

THE IMPORTANCE OF PRODUCT DEFINITIONS IN E-CIGARETTE LAWS

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SUPPLEMENTAL TABLE

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
Alabama (AL) HB 286 ¹ § 28-11-2 23 May 13	Defines “alternative nicotine product” (ANP) and prohibits sales use, possession, and transportation of ANP to/by minors	Alternative Nicotine Product Electronic cigarette	<p>(1) ALTERNATIVE NICOTINE PRODUCT. The term alternative nicotine product includes electronic cigarettes.</p> <p>An electronic cigarette is an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.</p> <p>The term "electronic cigarette" does not include any of the following:</p> <ol style="list-style-type: none"> 1. A cigarette or other tobacco product as defined in this section. 2. A product that is a drug under 21 U.S.C. Section 321(g)(1). 3. A product that is a device under 21 U.S.C. Section 321(h). 4. A combination product that is a device under 21 U.S.C. Section 353(g). <p>The term "alternative nicotine products" does not include the following:</p> <ol style="list-style-type: none"> 1. A cigarette or other tobacco product as defined in this section. 2. A product that is a drug under 21 U.S.C. Section 321(g)(1). 3. A product that is a device under 21 U.S.C. Section 321(h). 4. A combination product described in 21 U.S.C. Section 353(g). <p>...</p> <p>(10) TOBACCO or TOBACCO PRODUCTS. Tobacco or any product con limited to, the following:</p> <ol style="list-style-type: none"> a. Cigarettes. b. Cigars. c. Chewing tobacco. d. Snuff. e. Pipe tobacco. f. Smokeless tobacco. 	<ul style="list-style-type: none"> • Creates separate definitions for ANP, electronic cigarette (e-cig), and “tobacco products” • ANP includes e-cigs • E-cig excludes “tobacco product” • E-cig does not require nicotine • ANP excludes FDA regulated drugs, devices, combination products • “Minor” defined as under 19
Alaska (AK) H 244 ² § 11.76.109	Defines “product containing nicotine” and prohibits their sales or gifts to minors	Product containing nicotine	(d) In this section, "product containing nicotine" does not include a cigarette, a cigar, tobacco, or a product containing tobacco.	<ul style="list-style-type: none"> • Prohibits sales and gifts to minors of “products containing nicotine,” which could include e-cigs • E-cig requires nicotine • “Minor” defined as under 19

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Arizona (AZ) SB 1209 ³ § 13-3622 20 Jun 13	Defines “vapor product” and prohibits their sale, purchase, and possession to/by minors.	Vapor Products	E. For the purposes of this section: ... 2. "Tobacco product" means any of the following: (a) Cigars. (b) Cigarettes. (c) Cigarette papers of any kind. (d) Smoking tobacco of any kind. (e) Chewing tobacco of any kind. 3. "Vapor product" means a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States Food and Drug Administration under chapter V of the Federal Food, Drug and Cosmetic Act.	<ul style="list-style-type: none"> • Creates separate definitions for “vapor product” and “tobacco product” • Vapor product must be “tobacco-derived” • Vapor product requires nicotine • Vapor product excludes FDA regulated drugs, devices, combination products
Arkansas (AR) SB 953 ⁴ § 6-21-609 11 Apr 13	Prohibits the use of e-cigarettes on public school property.	E-cigarette	(a) As used in this section, "e-cigarette" means an electronic oral device that provides a vapor of nicotine or another substance that, when used or inhaled simulates smoking, including without limitation a device that: (1) Is composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, electronic circuit; (2) Works in combination with a liquid nicotine delivery device composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes; and (3) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other name or descriptor.	<ul style="list-style-type: none"> • “E-cigarette” does not require nicotine
Arkansas (AR) SB 1087 ⁵ § 4-16-101 22 Apr 13	Defines “alternative nicotine product” (ANP) and “electronic cigarette” (e-cig), restricts sales of ANP to/by minors, and requires age verification for internet sales of ANP.	Alternative Nicotine Product Electronic cigarette	(a) As used in this section: (1)(A) "Alternative nicotine product" means: (i) An electronic cigarette; or (ii) Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. (B) "Alternative nicotine product" does not include a: (i) Cigarette as defined in § 20-27-2103 or other tobacco product as defined in § 20-27-705; (ii) Product that is a drug under 21 U.S.C. § 321(g)(1); (iii) Product that is a device under 21 U.S.C. § 321(h); or (iv) Combination product described in 21 U.S.C. § 353(g); and (2)(A) "Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or another substance to the person inhaling from the device to simulate smoking, and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. (B) "Electronic cigarette" does not include a:	<ul style="list-style-type: none"> • Creates definitions for “alternative nicotine product” (ANP) and “electronic cigarette” (e-cig) • ANP includes electronic cigarette • E-cig does not require nicotine • ANP and e-cig excludes cigarettes or other tobacco products • ANP and e-cig excludes FDA regulated drugs, devices, combination products • Internet sales of ANP, including e-cigs, require age verification

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			(i) Cigarette as defined in § 20-27-2103 or other tobacco product; (ii) Product that is a drug under 21 U.S.C. § 321(g)(1); (iii) Product that is a device under 21 U.S.C. § 321(h); or (iv) Combination product described in 21 U.S.C. § 353(g). ... (c)(2) For sales made through the Internet or another remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.	
Arkansas (AR) HB 1398 ⁶ § 5-27-233 22 Apr 13	Defines “e-cigarette” and prohibits their sale, purchase, possession, or use to/by minors. Prohibits self-service displays and vending machine sales of e-cigarettes. Prohibits free samples of e-cigarettes near schools, playgrounds, or to minors.	E-cigarette	a) As used in this section: (1) "E-cigarette" means an electronic oral device that provides a vapor of nicotine or another substance that, when used or inhaled simulates smoking, including without limitation a device that: (A) Is composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, or electronic circuit; (B) Works in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes; and (C) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor;	<ul style="list-style-type: none"> • “E-cigarette” does not require nicotine • Self-service displays and vending machine sales of e-cigarettes prohibited • Samples of e-cigarettes to minors prohibited
California (CA) SB 882 ⁷ § 119405 25 Nov 10	Defines “electronic cigarette” and prohibits sales to minors.	Electronic cigarette	Adds Calif. Health & Safety Code Section 119405: (a) To the extent not preempted by federal law, including, but not limited to, the regulation of electronic cigarettes by the United States Food and Drug Administration, it shall be unlawful for a person to sell or otherwise furnish an electronic cigarette, as defined in subdivision (b), to a person under 18 years of age. (b) "Electronic cigarette" means a device that can provide an inhalable dose of nicotine by delivering a vaporized solution. ... (d) Nothing in this section nor any other law shall be construed to invalidate an existing ordinance of, or prohibit the adoption of an ordinance by, a city or county that regulates the distribution of electronic cigarettes in a manner that is more restrictive than this section, to the extent that the ordinance is not otherwise prohibited by federal law.	<ul style="list-style-type: none"> • Unclear whether “electronic cigarette” requires nicotine • Includes findings about potential health risks and unproven health claims about safety and cessation benefits • Explicitly states that law does not preempt more restrictive city or county laws
California (CA) SB 568 ⁸ § 22580 23 Nov 13	Defines “Internet Web site, online service, online application, or mobile application directed to minors” and prohibits these entities	Electronic cigarettes Internet Web site, online service, online application, or mobile	Adds California Business & Professions Code Section 22580: (a) An operator of an Internet Web site, online service, online application, or mobile application directed to minors shall not market or advertise a product or service described in subdivision (i) on its Internet Web site, online service, online application, or mobile application directed to minors.	<ul style="list-style-type: none"> • Uses existing definition of “electronic cigarettes” • Narrowly applies only to those internet web sites, mobile applications, etc., that are created for purpose of reaching

