



PUBLIC HEALTH LAW CENTER

at Mitchell Hamline School of Law

U.S. E-Cigarette Regulation: A State and Territorial Review

The following chart is a snapshot of the U.S. landscape of e-cigarette regulation as of March 15, 2020. The information below was based on a survey of current U.S. state and territorial statutes (plus Washington, D.C.) pertaining to e-cigarette regulations in the following areas: definition of “tobacco product,” taxation, product packaging, youth access/other retail restrictions, retail license/permit requirement, and smoke-free air legislation.¹ Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. In some instances, public domain websites have not yet been updated to include the most recently passed laws. The N/A designation refers to the lack of *state laws or regulations* related to e-cigarettes as of March 15, 2020; however, many *local laws* in these states (and throughout the U.S.) address e-cigarettes.

Please note: This chart also includes the U.S. territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

¹ N.B. Statutes/regulations available via Westlaw legal database as of the snapshot date are included in the table, as are any regulations not found in the database but about which we have been made aware. Unenforceable advertising restrictions are not captured in the snapshot, nor are requirements governing use in specific places of employment where such locations are also covered by a broader restriction on use in workplaces (*e.g.*, individual schools, health facilities, or courts may not be mentioned if, subsequently, a broader use restriction in all places of employment covers all schools, health facilities or courts). Likewise, regulations governing the following are NOT included in the chart, as they simply support the sales/other restrictions within the statutory scheme: requirements that retailers/vending machines display signs indicating minimum access age; internet sales restrictions that mirror captured sales restrictions; requirements that retailers verify the age of anyone who appears under a certain age; permission for retailers to refuse a sale if purchaser cannot prove age; penalties assessed for violations; permission for minors participating in enforcement activities to possess product and regulations that simply carry out a statutory requirement or restriction.

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
Alabama	No	<p><u>Youth Access</u></p> <p><i>Electronic nicotine delivery system</i> includes “any vaporizing device that produces a vapor that delivers nicotine or other substance to the person inhaling from the device to simulate smoking, and includes, but is not limited to, products that may be offered to, purchased by, or marketed to consumers as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vape tool, vaping device, or any variation</p>	N/A	<p>Liquid nicotine containers must be sold in child-resistant packaging.</p> <p>ALA. CODE § 28-11-18(a) (2020)</p>	<p>Sale of electronic nicotine delivery systems to persons under age 19 prohibited.</p> <p>ALA. CODE § 13A-12-3 (2020)</p> <p>Purchase, use or possession of electronic nicotine delivery systems by persons under age 19 prohibited.</p> <p>ALA. CODE § 28-11-13(a) (2020)</p> <p>Minor employees may handle electronic nicotine delivery systems when an employee over the age of 21 is present.</p> <p>ALA. CODE § 28-11-13(a) (2020)</p> <p>A county may not issue a license for sales of electronic nicotine delivery systems if the retail business is located</p>	<p>Yes. ALA. CODE § 28-11-7 (2020)</p>	<p>Licensed emergency medical providers cannot use e-cigarettes “while operating or riding in an ambulance or while providing patient care.”</p> <p>ALA. ADMIN. CODE r. 420-2-1-.28(6)(j) (2020)</p> <p>Use of electronic cigarettes prohibited at licensed day care facility premises.</p> <p>ALA. ADMIN. CODE r. 660-5-26.03(4)(k)(10); 660-5-27.04(2)(a)(10);</p>

² Application of definition within tobacco control scheme varies; see specific regulatory category for details of treatment of electronic nicotine delivery systems within state tobacco control scheme.

³ Text excepting references to medical/cessation devices approved/regulated by FDA, which is commonly found in youth access or tax definitions of tobacco products or e-cigarettes, excluded for space considerations.

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		<p>of these terms [and] includes any liquid intended to be vaporized in any device included in this subdivision, regardless of whether or not the liquid contains nicotine." ALA. CODE § 28-11-2(5) (2020)</p> <p><i>Liquid nicotine container</i> means "a bottle or other container of a liquid product that is intended to be vaporized and inhaled using an electronic nicotine delivery system [except those pre-filled, sealed, and not intended to be opened by consumer]." ALA. CODE § 28-11-2(8) (2020)</p> <p><u>Sales Tax</u></p> <p><i>Vapor Products</i> means "any non-lighted,</p>			<p>within 1,000 feet of a school, child-care facility, church, public library, playground or park, or other youth-centered facility or space after January 1, 2020 (unless retailer is a specialty shop that has been in business at that location for 18 consecutive months). ALA. CODE § 28-11-19 (2020)</p> <p>Delivery sales of electronic nicotine delivery systems may only be made after obtaining a permit for delivery sales and verifying the age and address of the purchaser through a third-party verification service, and taking payment through a credit or debit card in purchaser's name. ALA. CODE § 13A-12-3.8(a)-(d) (2020)</p>		<p>660-5-19.03(4)(k)(10) (2020)</p>

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		<p>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." ALA. CODE § 40-23-1(a)(16) (2020)</p> <p><i>Consumable Vapor Product</i> means "any nicotine liquid solution or other material containing nicotine that is depleted when used</p>					

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		as a vapor product.” ALA. CODE § 40-23-1 (a)(15) (2020)					
Alaska	No	<u>Youth Access</u> <i>Electronic smoking product</i> means “(i) any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marketed, or sold as an e-cigarette, e-pipe, e-hookah, vape pen, or any other product name or descriptor; or (ii) a component, solution,	N/A	N/A	Sale/giving an electronic smoking product to person under age 19 prohibited (unless FDA approved for tobacco cessation or other medical purpose, and is provided by qualified persons). ALASKA STAT. § 11.76.109 (2020) Self-service displays of electronic smoking products prohibited except in specialty tobacco shops restricting entry to persons 19 and older. ALASKA STAT. § 11.76.106 (2020) Possession of an electronic smoking product, or a product containing nicotine, by person under 19	Yes. ALASKA STAT. § 43.70.075(a) (2020)	Use of e-cigarettes included in definition of “smoking” and prohibited in same places smoking is prohibited, including enclosed public areas such as office buildings, hotels, bars, common areas of apartment buildings, places of employment, public transportation, sports venues, child care facilities, and

