

STATE System E-Cigarette Fact Sheet

TRENDS

E-cigarettes are now the most commonly used tobacco product among youth.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2018, more than 3.6 million U.S. youth, including 1 in 5 (20.8%) high school students and 1 in 20 (4.9%) middle school students, currently used e-cigarettes.¹

In 2017, 6.9 million U.S. adults, or 1 in 36 (2.8%) of adults, currently used e-cigarettes.²

- In 2015, among adult e-cigarette users overall, 58.8% also were current regular cigarette smokers, 29.8% were former regular cigarette smokers, and 11.4% had never been regular cigarette smokers.³
- Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.³

WHAT IS AN E-CIGARETTE?

Any electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including—but not limited to—electronic cigarettes (e-cigarettes), e-cigars, e-pipes, e-hookahs, vape pens, and other electronic nicotine delivery systems.

HEALTH INFORMATION

E-cigarettes are still fairly new, and scientists are still learning about their long-term health effects. Here is what we know now.

Most e-cigarettes contain nicotine, which has known health effects.⁴

- Nicotine is highly addictive.
- Nicotine is toxic to developing fetuses.
- Nicotine can harm adolescent brain development, which continues into the early to mid-20s.
- Nicotine is a health danger for pregnant women and their developing babies.

Besides nicotine, e-cigarette aerosol can contain substances that harm the body.⁴

- This includes cancer-causing chemicals and tiny particles that reach deep into lungs. However, e-cigarette aerosol generally contains fewer harmful chemicals than smoke from burned tobacco products.

E-cigarettes can cause unintended injuries.⁴

- Defective e-cigarette batteries have caused fires and explosions, some of which have resulted in serious injuries. Most explosions happened when the e-cigarette batteries were being charged.
- The Food and Drug Administration (FDA) collects data to help address this issue. You can report an e-cigarette explosion, or any other unexpected health or safety issue with an e-cigarette, [here](#).
- In addition, acute nicotine exposure can be toxic. Children and adults have been poisoned by swallowing, breathing, or absorbing e-cigarette liquid through their skin or eyes.

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STATE System: [CDC.gov/STATESystem](https://www.cdc.gov/STATESystem)
OSHData: [CDC.gov/OSHData](https://www.cdc.gov/OSHData)
Office on Smoking and Health: [CDC.gov/Tobacco](https://www.cdc.gov/Tobacco)

STATE LEGISLATIVE ACTIVITY

Enacted as of September 30, 2018

Restrictions on Sales to Minors

- As of September 30, 2018, 48 states, the District of Columbia, Guam, the Northern Mariana Islands, Palau, Puerto Rico, and the U.S. Virgin Islands have passed legislation prohibiting the sale of e-cigarettes to minors.
- Two states (Michigan, and Pennsylvania), American Samoa and the Marshall Islands do not have any legislation requiring a minimum age restriction on the purchase of e-cigarettes.
- In Massachusetts, the minimum age requirement on the purchase of e-cigarettes takes effect on December 31, 2018.

Retail Licensure on E-Cigarettes

- As of September 30, 2018, eighteen states (Alaska, Arkansas, California, Connecticut, Hawaii, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Montana, Pennsylvania, Rhode Island, Utah, Vermont and Washington), the District of Columbia, the Northern Mariana Islands, Palau and the U.S. Virgin Islands have passed legislation that requires a retail license to sell e-cigarettes over-the-counter.
- In Alaska, the licensure law becomes effective on January 1, 2019.

Smokefree Indoor Air Laws, Including E-Cigarettes

- As of September 30, 2018, ten states (California, Delaware, Hawaii, New Jersey, New York, North Dakota, Oregon, Rhode Island, Utah and Vermont) the District of Columbia and Puerto Rico have passed comprehensive smokefree indoor air laws that include e-cigarettes. These laws prohibit smoking and the use of e-cigarettes in indoor areas of private worksites, restaurants, and bars.
- Effective October 1, 2018, Alaska implemented new legislation prohibiting smoking and the use of e-cigarettes in indoor areas of private worksites, restaurants, and bars. Also included in the legislation is an option for a municipality to opt out of these provisions through a voter referendum. Because municipalities in Alaska are able to exempt themselves from this legislation, it is not considered to be a comprehensive smokefree indoor air policy that includes e-cigarettes.