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	from marketing and advertising to minors certain products including electronic cigarettes.	application directed to minors	<p>(b) An operator of an Internet Website, online service, online application, or mobile application:</p> <p>(1) Shall not market or advertise a product or service described in subdivision (i) to a minor who the operator has actual knowledge is using its Internet Web site, online service, online application, or mobile application and is a minor, if the marketing or advertising is specifically directed to that minor based upon information specific to that minor, including, but not limited to, the minor’s profile, activity, address, or location sufficient to establish contact with a minor, and excluding Internet Protocol (IP) address and product identification numbers for the operation of a service.</p> <p>(2) Shall be deemed to be in compliance with paragraph (1) if the operator takes reasonable actions in good faith designed to avoid marketing or advertising under circumstances prohibited under paragraph (1).</p> <p>...</p> <p>(e) “Internet Web site, online service, online application, or mobile application directed to minors” mean an Internet Web site, online service, online application, or mobile application, or a portion thereof, that is created for the purpose of reaching an audience that is predominately comprised of minors, and is not intended for a more general audience comprised of adults. Provided, however, that an Internet Web site, online service, online application, or mobile application, or a portion thereof, shall not be deemed to be directed at minors solely because it refers or links to an Internet Web site, online service, online application, or mobile application directed to minors by using information location tools, including a directory, index, reference, pointer, or hypertext link.</p> <p>...</p> <p>(i) The marketing and advertising restrictions described in subdivisions (a) and (b) shall apply to the following products and services as they are defined under state law:</p> <p>...</p> <p>(17) Electronic cigarette, as referenced in Section 119405 of the Health and Safety Code.</p>	<p>an audience that is “predominately comprised of minors” and “not intended for a more general audience comprised of adults”</p> <ul style="list-style-type: none"> • Becomes operative January 1, 2015
<p>Colorado (CO) HB 11-1016⁹ § 18-13-121, § 25-14-103.5 25 Mar 11</p>	<p>Amends existing definition of “tobacco product” to include electronic cigarettes and prohibits furnishing tobacco products to minors and using tobacco products on</p>	<p>Tobacco product</p>	<p>Amends Colorado Revised Statutes section 18-13-121(5) to read:</p> <p>(5) (a) As used in this section, "tobacco product" means:</p> <p>(I) Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or</p> <p>(ii) any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.</p>	<ul style="list-style-type: none"> • Electronic cigarettes added to existing definition of “tobacco product” • Existing definition of “tobacco product” requires product to contain nicotine, tobacco, or is derived from tobacco, but e-cigarette may not require

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	school property.		(b) Notwithstanding any provision of paragraph (a) of this subsection (5) to the contrary, "tobacco product" does not mean any product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product. Also amends Colorado Revised Statutes section 25-14-103.5 (1) to read: Prohibition against the use of tobacco products on school property - legislative declaration - education program - special account. (1) The general assembly finds that many of the schools in this state permit the use of tobacco products in and around school property. The general assembly further finds that secondhand smoke generated by such activity and the negative example set and frequently imitated by our school children are detrimental to the health and well-being of such children as well as to school teachers, staff, and visitors. Accordingly, the general assembly finds and declares that it is appropriate to create a safe and healthy school environment by prohibiting the use of tobacco products on all school property.	<p>nicotine</p> <ul style="list-style-type: none"> • "Tobacco product" excludes products approved as cessation products by FDA
Connecticut (CT) SB 24 ¹⁰ Pub. Act No. 14-76 3 Jun 14	Defines "electronic nicotine delivery system" and "vapor product" and prohibits sales, purchases, or possession to/by minors in a "public place."	Electronic nicotine delivery system Vapor product	(1) "Electronic nicotine delivery system" means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device; ... (9) "Vapor product" means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product.	<ul style="list-style-type: none"> • "Electronic nicotine deliver system" (ENDS) include e-cigarettes and similar devices and components and does not require nicotine • "Vapor product" does not require nicotine • Prohibition against possession of ENDS or vapor products by minors limited to "public places" • Definition of ENDS includes cartridges and other components
Delaware (DE) HB 241 ¹¹ § 1115 12 Jun 14	Defines "tobacco substitute" to include e-cigarettes, and prohibits sales, purchasing, receiving of tobacco substitutes to/by minors. Prohibits distributing samples or coupons of tobacco substitutes to minors. Prohibits sales of tobacco substitutes in	Tobacco substitute	WHEREAS, mechanical tobacco substitutes commonly known as e-cigarettes have become increasingly popular, with sales for e-cigarettes having doubled each year since 2008; ... Amend Chapter 5, Title 11 of the Delaware Code ... as follows: § 1115. Definitions. (11) "Tobacco substitute" means any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation and that has not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes, or any noncombustible	<ul style="list-style-type: none"> • Although the term "e-cigarette" is not explicitly included in definition, findings state that "tobacco substitutes" are "commonly known as e-cigarettes" • Unclear whether "tobacco substitute" requires nicotine • "Tobacco substitute" excludes products approved as cessation or medical products by FDA

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	self- service displays.		product containing nicotine intended for use in such a device that has not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes.	<ul style="list-style-type: none"> Includes detailed findings about potential health risks of e-cigarettes, increased use of e-cigarettes by youth, and greater potential for e-cigarette users to continue smoking cigarettes Legislative Synopsis states: “This Bill is intended to treat a tobacco substitute the same as a tobacco product under Chapter 5, Title 11 of the current Delaware Code.”
Florida (FL) SB 224 ¹² § 877.112 13 Jun 14	Defines “nicotine dispensing device” and “nicotine product” and prohibits possession, sales and samples to/by minors, requires age verification, restricts sales from self-service displays and vending machines, and requires signage	Nicotine dispensing device Nicotine product	Section 2. Section 877.112, Florida Statutes, is created to read: 877.112 Nicotine products and nicotine dispensing devices; prohibitions for minors; penalties; civil fines; signage requirements; preemption. (1) DEFINITIONS. As used in this section, the term: (a) “Nicotine dispensing device” means any product that employs an electronic, chemical or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. (b) “Nicotine product” means any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, but does not include a: 1. Tobacco product, as defined in s. 569.002; 2. Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act; or 3. Product that contains incidental nicotine.	<ul style="list-style-type: none"> “Nicotine dispensing device” includes electronic cigarettes “Nicotine product” excludes tobacco products “Nicotine product” excludes FDA regulated drugs, devices, combination products “Nicotine dispensing devices” and “nicotine products” require nicotine “Nicotine products” that contain “incidental nicotine” are excluded; however, this term is not defined “Nicotine dispensing devices” includes cartridges and other components Section title includes word “preemption,” but no preemption language in bill
Georgia (GA) HB 251 ¹³ § 16-12-170 15 Apr 14	Defines “alternative nicotine product,” “tobacco product” and “vapor product” and restricts sale, use, and possession to/by	Alternative nicotine product Tobacco product Vapor product	Amends Georgia Code Section 16-12-170 as follows: 1) ‘Alternative nicotine product’ means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. The term ‘alternative nicotine product’ shall not include any tobacco product, vapor	<ul style="list-style-type: none"> “Alternative nicotine product” (ANP) excludes tobacco products and vapor products “Vapor product” (VP) includes electronic cigarettes “Tobacco product” (TP)

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	minors. Restricts vending machine sales and samples, provides for signage.		product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act. ... (8) 'Tobacco product' means any cigars, little cigars, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff powder; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. The term 'tobacco product' shall not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act. ... (10) 'Vapor product' means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term 'vapor product' shall include any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term 'vapor product' shall not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.	<p>excludes ANP and vapor products</p> <ul style="list-style-type: none"> • ANP, VP and TP all exclude FDA regulated drugs, devices, combination products • ANP and VP require nicotine • VP includes cartridges and other components • Possession by minors permitted if given by parent in home • Vending machine restrictions are narrow, e.g., permitted in “plain view” areas and highway rest areas
Hawaii (HI) HB 672 ¹⁴ §709-908 27 Jun 13	Defines “electronic smoking device” and prohibits sales to minors. Prohibits vending machine and self-service displays for tobacco products.	Electronic Smoking Device	(5) For the purposes of this section: "Electronic smoking device" means any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product. § 328J- Placement of cigarettes and tobacco products. (a) Except as otherwise provided under this section, a retailer may sell cigarettes, smokeless tobacco, and all other tobacco products only in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods of sale that are not permitted include vending machines and self-service displays.	<ul style="list-style-type: none"> • "Electronic smoking device" (ESD) includes cartridges and other components • ESD does not require nicotine • Bill as introduced included ESD in definition of “tobacco products,” but this language was struck from final bill • Face-to-face sales requirement and prohibition of vending machine sales and self-service displays include cigarettes and tobacco products, but not ESD or e-cigarettes
Idaho (ID)	Defines “electronic	Electronic	Amends Idaho Code section 39-5702:	<ul style="list-style-type: none"> • "Electronic cigarette" includes