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		<p>alternative tobacco product, e-liquid, e-juice, vapor product, flavoring, or aother related product of an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device of any size or shape used for, or to assist with, aerosolizing and inhaling chemical substances that may cause an adverse effect on human health.”</p> <p>ALASKA STAT. § 11.81.900(b)(23) (2020)</p> <p><u>Use restrictions</u></p> <p><i>E-cigarette</i> means “any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person</p>			<p>prohibited. ALASKA STAT. § 11.76.105 (2020)</p> <p>Persons under age 19 prohibited from selling electronic smoking products. ALASKA STAT. § 11.76.109(a)(4) (2020)</p> <p>Vending machines must be located in bar, club or package store away from entrance and under continuous supervision. ALASKA STAT. § 11.76.109(d) (2020)</p>		<p>outdoors within 10 feet of playground equipment, and within 20 feet of windows and vents of buildings in which smoking prohibited (with some exceptions). ALASKA STAT. §§ 18.35.399(12) (definition of “smoking”); 18.35.301 (2020)</p>

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		through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other product name or descriptor [including FDA approved products when] use of those products simulate smoking or expose others to vapor or aerosol." ALASKA STAT. § 18.35.399(4) (2020)					
Arizona	No	<i>Vapor product</i> means "a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size that can	N/A	N/A	Sale of vapor product to persons under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(A) (2020) Purchase/possession of vapor product by person under age 18 prohibited. ARIZ. REV. STAT. § 13-3622(B) (2020)	No	Use of e-cigarettes is prohibited in foster homes and in vehicles when foster child is present. ARIZ. ADMIN. CODE § 21-6-315 (2020)

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		be used to heat a liquid nicotine solution contained in cartridges.” ARIZ. REV. STAT. § 13-3622(E)(3) (2020)					
Arkansas	No	<u>Sales restrictions</u> <i>Vapor product</i> means “an electronic oral device of any size or shape that contains a vapor of nicotine, e-liquid, or any other substance that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that: (A) [i]s composed of a heating element, battery, electronic circuit, chemical process, mechanical device, or a combination [thereof]; (B) [w]orks in combination with a	N/A	E-liquid containers must be sold in child-resistant packaging (excepting pre-filled and sealed cartridges.) ARK. CODE ANN. § 26-57-254(c) (2020)	Sale of vapor products, e-liquids or any component thereof prohibited to persons under age 21, unless the person is active-duty military or has attained the age of 19 years as of December 31, 2019. ARK. CODE ANN. § 5-27-227(a)(1) (2020) Distribution of free samples of vapor products, e-liquids or components, or coupons for free samples thereof near youth-centered places or to persons under age 21, is prohibited, unless the person is active-duty military or has attained the age of 19 years as of December 31, 2019. ARK. CODE ANN. § 5-27-227(f) (2020)	Yes. Separate permits required for wholesalers, wholesaler salespersons, retailers, and vending machine sales. ARK. CODE ANN. §§ 26-57-214; 26-57-215(b) (2020)	Use of vapor products or e-liquids on grounds of any school or at off-campus school-sponsored events, in or on the grounds of any child care facility, school or childcare vehicles, or healthcare facility prohibited. ARK. CODE ANN. §§ 26-57-254(b); 6-21-609(b) (2020) Use of e-cigarettes “prohibited on each campus of

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		<p>cartridge, other container or liquid delivery device containing nicotine, e-liquid, or any other substance and manufactured for use with vapor products; (C) [i]s manufactured distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor...” ARK. CODE ANN. § 26-57-203(34) (2020)</p> <p><i>E-liquid and e-liquid product</i> mean “a liquid product which may or may not contain nicotine, that is inhaled when using a vapor product, and that may or may not include without limitation propylene glycol, vegetable glycerin,</p>			<p>Possession/use/purchase of vapor products, e-liquids or components thereof by persons under age 21 prohibited, unless the person is active-duty military or has attained the age of 19 years as of December 31, 2019 . ARK. CODE ANN. § 5-27-227(b)(1) (2020)</p> <p>Self-service displays or vending machine sales of vapor products or e-liquids restricted to specialty tobacco and vape shops and locations inaccessible to persons under age 21 unless vending machine is under employee supervision. ARK. CODE ANN. § 5-27-227(g)-(h) (2020)</p>		<p>state-supported institutions of higher education.” ARK. CODE ANN. § 6-60-804(a) (2020)</p> <p>Use of e-cigarettes near State Park buildings restricted. ARK. ADMIN. CODE § 013.05.1-1191 (2020)</p> <p>Visitors to community correctional facilities are prohibited from bring vapor products. ARK. ADMIN. CODE § 159.00.1-7.24(V) (2020)</p>

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		<p>nicotine from any source, and flavorings . . .” ARK. CODE ANN. § 26-57-203(12) (2020)</p> <p><i>E-liquid container</i> means “a bottle or other container of e-liquid that is sold or provided for mixing at retail and is marketed or intended for use in a vapor product [except those] prefilled and sealed by the manufacturer and . . . not intended to be opened by the consumer.” ARK. CODE ANN. § 26-57-254(d) (2020)</p> <p><u>Smoke-free schools and campuses</u></p> <p><i>E-cigarette</i> means “an electronic oral device that provides a vapor of nicotine or another substance that, when</p>					

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		used or inhaled, simulates smoking, including without limitation a device that: (1) [i]s composed of a heating element, battery, electronic circuit, or a combination [thereof]; (2) [w]orks 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 (3) [i]s manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor." ARK. CODE ANN. §§ 6-21-609(a); 6-60-803(2) (2020)					
California	Yes. CAL. BUS. & PROF.	<u>Youth Access and Use Restrictions</u>	State Board of Equalization is directed to adopt	Electronic cigarette cartridges and	Sale/distribution of electronic cigarettes to persons under age 21 prohibited (active	Yes. CAL. BUS. & PROF. CODE	Use of electronic cigarettes prohibited

