA damage and mutagenesis that can lead to cancer.⁷

A 2023 study



concluded that inhalation of e-cigarette aerosol leads to impaired functioning of the lining of blood vessels. Many health results remain inconclusive and given the number of existing studies, **more research is needed** to effectively combat the youth epidemic of e-cigarette products.

Federal Action

In 2022, President Biden signed H.R. 2471, the Consolidated Appropriations Act. This allows the FDA to regulate tobacco products containing nicotine from any source, including synthetic nicotine. The FDA has authorized the sale of **23 specific ENDS products**, yet it is reported that several unauthorized e-cigarettes have emerged illegally on the market, some of which appeal to minors.

To combat the problem,



the FDA announced in 2024 that it was partnering with the U.S. Department of Justice to create a task force to target the illegal sale and distribution of e-cigarettes.

Tobacco 21



The federal Tobacco 21 legislation, which AAFP supported, prohibits the sale of tobacco products, including e-cigarettes, to any individual under age 21. The law, which was signed by President Trump in 2019, applies to all retail establishments and people with no exceptions; it applies to retailers in **all states, DC, all US territories, and on tribal lands**. However, even with this law in place, studies have shown that youths attempting to purchase cigarettes are still successful.⁸

State Action and Legislation



Legal Action

Various states and activist groups have ordered lawsuits on e-cigarette companies such as Juul. In 2023, Juul settled its biggest lawsuit payout with \$462 million rewarded to six states (NY, CA, CO, IL, MA, NM) and Washington, DC. Plaintiffs claimed that the company is actively fueling an underage and illegal vaping epidemic.⁹ AAFP often joins onto amicus briefs in lawsuits that support FDA's marketing denial orders concerning flavored e-cigarette products. These lawsuits are typically led by the **Campaign for Tobacco-Free Kids**.

⁶Truth Initiative. (2024). "E-cigarette fact sheet"

⁷Truth Initiative. (2024). "E-cigarette fact sheet"

⁸Agaku IT, Nkosi L, Agaku QD, Gwar J, Tsafa T. A Rapid Evaluation of the US Federal Tobacco 21 (T21) Law and Lessons From Statewide T21 Policies:

⁹Findings From Population-Level Surveys. Prev Chronic Dis 2022;19:210430. DOI: http://dx.doi.org/10.5888/pcd19.210430

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Required Retail License For E-cigarettes

Licensure requirements for retail sellers is a [CDC recommended](#), evidence-based measure to reduce tobacco use. Licenses let states know which stores are selling products and help states enact policies that help prevent youth tobacco use. See examples of [New Hampshire](#) for a retail license requirement, and [California](#) which require separate permits for multiple locations.

AK	WA	ID	MT	ND	MN	IL	WI	MI	NY	VT	ME
OR	NV	WY	SD	IA	IN	OH	PA	NJ	RI	NH	MA
CA	UT	CO	NE	MO	KY	WV	VA	MD	DE		
	AZ	NM	KS	AR	TN	NC	SC	DC			
			OK	LA	MS	AL	GA				
				TX					FL		
HI											

Thirty-four states and DC have passed legislation that requires a retail license to sell e-cigarettes over-the-counter.¹⁰

E-cigarette Excise Tax

Increasing taxes on vaping products is a method to disincentivize smoking. **Thirty-two states** (CA, CO, CT, DE, GA, HI, IL, IN, KS, KY, NE, NV, NH, NJ, NM, NY, NC, OH, OR, PA, UT, VT, VA, WA, WV, WI, WY), DC, Puerto Rico, and U.S. Virgin Islands have all enacted legislation that requires a taxation on e-cigarette products. **Thirteen states** (CT, DE, KS, LA, NV, NJ, NC, OH, UT, VA, WA, WV, WI) enforce taxes per milliliter of liquid or consumable material. **Sixteen states** (CA, CO, HI, IL, IN, ME, MD, MA, MN, NV, NY, OR, PA, UT, VT, WY), DC and U.S. Virgin Islands enforce taxation on a percentage of specified cost.¹¹

For example,



Minnesota's taxation is 95% of the wholesale price imposed on e-cigarette products. Meanwhile, [Georgia's](#) taxation is a 7% on wholesale e-cigarette products. The funds from taxation are dedicated to cessation and control programs.



Smokefree Indoor Air Laws, Including E-cigarettes

The [American Lung Association](#) believes that all fifty states should enact laws to prohibit smoking in public places. States have begun to enacted laws to include the prohibition of the use of e-cigarettes in indoor areas, restaurants and bars. Nineteen states (CA, CO, CT, DE, HI, IL, MA, MN, NE, NJ, NM, NY, ND, OH, OR, RI, SD, UT, VT) have passed related laws.¹²



Product Packaging

States can [enact laws](#) that regulate the product packaging of e-cigarettes and liquid pods, often to ensure child-resistant packaging. Thirty-five states (AL, AR, CA, CT, FL, ID, IL, IN, ME, MA, MI, MN, MO, NV, NH, NJ, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WY) and Puerto Rico and the U.S. Virgin Islands have laws that regulates product packaging. For example, [New York](#) requires that all liquid nicotine products must be sold in child resistant bottles, and must publish health effects, all ingredients, and detailed information.

Updated: September 2024

¹⁰Consumer Notice. (2024). "Juul Lawsuits & Settlement Status: July 2024 Updates."

¹¹Centers for Disease Control and Prevention. (2024). "State System E-Cigarette Fact Sheet."

¹²Centers for Disease Control and Prevention. (2024). "State System E-Cigarette Fact Sheet."