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<p>HB 405¹⁵ § 39-5702 6 Mar 12</p>	<p>cigarette” and prohibits sales to minors. Prohibits vending machine sales and self-service displays of electronic cigarettes. Sets age verification requirements for delivery sales to minors.</p>	<p>cigarette</p>	<p>(6) "Electronic cigarette" means any device that can provide an inhaled dose of nicotine by delivering a vaporized solution. "Electronic cigarette" includes the components of an electronic cigarette including, but not limited to, liquid nicotine. ... Amends Idaho Code Section 39-5706: (3) On and after January 1, 2013, it shall be unlawful to sell or distribute electronic cigarettes from a vending machine. (4) It shall be unlawful to sell or distribute tobacco products or electronic cigarettes from self-service displays. (5) Stores with tobacco products comprising at least seventy-five percent (75%) of total merchandise are exempt from requiring vendor assisted sales, if minors are not allowed in the store and such prohibition is posted clearly on all entrance doors." ... Amends Idaho Code Section 39-5715: 39-5715.AGE VERIFICATION REQUIREMENTS. (1) No permittee shall mail or ship tobacco products in connection with a delivery sale order unless, before mailing or shipping such tobacco products, the permittee accepting the delivery sale order first obtains from the prospective customer a certification that includes proof of age that the purchaser is at least eighteen (18) years old, the credit or debit card used for payment has been issued in the purchaser's name, and the address to which the cigarettes are being shipped matches the credit card company's address for the cardholder. (2) No seller shall mail or ship an electronic cigarette in connection with a delivery sale order unless, before mailing or shipping such electronic cigarette, the seller accepting the delivery sale order first obtains from the prospective customer a certification that includes proof of age that the purchaser is at least eighteen (18) years old, the credit or debit card used for payment has been issued in the purchaser's name and the address to which the electronic cigarette is being shipped matches the credit or debit card company's address for the cardholder.</p>	<p>components</p> <ul style="list-style-type: none"> • Unclear whether “electronic cigarette” requires nicotine • Prohibits vending machine sales and self service displays • Provides rigorous age verification requirements for delivery sales of electronic cigarettes
<p>Illinois (IL) SB 1756¹⁶ § 720 - 675/1.5 15 Aug 13</p>	<p>Defines “alternative nicotine products” and prohibits their sale to minors. Requires third-party age verification for internet sales.</p>	<p>Alternative Nicotine Product</p>	<p>(a) For the purposes of this Section, "alternative nicotine product" means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in Section 1 of this Act and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose. ...</p>	<ul style="list-style-type: none"> • “Alternative nicotine product” (ANP) excludes cigarettes and other tobacco products • ANP excludes products approved as cessation products or other medical purposes by FDA and marketed solely for that purpose • ANP requires nicotine • Internet sales of ANP require third-party age verification

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			(2) for sales made though the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older.	
Indiana (IN) HB 1225 ¹⁷ § 35-46-1 1 Mar 13	Defines “electronic cigarette” and prohibits sales, purchases, possession to/by minors. Restricts vending machine sales and self-service displays. Provides for signage.	Electronic cigarette	Amends Indiana Code section 35-46-1 by adding: Sec. 1.5. As used in this chapter, "electronic cigarette" means a device that is capable of providing an inhalable dose of nicotine by delivering a vaporized solution. The term includes the components and cartridges.	<ul style="list-style-type: none"> • “Electronic cigarette” includes components and cartridges • Unclear whether “electronic cigarette” requires nicotine
Iowa (IA) HF 2109 ¹⁸ Ch. 453A 23 May 14	Defines “alternative nicotine product” and “vapor product” and restricts sales, purchases, possession to/by minors. Requires permits to sell alternative nicotine products and vapor products. Some restrictions on vending machine sales, self-service displays, and samples. Amends existing Cigarette and Tobacco Tax Code to create separate categories that exclude e-cigarettes from tobacco tax.	Alternative Nicotine Product Vapor Product	<p><i>Alternative nicotine product</i>” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “<i>Alternative nicotine product</i>” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act”</p> <p>“<i>Vapor product</i>” means a noncombustible product containing nicotine that employs a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a nicotine solution, and includes but is not limited to a cartridge or other container of such nicotine solution, an electronic cigarette, an electronic cigar, an electronic cigarillo, or an electronic pipe. “<i>Vapor product</i>” does not include a product regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.”</p> <p>453A.56 UNIFORM APPLICATION. Enforcement of this chapter shall be implemented in an equitable manner throughout the state. For the purpose of equitable and uniform implementation, application, and enforcement of state and local laws and regulations, the provisions of this chapter shall supersede any local law or regulation which is inconsistent with or conflicts with the provisions of this chapter.</p>	<ul style="list-style-type: none"> • “Vapor product” includes electronic cigarettes • “Alternative nicotine product” (ANP) excludes cigarettes, tobacco products, and vapor products • Vapor products and ANP exclude FDA regulated drugs, devices, combination products • Vapor product requires nicotine • Allows vending machine sales where under 18 not permitted • Allows free samples outside of 500 feet of schools, playgrounds • Bill inserted into existing cigarette and tobacco tax law, so by creating separate definition, e-cigarettes not subject to tobacco tax • Existing law (not amended by this bill) preempts local laws and regulations
Kansas (KS) HB 2324 ¹⁹ § 79-3301 17 May 12	Defines “electronic cigarette” and prohibits sales, purchases, possession to/by minors. Some restrictions on vending	Electronic cigarette	(ff) "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.	<ul style="list-style-type: none"> • Unclear whether “electronic cigarette” requires nicotine • Allows vending machine sales where under 18 not permitted • Allows free samples outside of 500 feet of schools, playgrounds

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State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
	machine sales, self-service displays, and samples.			
Kentucky (KY) SB 109 ²⁰ § 438.305 10 Apr 14	Defines “alternative nicotine product,” “tobacco product,” and “vapor product” and prohibits sales, purchases, samples to minors. Vending machine sales to minors prohibited, unless machines located in factories or bars or taverns. Possession by minors unlawful unless provided by family member.	Alternative Nicotine Product Tobacco product Vapor Product	(1)(a) "Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. (b) "Alternative nicotine product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act; ... (8)(a) "Tobacco product" means any cigarette, cigar, snuff, smokeless tobacco product, smoking tobacco, chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for chewing or smoking, or both, or any kind or form of tobacco that is suitable to be placed in a person's mouth. (b) "Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act; and (9)(a) "Vapor product" means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. "Vapor product" includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device. (b) "Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.	<ul style="list-style-type: none"> • “Vapor product” includes electronic cigarettes • “Vapor product” does not require nicotine • “Alternative nicotine product” (ANP) requires nicotine • “Tobacco product” excludes alternative nicotine products and vapor products • Vapor products, ANP, and tobacco products exclude FDA regulated drugs, devices, combination products • Vending machine sales permitted in factories, bars and taverns • Possession by minors permitted if provided by family member
Louisiana (LA) SB 12 ²¹ § 14:91.6 29 May 14	Defines “alternative nicotine product” and “vapor product” and prohibits sales, samples, purchases to/by minors. Prohibits possession by minors unless accompanied by	Alternative Nicotine Product Vapor Product	(6) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any of the following: (a) Tobacco product. (b) Vapor product. (c) Product that is a drug pursuant to 21 U.S.C. 321(g)(1). (d) Device pursuant to 21 U.S.C. 321(h). (e) Combination product described in 21 U.S.C. 353(g).	<ul style="list-style-type: none"> • “Vapor product” includes electronic cigarettes • Unclear whether “vapor product” requires nicotine • “Vapor product” includes cartridges and other containers used with product • “Alternative nicotine product”

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
	a parent or in private residence. Self-service displays and sales in vending machines prohibited unless in place where under 18 not permitted, and vending machine requires signage. Preempts existing and future local ordinances and regulations relating to sale, promotion, and distribution of tobacco products, alternative nicotine products, or vapor products.		(7) "Vapor product" means any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any of the following: (a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1). (b) Device pursuant to 21 U.S.C. 321(h). (c) Combination product described in 21 U.S.C. 353(g). ... A. This Section shall be known and may be cited as the "Prevention of Youth Access to Tobacco Law". B. It is the intent of the legislature that enforcement of this Section shall be implemented in an equitable manner throughout the state. For the purpose of equitable and uniform implementation and application of state and local laws and regulations, the provisions of this Section shall supersede existing or subsequently adopted local ordinances or regulations which relate to the sale, promotion, and distribution of tobacco products, alternative nicotine product, or vapor product. It is the intent of the legislature that this Section shall be equitably enforced so as to ensure the eligibility for and receipt of any federal funds or grants the state now receives or may receive relating to the provisions of this Section.	excludes tobacco products and vapor products <ul style="list-style-type: none"> • ANP and vapor product exclude FDA regulated drugs, devices, combination products • Minors permitted to use tobacco products, ANP, and vapor products if with parents or in homes • Vending machines permitted if in places where under 18 not permitted • Preempts existing and future local laws and regulations concerning sales, promotion, and distribution of tobacco products, ANP, and vapor products
Maryland (MD) HB 1272 ²² § 24-305 22 May 12	Defines electronic devices that can deliver nicotine and prohibits sales to minors	Electronic device that can deliver nicotine	(a) This section does not apply to a tobacco product that is regulated under Title 16 of the Business Regulation Article. (b) (1) except as provided in paragraph (2) of this subsection, a person may not sell, distribute, or offer for sale to a minor 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. (2) This subsection does not apply to a nicotine device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration.	<ul style="list-style-type: none"> • Unclear whether "electronic device" requires nicotine • Excludes FDA regulated devices
Minnesota (MN) HF 677 ²³ § 297F.01 § 297F.05	Defines "tobacco products" and sets tax rates	Tobacco product	Sec. 9. Minnesota Statutes 2012, section 297F.01, subdivision 19, is amended to read: Subd. 19. Tobacco products. (a) "Tobacco products" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled,	<ul style="list-style-type: none"> • "Tobacco products" are any products "made or derived from tobacco" • "Tobacco products" excludes FDA regulated products that are sold and marketed solely for cessation,