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	<p>CODE § 22950.5(d)(1)(B) (2020); CAL. REV. & TAX. CODE § 30121(b) (2020); CAL. HEALTH & SAFETY CODE § 104495(8)(A) (2020)</p>	<p><i>Tobacco product</i> means "a product containing, made, or derived from tobacco or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah..." CAL. BUS. & PROF. CODE § 22950.5(d)(1) (2020); CAL. HEALTH & SAFETY CODE § 104495(8)(A) (2020)</p> <p><u>Tax</u></p> <p><i>Electronic cigarettes</i> means "any device or delivery system sold in combination with nicotine which can be</p>	<p>regulations implementing tax on electronic cigarettes equivalent to the Cigarette Distribution Tax (of \$0.100 per cigarette). CAL. REV. & TAX. CODE § 30130.51(b) (2020)</p>	<p>solutions for filling electronic cigarettes must be sold in child-resistant packaging. CAL. HEALTH & SAFETY CODE § 119406(a) (2020)</p>	<p>duty military personnel must be at least 18). CAL. BUS. & PROF. CODE §§ 22958(a); 22963(a) (2020); CAL. PENAL CODE § 308(a)(1)(A) (2020)</p> <p>Self-service displays of electronic cigarettes prohibited. CAL. BUS. & PROF. CODE § 22962(b)(1)(A) (2020)</p> <p>Vending machine sales of electronic cigarettes must be located inside a bar at least 15 feet from entrance. CAL. BUS. & PROF. CODE § 22960(b)(1) (2020)</p> <p>"The possession or use of [electronic cigarettes] by wards and inmates in all institutions and camps under the jurisdiction of the Department of the Youth Authority is prohibited." CAL. WELF. & INST. CODE § 1712.5(a) (2020)</p>	<p>§§ 22972 (retailers); 22975(a)(2020) (wholesalers and distributors)</p>	<p>wherever smoking is prohibited (with some exceptions) (CAL. BUS. & PROF. CODE § 22950.5(c) (2020)) (definition of smoking) including, but not limited to, enclosed places of employment (CAL. LAB. CODE § 6404.5 (2020)); family day care facilities; (CAL. HEALTH & SAFETY CODE § 1596.795 (2020)); foster and group homes (CAL. HEALTH & SAFETY CODE § 1530.7 (2020)); within 25 feet of playgrounds or 250 feet of a youth sports</p>

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		<p>used to deliver to a person nicotine in aerosolized or vaporized form, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah . . . (including) any component, part, or accessory of such a device that is used during the operation of the device when sold in combination with any liquid or substance containing nicotine (and also includes) any liquid or substance containing nicotine, whether sold separately or sold in combination with any device that could be used to deliver to a person nicotine in aerosolized or vaporized form. CAL. REV. & TAX. CODE § 30121(c) (2020)</p>			<p>Delivery sales, distribution, or nonsale distribution (<i>e.g.</i>, mail, phone, online) of electronic cigarettes through the U.S. Postal Service or any other public or private postal service prohibited unless the age of the product purchaser is verified as 21 years or older at both time of purchase and delivery. Additionally, the container must be conspicuously labeled with “CONTAINS TOBACCO PRODUCTS: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY.” CAL. BUS. & PROF. CODE §§ 22963(a), (b) (2020)</p>		<p>events (CAL. HEALTH & SAFETY CODE § 104495(b),(d) (2020)); in public buildings or “within 20 feet of a main exit, entrance, or operable window of a public building, or in a [state-owned] passenger vehicle” (CAL. GOV’T CODE § 7597(A) (2020)); health facilities (CAL. HEALTH & SAFETY CODE § 1286 (2020)); in cars with minors (CAL. HEALTH & SAFETY CODE § 118948 (2020)); on public transportation (CAL. HEALTH & SAFETY CODE § 118925 (2020));</p>

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		<p><i>Tobacco products</i> means “a product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, [including] cigars, little cigars, chewing tobacco, pipe tobacco, or snuff, [but not] cigarettes. Tobacco products shall also include electronic cigarettes. CAL. REV. & TAX. CODE § 30121(b) (2020)</p> <p><u>Use restrictions</u></p> <p><i>Tobacco product</i> means “a product containing, made, or derived from tobacco</p>					<p>on passenger carriers (buses, trains, planes) (CAL. PUB. UTIL. CODE § 561(a) (2020)); on grounds of facilities under Dep’t of Youth Authority jurisdiction, with the exception of residential staff housing where inmates or wards are not present (CAL. WELF. & INST. CODE § 1712.5(b) (2020)); in nonprofit charitable temporary food facilities (CAL. HEALTH & SAFETY CODE § 114332.3(f) (2020)); in outpatient health facilities (CAL.</p>

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		<p>or nicotine that is intended for human consumption [including] an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah...” CAL. HEALTH & SAFETY CODE § 104495(8)(A) (2020)</p>					<p>HEALTH & SAFETY CODE § 1234 (2020)); within 25 feet of the “commerce area” of certified farmers’ markets (CAL. HEALTH & SAFETY CODE § 114371(f) (2020)) and on a state beach or unit of the state park system. CAL. PUB. RES. § 5008.10(b) (2020).</p> <p>Schools may not allow students to use tobacco products, including electronic cigarettes, on campus or while attending school-sponsored activities. CAL.</p>

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							<p>EDUC. CODE § 48901(a) (2020)</p> <p>School districts, charter schools and county offices of education must adopt and enforce policy prohibiting use of electronic cigarettes. CAL. HEALTH & SAFETY CODE § 104420(n)(2) (2020)</p> <p>Use of nicotine delivery devices prohibited in county offices of education, charter schools, school/district buildings, school/district property, and school/district vehicles. CAL.</p>

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							<p>HEALTH & SAFETY CODE § 104559(a) (2020)</p> <p>Landlord of a residential dwelling unit may prohibit smoking of tobacco product, including electronic cigarettes, on the property or any portion of the building. CAL. CIV. CODE § 1947.5 (2020)</p> <p>Department of Corrections facilities are smoke-free ("with the exception of residential staff housing where inmates are not present"). CAL.</p>

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							PENAL CODE § 5030.1 (2020)
Colorado	Yes. COLO. REV. STAT. § 18-13-121(5) (2020)	<i>Cigarette, tobacco product or nicotine product</i> means “(I) [a] 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 (II) [a]ny device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo or pipe.” Colo. Rev. Stat. § 18-13-121(5)(a) (2020) <i>Electronic smoking device or ESD</i> means “any product...that contains or delivers nicotine or any other substance intended for human consumption and that can be used by	N/A	N/A	Sale and distribution of nicotine products to persons under age 18 prohibited. COLO. REV. STAT. §§ 18-13-121(1)(a); 44-7-103(1) (2020) Possession or purchase of nicotine products by persons under age 18 prohibited. COLO. REV. STAT. §§ 25-14-301(2); 18-13-121(2) (2020) Vending machine sales of nicotine products prohibited. COLO. REV. STAT. § 44-7-103(2) (2020)	No	Use of electronic smoking devices restricted similar to smoking (COLO. REV. STAT. §§ 25-14-203(16) (2020) (definition of “smoking”), and prohibited in indoor areas, including places of employment, common areas of retirement and public housing, day care facilities, health care facilities, hotel and motel rooms. COLO. REV. STAT. § 25-14-204(1) (2020) Use of tobacco products prohibited on school property