E-Cigarette Tax

- As of September 30, 2018, eight states (California, Delaware, Kansas, Louisiana, Minnesota, North Carolina, Pennsylvania, and West Virginia), the District of Columbia, Puerto Rico and the U.S. Virgin Islands have passed legislation that requires a tax on e-cigarettes. Five of these states (Delaware, Kansas, Louisiana, North Carolina and West Virginia) tax e-cigarettes per milliliter of liquid or consumable material. California, Minnesota, Pennsylvania, the District of Columbia, and the U.S. Virgin Islands tax e-cigarettes on a percentage of a specified cost. Puerto Rico taxes the e-cigarette device themselves if disposable, and the nicotine cartridge per milliliter of consumable liquid.

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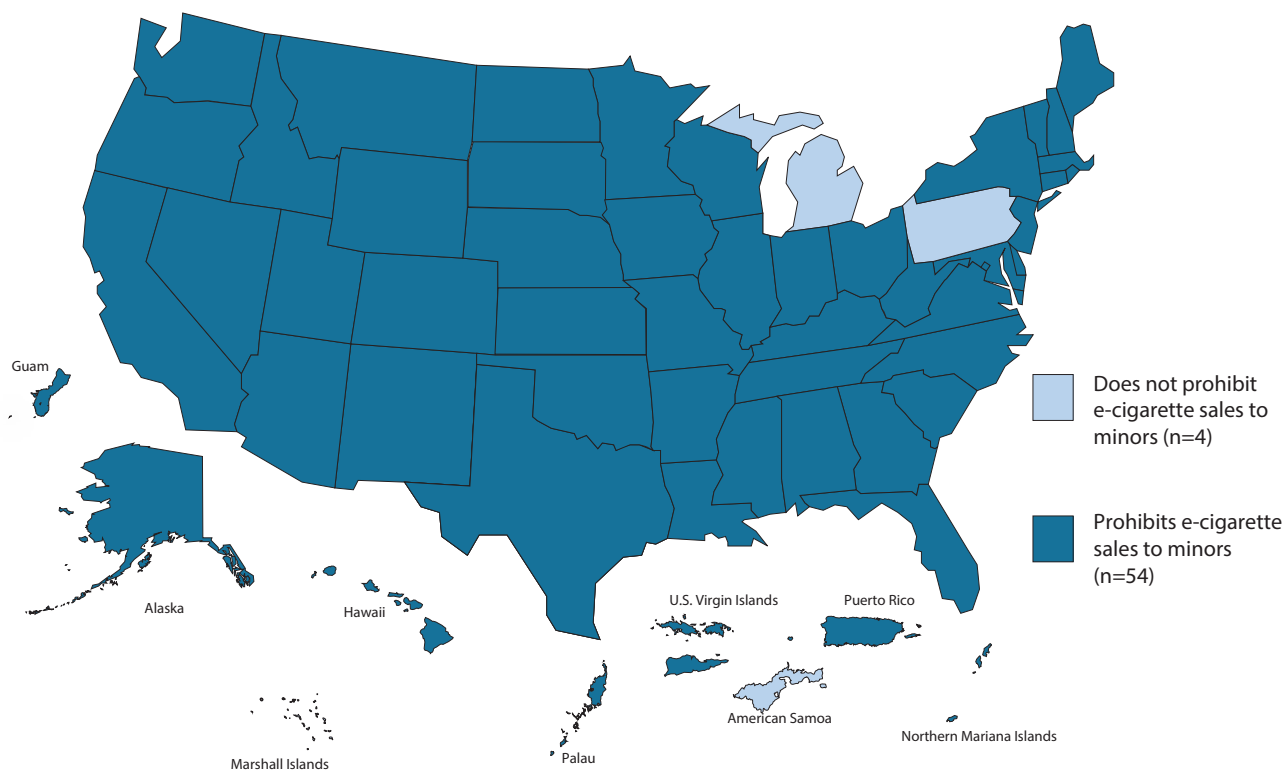
**U.S. Department of
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STATE System: [CDC.gov/STATESystem](https://www.cdc.gov/STATESystem)
OSHData: [CDC.gov/OSHData](https://www.cdc.gov/OSHData)
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RESTRICTIONS ON SALES TO MINORS