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
23 May 13			<p>snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco; but does not include cigarettes as defined in this section. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.</p> <p>(b) Except for the imposition of tax under section 297F.05, subdivisions 3 and 4, tobacco products includes a premium cigar, as defined in subdivision 13a.</p> <p>Sec. 12. Minnesota Statutes 2012, section 297F.05, subdivision 3, is amended to read:</p> <p>Subd. 3. Rates; tobacco products. (a) Except as provided in subdivision 3a, a tax is imposed upon all tobacco products in this state and upon any person engaged in business as a distributor, at the rate of 95 percent of the wholesale sales price of the tobacco products...</p> <p>Sec. 14. Minnesota Statutes 2012, section 297F.05, subdivision 4, is amended to read:</p> <p>Subd. 4. Use tax; tobacco products. Except as provided in subdivision 4a, a tax is imposed upon the use or storage by consumers of tobacco products in this state, and upon such consumers, at the rate of 95 percent of the cost to the consumer of the tobacco products or the minimum tax under subdivision 3, paragraph (b), whichever is greater.</p>	<p>dependence, or medical purposes</p> <ul style="list-style-type: none"> • Excise tax rate on tobacco products set at 95% of the wholesale sales price • Use tax rate on tobacco products set at 95% of the cost to the consumer
Minnesota (MN) Dept. of Revenue Notice 12-10 ²⁴ 22 Oct 12	Interprets Minnesota Statute section 297F.01, subdivision 19, and determines that e-cigarettes are subject to the tobacco products tax	Tobacco products Electronic cigarette E-cigarette	<p>Introduction: An electronic cigarette, or e-cigarette, is an electrical device that simulates the act of cigarette tobacco smoking by producing an inhaled vapor bearing the physical sensation, appearance, and often the flavor, of inhaled tobacco smoke. The e-cigarettes do not meet the definition of a cigarette set forth in Minnesota Statutes, section 297F.01, subdivision 3, but they do meet the definition of a tobacco product set forth in Minnesota Statutes, section 297F.01, subdivision 19, which provides in part as follows:</p> <p>“ ‘Tobacco products’ means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part,</p>	<ul style="list-style-type: none"> • Since nicotine cartridges are components of e-cigarettes, and since nicotine is ordinarily derived from tobacco, the Minnesota Department of Revenue has interpreted the law to mean that e-cigarettes are subject to the tobacco products tax • The Revenue Department assumes that all nicotine is derived from tobacco, and places the burden on the taxpayer to prove otherwise

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
			<p>or accessory of a tobacco product...”</p> <p>...</p> <p>Department Position: The department’s position is that the e-cigarettes are subject to the tobacco products tax. The cartridge containing nicotine is a component of the e-cigarette. The cartridge contains nicotine which is ordinarily derived from tobacco and is used by a person by smoking them or inhaling. The department assumes that all nicotine is derived from tobacco and the taxpayer will bear the burden of proving otherwise. If it can be documented that the nicotine has been derived from sources other than tobacco, it would not be taxable as a tobacco product. ...</p>	<ul style="list-style-type: none"> • “Electronic cigarettes” or “e-cigarettes” require nicotine derived from tobacco for tax purposes
<p>Minnesota (MN) HF 2402²⁵ § 609.685 § 144.414 21 May 14</p>	<p>Defines “tobacco,” “tobacco-related devices,” and “electronic delivery device” (EDD), amends Minnesota Clean Indoor Air Act, and prohibits sales, purchases, and possession to/by minors. Prohibits use of EDD in public schools. Permits municipalities to license and regulate retail sales of EDD. Prohibits self-service, vending machine, and kiosk sales of EDD. Law does not preempt local ordinances that provide more restrictive regulation of sales of EDD. Requires child-resistance packaging as defined in Code of Federal Regulations for sales of any liquid, whether or not it contains nicotine, used in EDD. Prohibits sales to minors of nicotine delivery products that are not tobacco or EDD</p>	<p>Tobacco Tobacco-related devices Electronic delivery device</p>	<p>Amends Minnesota Statutes section 609.685: 609.685 SALE OF TOBACCO TO CHILDREN. Subdivision 1. Definitions. For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.</p> <p>(a) "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; including but not limited to cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.</p> <p>(b) "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.</p> <p>(c) "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor</p>	<ul style="list-style-type: none"> • “Tobacco” includes cigarettes and any product “containing, made or derived from tobacco” • “Tobacco” excludes FDA regulated products that are sold and marketed solely for cessation, dependence, or medical purposes • "Tobacco-related devices" include devices that enable inhalation of vapors of tobacco products, including components that may be marketed or sold separately, so can include e-cigarette components • “Electronic delivery device” does not require nicotine • “Electronic delivery device” includes components that may be marketed or sold separately • “Electronic delivery device” excludes FDA regulated products that are sold and marketed solely for cessation, dependence, or medical purposes • “Electronic cigarettes” include electronic delivery devices • Use of electronic cigarettes prohibited in state and local government buildings, school, university, and health facilities • Does not preempt local governments or businesses from adopting more stringent

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
	as defined, unless they are FDA approved for cessation, harm reduction, or medical purposes.		<p>from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.</p> <p>Sec. 6. Minnesota Statutes 2012, section 144.414 [Minnesota Clean Indoor Air Act], is amended by adding a subdivision to read:</p> <p>Subd. 5. Electronic cigarettes.</p> <p>(a) The use of electronic cigarettes, including the inhaling or exhaling of vapor from any electronic delivery device, as defined in section 609.685, subdivision 1, is prohibited in the following locations:</p> <p>(1) any building owned or operated by the state, home rule charter or statutory city, county, township, school district, or other political subdivision;</p> <p>(2) any facility owned by Minnesota State Colleges and Universities and the University of Minnesota;</p> <p>(3) any facility licensed by the commissioner of human services; or</p> <p>(4) any facility licensed by the commissioner of health, but only if the facility is also subject to federal licensing requirements.</p> <p>(b) Nothing in this subdivision shall prohibit political subdivisions or businesses from adopting more stringent prohibitions on the use of electronic cigarettes or electronic delivery devices.</p>	prohibitions on e-cigarette use and does not preempt more restrictive local regulation of sales of electronic delivery devices
Mississippi (MS) HB 613 ²⁶ § 97-32-51 18 Mar 13	Defines “alternative nicotine product” and “electronic cigarette” and prohibits direct, indirect, and vending machine sales to minors. Requires independent third-party age verification for internet sales.	Alternative Nicotine Product Electronic cigarette	<p>(a) (i) "Alternative nicotine product" means:</p> <ol style="list-style-type: none"> 1. An electronic cigarette; or 2. Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means. <p>(ii) Alternative nicotine product does not include:</p> <ol style="list-style-type: none"> 1. A cigarette or other tobacco product as defined in Section 97-32-3; 2. A product that is a drug under 21 USCS 321(g)(1); 3. A product that is a device under 21 USCS 321(h); or 4. A combination product described in 21 USCS 353(g). <p>(b) (i) "Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.</p> <p>(ii) Electronic cigarette does not include:</p>	<ul style="list-style-type: none"> • “Alternative nicotine product” includes electronic cigarettes • “Electronic cigarette” does not require nicotine • “Alternative nicotine product” and “electronic cigarette” exclude cigarettes or other tobacco products • “Alternative nicotine product” and “electronic cigarette” exclude FDA regulated drugs, devices, combination products