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		<p>a person to enable the inhalation of vapor or aerosol from the product [including] an e-cigarette, e-cigar, e-pipe-e-hookah, or vape pen or [any other similar device with a different product name].” COLO. REV. STAT. § 25-14-203(4.5) (2020)</p>					<p>and vehicles, including those of day care, early learning and K-12 schools. COLO. REV. STAT. § 25-14-103.5 (2020)</p> <p>Smoking/vaping by driver’s license applicants and testers prohibited during drive test. 1 COLO. CODE REGS. § 204-30:8-401(p) (2020)</p> <p>Assisted living residences’ house rules must address use of electronic cigarettes and vaporizers. 6 COLO. CODE REGS. § 1011-</p>

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							1:7-13.4(A) (2020)
Connecticut	Yes. CONN. GEN. STAT. § 12-330a (2020)	<u>Youth Access and Use Restrictions</u> <i>Electronic nicotine delivery system</i> means "an electronic device used in the delivery of nicotine or other substances 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, including, but not limited to, electronic cigarette	Electronic cigarette products prefilled and sealed by manufacturer and not intended to be refillable are taxed at \$0.40/ml of electronic cigarette liquid; other electronic cigarette products taxed at 10% of wholesale price. 2019 Conn. Pub. Acts 19-117, § 351	N/A	Sale/delivery of electronic nicotine delivery system or vapor product to persons under age 21 prohibited. CONN. GEN. STAT. § 53-344b(b) (2020) Self-service displays prohibited for electronic nicotine delivery systems or vapor products except in adult-only facilities. CONN. GEN. STAT. § 21a-416(a) (2020)	Yes, retailers and manufacturers must be registered. CONN. GEN. STAT. §§ 21a-415(b); 21a-415a(a) (2020)	Use of electronic nicotine delivery system or vapor product prohibited in any state building, health care institution, retail food store, restaurant, liquor store, bar (except smoking sections of outdoor seating areas), school buildings and grounds, child care facilities and grounds thereof, elevators, college dormitories, race tracks, and in 75% or more of hotel/motel

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		<p>liquid." CONN. GEN. STAT. § 21a-415(6) (2020)</p> <p><i>Liquid nicotine container</i> means "a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except 'liquid nicotine container' does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer." CONN. GEN. STAT. § 19-342a(a)(3) (2020)</p> <p><i>Vapor product</i> means "any product that employs a heating element, power source,</p>					<p>rooms (with some exceptions). CONN. GEN. STAT. § 19a-342a(b)-(c) (2020)</p>

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>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..." CONN. GEN. STAT. § 21a-415(a)(7) (2020)</p> <p><i>Electronic cigarette liquid</i> means "a liquid, that when used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product." CONN. GEN. STAT. § 21a-415(a)(5) (2020)</p>					
Delaware	Yes. DEL. CODE	<u>Sale Restrictions</u>	Vapor products taxed at a rate of	N/A	Sale/distribution of tobacco substitutes to persons under	No.	Use of electronic smoking devices

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	<p>ANN. tit. 30 § 5301(15) (2020)</p>	<p><i>Tobacco substitute</i> means “an electronic smoking device employing a mechanical heating element, battery, or circuit to produce aerosol or vapor for inhalation into the body of an individual [and includes] liquid used in [an electronic smoking device whether it contains nicotine or not].”” DEL. CODE ANN. tit. 11 § 1115(11) (2020)</p> <p><u>Use Restrictions</u></p> <p><i>Electronic smoking device</i> means “any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through</p>	<p>\$ 0.05 cents per fluidml. DEL. CODE ANN. tit. 30 § 5305(c)(2) (2020)</p>		<p>age 21 prohibited. DEL. CODE ANN. tit. 11 §§ 1116(a); 1118(a) (2020)</p> <p>Self-service displays/vending machine sales of tobacco substitutes prohibited in places accessible to persons under age 21. DEL. CODE ANN. tit. 11 § 1119 (2020)</p> <p>Marketing or advertising tobacco substitutes on online or mobile applications directed to children is prohibited. DEL. CODE ANN. tit. 6 §§ 1204C(e), (f)(3) (2020)</p> <p>Delivery sales of tobacco substitutes require copy of valid government identification and an attestation from the purchaser stating the identification is true and the consumer understands the minimum legal sales age, delivery to the address on the</p>	<p>Although a license is required to sell e-liquid, no license is required to sell e-cigarette devices. DEL. CODE ANN. tit. 30 § 5301(15) (2020) (definition of tobacco product); DEL. CODE ANN. tit. 30 § 5301(20) (2020) (definition of vapor product); DEL. CODE ANN. tit. 30 § 5307 (2020)</p>	<p>included in definition of “smoking” and prohibited in same places smoking is prohibited, including public indoor places (such as workplaces, schools, most hotel rooms, and mass transit, with some exemptions). DEL. CODE ANN. tit. 16 §§ 2902(12) (2020) (definition of smoking); 2903; 2908 (2020)</p> <p>“Vaping” prohibited at licensed Family Child Care Homes. 9-103-29 DEL. ADMIN</p>

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		<p>inhalation of vapor or aerosol from the product [including] any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.” DEL. CODE ANN. tit. 16 § 2902(3) (2020)</p> <p><u>Taxation & Licensing</u></p> <p><i>Electronic smoking device</i> means “a nonlighted, noncombustible device that employs a mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine for inhalation into the body of an individual</p>			<p>identification, and is paid for with a credit or debit card issued in the consumer’s name. Additionally, the package must include a notice stating that tobacco substitute sales to consumers under age 21 are illegal. Persons engaging in delivery sales must register such sales with the Department of Finance. DEL. CODE ANN. tit. 30 §§ 5363; 5366 (2020)</p>		<p>CODE § 29.16 (2020)</p> <p>“Vaping” prohibited in foster homes and in any vehicle used to transport children. 9-201-40.0 DEL. ADMIN. CODE § 40.1.13 (2020)</p>

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>[including] a device that is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor." DEL. CODE ANN. tit. 30 § 5301(7) (2020)</p> <p><i>Vapor product</i> means "any nicotine liquid solution or other material containing nicotine that is intended to be used with or in an electronic smoking device." DEL. CODE ANN. tit. 30 § 5301(20) (2020)</p>					
District of Columbia	Yes. D.C. CODE §§ 47-2401(5A); 7-1702(8) (2020)	<p>Tax and Youth Access</p> <p><i>Vapor product</i> means "(A) any non-lighting, noncombustible product that employs a mechanical heating</p>	Vapor products taxed at rate equal to tax imposed on cigarette packs, expressed as percentage of	N/A	<p>Sale of electronic smoking devices to persons under age 21 is prohibited. D.C. CODE § 7-1721.02(a) (2020)</p> <p>Purchase/possession of electronic smoking devices</p>	Yes. D.C. CODE § 47-2404(a) (2020)	Use of electronic smoking devices included in definition of "smoking" and prohibited in same spaces