States with Laws Prohibiting Sales of E-Cigarettes to Minors

Enacted as of September 30, 2018



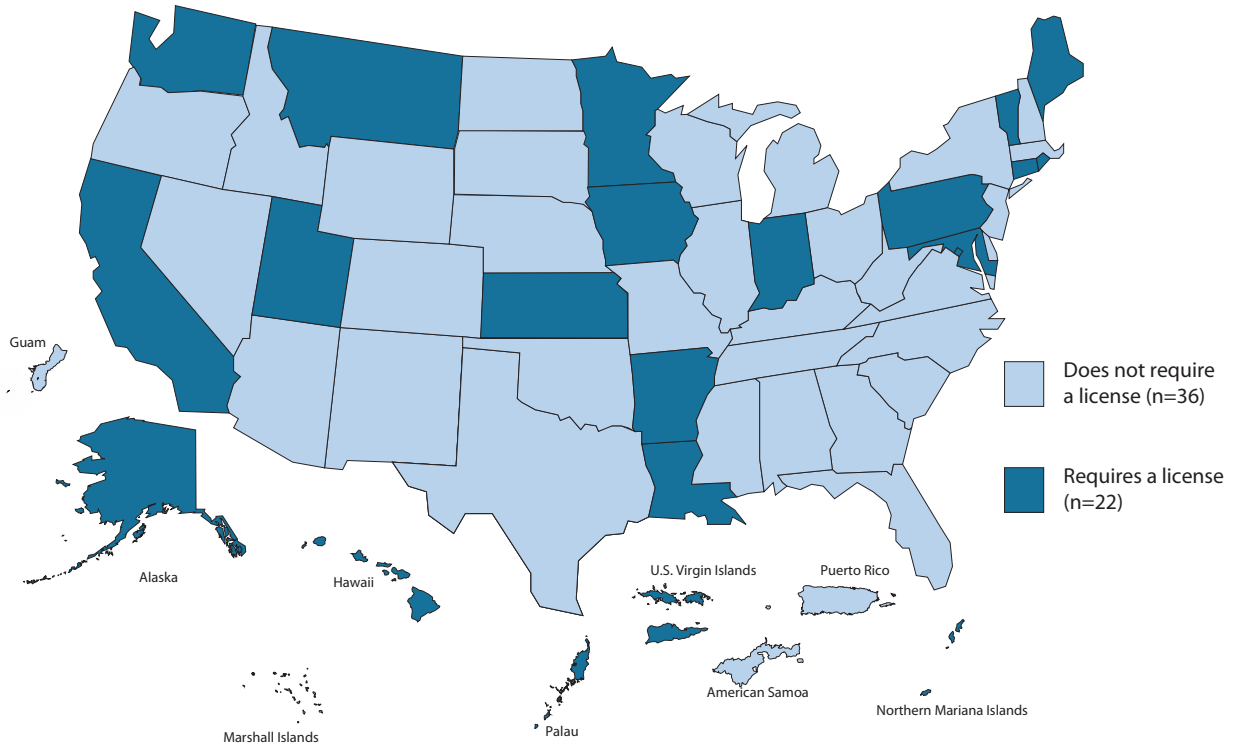
Location	Sales to Minors Prohibited	Minimum Age	Effective	Location	Sales to Minors Prohibited	Minimum Age	Effective
Alabama	Yes	19	8/1/2013	Montana	Yes	18	1/1/2016
Alaska	Yes	19	8/22/2012	Nebraska	Yes	18	4/9/2014
American Samoa				Nevada	Yes	18	10/1/2015
Arizona	Yes	18	9/13/2013	New Hampshire	Yes	18	7/31/2010
Arkansas	Yes	18	5/1/2015	New Jersey	Yes	21	11/1/2017
California	Yes	21	6/9/2016	New Mexico	Yes	18	6/19/2015
Colorado	Yes	18	3/25/2011	New York	Yes	18	1/1/2013
Connecticut	Yes	18	10/1/2014	North Carolina	Yes	18	8/1/2013
Delaware	Yes	18	6/12/2014	North Dakota	Yes	18	8/1/2015
District of Columbia	Yes	21	11/29/2016	Northern Mariana Slands	Yes	18	2/11/2016
Florida	Yes	18	7/1/2014	Ohio	Yes	18	8/2/2014
