Mirroring national trends, e-cigarette use among Mississippi youth increased substantially from 2010 to 2014.

- More than half of Mississippi youth who use e-cigarettes are not cigarette smokers.

- Although it is not clear whether increases in e-cigarette use occurred in youth who were diverted from smoking cigarettes or in youth who were not at risk for smoking, recent studies have found that teens who had not tried cigarettes before they started using e-cigarettes were more likely later to try cigarettes than teens who did not use e-cigarettes. 

2016 • mississippi tobacco data
The federal government currently does not regulate e-cigarette devices, liquid nicotine flavors, or marketing.

- Child-proof regulations on packaging were recently enacted. On 28 January 2016, President Obama signed into a law a bill that requires child-proof packaging for liquid nicotine, which will go into effect on 26 July 2016.
- No other federal regulations for product safety.

Proposed deeming rule

- The FDA announced its intention to regulate electronic cigarettes as tobacco products in April of 2011 under its authority provided by the Family Smoking Prevention and Tobacco Control Act of 2009 and proposed a "deeming rule" to expand its regulatory authority to include e-cigarettes in April of 2014.
  - This deeming rule has not been finalized. The tobacco industry requested, and was granted, an additional 75 days for comment on the deeming rule.
  - The comment period ended on 8 August 2014.
  - The proposed deeming rule would require health warning labels for e-cigarettes and restrict their sale to people 18 years of age and older, as well as permit further regulation of e-cigarettes in the future.
  - The proposed deeming rule, however, did not address the aggressive marketing of this product to youth or the use of flavorings to make the products more attractive.
  - This proposed deeming rule is under review at the Office of Management and Budget at the White House.
- Leaked versions of the current draft rule suggest that major changes in the final regulations may occur, compared with the public draft version released previously.

Current state legislation

- The FDA does not have the authority to implement some regulatory options, such as taxing e-cigarettes or banning e-cigarette use in places where smoking is not permitted. In Mississippi, taxation of e-cigarettes could occur at the state-level, and clean air rules could be applied at both that state and local level.
  - 2013, House Bill 613 – passed.
    - Prohibits sale of alternative nicotine products to minors, amended state code: Miss. Code Ann. § 97-32-51
      - Internet sales of alternative nicotine products require age
      - Defined e-cigarettes as alternative nicotine product, rather than tobacco products
  - 2015, Senate Bill 2587 - Vapor Product Safety Act (died in committee)
    - Mississippi Vapor Product Safety Act: sought Health Department oversight of on premises manufacturing of e-cig liquid
  - 2016, House Bill 349 - An Act To Amend Section 27-69-3, Mississippi Code Of 1972, To Revise The Definition Of The Term "Tobacco" For Purposes Of The Tobacco Tax Law To Include Alternative Nicotine Products And Electronic Cigarettes; To Amend Sections 27-69-13 And 27-69-27, Mississippi Code Of 1972, To Impose An Excise Tax On Alternative Nicotine Products And Electronic Cigarettes Under The Tobacco Tax Law; And For Related Purposes. (died in committee)
    - Tobacco tax; impose on electronic cigarettes and alternative nicotine products.
      - On any alternative nicotine product and electronic cigarettes, a tax of Sixty-eight Cents (68¢) per one (1) milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor as the product is used
Local ordinances
- Currently, 79 of Mississippi’s 124 municipalities with comprehensive smoke-free ordinances also include e-cigarette restrictions.
  - Four municipalities created a new ordinance that prohibited e-cigarette use in places where original ordinance prohibited smoking.
  - Eight municipalities amended definition of smoking to include e-cigarettes within original ordinance.
  - The remaining 67 municipalities passed comprehensive smoke-free ordinances after e-cigarettes became popular and included restrictions on their use in the original ordinance.