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		<p>element, battery, or electronic circuit, regardless of shape or size, that can be used to produce aerosol from nicotine in a solution; or (B) 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.” D.C. CODE § 47-2401(9A) (2020)</p> <p><i>Other tobacco product</i> includes vapor product and “any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be</p>	<p>average wholesale price. D.C. CODE § 47-2402.01(a)(1)(C) (2020)</p>		<p>by persons under age 21 prohibited. D.C. CODE § 7-1721.03(a)(1) (2020)</p> <p>Self-service sales of electronic smoking devices prohibited, except in tobacco specialty stores. D.C. CODE §§ 7-1721.04(a); (b)(2) (2020)</p> <p>Vending machine sales of electronic smoking devices restricted to establishments inaccessible to persons under age 21 and taverns, nightclubs, and restaurants licensed to serve alcohol. D.C. CODE §§ 7-1721.04(b)(1); 47-2404(b)(3) (2020)</p>		<p>smoking prohibited, including in workplaces and certain public places (such as enclosed public spaces, playgrounds, bus stops and sporting events), with some exceptions. D.C. CODE §§ 7-1702(7) (definition of smoking); 7-741.02; 7-1703; 7-1708 (2020)</p> <p>Use of electronic smoking devices prohibited in indoor common areas and outdoors within 25 feet of entrances and windows of multifamily</p>

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		<p>consumed.” D.C. CODE § 47-2401(5A) (2020)</p> <p><u>Youth Access and Use Restrictions</u></p> <p><i>Electronic smoking device</i> means “any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product [including] any such product regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other</p>					<p>rental accommodations (unless housing provider designates an indoor smoking area). D.C. CODE § 42-3505.09(a) (2020)</p> <p>Use of electronic cigarettes on streetcar or streetcar platform prohibited. D.C. MUN. REGS. tit. 18, § 1605.2(c) (2020)</p> <p>Use of electronic cigarettes prohibited on library property. D.C. MUN. REGS. tit. 19, § 810.6 (c)(5) (2020)</p> <p>Use of e-cigarettes prohibited in</p>

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		<p>product name or descriptor." D.C. CODE § 7-741.01(1) (2020)</p> <p><i>Tobacco product</i> means "any product that is made from or derived from tobacco and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including through a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, smokeless tobacco, or an electronic smoking device ... [and including] any component or accessory used in the consumption of a tobacco product, such as filters, rolling</p>					<p>cottage food business during operations. D.C. MUN. REGS. tit. 25, § 109.1(d) (2020)</p>

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		papers, pipes, or liquids used in electronic smoking devices.” D.C. CODE § 7-1702(8) (2020)					
Florida	No	<u>Youth Access</u> <i>Nicotine dispensing device</i> 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,	N/A	N/A	Sale/distribution of nicotine dispensing devices or nicotine products to persons under age 18 prohibited. FLA. STAT. § 877.112(2)–(3) (2020) Possession of nicotine dispensing devices or nicotine products by persons under age 18 prohibited. FLA. STAT. § 877.112(6) (2020) Self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18 years except sales made through vending machine with lockout device controlled by retailer. FLA. STAT. § 877.112(11)-(12) (2020)	No	Use of vapor-generating electronic devices are prohibited in enclosed indoor workplaces, except private residences when not in use as child, adult or health care facilities, with some exceptions. FLA. CONST. Art. X, § 20(a)-(b) (2020) ; FLA. STAT. § 386.204 (2020) Vaping by persons under 18 years of age in, on, or within 1000 feet of a

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		<p>electronic pipe, or other similar device or product.” FLA. STAT. § 877.112(1)(a) (2020)</p> <p><i>Nicotine product</i> 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 § 569.002” FLA. STAT. § 877.112(1)(b) (2020)</p> <p><u>Use Restrictions</u></p> <p><i>Vapor-generating electronic device</i> means any product that employs an electronic, a chemical, or a mechanical means capable of producing</p>					<p>school between 6am and midnight. FLA. STAT. § 386.212 (2020)</p> <p>Use of electronic cigarettes and nicotine dispensing devices in courthouses of Sixth Judicial Circuit and within 50 feet of entrances thereto prohibited. ADMIN. ORDER No. 2015-008 PA/PI-CIR (2020)</p> <p>Use of electronic cigarettes prohibited in all firefighter employee places of employment. FLA. ADMIN. CODE ANN. r.</p>

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		vapor or aerosol from a nicotine product or any other substance, 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 a solution or other substance intended to be used with or within [such a device]. FLA. CONST. Art. X, § 20(9) (2020) ; FLA. STAT. § 386.203(15) (2020)					69A-62.024(6) (2020) E-cigarette use prohibited in licensed out-of-home caregiver homes and vehicles (when children present). FLA. ADMIN. CODE ANN. r. 65C-13.030(7)(e)(11) ; 65C-13.025(4)(g)(I) (2020)
Georgia	No	<i>Vapor product</i> 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	N/A	N/A	Sale of vapor products to persons under age 18 prohibited. GA. CODE ANN. § 16-12-171(a)(1)(A) (2020) Distribution of free vapor products on public property, within 500 feet of playground or school, or to persons under the age 18	No	Use of electronic devices that simulate tobacco smoking prohibited by food service employees at work (except in designated areas). GA.

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		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." GA. CODE ANN. § 16-12-170(10) (2020)			prohibited. GA. CODE ANN. § 16-12-174 (2020) Purchase/possession/receipt of vapor products by persons under age 18 prohibited. GA. CODE ANN. §§ 16-12-171(b)(1)(A); 16-12-174(d) (2020) Vending machine sales of vapor products restricted to locations not readily accessible to persons under age 18 (excepting machines under direct supervision of employee or located at highway rest areas). GA. CODE ANN. § 16-12-173(e)(1) (2020)		COMP. R. & REGS. 511-6-1-.03(5)(j)(1) (2020)
Hawaii	Yes. HAW. REV. STAT. §§ 323F-34(d); 321-211; 328J-	<u>Youth Access and Use</u> <i>Electronic smoking device</i> means "any electronic product that can be used to	N/A	N/A	Sale/distribution of electronic smoking devices to persons under age 21 prohibited. HAW. REV. STAT. §§ 712-1258(1); 245-17(a) (2020) (delivery sales)	Yes. HAW. REV. STAT. § 28-164 (2020) (registration)	Use of electronic smoking devices included in definition of smoking and prohibited in

