



# Jefferson County Public Health

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## Smoking and Vaping Laws in Washington: State Laws & Local Policy Options

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**Washington State's Smoking in Public Places law (RCW 70.160; 2005) prohibits smoking any type of cigarette, pipe, or cigar in public places and places of employment.**

By state law, smoking is prohibited:

- in buildings that are open to the public, including schools, stores, shopping malls, restaurants, bars, theaters, bowling alleys, and indoor sports arenas.
- in buses, trains, taxis, and other vehicles used by the public.
- in any area where employees are required to work for a public or private business.
- within 25 feet of entrances, windows, or ventilation intakes for a public building to prevent smoke from being pulled inside (called the "25-foot rule").

**Local policy option:** Local health departments may adopt regulations to implement the state Smoking in Public Places law to provide local compliance and enforcement. The state Smoking in Public Places law does not preempt local authority to regulate smoking in outdoor public places. Many cities and some counties in Washington State have smoke-free, or smoke and vape-free, policies or ordinances for their parks and/or playgrounds.

**Washington State's Vapor Products Law (RCW 70.345; 2016) regulates sales of e-cigarettes and other vapor products. The state law prohibits vaping in a few public places, focused on protecting children.**

By state law, vaping is prohibited:

- inside and around schools and child care facilities.
- in outdoor playgrounds during daylight hours with children present.
- inside school buses and inside elevators.

**Local policy option:** The WA Vapor Products Law authorizes local jurisdictions to restrict the use of vapor products in indoor public places and in outdoor public places where children congregate.

In Washington State, eleven counties and a number of cities have adopted no vaping in public places laws. Vaping any substance is prohibited in the same indoor places where smoking is prohibited. Some laws also prohibit vaping in outdoor places, like parks.

Across the country, 11 states and hundreds of cities have added vaping to their smoke-free laws.<sup>i</sup>

**The U.S. Surgeon General recommends including e-cigarettes in smoke-free policies.**<sup>ii</sup>

## Public Health Concerns with Vaping in Public Places and Workplaces

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- Vaping exposes people nearby to an aerosol containing an unknown mixture of harmful and potentially harmful chemicals. Children, pregnant women, and individuals with compromised lungs are especially at risk.
- Allowing vaping where smoking is prohibited implies that it's safe, contributing to the problem of rapidly increasing youth use of e-cigarettes and vapor devices.
- Other drugs are often used in vape pens and mods, including marijuana that is illegal to use in public places.
- Children are at risk of poisonings if they ingest or touch concentrated liquid nicotine e-juices or other drugs used in vapor products.

## More About Public Health Concerns with Vaping and E-Cigarette Use

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Although vaping may be less risky and toxic than smoking, it is not safe. Aerosols from nicotine-containing vapor products contain nicotine, solvents, particulates, and potentially harmful chemicals.



A 2016 U.S. Surgeon General's report<sup>ii</sup> and a 2018 report by the National Academies of Sciences, Engineering, and Medicine<sup>iii</sup> found that e-cigarette use increases airborne concentrations of chemicals that are harmful to the public's health, including:

- **Nicotine**, which is highly addictive and is known to cause health impacts for pregnant women.
- **Ultrafine particles** that can be inhaled deep into the lungs and damage tissues.
- **Flavoring chemicals** that have not been reviewed or approved as safe for inhalation, including diacetyl which has been linked to serious lung disease.
- **Volatile organic compounds (VOCs)**, such as benzene and formaldehyde, that are known or suspected carcinogens.
- **Metals**, such as nickel, tin, and lead.

Indoor air studies of vaping have found increased levels of nicotine, volatile organic compounds, metals, and ultrafine particulates.<sup>iv</sup> Composition of the aerosol varies depending on the vapor product used.<sup>iii</sup>

The FDA does not yet fully review or regulate e-cigarette ingredients and devices, so products on the market vary and e-juices contain undisclosed ingredients.