Legislation in other states - provided by the Tobacco Control Legal Consortium & Americans for Nonsmokers’ Rights
- **Alabama**: No use, sale, or purchase of alternative nicotine products for anyone under 19.
- **Arizona**: Unlawful to sell vapor product to minor; unlawful for minor to purchase or possess vapor product.
- **Arkansas**: No sale/distribution/possession of e-cigarettes to persons under age 18, no distribution of e-cigs or coupons to minors or near playgrounds/other areas frequented by minors, no self service displays in locations accessible to minors. Prohibits use of e-cigarettes near schools or on school buses; use of e-cigarettes in registered daycare facilities.
- **California**: Prohibits sale of electronic cigarettes to persons under age 18. No school shall permit smoking or use of tobacco or any product containing tobacco or nicotine products by students.
- **Colorado**: Prohibits sale of e-cigarettes to persons under age 18; possession or purchase of e-cigarettes by persons under age 18. Prohibits use of e-cigarettes on school grounds; use of nicotine products in and around licensed child care facilities.
- **Connecticut**: Prohibits use of e-cigarettes in restaurants, bars and gambling facilities. Prohibits sale/delivery of electronic nicotine delivery system or vapor product to persons under age 18; purchase/possession of electronic nicotine delivery system or vapor product by persons under age 18.
- **Delaware**: Prohibits sale/distribution of tobacco substitutes to persons under age 18; purchase of tobacco substitutes by persons under age 18; self-service displays of tobacco substitutes in places accessible to persons under age. Prohibits use of e-cigarettes in workplaces, bars, restaurants, and gambling facilities.
  - Vapor establishments exempt.
- **Florida**: Prohibits sale/distribution of nicotine dispensing devices or nicotine products to persons under age 18 years; possession of nicotine dispensing devices or nicotine products by persons under age 18; self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18.
- **Georgia**: Prohibits sale/purchase/possession of alternative nicotine products or vapor products by persons under age 18; distribution of alternative nicotine products to general public or anyone under age of 18; Purchase/possession of alternative nicotine products or vapor products by persons under age 18.
- **Hawaii**: Prohibits use of e-cigarettes in workplaces, restaurants, and bars. Prohibits sale/distribution of electronic smoking devices to persons under age 21; purchase of electronic smoking device by person under age 21.
Idaho: Prohibits sale/distribution of electronic cigarettes to minors prohibited; possession/purchase/distribution/use of electronic cigarettes by minors. Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco. If shipping e-cigarettes, seller required to obtain proof of age. Shipment of e-cigarettes must include statement re: prohibition on shipping to individuals under shipping to individuals under age 18.

Illinois: Prohibits distribution of alternative nicotine products to or by persons under age 18. Self-service display of alternative nicotine products restricted to adult-only tobacco stores. Prohibits use of products containing nicotine on public higher education campuses.

Indiana: Nicotine liquid must be sold in child-resistant packaging, excluding prefilled, sealed and not intended to be opened by consumer. Prohibits Possession/purchase of electronic cigarettes by persons under age 18; self-service displays of electronic restricted to adult-only tobacco stores. Retailers of electronic cigarettes must be registered cigarettes.

Iowa: Prohibits Sale/distribution of vapor products or alternative nicotine products to anyone under age 18; possession/purchase of alternative nicotine products or vapor products by persons under age 18. Retailers must obtain a permit before selling vapor products. No distribution of free vapor products or alternative nicotine products to persons under age 18 or within 500 feet of places primarily used by minors. Self-service displays prohibited. Vending machine sales restricted to adult-only locations.

Kansas: Prohibits sale/distribution of electronic cigarettes to persons under age 18; purchase/possession of electronic cigarettes by person under age 18. Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to minors or which has a lock-out device. Retailers of electronic cigarettes must obtain a license.

Kentucky: Prohibits sale of vapor products or alternative nicotine product to persons under age 18; purchase of vapor products or alternative nicotine products by persons under age 18; possession/use of vapor products or alternative nicotine products by person under age 18; distribution of free vapor products or alternative nicotine products to persons under age 18 years; Vending machine sales of vapor products and alternative nicotine products to persons under 18.

Louisiana: Prohibits sale/distribution of vapor products or alternative nicotine products to persons under age 18; purchase or possession of vapor product or alternative nicotine product by persons under age 18 prohibited unless accompanied by parent or in a private residence; self-service displays of vapor products and alternative nicotine products restricted to tobacco businesses and vending machines located in age-restricted settings. Permits required for retailers of vapor products and alternative nicotine products.

Maine: Prohibits use of e-cigarettes in workplaces, restaurants, and bars.