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
			1. A cigarette or other tobacco products as defined in Section 97-32-3; 2. A product that is a drug under 21 USCS 321(g)(1); 3. A product that is a device under 21 USCS 321(h); or 4. A combination product described in 21 USCS 353(g).	
Nebraska (NE) LB 863 ²⁷ § 28-1418 9 Apr 14	Defines “alternative nicotine product” and “vapor product” and prohibits sales, furnishing, purchases to/by minors. Prohibits vending machine sales of vapor products or alternative nicotine products, unless located in area not open to the general public or licenses for sale of alcohol. Prohibits self-service displays, unless located in a tobacco specialty store or cigar bar. Permits more stringent local ordinances.	Alternative Nicotine Product Vapor Product Tobacco specialty store	(1) Alternative nicotine product means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act; (2) Self-service display means a retail display that contains a tobacco product, a tobacco-derived product, a vapor product, or an alternative nicotine product and is located in an area openly accessible to a retailer's customers and from which such customers can readily access the product without the assistance of a salesperson. Self-service display does not include a display case that holds tobacco products, vapor products, or alternative nicotine products behind locked doors; (3) Tobacco specialty store means a retail store that (a) derives at least seventy-five percent of its revenue from tobacco products, tobacco-derived products, vapor products, or alternative nicotine products and (b) does not permit minors under the age of eighteen years to enter the premises unless accompanied by a parent or legal guardian; and (4) Vapor product means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include an alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act. (3) Nothing in this section shall be construed to restrict or prohibit a governing body of a city or village from establishing and enforcing ordinances at least as stringent as or more stringent than the provisions of this section.	<ul style="list-style-type: none"> • “Alternative nicotine product” excludes vapor products and tobacco products • “Vapor product” includes electronic cigarettes, cartridges and components • “Vapor product” excludes alternative nicotine products and tobacco products • “Vapor product” and “alternative nicotine product” require nicotine • “Vapor product” and “alternative nicotine product” exclude FDA regulated drugs and devices • “Tobacco specialty store” includes retail stores that sell vapor products, including e-cigarettes, and that do not permit minors • Self-service displays for e-cigarettes permitted in “tobacco specialty stores,” including vape shops • Does not preempt more stringent local ordinances

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
Nevada (NV) SB 177 ²⁸ § 202-2485 § 244.3572 1 Jun 13	Defines “products made or derived from tobacco” and “tobacco products,” revises existing law related to tobacco products to include products made or derived from tobacco, and prohibits sales to minors. Requires Internet sellers to adopt policy that prevents minors from obtaining these products. Vending machines permitted in areas where persons under 21 prohibited. Authorizes counties to adopt ordinances which prohibit minors from purchasing, possessing or using tobacco products or falsely representing age, but does not apply to minors if parents present or for religious purposes. Preempts more stringent restrictions, except for schools.	Products made or derived from tobacco Tobacco products	Sec. 11. Amends NRS 202.2485: ... 3. "Product made or derived from tobacco" does not include any product regulated by the United States Food and Drug Administration pursuant to Chapter V of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. §§ 351 et seq. Sec. 17. Adds NRS 244.3572: ... 3. As used in this section, “tobacco products” means cigarettes, cigarette paper, tobacco of any description or products made or derived from tobacco. As used in this subsection, the term “products made or derived from tobacco” does not include any product regulated by the United States Food and Drug Administration pursuant to Chapter V of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. §§ 351 et seq. Sec. 12. Amends NRS 202.249: ... 4. Except as otherwise provided in subsection 5, an agency, board, commission or political subdivision of this state, including, without limitation, any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made or derived from tobacco than are provided by NRS 202.2491, 202.24915, 202.2492, 202.2493, 202.24935 and 202.2494.	<ul style="list-style-type: none"> • “Products made or derived from tobacco” and “tobacco products” require nicotine • “Products made or derived from tobacco” and “tobacco products” exclude FDA regulated products [21 U.S.C. §§ 351 et seq. concerns adulterated drugs and devices and appears to be incorrect citation; statute probably intended to cite 21 U.S.C. §§ 321 et seq. dealing with regulated drugs and devices as in other states’ laws] • Definitions do not explicitly mention e-cigarettes, but those containing nicotine derived from tobacco would be included • Preempts more stringent restrictions, except those imposed by school districts
New Hampshire (NH) HB 1541 ²⁹ § 126-K:2 1 Jun 10	Defines “e-cigarette” and “liquid nicotine,” and prohibits their sale to minors. Also prohibits distribution of free samples to minors, purchase, possession, and use by minors, and use on public school grounds.	E-cigarette	II-a. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name. ... III-a. "Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.	<ul style="list-style-type: none"> • “E-cigarette” requires nicotine • “Liquid nicotine” requires nicotine and propylene glycol
New Jersey	Amends state	Electronic	"Electronic smoking device" means an electronic device that can be used	<ul style="list-style-type: none"> • “Electronic smoking device”

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(NJ) A 4227 ³⁰ P.L.2005, c.383 (C.26:3D-56) 11 Jan 10	smokefree law to include e-cigarettes. Defines “smoking” to include “electronic smoking device,” and defines “electronic smoking device.” Prohibits sales of e-cigarettes to minors (under 19) and from vending machines, and creates civil and criminal penalties.	smoking device Smoking	to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe. "Smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.	includes electronic cigarettes <ul style="list-style-type: none"> • “Electronic smoking device” does not require nicotine • “Smoking” includes using electronic smoking devices/e-cigarettes • Prohibits use of e-cigarettes in indoor public places and workplaces
New York (NY) A 9044 ³¹ § 1399-aa § 1399-cc 5 Sep 12	Defines “electronic cigarette” or “e-cigarette” and prohibits sales to minors. Also prohibits self-service displays and vending machine sales with certain exceptions.	Electronic cigarette E-cigarette	13. "Electronic cigarette" or "e-cigarette" means a battery-operated device that contains cartridges filled with a combination of nicotine, flavor and chemicals that are turned into vapor which is inhaled by the user.	<ul style="list-style-type: none"> • “Electronic cigarette” or “e-cigarette” requires nicotine • Definition is narrow and may not include other e-products such as e-cigars, e-pipes, e-hookah, etc.
North Carolina (NC) SB 530 ³² § 14-313 19 Jun 13	Defines “tobacco-derived product,” “tobacco product,” and “vapor product,” and prohibits sales or distribution, purchase of these products to/by minors. Also prohibits internet distribution of these products without third-party age verification. Preempts all other ordinances, rules or regulations concerning the sale, distribution, display, or promotion of these products. Definition of “tobacco products” only applies to this Act, and does not affect taxation of these products.	Tobacco-derived product Tobacco product Vapor product	<p>(3a) Tobacco-derived product. – Any noncombustible product derived from tobacco that contains nicotine and is intended for human consumption, whether chewed, absorbed, dissolved, ingested, or by other means. This term does not include a vapor product or any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.</p> <p>(4) Tobacco product. – Any product that contains tobacco and is intended for human consumption. For purposes of this section, the term includes a tobacco-derived product, vapor product, or components of a vapor product.</p> <p>(5) Vapor product. – Any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.</p>	<ul style="list-style-type: none"> • “Tobacco-derived product” excludes vapor products • “Vapor product” includes e-cigarettes • “Tobacco product” includes tobacco-derived products, vapor products (including e-cigarettes), and components of vapor products • Definition of “tobacco product” only applies to this Act, and does not affect taxation • Unclear whether “vapor product” requires nicotine • “Tobacco-derived product” requires nicotine • “Tobacco-derived product” and “vapor product” excludes FDA regulated drugs, devices, and combination products • Preempts municipalities, agencies from enacting other ordinances,