- Under the 2016 “Deeming Rule”, FDA has authority to regulate e-cigarettes and other vapor products as a tobacco product. However, the FDA extended some regulatory deadlines and is only in early stages of requiring ingredient disclosure by vapor product manufacturers.<sup>v</sup>
- The FDA does not intend to review electrical components or batteries in vapor products. Battery explosions causing serious burns have occurred, perhaps due to poor design or manufacturing.<sup>vi</sup>

**Youth use of e-cigarettes and vape pens has increased dramatically in recent years, resulting in more young people addicted to nicotine.**

Since 2011, e-cigarette use by middle and high school students has tripled, surpassing use of conventional cigarettes.<sup>ii</sup>

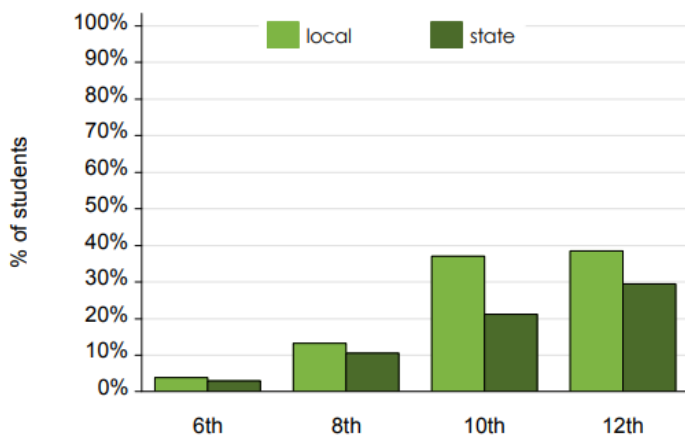
Nicotine is highly addictive and damaging to the developing brain<sup>ii</sup>. Early exposure to nicotine sets the stage for lifelong dependency and addiction.<sup>ii, iii</sup>

Many teens who use e-cigarettes also smoke conventional tobacco products.<sup>ii</sup> In 2011, 61% of U.S. middle school students and 80% of US high school students who were vaping were also smoking.<sup>vii</sup>

In Jefferson County, high school students are using e-cigarettes at a higher rate than the state. By 12th grade, over 38% of students report e-cigarette use in the last 30 days according to the 2018 Healthy Youth Survey.<sup>viii</sup>

**Jefferson Co. Youth Use Compared to Statewide Use in 2018<sup>v</sup>**

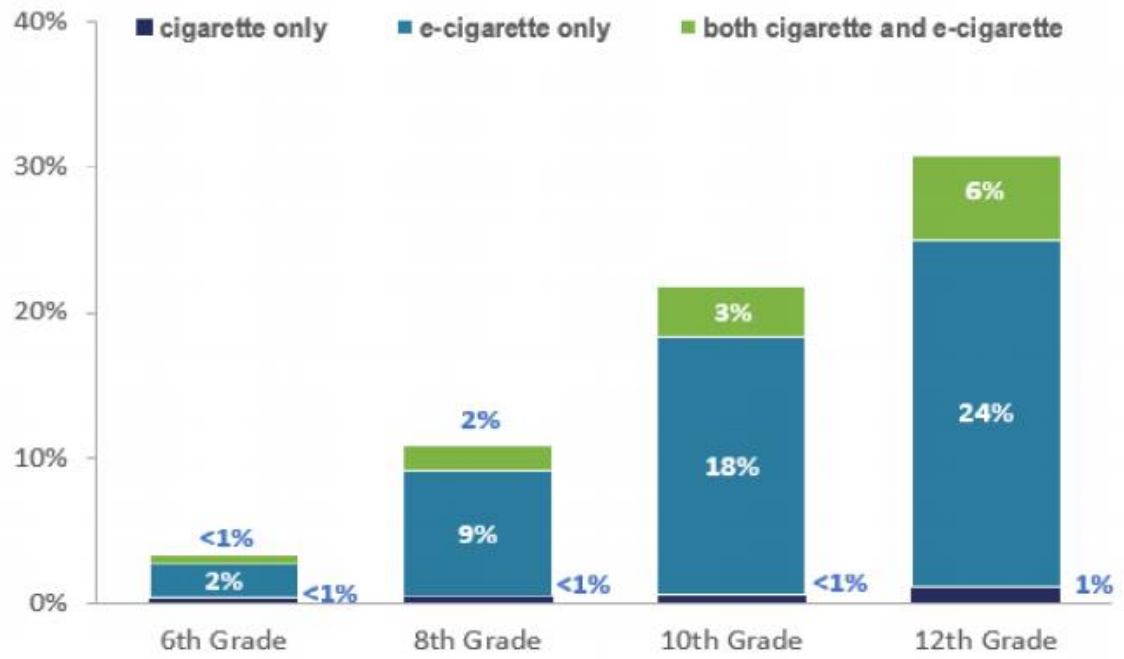
**Current (past 30-day) vapor product use compared to the state, all grades**