Georgia	Yes	18	7/1/2014	Oklahoma	Yes	18	11/1/2014
Guam	Yes	21	1/1/2018	Oregon	Yes	21	8/9/2017
Hawaii	Yes	21	1/1/2016	Palau	Yes	21	6/6/2013
Idaho	Yes	18	7/1/2012	Pennsylvania			
Illinois	Yes	18	1/1/2014	Puerto Rico	Yes	18	3/27/2015
Indiana	Yes	18	7/1/2013	Rhode Island	Yes	18	1/1/2015
Iowa	Yes	18	7/1/2014	South Carolina	Yes	18	6/7/2013
Kansas	Yes	18	7/1/2012	South Dakota	Yes	18	7/1/2014
Kentucky	Yes	18	4/10/2014	Tennessee	Yes	18	7/1/2015
Louisiana	Yes	18	5/28/2014	Texas	Yes	18	10/1/2015
Maine	Yes	21	7/1/2018	U.S. Virgin Islands	Yes	18	
Marshall Islands				Utah	Yes	19	5/11/2010
Maryland	Yes	18	10/1/2012	Vermont	Yes	18	7/1/2013
Massachusetts	Yes	21	*12/31/2018	Virginia	Yes	18	7/1/2014
Michigan				Washington	Yes	18	7/28/2013
Minnesota	Yes	18	8/1/2010	West Virginia	Yes	18	6/6/2014
Mississippi	Yes	18	7/1/2013	Wisconsin	Yes	18	4/20/2012
Missouri	Yes	18	10/10/2014	Wyoming	Yes	18	3/13/2013