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	<p>1; 712-1258(7); 304A-122(c) (2020)</p>	<p>aerosolize and deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, and any cartridge or other component of the device or related product.” HAW. REV. STAT. §§ 323F-34(d) (use at Hawaii Health Systems Corp.); 321-211 (youth possession/use); 328J-1 (use restriction); 712-1258(7) (youth access); 245-17(f) (delivery sale); 28-162 (registration); 304A-122(c) (2020) (use on University of Hawaii property)</p> <p><u>Use in State Parks</u></p>			<p>Purchase/possession of electronic smoking device by person under age 21 prohibited. HAW. REV. STAT. § 712-1258(5) (2020)</p> <p>Possession or use of electronic smoking device by person under age 21 in public prohibited. HAW. REV. STAT. § 321-212 (2020)</p> <p>Distribution of samples of electronic smoking devices on public property or within 1000 feet of a school is prohibited. HAW. REV. STAT. § 328J-17(a) (2020)</p> <p>Face-to-face sales of electronic smoking devices required (<i>i.e.</i>, no self-service displays or vending sales) except in duty-free facilities and adult-only tobacco businesses. HAW. REV. STAT. § 328J-18 (2020)</p>		<p>same places smoking is prohibited including enclosed or partially enclosed places that are: owned, leased or operated by the state or counties, open to the public, places of employment, sports arenas/stadiums, and within 20 feet of entrances and exits to such places (with some exceptions). HAW. REV. STAT. §§ 328J-1 (definition of smoking); 328J-2–328J-7 (2020)</p> <p>Use of electronic smoking devices prohibited in</p>

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		<p><i>Electronic smoking device</i> 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.” HAW. REV. STAT. § 184-4.5(c) (2020)</p>			<p>Delivery sales of electronic smoking devices require third-party age verification, copy of government issued identification or age and signature verification in shipment process upon and before actual delivery. HAW. REV. STAT. § 245-17(b) (2020)</p>		<p>state parks. HAW. REV. STAT. § 184-4.5(a) (2020)</p> <p>Use of vapor cigarettes or e-cigarettes in parks. HAW. CODE R. § 15-210-13(a)(25) (2020)</p> <p>Use of electronic smoking devices prohibited on indoor and outdoor areas of Hawaii Health Systems Corporation property. HAW. REV. STAT. § 323F-34(a) (2020)</p> <p>Use of electronic smoking devices prohibited on University of Hawaii property.</p>

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							HAW. REV. STAT. § 304A-122(a) (2020)
Idaho	No	<i>Electronic cigarette</i> means "any device that can provide an inhaled dose of nicotine by delivering a vaporized solution [and] includes the components of an electronic cigarette including, but not limited to, liquid nicotine" IDAHO CODE ANN. § 39-5702(6) (2020)	N/A	N/A	<p>Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IDAHO CODE ANN. §§ 39-5705(1); 39-5714(1) (2020)</p> <p>Delivery sale of electronic cigarettes require age verification (through credit/debit card verification of name and age) that purchaser is 18 years or older. IDAHO CODE ANN. § 39-5715(2) (2020)</p> <p>Possession/purchase/distribution/use of electronic cigarettes by persons under age 18 prohibited, except possession during course of employment to stock shelves or carry products to customer's vehicles. IDAHO CODE ANN. § 39-5703(1), (2), (5) (2020)</p>	No	N/A

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					<p>Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco stores. IDAHO CODE ANN. § 39-5706 (2020)</p> <p>Shipment of electronic cigarettes must include statement re: prohibition on shipping to individuals under age 18. IDAHO CODE ANN. § 39-5717A (2020)</p>		
Illinois	Yes. 35 ILL. COMP. STAT. 143/10-5 (2020)	<p><u>Sales restrictions</u></p> <p><i>Electronic cigarette</i> means “(1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or (3) any solution or substance,</p>	Electronic cigarettes taxed at rate of 15% of wholesale price. 35 ILL. COMP. STAT. 143/10-10(a) (2020)	Electronic cigarette liquids may only be sold in child-resistant packaging, excluding e-cigarette products sold in “sealed, pre-filled, or disposable replacement cartridges.” 430 ILL. COMP. STAT. 40/10 (2020)	<p>Sale/distribution of electronic cigarettes to persons under age 21 prohibited. 720 ILL. COMP. STAT. 675/1(a) (2020)</p> <p>Purchase of electronic cigarette by persons under age 21 prohibited. 720 ILL. COMP. STAT. 675/1(a) (2020)</p> <p>Self-service display of electronic cigarettes restricted to adult-only tobacco stores. 720 ILL. COMP. STAT. 677/10 (2020)</p>	No	<p>Use of products containing nicotine prohibited in places smoking prohibited on public higher education campuses. 110 ILL. COMP. STAT. 64/10 (definition of “smoking”) and 64/15(a) (2020)</p> <p>Vaping or use of electronic</p>

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		<p>whether or not it contains nicotine intended for use in the device... [including] any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device." 720 ILL. COMP. STAT. 675/1(a-9) (2020); 35 ILL. COMP. STAT. 143/10-5 (2020)</p> <p><u>Packaging restrictions</u></p> <p><i>Electronic cigarette or E-Cigarette</i> means "a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any</p>			<p>Vending sales of electronic cigarettes restricted to adult-only facilities. 720 ILL. COMP. STAT. 675/1(b) (2020)</p> <p>Remote sales of electronic cigarettes require third party age verification. 720 ILL. COMP. STAT. 675/1(a-5.1)(2) (2020)</p>		<p>cigarettes prohibited in any building or structure in the Capitol Complex. ILL. ADMIN. CODE tit. 71, § 2005.40(m) (2020)</p>

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		combination thereof that are turned into vapor which is inhaled by the user." 430 ILL. COMP. STAT. 40/2.10 (2020)					
Indiana	Yes. IND. CODE § 7.1-1-3-47.5(b) (2020)	<p><u>Sales and packaging restrictions</u></p> <p><i>Electronic cigarette</i> means "a device that is capable of providing an inhalable dose of nicotine by delivering a vaporized solution...[and] includes the components and cartridges." IND. CODE §§ 35-46-1-1.5; 24-3-7-4 (2020)</p> <p><i>Electronic delivery device</i> means "any product that: (1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and (2)</p>	N/A	<p>Nicotine liquids/gels must be sold in child-resistant packaging (except prefilled containers not intended to be opened by consumer). IND. CODE § 24-3-7-7 (2020)</p> <p>Manufacturers must use e-liquid containers with tamper evident packaging, a child-resistant cap, among other requirements.</p>	<p>Sale/distribution of electronic cigarettes to persons under age 18 prohibited. IND. CODE §§ 35-46-1-10(a); 35-46-1-10.2(a) (2020)</p> <p>Sale of e-liquids to persons under age 18 prohibited. IND. CODE §§ 7.1-7-5.5-1; 7.1-7-6-5; 7.1-7-6-2 (2020)</p> <p>Possession/purchase of electronic cigarettes by persons under age 18 prohibited. IND. CODE § 35-46-1-10.5(a) (2020)</p> <p>Self-service displays and vending machine sales of electronic cigarettes restricted to tobacco/vape shops and places inaccessible to persons under age 18. IND.</p>	Yes. IND. CODE §§ 7.1-3-18.5-1; 7.1-7-5-1.1(a) (2020)	N/A