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
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				rules, or regulations concerning tobacco products or e-cigarettes
North Carolina (NC) HB 1050 ³³ § 105-113.4 29 May 14	Defines “vapor product” and “consumable product,” amends definition of “tobacco product,” sets tax rates, and prohibits use of vapor products in jails. Prohibits cities or counties from levying privilege license tax on sale of tobacco products or vapor products.	Tobacco product Vapor product Consumable product	Section 105-113.4. Definitions. ... (1k) Consumable product. – Any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. ... (11a) Tobacco product. – A cigarette, a cigar, or any other product that contains tobacco and is intended for inhalation or oral use. The term does not include a vapor product. ... (13a) Vapor product. – Any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine in a solution. The term includes any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.	<ul style="list-style-type: none"> • “Tobacco product” excludes vapor products • “Vapor product” includes e-cigarettes and cartridges or other containers of nicotine • “Vapor product” does not include FDA regulated drugs, devices, or combination products • Levies excise tax on tobacco products other than cigarettes and vapor products at the rate of 12.8% of the cost price of the products • Levies excise tax on vapor products (including e-cigarettes) at the rate of 5 cents per fluid milliliter of consumable product • Tax on vapor products based on volume of nicotine solution
North Dakota (ND) HB 1292 ³⁴ § 23-12-09 8 Apr 13	Defines “e-cigarette” and “smoking,” and includes e-cigarettes in definition of “smoking” in state’s smokefree law. Prohibits smoking in public places and places of employment.	E-cigarette Smoking	3. "E-cigarette" means any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product, name, or descriptor. 15. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Act.	<ul style="list-style-type: none"> • “E-cigarette” broadly defined to include other e-products such as e-cigars and e-pipes • “E-cigarette” does not require nicotine • “Smoking” includes using e-cigarettes
Ohio (OH) HB 144 ³⁵ § 2927.02 4 Mar 14	Defines “alternative nicotine product” and “electronic cigarette,” and prohibits sales and distribution to minors. Prohibits use, consumption, possession, or purchase of alternative nicotine	Alternative nicotine product Electronic cigarette	(2)(a) "Alternative nicotine product" means, subject to division (A)(2)(b) of this section, an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling. (b) "Alternative nicotine product" does not include any of the following: (i) Any cigarette or other tobacco product; (ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);	<ul style="list-style-type: none"> • “Alternative nicotine product” includes electronic cigarettes • “Electronic cigarette” does not require nicotine. • “Alternative nicotine product” and “electronic cigarette” exclude cigarette or tobacco product • “Alternative nicotine product” and “electronic cigarette” exclude FDA

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
	products by minors, unless they are accompanied by a parent or spouse over 18. Prohibits internet sales unless third-party age verification. Prohibits vending machines sales, except in factory, business, office, area where children not permitted.		(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h); (iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g). (6)(a) "Electronic cigarette" means, subject to division (A)(6)(b) of this section, any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. (b) "Electronic cigarette" does not include any item, product, or device described in divisions (A)(2)(b)(i) to (iv) of this section.	regulated drugs, devices, combination products
Oklahoma (OK) SB 1602 ³⁶ 37 - § 600.2 21 - § 1241 28 Apr 14	Defines "vapor product" and prohibits sales, distribution, purchase, possession to/by minors. Prohibits vending machine sales, unless in factories, businesses, offices, or places not open to the public or where under 18 not admitted. Prohibits samples to minors and within 300 feet of playgrounds and schools. Prohibits self-service displays unless retails store does not admit under 18. Preempts other agencies or municipalities from adopting orders, ordinances, rules, or regulations concerning provisions covered by law.	Vapor product	"Vapor product" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act" [Preemption language]: Section 600.10 No agency or other political subdivision of the state, including, but not limited to, municipalities, counties or any agency thereof, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, distribution, advertising, sampling, promotion, display, possession, licensing, or taxation of tobacco products or vapor products, except as provided in Section 1511 of Title 68 of the Oklahoma Statutes, Section 1-1521 et seq. of Title 63 of the Oklahoma Statutes and Section 1247 of Title 21 of the Oklahoma Statutes. Provided, however, nothing in this section shall preclude or preempt any agency or political subdivision from exercising its lawful authority to regulate zoning or land use or to enforce a fire code regulation regulating smoking or tobacco products to the extent that such regulation is substantially similar to nationally recognized standard fire codes. [Preemption language in sections prohibiting sales to minors, prohibiting	<ul style="list-style-type: none"> • "Vapor product" includes electronic cigarettes and cartridges • "Vapor product" does not require nicotine • Vapor product" excludes FDA regulated drugs, devices, combination products • Preempts local laws and regulations concerning sales, distribution, promotion, possession, and taxation of tobacco-derived and vapor products

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
			purchase or possession by minors, and prohibiting samples]: Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section.	
South Carolina (SC) H 3538 ³⁷ § 16-17-501 7 Jun 13	Defines “alternative nicotine product” and “electronic cigarette” and prohibits sales, samples, distribution, purchase to/by minors. Requires third-party age verification for internet sales, and prohibits vending machine sales unless in place where minors not permitted. Preempts other laws, ordinances or rules pertaining to tobacco products or alternative nicotine products.	Tobacco product Alternative nicotine product Electronic cigarette	Section 2. Amends S.C. Code section 16-17-501: (5) 'Tobacco product' means a product that contains tobacco and is intended for human consumption. 'Tobacco product' does not include an alternative nicotine product. (6) 'Alternative nicotine product' means a product, including electronic cigarettes, that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. 'Alternative nicotine product' does not include: (a) a cigarette, as defined in Section 12-21-620, or other tobacco products, as defined in Section 12-21-800; (b) a product that is a drug pursuant to 21 U.S.C. 321(g)(1); (c) a device pursuant to 21 U.S.C. 321(h); or (d) a combination product described in 21 U.S.C. 353(g). (7) 'Electronic cigarette' means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. 'Electronic cigarette' does not include: (a) a cigarette, as defined in Section 12-21-620, or other tobacco products, as defined in Section 12-21-800; (b) a product that is a drug pursuant to 21 U.S.C. 321(g)(1); (c) a device pursuant to 21 U.S.C. 321(h); or (d) a combination product described in 21 U.S.C. 353(g). Section 5. Amends S.C. Code section 16-17-504(A): (A) Sections 16-17-500, 16-17-502, and 16-17-503 must be implemented in an equitable and uniform manner throughout the State and enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. Any laws, ordinances, or rules enacted pertaining to tobacco products or alternative nicotine products may not supersede state law or regulation. Nothing in this section affects the right of any person having ownership	<ul style="list-style-type: none"> • “Tobacco product” excludes alternative nicotine products/ e-cigarettes • “Alternative nicotine product” includes electronic cigarettes • “Electronic cigarette” does not require nicotine • “Alternative nicotine product” and “electronic cigarette” excludes tobacco products • “Alternative nicotine product” and “electronic cigarette” excludes FDA regulated drugs, devices, combination products • Preempts other laws, ordinances, or rules

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
			or otherwise controlling private property to allow or prohibit the use of tobacco products or alternative nicotine products on the property.	
South Dakota (SD) SB 181 ³⁸ § 34-46-20 31 Mar 14	Defines “vapor product” and amends code to include vapor products in definition of “tobacco product.” Prohibits sales to minors, restricts self-service displays and vending machines.	Vapor product Tobacco product	Adds section 34-46-20: For the purposes of Sections 34-46-2 to 34-46-6, inclusive, and this Act, the term, tobacco product, includes vapor product. The term, vapor product, means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term, vapor product, includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term, vapor product, does not include any product approved by the United States Food and Drug Administration for sale as tobacco cessation products and marketed and sold solely for that purpose."	<ul style="list-style-type: none"> • “Tobacco product” includes vapor products/e-cigarettes • “Vapor product” includes electronic cigarettes and cartridges • “Vapor product” requires nicotine • “Vapor product” excludes products sold and marketed solely as cessation products and approved by FDA
Tennessee (TN) HB 1729 ³⁹ § 39-17-1503 16 Jun 11	Defines “electronic cigarette” and prohibits sale, distribution, purchase to/by minors.	Electronic cigarette	"Electronic cigarette" means an electronic device that converts nicotine into a vapor that is inhaled by the user;	<ul style="list-style-type: none"> • “Electronic cigarette” requires nicotine
Utah (UT) HB 88 ⁴⁰ § 76-10-101 23 Mar 10	Amends Utah Code of Criminal Procedure to place restrictions on sale, provision, samples, purchase, possession of electronic cigarettes to/by minors, and defines “electronic cigarette” and “smoking.” Provides that school boards can prohibit e-cigarettes on school grounds. Prohibits e-cigarettes in correctional and mental health facilities. Supersedes any ordinances, rules, or regulations adopted by local governments or	Electronic cigarette Smoking	(3) "Electronic cigarette" means any device, other than a cigarette or cigar, intended to deliver vapor containing nicotine into a person's respiratory system. (5) "Smoking" means the possession of any lighted cigar, cigarette, pipe, or other lighted smoking equipment.	<ul style="list-style-type: none"> • “Electronic cigarette” requires nicotine • “Smoking” does not include electronic cigarettes • Preempts local or agency actions