*Location with laws that have been enacted but not yet taken effect.

RETAIL LICENSURE ON E-CIGARETTES

States with Laws Requiring Licenses For Over-the-counter Sales of E-Cigarettes

Enacted as of September 30, 2018



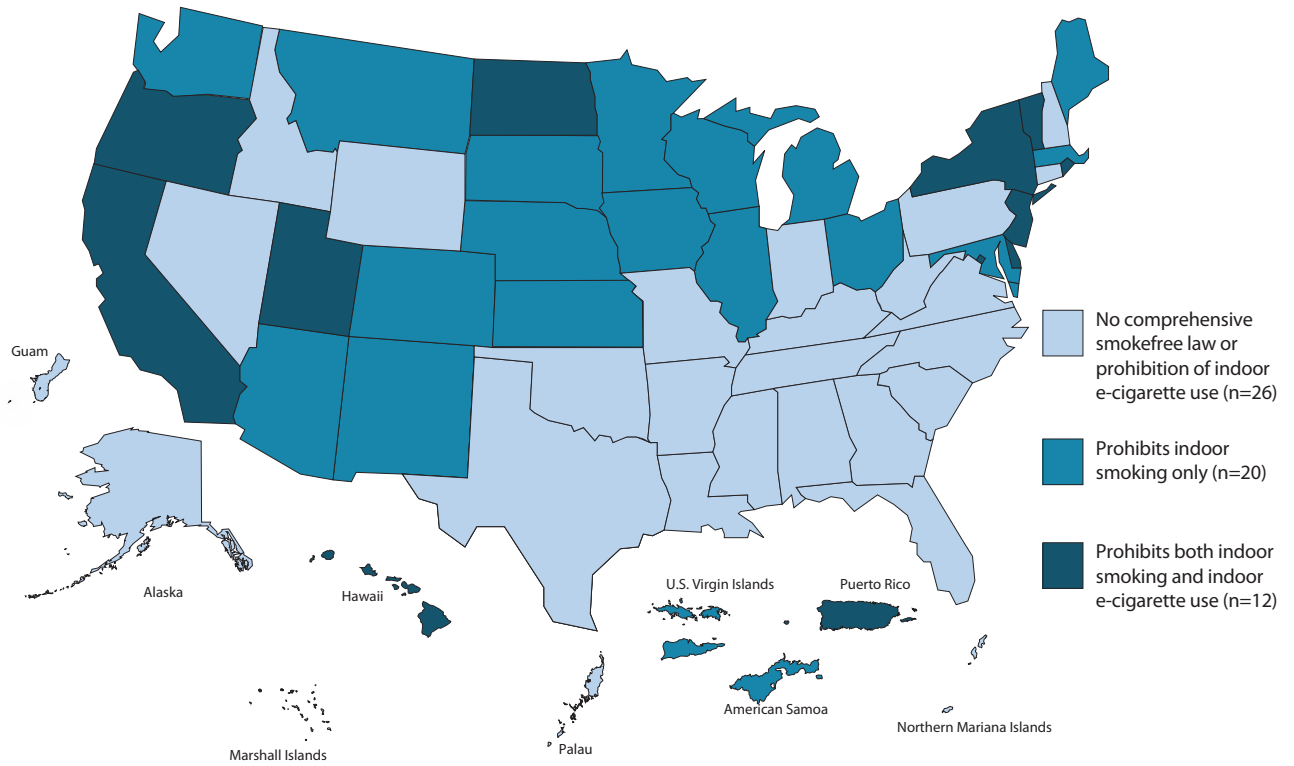
Location	License Required	Effective	Location	License Required	Effective
Alabama			Montana	Yes	1/1/2016
Alaska	Yes	*1/1/2019	Nebraska		
American Samoa			Nevada		
Arizona			New Hampshire		
Arkansas	Yes	5/1/2015	New Jersey		
California	Yes	1/1/2017	New Mexico		
Colorado			New York		
Connecticut	Yes	3/1/2016	North Carolina		
Delaware			North Dakota		
District of Columbia	Yes	10/22/2015	Northern Mariana Islands	Yes	2/11/2016
Florida			Ohio		
Georgia			Oklahoma		
Guam			Oregon		
Hawaii	Yes	7/1/2018	Palau	Yes	2/15/2012
Idaho			Pennsylvania	Yes	7/13/2016
Illinois			Puerto Rico		
Indiana	Yes	7/1/2015	Rhode Island	Yes	1/1/2015
Iowa	Yes	7/1/2014	South Carolina		
Kansas	Yes	7/1/2012	South Dakota		
Kentucky			Tennessee		
Louisiana	Yes	5/28/2014	Texas		
Maine	Yes	11/1/2017	U.S. Virgin Islands	Yes	
Marshall Islands			Utah	Yes	7/1/2015
Maryland	Yes	10/1/2017	Vermont	Yes	7/1/2013
Massachusetts			Virginia		
Michigan			Washington	Yes	6/28/2016
Minnesota	Yes	8/1/2014	West Virginia		
Mississippi			Wisconsin		
Missouri			Wyoming		

*Location with laws that have been enacted but not yet taken effect.

SMOKEFREE INDOOR AIR LAWS, INCLUDING E-CIGARETTES

States with Laws Prohibiting the Use of E-Cigarettes in Indoor Areas of Private Worksites, Restaurants, and Bars