Maryland: Prohibits sale of “an electronic device that can be used to deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe” to minors (excluding FDA approved medical devices).
• Minnesota: Prohibits sale/distribution of electronic delivery devices prohibited to persons under age 18; purchase/possession of electronic delivery device by person under age 18; sale of electronic delivery devices from a moveable place of business (kiosk). Self-service displays of electronic delivery devices restricted to adult only tobacco businesses and vending machines in locations inaccessible to persons under age 18. Prohibits use of electronic delivery devices in day care and health facilities, and certain publicly owned buildings; Use of electronic delivery devices in public schools and any facility or vehicle owned, rented or leased by the school district.

• Missouri: Prohibits sale of alternative nicotine products or vapor products to persons under age 18; mail and internet sales of alternative nicotine or vapor products to persons under 18. Vending machines that sell these products “shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than 18 year of age from purchasing ...” Vending machines also shall be equipped with a lock-out device, and the default is in the locked position. Purchase of alternative nicotine products or vapor products by persons less than age 18 prohibited. Retailers must obtain retail sales tax license.

• Montana: Retailers must obtain license. Prohibits sale/distribution of alternative nicotine products or vapor products to persons under age 18. Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. Possession/ use of alternative nicotine products or vapor products by persons under age 18 prohibited.

• Nebraska: Prohibits sale/distribution of vapor products or alternative nicotine products to persons under age 18; use of vapor products or alternative nicotine products by persons under age 18. Vending machine sales of vapor products and alternative nicotine products are restricted to locations inaccessible to minors or an establishment that has a liquor license and which sells alcohol in the same room as the vending machine. Self-service displays restricted to tobacco specialty stores and cigar bars.

• New Hampshire: Prohibits sale/distribution of e-cigarettes and liquid nicotine to minors; distribution of free e-cigarettes or liquid nicotine except in locations inaccessible to minors; purchase/possession of e-cigarettes or liquid nicotine by minors. Use of e-cigarette and liquid nicotine on public educational facility grounds prohibited.

• New Jersey: Prohibits sale/distribution of electronic smoking device to person under age 19. Prohibits the smoking of tobacco products and the use of electronic smoking devices in all enclosed indoor places of public access and workplaces.

• New Mexico: Prohibits sale/distribution of e-cigarettes or a nicotine liquid container to persons under age 18; procurement of e-cigarette or nicotine liquid container by persons under age 18; internet sale of e-cigarettes or nicotine liquid containers to persons under age 18. E-cigarettes and nicotine liquid containers may only be sold by a retailer face-to-face. Self-service displays of e-cigarettes and nicotine liquid containers prohibited. Vending machine sales are permitted only in adult-only locations. Distribution of free e-cigarettes or nicotine liquid containers to persons under age 18 prohibited except in the practice of cultural or ceremonial activities in accordance with federal religious freedom act.
• **New York**: Prohibits sale/distribution of e-cigarettes or liquid nicotine to persons under age 18; self-service displays of e-cigarettes or liquid nicotine prohibited except in tobacco businesses. Vending machine sales of e-cigarettes permitted in limited locations and must be visible to and under the direct control of person in charge.

• **North Carolina**: Sale/distribution of vapor products to persons under age 18 is prohibited. Vending machine sales of vapor products restricted to locations inaccessible to minors where vending machine is under continuous control of owner and can be operated only upon activation by the owner. Internet distribution of vapor products permitted with use of age verification through an independent, third-party service. Purchase of vapor products by persons under age 18 prohibited. Vapor products prohibited on State correctional facilities premises, except for religious purposes.

• **North Dakota**: Sale/distribution of electronic smoking devices and alternative nicotine products to persons under age 18 prohibited. Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to minors or which are controlled by the seller. Purchase/possession/use of electronic smoking device by person under age 18 prohibited. Sales of electronic smoking devices by means other than face-to-face transactions restricted to retailers or persons whose age has been verified when product is shipped via method requiring signature of person verified to be at least age 18. Use of e-cigarettes prohibited in public places and places of employment and within 20 feet of entrances, exits, windows, air intakes and ventilation systems thereof.