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
	state agencies affecting sale, placement, display of e-cigarettes.			
Utah (UT) HB 245 ⁴¹ § 26-38-2 19 Mar 12	Amends Utah Indoor Clean Air Act to include e-cigarettes and defines “e-cigarette” and “smoking.” Phases in application of amended definition of smoking as it applies to use of e-cigarettes in e-cigarette retailers (sunsets July 1, 2017). Existing law provides that these provisions supersede any local ordinances restricting smoking in public places. (Section 26-38-6)	E-cigarette Smoking	<p>Section 26-38-2 is amended to read:</p> <p>(1) "E-cigarette": (a) means any electronic oral device: (i) that provides a vapor of nicotine or other substance; and (ii) which simulates smoking through its use or through inhalation of the device; and (b) includes an oral device that is: (i) composed of a heating element, battery, or electronic circuit; and (ii) marketed, manufactured, distributed, or sold as: (A) an e-cigarette; (B) e-cigar; (C) e-pipe; or (D) any other product name or descriptor, if the function of the product meets the definition of Subsection (1)(a).</p> <p>(4) "Smoking" means: (a) the possession of any lighted or heated tobacco product in any form; (b) inhaling, exhaling, burning, or heating a substance containing tobacco or nicotine intended for inhalation through a cigar, cigarette, pipe, or hookah; (c) except as provided in Section 26-38-2.6, using an e-cigarette; or (d) using an oral smoking device intended to circumvent the prohibition of smoking in this chapter.</p> <p>Section 26-38-2.6: Temporary exemption for certain restrictions on the use of e-cigarettes. (1) The prohibition against the use of an e-cigarette in a place of public access does not apply if: (a) the use of the e-cigarette occurs in the place of public access that is a retail establishment that sells e-cigarettes and the use is for the purpose of: (i) the retailer of an e-cigarette demonstrating to the purchaser of the e-cigarette how to use the e-cigarette; or (ii) the customer sampling a product sold by the retailer for use in an e-cigarette; and (b) the retailer of e-cigarettes: (i) has all required licenses for the possession and sale of e-cigarettes in a place of business; (ii) does not permit a person under the age of 19 to enter any part of the premises of the retail establishment in which the e-cigarettes are sold;</p>	<ul style="list-style-type: none"> • “Electronic cigarette” does not require nicotine • “Smoking” includes electronic cigarettes, except temporary exemption for e-cigarette retailers until July 1, 2017 • Definitions of “electronic cigarette” and “smoking” different from those in existing criminal code (see HB 88) pertaining to youth access • Preempts local smokefree ordinances

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
			and (iii) the sale of e-cigarettes and substances for use in e-cigarettes constitutes at least 75% of the establishment's gross sales. (2) This section does not require a county or municipality to issue a license to a person to sell e-cigarettes. (3) This section sunsets in accordance with Section 631-1-226. [Section 631-1-226 provides that these provisions repealed on July 1, 2017]	
Vermont (VT) H 71 ⁴² 7 - § 1001 32 - § 7702 3 May 13	Defines “tobacco products” and to include products derived from tobacco (including e-cigarettes) and prohibits sales, possession, purchase to/by minors. Prohibits vending machine sales, unless youth not permitted.	Tobacco products Other tobacco products	Sec. 1. 7 V.S.A. § 1001 is amended to read: (3) “Tobacco products” means cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and other tobacco products as defined in 32 V.S.A. § 7702. Sec. 8. 32 V.S.A. § 7702 is amended to read: (15) “Other tobacco products” means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing, or in any other manner; but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco as defined in this section.	<ul style="list-style-type: none"> • “Tobacco products” includes “other tobacco products” as defined • “Other tobacco products” includes any product derived from tobacco • E-cigarettes included in definition of “tobacco products” if they contain nicotine derived from tobacco
Virginia (VA) S 96 ⁴³ § 18.2-371.2 27 Mar 14	Defines “alternative nicotine product,” “nicotine vapor product,” and “tobacco product” and prohibits sales, purchase, possession to/by minors. Internet sales require third-party age verification.	Alternative nicotine product Nicotine vapor product Tobacco product	<p>"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.</p> <p>"Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.</p> <p>"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.</p> <p>"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and</p>	<ul style="list-style-type: none"> • “Alternative nicotine product” excludes nicotine vapor products/e-cigarettes • “Alternative nicotine product” excludes tobacco product • “Nicotine vapor product” includes electronic cigarettes and cartridges • “Nicotine vapor product” requires nicotine • “Tobacco product” excludes alternative nicotine products and vapor products/e-cigarettes. • “Alternative nicotine product,” “nicotine vapor product,” and “tobacco product” exclude FDA regulated drugs and devices [incorrect citation in bill]

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
			Cosmetic Act.	
Virginia (VA) H 484 ⁴⁴ § 22.1-79.5 27 Mar 14	Requires school boards to develop and implement policies prohibiting use of electronic cigarettes on school buses, school property, or at school-sponsored activities and include prohibition in code of student conduct	Electronic cigarette	Amends Code of Virginia section 22.1-279.6 by adding: § 22.1-79.5. Policy regarding electronic cigarettes. Each school board shall develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity. H. Each school board shall include in its code of student conduct a prohibition on possessing electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.	<ul style="list-style-type: none"> • “Electronic cigarette” not defined • Electronic cigarettes prohibited at schools
Washington (WA) HB 1937 ⁴⁵ § 26.28.080 24 Apr 13	Defines “vapor product” and prohibits sales to minors.	Vapor product	For the purposes of this section, "vapor product" means a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.	<ul style="list-style-type: none"> • “Vapor product” requires nicotine derived from tobacco • “Vapor product” excludes FDA regulated drugs, devices, combination products
West Virginia (WV) HB 4237 ⁴⁶ § 16-9A-2 28 Mar 14	Defines “tobacco product,” “tobacco-derived product,” “alternative nicotine product,” and “vapor product,” and prohibits sales, giving furnishing, possession, and use to/by minors. Prohibits use of tobacco, tobacco products, alternative nicotine products or vapor product in areas of public schools used for instructional purposes while school is in session, but permitted in faculty and staff lounges, faculty offices, and areas not used for instructional purposes. County boards of education not preempted from promulgating stricter	Tobacco product Tobacco derived product Alternative nicotine product Vapor product	<p>(1) “Tobacco product” and “tobacco-derived product” means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco-containing products. A “tobacco-derived product” includes electronic cigarettes or similar devices, alternative nicotine products and vapor products. “Tobacco product” or “tobacco-derived product” does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.</p> <p>(2) “Alternative nicotine product” means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. “Alternative nicotine product” does not include any tobacco product, vapor product or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.</p> <p>(3) “Vapor product” means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or</p>	<ul style="list-style-type: none"> • “Tobacco product” includes any product made or derived from tobacco, or containing tobacco-derived nicotine • “Tobacco-derived product” includes any product made or derived from tobacco, or containing tobacco-derived nicotine, including electronic cigarettes • “Tobacco-derived product” includes alternative nicotine products and vapor products • “Alternative nicotine product” excludes tobacco products and vapor products • “Alternative nicotine product” requires nicotine • “Vapor product” includes electronic cigarettes and cartridges • “Vapor product” requires nicotine • “Tobacco product,” “tobacco-derived product,” “alternative nicotine product,” and “vapor

Table S-1. U.S. State-level laws enacted pertaining to e-cigarettes				
State, Bill, Code § and Date Enacted	Main Purpose of Bill	Main Terms Defined	Definition as Enacted	Significant Features
	rules. Prohibits sales in vending machines, unless machines in areas where under 18 not permitted.		other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.	product" exclude FDA regulated drugs, devices, and combination products
Wisconsin (WI) AB 93 ⁴⁷ § 134.66 6 Apr 12	Defines "nicotine product" and prohibits sales or gifts to minors.	Nicotine product	"Nicotine product" means a product that contains nicotine and is not any of the following: 1. A tobacco product. 2. A cigarette. 3. A product that has been approved by the U.S. Food and Drug Administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.	<ul style="list-style-type: none"> • "Nicotine product" requires nicotine • "Nicotine product" excludes tobacco products and cigarettes • "Nicotine product" excludes FDA approved products marketed and sold solely for cessation or medical purposes
Wyoming (WY) S 103 ⁴⁸ § 14-3-301 13 Mar 13	Defines "electronic cigarette" and amends definition of "tobacco products" in existing law to include electronic cigarettes and prohibit sales to minors.	Tobacco products Electronic cigarette	(i) "Tobacco products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco; (v) "Electronic cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.	<ul style="list-style-type: none"> • "Tobacco product" includes products made or derived from tobacco • "Tobacco product" includes electronic cigarettes with tobacco-derived nicotine