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>can be used by a person to simulate smoking in the delivery of nicotine, lobelia, or any other substance through inhalation of vapor from the product . . . [and] includes any component part . . . whether or not the component part is marketed or sold separately.” IND. CODE § 24-3-7-5 (2020)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container that: (1) contains a nicotine liquid or other substance containing nicotine; and (2) is sold, marketed or intended for use with an electronic cigarette or other electronic delivery device [but does not include such container if it is]</p>		<p>IND. CODE § 7.1-7-4-6(b) (2020)</p>	<p>CODE §§ 35-46-1-11.8; 35-46-1-11.5(c) (2020)</p> <p>“[S]elf-service sale[s]” of e-liquids prohibited. IND. CODE § 7.1-7-5-1.1(d) (2020)</p> <p>Manufacturers, distributors, and retailers prohibited from marketing e-liquid as a modified risk product IND. CODE § 7.1-7-5-1.1(i) (2020)</p> <p>Manufacture (including mixing, bottling, and packaging) and sale of e-liquids restricted to persons with proper permits. IND. CODE § 7.1-7-4-1(a) (2020)</p> <p>Retailers prohibited from selling e-liquids with more than 75 mg/ml of nicotine. IND. CODE § 7.1-7-5-1.1(e) (2020)</p> <p>“[Retailers] who ship[] e-liquids from a delivery sale order shall include as part of</p>		

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		<p>prefilled and sealed by the manufacturer and not intended to be opened by the consumer." IND. CODE § 24-3-7-6 (2020)</p> <p><u>E-liquid manufacture and sales restrictions</u></p> <p><i>E-liquid</i> means "a substance that: (1) may or may not contain nicotine; and (2) is intended to be vaporized and inhaled using a vapor product." IND. CODE § 7.1-7-2-10 (2020)</p> <p><i>Vapor product</i> means "a powered vaporizer that converts e-liquid to a vapor intended for inhalation." IND. CODE § 7.1-7-2-23 (2020)</p>			<p>the shipping documents a document with the following statement: 'E-LIQUIDS: Indiana law prohibits the sale of this product to a person who is less than 18 years of age.'" IND. CODE § 7.1-7-5.5-5 (2020)</p> <p>Delivery sales of e-liquids must be prepaid by purchaser, shipped only to purchaser, and only after good faith effort to ascertain age. IND. CODE §§ 7.1-7-5.5-3; 7.1-7-5.5-2 (2020)</p>		
Iowa	No	<i>Vapor product</i> means "any noncombustible product, which may or may not contain	N/A	N/A	Sale/distribution of vapor products to anyone under age 18 prohibited. IOWA CODE ANN. § 453A.2(1) (2020)	Yes. IOWA CODE ANN. §§ 453A.47A(1	Use of electronic cigarettes prohibited on state-operated

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>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 a solution or other substance . . . [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” IOWA CODE</p>			<p>Possession/purchase/use of vapor products by persons under age 18 prohibited. IOWA CODE ANN. § 453A.2(2) (2020)</p> <p>No distribution of free vapor products to persons under age 18 or within 500 feet of places when primarily in use by minors. IOWA CODE ANN. § 453A.39(2)(b) (2020)</p> <p>Self-service displays restricted to adult-only locations. IOWA CODE ANN. § 453A.36A(1) (2020)</p> <p>Vending machine sales restricted to adult-only locations. IOWA CODE ANN. § 453A.36(6) (2020)</p> <p>Retailers making delivery sale of vapor product must use method that requires signature of person at least 18 years of age before package is released. IOWA</p>	<p>); 453A.13(1); 453A.36(7)(a) (2020)</p>	<p>and owned buildings and outdoor grounds used in connection with the building, except in privately-owned buildings located on Capitol Complex property. IOWA STATE EMPLOYEE POLICY (Appendix E) (October 2018)</p> <p>Use of electronic smoking devices prohibited by regulation on campus of Iowa State University. IOWA ADMIN. CODE r. 681-13.17(262) (2020)</p>

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		ANN. § 453A.1(29) (2020)			CODE ANN. § 453A.47B(2) (2020)		Use of electronic cigarettes prohibited by regulation on University of Iowa campus. IOWA ADMIN. CODE r. 681-12.6(262) (2020) Vaping prohibited in foster home and any vehicle when foster child is present. IOWA ADMIN. CODE r. 441-113.5(237)(6)(g) (2020)
Kansas	No	<i>Electronic cigarette</i> "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	Privilege tax for sale or dealing of electronic cigarettes "at the rate of \$0.05 per milliliter of consumable material." KAN. STAT. ANN. § 79-3399(a) (2020)	N/A	Sale/distribution of electronic cigarettes to persons under age 18 prohibited. KAN. STAT. ANN. § 79-3321(l) (2020) Purchase/possession of electronic cigarettes by person under age 18	Yes, both retailers and vending machine distributors. KAN. STAT. ANN. § 79-3303(a) (2020)	N/A

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		<p>cartridges or other chemical delivery systems." KAN. STAT. ANN. § 79-3301(m) (2020)</p> <p><i>Consumable material</i> "means any liquid solution or other material that is depleted as an electronic cigarette is used." KAN. STAT. ANN. § 79-3399(b) (2020)</p>			<p>prohibited. KAN. STAT. ANN. § 79-3321(m), (n) (2020)</p> <p>Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to persons under age 18 or which has a lock-out device. KAN. STAT. ANN. § 79-3321 (t), (u) (2020)</p> <p>Possession or distribution of electronic cigarettes prohibited at juvenile correctional facility or institution. KAN. ADMIN. REGS. § 123-2-111(a), (b)(16) (2020)</p>		
Kentucky	No	<p><i>Vapor product</i> 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</p>	N/A	N/A	<p>Sale/distribution of vapor products, including free samples, to persons under age 18 prohibited. KY. REV. STAT. ANN. §§ 438.310(1); 438.313(1); 438.315(1) (2020)</p> <p>Purchase of vapor products by persons under age 18 prohibited. KY. REV. STAT.</p>	No	Use of electronic cigarettes and vaping devices prohibited on any and all properties owned or operated by the Executive branch, including buildings, land and vehicles