• **Ohio**: Alternative nicotine products must be sold in the same minimum quantities as manufacturer’s container. Sale/distribution of alternative nicotine products to persons under age 18 prohibited. Internet sales/distribution of alternative nicotine products restricted to transactions using age verification. Vending machine sales restricted to locations inaccessible to persons under age 18 or where control of the vending machine is in the hands of the owner and is within that person’s or other employees’ plain view.

• **Oklahoma**: Purchase/possession of vapor products by persons under age 18 prohibited. Sale/distribution of vapor products to persons under age 18 prohibited. Vending machines sales are restricted to locations inaccessible to persons under age 18. Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility used primarily by persons under the age of 18 prohibited. Self-service displays of vapor products restricted to adult-only facilities.

• **Oregon**: Prohibits use of e-cigarettes in workplaces, restaurants, bars, and gambling facilities.

• **Rhode Island**: Retailers of electronic nicotine delivery system products must obtain a license. Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. Vending machine restricted to locked machines in locations continually supervised and in direct line of sight of authorized person on a business premises or in locations inaccessible to persons under age 21. Distribution of free electronic nicotine-delivery system to persons under age 18 or within 500 feet of any school prohibited.
• **South Carolina:** Sale/distribution of alternative nicotine products to persons under age 18 years prohibited. Purchase/possession of alternative nicotine products by persons under age 18 prohibited. Vending machine sales restricted to locations inaccessible to persons under age 18 or locked and under control of owner.

• **South Dakota:** Sale/distribution of vapor products to persons under age 18 prohibited. Purchase/possession/use of vapor products by persons under age 18 prohibited. Distribution of free vapor products within 500 feet of playground, school or other child-focused facility prohibited. Self-service displays of vapor products restricted to tobacco specialty store or vending machines inaccessible to persons under age 18.

• **Tennessee:** Prohibits possession/sale/distribution of vapor products to persons under age 18 years prohibited.

• **Utah:** Selling/distributing electronic cigarettes to persons under age 19 prohibited. Purchase/possession of electronic cigarette by person aged 18 years prohibited. Self-service displays and vending machine sales restricted to locations inaccessible to persons under age 19 without a parent or guardian. Tobacco retail specialty businesses (tobacco product sales, including e-cigarettes, account for more than 35% of total annual gross receipts) must be licensed by counties and municipalities. Location of tobacco retail specialty businesses minimally restricted relative to schools, child care facilities, churches, libraries, playgrounds, other tobacco specialty shops, and other facilities. Retailers of electronic cigarette products must obtain a license from the State Tax Commission. Electronic cigarettes prohibited in correctional facilities. School boards directed to adopt rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities.

• **Vermont:** Sale/distribution of tobacco substitutes to persons under age 18 prohibited. Purchase/possession of tobacco substitutes by persons under age 18 prohibited. Retailers of tobacco substitutes required to obtain a license. Self-service displays restricted to locations inaccessible to minors. Use of tobacco substitutes prohibited at child care facilities. Use of tobacco substitutes prohibited on public school grounds and at sponsored events.

• **Virginia:** Sale/distribution of nicotine vapor products to persons under age 18 prohibited. Purchase/possession of nicotine vapor product by person under age 18 prohibited. School boards directed to develop and implement policy to prohibit e-cigarette use on school bus, school property and at school-sponsored activities.

• **Washington:** Sale of vapor products to persons under age 18 prohibited. Use of electronic cigarettes on public institutions of higher education restricted through regulation.

• **West Virginia:** Sale/distribution of vapor products to persons under age 18 years prohibited. Vending machine sales of vapor products restricted to adult-only establishments or establishments with an alcoholic beverage license. Possession of tobacco products or tobacco-derived products by persons under age 18 prohibited. Use of tobacco-derived products prohibited in schools and on school grounds except those areas not used for instructional purposes and inaccessible to students.
• **Wisconsin**: Sale/distribution of nicotine products to persons under age 18 prohibited. Purchase/possession of nicotine products by persons under age 18 prohibited.

• **Wyoming**: Liquid nicotine containers sold to in-state consumers must be in child-resistant packaging. Sales/distribution/delivery of tobacco products to persons under age 18 prohibited. Purchase of tobacco products by persons under age 18 prohibited. Possession/use of tobacco products by persons under age 18 prohibited. Self service displays restricted to vending machines in locations inaccessible to persons under age 18.

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**REFERENCES**