REFERENCES

1. Alabama HB 286. 2013. <http://legiscan.com/AL/bill/HB286/2013> (accessed 10 Jul 2014)
2. Alaska HB 224. 2012. http://dhss.alaska.gov/dbh/Documents/01_External/HB0224Z.PDF (accessed 10 Oct 2014)
3. Arizona SB 1209. 2013. <http://legiscan.com/AZ/text/SB1209/id/706517> (accessed 10 Jul 2014)
4. Arkansas SB 953. 2013. <http://www.arkleg.state.ar.us/assembly/2013/2013R/Pages/BillInformation.aspx?measureno=SB953> (accessed 10 Jul 2014)
5. Arkansas SB 1087. 2013. <http://www.arkleg.state.ar.us/assembly/2013/2013R/Pages/BillInformation.aspx?measureno=SB1087> (accessed 10 Jul 2014)
6. Arkansas HB 1398. 2013. <http://www.arkleg.state.ar.us/assembly/2013/2013R/Pages/BillInformation.aspx?measureno=HB1398> (accessed 10 Jul 2014)
7. California SB 882. 2010. http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0851-0900/sb_882_bill_20100927_chaptered.html (accessed 10 Jul 2014)
8. California SB 568. 2013. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=119001-120000&file=119405> (accessed 10 Jul 2014)
9. Colorado HB 11-1016. 2011. [http://www.leg.state.co.us/clics/clics2011a/csl.nsf/billcontainers/78CCDD6C6E59B37187257808008013AE/\\$FILE/1016_enr.pdf](http://www.leg.state.co.us/clics/clics2011a/csl.nsf/billcontainers/78CCDD6C6E59B37187257808008013AE/$FILE/1016_enr.pdf) (accessed 10 Jul 2014)
10. Connecticut SB 24 . 2014. http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=SB-0024 (accessed 10 Jul 2014)
11. Delaware HB 241. 2014. <http://legis.delaware.gov/lis/lis147.nsf/vwlegislation/A109FA6CD4D9E28185257C5A00641F9D> (accessed 10 Jul 2014)
12. Florida SB 224. 2014. <http://www.flsenate.gov/Session/Bill/2014/0224> (accessed 10 Jul 2014)
13. Georgia HB 251. 2014. <http://www.legis.ga.gov/legislation/en-US/display/20132014/HB/251> (accessed 10 Jul 2014)
14. Hawaii HB 672. 2013. http://www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=672&year=2013 (accessed 10 Jul 2014)
15. Idaho HB 405. 2013. Idaho Code §39-5702 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5702.htm>> Idaho Code §39-5703 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5703.htm>> Idaho Code §39-5705 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5705.htm>> Idaho Code §39-5706 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5706.htm>> Idaho Code §39-5708 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5708.htm>> Idaho Code §39-5714 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5714.htm>> Idaho Code §39-5715 (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5715.htm>> Idaho Code §39-5717A (2013) <<http://www.legislature.idaho.gov/idstat/Title39/T39CH57SECT39-5717A.htm>>. 2012. <http://legislature.idaho.gov/legislation/2012/H0405.htm> (accessed 10 Jul 2014)
16. Illinois SB 1756. 2013. <http://www.ilga.gov/legislation/98/SB/PDF/09800SB1756lv.pdf> (accessed 10 Jul 2014)
17. Indiana House Bill 1225. 2013. <http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&session=1&request=getBill&doctype=HB&docno=1225> (accessed 10 Jul 2014)
18. Iowa HF 2109. 2014. <http://coolice.legis.iowa.gov/Legislation/85thGA/Enrolled/HF2109.html> (accessed 10 Jul 2014)
19. Kansas HB 2324. 2012. http://www.kslegislature.org/li_2012/b2011_12/measure/documents/hb2324_enrolled.pdf (accessed 10 Jul 2014)
20. Kentucky SB 109. 2014. <http://www.lrc.ky.gov/record/14RS/sb109.htm> (accessed 10 Jul 2014)
21. Louisiana SB 12. 2014. <http://legiscan.com/LA/text/SB12/id/1030501/Louisiana-2014-SB12-Chaptered.pdf> (accessed 10 Jul 2014)
22. Maryland HB. 1272. Md. Health-General Code Ann. §24-305 (2013) <<http://mgaleg.maryland.gov/webmg/frmStatutesText.aspx?article=ghg§ion=24-305&ext=html&session=2014RS&tab=subject5>>; 2012.
23. Minnesota HF 677. 2013. <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF0677&ssn=0&y=2013> (accessed 10 Jul 2014)
24. Minnesota Dept. of Revenue. Revenue Notice #12-10: Tobacco Products Tax - Taxability - E-Cigarettes. 2012. http://www.revenue.state.mn.us/law_policy/revenue_notices/RN_12-10.pdf (accessed 10 Jul 2014)
25. Minnesota HF 2402. 2014. <https://www.revisor.mn.gov/bills/bill.php?b=house&f=HF2402&ssn=0&y=2013> (accessed 10 Jul 2014)
26. Mississippi HB 613. 2013. <http://billstatus.ls.state.ms.us/documents/2013/html/HB/0600-0699/HB0613SG.htm> (accessed 10 Jul 2014)
27. Nebraska LB 863 .2014. <http://nebraskalegislature.gov/FloorDocs/103/PDF/Slip/LB863.pdf> (accessed 10 Jul 2014)
28. Nevada SB 177. 2013. http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB177_EN.pdf (accessed 10 Jul 2014)
29. New Hampshire HB 1541. 2010. <http://www.nhliberty.org/bills/view/2010/HB1541/2010-03-09> (accessed 10 Jul 2014)
30. New Jersey A 4227. 2010. <http://openstates.org/nj/bills/213/A4227/#billtext> (accessed 10 Jul 2014)
31. New York A 9044. 2012. http://assembly.state.ny.us/leg/?default_fld=&bn=A09044&term=2011&Summary=Y&Actions=Y&Text=Y&Votes=Y#jump_to_Text (accessed 10 Jul 2014)
32. North Carolina SB 530. 2013. <http://www.ncleg.net/Sessions/2013/Bills/Senate/PDF/S530v6.pdf> (accessed 10 Jul 2014)
33. North Carolina HB 1050. 2014. <http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H1050v6.pdf> (accessed 10 Jul 2014)

34. North Dakota HB 1292. 2013. http://legiscan.com/ND/text/1292/id/804800/North_Dakota-2013-1292-Enrolled.pdf (accessed 10 Jul 2014)
35. Ohio HB 144. 2014. http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_144 (accessed 10 Jul 2014)
36. Oklahoma SB 1602. 2014. <http://www.oklegislature.gov/BillInfo.aspx?Bill=sb1602&Session=1400> (accessed 10 Jul 2014)
37. South Carolina HB 3538. 2013. http://www.scstatehouse.gov/sess120_2013-2014/bills/3538.htm (accessed 10 Jul 2014)
38. South Dakota S 181. 2014. <http://legis.sd.gov/docs/legsession/2014/Bills/SB181ENR.pdf> (accessed 10 Jul 2014)
39. Tennessee HB 1729. 2011. <http://www.capitol.tn.gov/Bills/107/Bill/HB1729.pdf> (accessed 10 Jul 2014)
40. Utah HB 88. 2010. <http://le.utah.gov/~2010/bills/static/HB0088.html> (accessed 10 Jul 2014)
41. Utah HB 245. 2012. <http://le.utah.gov/~2012/bills/static/HB0245.html> (accessed 10 Jul 2014)
42. Vermont H 71. 2013. <http://www.leg.state.vt.us/docs/2014/Acts/Act014.PDF> (accessed 10 Jul 2014)
43. Virginia S 96. 2014. <http://leg1.state.va.us/cgi-bin/legp504.exe?141+ful+CHAP0357+pdf> (accessed 10 Jul 2014)
44. Virginia H 484. 2014. <http://lis.virginia.gov/cgi-bin/legp604.exe?141+ful+CHAP0326> (accessed 10 Jul 2014)
45. Washington HB 1937. 2013. <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House%20Passed%20Legislature/1937.PL.pdf> (accessed 10 Jul 2014)
46. West Virginia HB 4237. 2014. http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=hb4237%20intr.htm&yr=2014&sesstype=RS&i=4237 (accessed 10 Jul 2014)
47. Wisconsin AB 93. 2012. <http://docs.legis.wisconsin.gov/2011/related/acts/249> (accessed 10 Jul 2014)
48. Wyoming SF 103. 2013. <http://legiscan.com/WY/text/SF0103/id/760116/Wyoming-2013-SF0103-Enrolled.pdf> (accessed 10 Jul 2014)