Prevalence	6th	8th	10th	12th
local	4% ±3	13% ±8	37% ±12	38% ±14
state	3% ±1	10% ±1	21% ±3	30% ±3

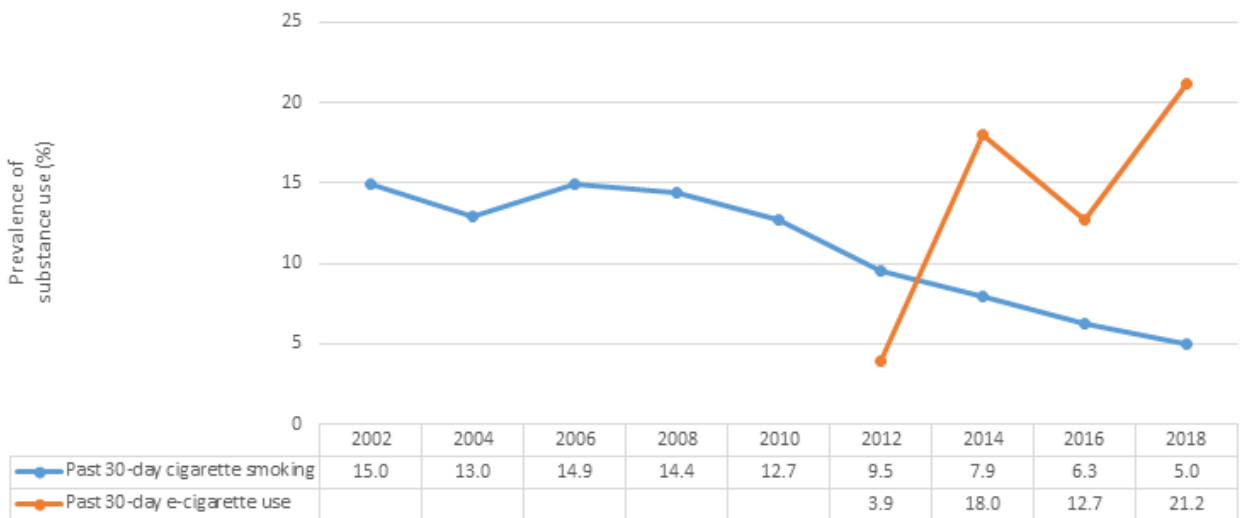
Results from the 2018 Washington Healthy Youth Survey<sup>viii</sup>

**Statewide prevalence of past 30 day e-cigarette, cigarette and use of both among youth by grade**



**Washington State Trends in Adolescent E-cigarette/Vape Use by Grade.**

Cigarette and e-cigarette use among 10th grade students, Washington State, HYS 2002-2018



Youth Substance Use: Tobacco, E-Cigarette/Vape, Alcohol, Opioid and Marijuana Use Washington State Healthy Youth Survey, 2018

**Vape devices are commonly used with marijuana or THC concentrates. WA State law does not allow consumption of marijuana in public, but it's often impossible to know what substance is being vaped.**

Marijuana retailers in Washington State sell a variety of e-cartridges pre-loaded with THC solutions for use in vape pens and other vapor devices.<sup>ix</sup>