Enacted as of September 30, 2018



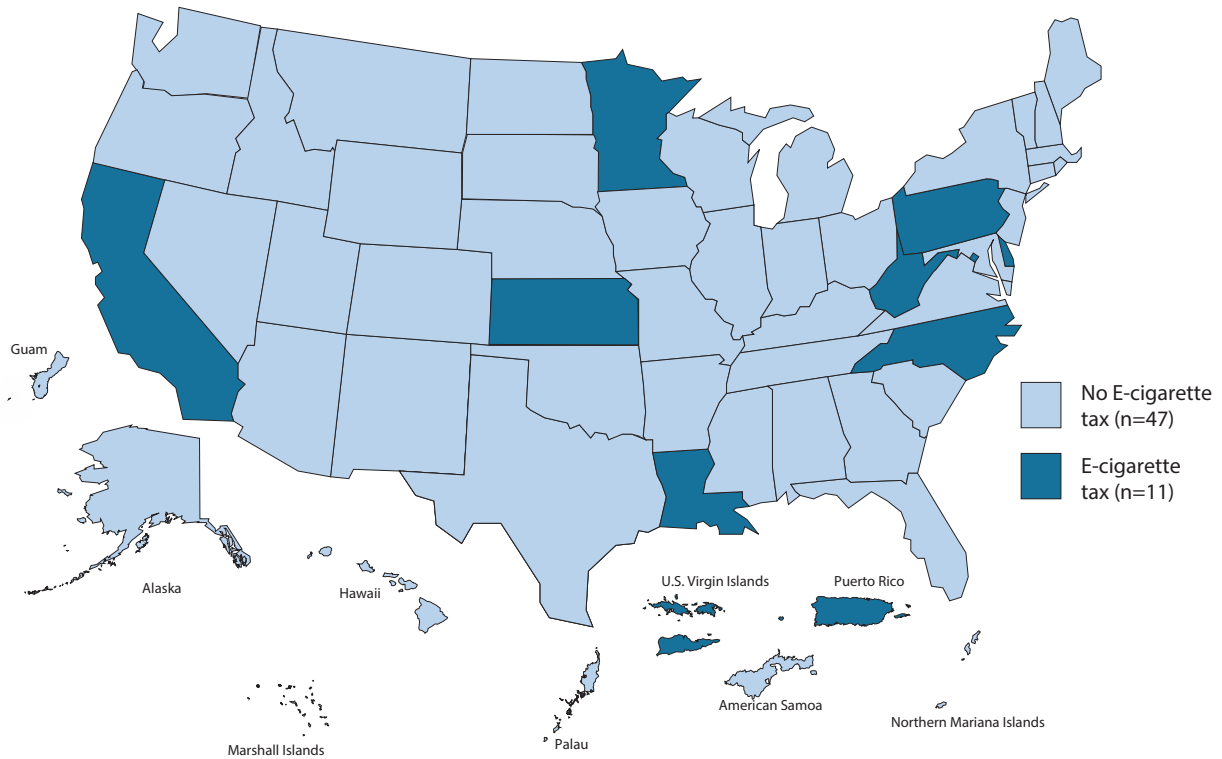
Location	Comprehensive Smokefree Indoor Air Law	Smokefree Law Includes E-Cigarettes	Smokefree Law Includes E-Cigarettes Effective	Location	Comprehensive Smokefree Indoor Air Law	Smokefree Law Includes E-Cigarette	Smokefree Law Includes E-Cigarettes Effective
Alabama				Montana	Yes		
Alaska			†	Nebraska	Yes		
American Samoa	Yes			Nevada			
Arizona	Yes			New Hampshire			
Arkansas				New Jersey		Yes	7/11/2010
California	Yes	Yes	6/9/2016	New Mexico	Yes		
Colorado	Yes			New York	Yes	Yes	11/22/2017
Connecticut				North Carolina			
Delaware	Yes	Yes	10/5/2015	North Dakota	Yes	Yes	12/6/2012
District of Columbia	Yes	Yes	11/18/2016	Northern Mariana Islands			
Florida				Ohio	Yes		
Georgia				Oklahoma			
Guam				Oregon	Yes	Yes	1/1/2016
Hawaii	Yes	Yes	1/1/2016	Palau			
Idaho				Pennsylvania			
Illinois	Yes			Puerto Rico	Yes	Yes	4/11/2011
Indiana				Rhode Island	Yes	Yes	7/1/2018
Iowa	Yes			South Carolina			
Kansas	Yes			South Dakota	Yes		
Kentucky				Tennessee			
Louisiana				Texas			
Maine	Yes			U.S. Virgin Islands	Yes		
Marshall Islands	Yes			Utah	Yes	Yes	5/8/2012
Maryland	Yes			Vermont	Yes	Yes	7/1/2016
Massachusetts	Yes			Virginia			
Michigan	Yes			Washington	Yes		
Minnesota	Yes			West Virginia			
Mississippi				Wisconsin	Yes		
Missouri				Wyoming			

† Because municipalities in Alaska are able to exempt themselves from the legislation that went into effect 10/1/2018, it is not considered to be a comprehensive smokefree indoor air policy that includes e-cigarettes.

E-CIGARETTE TAX

States with Laws Taxing E-Cigarettes

Enacted as of September 30, 2018



Location	Type of Tax	Effective	Location	Type of Tax	Effective
Alabama			Montana		
Alaska			Nebraska		
American Samoa			Nevada		
Arizona			New Hampshire		
Arkansas			New Jersey		
California	65.08% Wholesale Cost	4/1/2017	New Mexico		
Colorado			New York		
Connecticut			North Carolina	\$0.05 per fluid milliliter	6/1/2015
Delaware	\$0.05 per fluid milliliter	1/1/2018	North Dakota		
District of Columbia	65% wholesale sales price	10/1/2015	Northern Mariana Islands		
Florida			Ohio		
Georgia			Oklahoma		
Guam			Oregon		
Hawaii			Palau		
Idaho			Pennsylvania	40% purchase price	7/13/2016
Illinois			Puerto Rico	[†] \$3.00 each e-cigarette device; or \$0.050 per milliliter of nicotine	4/29/2017
Indiana			Rhode Island		
Iowa			South Carolina		
Kansas	\$0.05 per milliliter of consumable material	7/1/2017	South Dakota		
Kentucky			Tennessee		
Louisiana	\$0.05 per liquid milliliter of nicotine	7/1/2015	Texas		
Maine			U.S. Virgin Islands	45% cost price	
Marshall Islands			Utah		
Maryland			Vermont		
Massachusetts			Virginia		
Michigan			Washington		
Minnesota	95% wholesale sales price	8/1/2010	West Virginia	\$0.075 per fluid milliliter	7/1/2016
Mississippi			Wisconsin		
Missouri			Wyoming		

[†]In Puerto Rico, e-cigarette devices are \$3.00. Nicotine cartridges are to be taxed at \$0.050 per milliliter of nicotine solution.

GLOSSARY TERMINOLOGY

RESTRICTIONS ON SALES TO MINORS

Minimum Age: Indicates whether a minimum age is required by law before vendors can legally sell e-cigarettes to an individual for personal consumption. In most instances, minors are defined by statute as people younger than 18 years of age, except in 4 states (Alabama, Alaska, New Jersey, and Utah) where they are defined as people younger than 19 years of age and 5 states (California, Hawaii, Maine, New Jersey and Oregon), and the District of Columbia and Guam where they are defined as people younger than 21 years of age.

Minimum Age (Years): The minimum age—in years—required by law that an individual must reach before vendors can legally sell e-cigarettes to the individual.

RETAIL LICENSURE ON E-CIGARETTES

License Required: Whether a person engaged in the business of selling e-cigarettes over-the-counter to individual consumers must obtain a license or permit prior to conducting business.

Over-the-Counter: means e-cigarette products are sold in face-to-face transactions directly to an individual consumer.

SMOKEFREE INDOOR AIR POLICIES, INCLUDING E-CIGARETTES

Comprehensive Smokefree Indoor Air Law: CDC defines a state smokefree air law as comprehensive if it prohibits smoking in indoor areas of private worksites, restaurants, and bars.

Note: States have passed comprehensive smokefree air laws that include the use of e-cigarettes. These laws prohibit smoking and the use of e-cigarettes in indoor areas of private worksites, restaurants, and bars.

E-CIGARETTE TAX

E-Cigarette Tax: Any excise tax levied on e-cigarettes.

Type of Tax: E-cigarette tax is collected on a percentage on one of three levels—to the manufacturer, to the wholesaler, or to the retailer.

Percent Value: E-cigarette tax collected at the manufacturer, retailer, or wholesale level as a percentage of the product price.

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CDC's Office on Smoking
and Health's Interactive
Data Dissemination Tool

OSHData presents comprehensive tobacco prevention and control data in an online, easy to use, interactive data application.

Download the entire dataset from OSHData.

The STATE System contains data synthesized from state-level statutory laws. It does not contain state-level regulations; measures implemented by counties, cities, or other localities; opinions of Attorneys General; or relevant case law decisions for tobacco control topics other than preemption; all of which may vary significantly from the laws reported in the database, fact sheets, and publications.

References:

1. Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. *Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students — United States, 2011–2018*. MMWR Morb Mortal Wkly Rep 2018;67:1276–1277.
2. Wang TW, Asman K, Gentzke AS, et al. *Tobacco Product Use Among Adults — United States, 2017*. MMWR Morb Mortal Wkly Rep 2018;67:1225–1232.
3. *QuickStats: Cigarette Smoking Status Among Current Adult E-cigarette Users, by Age Group — National Health Interview Survey, United States, 2015*. MMWR Morb Mortal Wkly Rep 2016;65:1177.
4. US Department of Health and Human Services. *E-cigarette use among youth and young adults: a report of the Surgeon General*. Atlanta, GA: US Department of Health and Human Services, CDC; 2016.

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