JuJu Joints containing marijuana are sold in a disposable vape pen by a Washington State company.<sup>x</sup>

**Concentrated liquid nicotine solutions used in vaping devices can poison children, resulting in illness, ER visits, or even death.**

In 2017, 373 children ages 0-5 years in Washington were poisoned by nicotine from e-cigarettes. Overall 440 cases of nicotine poisonings were reported to the WA Poison Center in 2017.<sup>xi</sup>

**E-cigarettes and vapor products have not been approved by the FDA as smoking cessation aides.<sup>xii</sup>**

Research results on using e-cigarettes to quit smoking, or to quit using nicotine entirely, are mixed. More research is needed to understand how use of e-cigarettes impacts smoking cessation and smoking rates in different populations.<sup>ii, iii</sup>

Smokers who shift entirely from cigarettes to e-cigarettes may reduce their health risks, but they are still using a nicotine product. Studies often find that people using e-cigarettes also continue to smoke.<sup>ii, iii</sup>

E-cigarettes and vapor products may contribute to increased nicotine addiction because about one-third of adults who vape were previously non-smokers or former smokers.<sup>xiii</sup>

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Information Sources:

<sup>i</sup> American Nonsmokers' Rights Foundation. U.S. Tobacco Control Laws Database. April, 2018. <https://no-smoke.org/materials-services/lists-maps/>

<sup>ii</sup> *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General.* U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 2016. Website: <https://e-cigarettes.surgeongeneral.gov/>

<sup>iii</sup> *Public Health Consequences of E-Cigarettes.* National Academies of Sciences, Engineering, and Medicine. 2018. [nationalacademies.org/eCigHealthEffects](http://nationalacademies.org/eCigHealthEffects)

<sup>iv</sup> Grana, G., Benowitz, N., Glantz, S.A. 2014. "E-Cigarettes: A Scientific Review" *Circulation*. 129: 1972-1986. <http://circ.ahajournals.org/content/129/19/1972>

<sup>v</sup> Food & Drug Administration. "Manufacturing" Compliance information for tobacco product manufacturers <https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Manufacturing/default.htm>

<sup>vi</sup> Food & Drug Administration "Tips to Help Avoid "Vape" Battery Explosions" <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm539362.htm#blue>

<sup>vii</sup> "Notes from the Field: Electronic Cigarette Use Among Middle and High School Students — United States, 2011–2012" *MMWR* September 6, 2013. 62(35); 729-730.

[http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=notes-from-the-field-electronic-cigarette-use-among-middle-and-high-school-students-united-states-20112012](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?utm_source=rss&utm_medium=rss&utm_campaign=notes-from-the-field-electronic-cigarette-use-among-middle-and-high-school-students-united-states-20112012)

<sup>viii</sup> Washington State Healthy Youth Survey. 2018. <http://www.askhys.net/>

<sup>ix</sup> Washington State Liquor Control Board. FAQs about I-502 Rules. [http://www.liq.wa.gov/marijuana/faq\\_rules](http://www.liq.wa.gov/marijuana/faq_rules)

<sup>x</sup> JuJu Joints company website: <http://jujujoints.com/> and Peikoff, K. New York Times "No Smoke, but Haze Around E-Joint". Jan.12, 2015. <http://www.nytimes.com/2015/01/13/health/with-the-e-joint-the-smoke-clears-.html>

<sup>xi</sup> Washington Poison Center. 2017 Annual Toxic Trend Report: Nicotine and E-Cigarette. <https://www.wapc.org/data/toxic-trend-reports/e-cigarettes-toxic-trends/>

<sup>xii</sup> U.S. Food & Drug Administration. *What to Quit Smoking? FDA-Approved Products Can Help.* <https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm198176.htm>

<sup>xiii</sup> McMillen, R.C. et al. 2014. *Trends in Electronic Cigarette Use Among U.S. Adults: Use is Increasing in Both Smokers and Nonsmokers* *Nicotine Tobacco Research* <http://ntr.oxfordjournals.org/content/early/2014/11/06/ntr.ntu213.abstract>

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