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		component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. . . . [I]ncludes 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." KY. REV. STAT. ANN. § 438.305(9) (2020)			<p>ANN. §§ 438.311(1); 438.315(2) (2020)</p> <p>Possession/use of vapor products by person under age 18 prohibited. KY. REV. STAT. ANN. § 438.350(1) (2020)</p> <p>Vending machines must be inaccessible to persons under age 18 or in line of sight of cashier. KY. REV. STAT. ANN. § 438.315(3) (2020)</p>		<p>owned, leased or contracted for state use. Includes certain health care facilities, veterans' facilities, state parks, fairgrounds and highway rest areas. KY. EXEC. ORD. 2014-747</p> <p>Use of electronic cigarettes prohibited in courtrooms and hallways of Hardin District Court. KY. R. HARDIN DISTRICT COURT, RULE 15.01 (2020)</p> <p>Local boards of education directed to implement</p>

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
							<p>policies prohibiting use of vapor products prohibited in or on school owned or leased property and at school events by July 1, 2020. KY. REV. STAT. ANN. § 438.345 (2020)</p> <p>Electronic cigarettes prohibited from underground mines. KY. REV. STAT. ANN. § 352.170(3) (2020)</p> <p>Child care professionals prohibited from vaping in presence of a child. 922 KY. ADMIN. REGS. 2:180:5(7)(b); 2:120:3(10) (and</p>

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							must be done outside); 2:100:10(10)(b) (2020) Use of electronic cigarettes prohibited at body piercing and tattooing workstations. 902 KY. ADMIN. REGS. 45:070:10(2)(a); 45:065:10(2)(a) (2020)

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
Louisiana	No	<p><u>Youth Access and Tax</u></p> <p><i>Vapor product</i> 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 . . . [and] 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,</p>	Vapor products and electronic cigarettes taxed at \$0.05 per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. LA. REV. STAT. ANN. § 47:841(F) (2020)	Vapor products must have child-resistant and tamper-evident packaging. LA ADMIN. CODE tit. 55 § 3211 (2020) (effective until April 18, 2020)	<p>Sale/distribution of vapor products to persons under age 18 prohibited. LA. REV. STAT. ANN. §§ 14:91.8(C); 26:911(A)(1); 14:91.6(A) (2020)</p> <p>Purchase of vapor product by persons under age 18 prohibited. LA. REV. STAT. ANN. § 14:91.8(E) (2020)</p> <p>Possession of vapor product by persons under age 18 prohibited unless accompanied by parent or in a private residence. LA. REV. STAT. ANN. § 14:91.8(F) (2020)</p> <p>Self-service displays of vapor products restricted to tobacco businesses and vending machines located in age-restricted settings. LA. REV. STAT. ANN. §§ 26:910; 26:910.1 (2020)</p>	Yes. LA. REV. STAT. ANN. § 26:902(1) (2020)	Smoking or carrying electronic cigarettes and advanced personal vaporizers prohibited on any school property. LA. REV. STAT. ANN. §§ 17:240(A)(2) (definition of smoking); 17:240(B)(2) (2020)

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>electronic cigar, electronic cigarillo, electronic pipe, or similar product or device." LA. REV. STAT. ANN. §§ 14:91.8(G)(7); 14:91.6(B)(7); 47:842(20) (2020)</p> <p><u>Youth Access</u></p> <p><i>Vapor product</i> 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 or other substances . . . [and] includes any electronic cigarette, electronic cigar,</p>					

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>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." LA. REV. STAT. ANN. § 26:901(32) (2020)</p> <p><i>E-liquid</i> means "a substance that does not include cannabis or CBD as defined under the laws of this state and the laws of the United States and which ...may or may not contain nicotine, is intended to be vaporized and inhaled using a vapor product</p>					

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		and is a legal substance...” LA. REV. STAT. ANN. § 26:901(7) (2020)					
Maine	Yes. ME. REV. STAT. ANN. tit. 22 § 1551(3) (2020) ; ME. REV. STAT. ANN. tit. 36 § 4401(9) (2020)	<u>Sales and Use</u> <i>Tobacco Product</i> means “any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed,	E-cigarettes taxed as “other tobacco” products at rate of 43% of wholesale price. ME. REV. STAT. ANN. tit. 36 § 4403(2) (2020) (effective January 2, 2020)	Nicotine liquid containers cannot be sold/distributed unless child-resistant. ME. REV. STAT. ANN. tit. 22 § 1560-B(2) (2020)	Sale/distribution of tobacco products to persons under age 21 prohibited (unless the person has attained 18 years of age as of July 1, 2018). ME. REV. STAT. ANN. tit. 22 § 1555-B (2) (2020) Employees of e-cigarette retailers must be at least 17 years of age; if employee’s age is between 17 and 21, he or she may only sell e-	Yes. ME. REV. STAT. ANN. tit. 22 § 1551-A(1) (2020)	Use of electronic cigarettes included in definition of “smoking” and prohibited in same spaces smoking prohibited (ME. REV. STAT. ANN. tit. 22 § 1541(6) (2020)) (definition of

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus...[including] an electronic smoking device and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.”</p> <p>ME. REV. STAT. ANN. tit. 22 § 1551(3) (2020)</p> <p><i>Electronic smoking device</i> means “a device used to deliver nicotine or any other substance intended for human consumption that may</p>			<p>cigarettes in presence of supervisor at least 21 years old. ME. REV. STAT. ANN. tit. 22 § 1555-B(1) (2020)</p> <p>Self-service displays of tobacco products prohibited except for sale of tobacco products in multi-unit packages of 10 or more units, in tobacco specialty stores or in locations inaccessible to persons under age 21. ME. REV. STAT. ANN. tit. 22 § 1555-B(11) (2020)</p> <p>Vending machine sales of tobacco products restricted to locations inaccessible to persons under age 21. ME. REV. STAT. ANN. tit. 22 § 1553-A(1)(C) (2020)</p> <p>Purchase of tobacco products by persons under age 21 prohibited. ME. REV. STAT. ANN. tit. 22 § 1555-B(5-A) (2020)</p>		<p>“smoking”); including certain indoor public spaces and day care/babysitting facilities (and related transportation vehicles) (ME. REV. STAT. ANN. tit. 22 § 1542 (2020)); in school buildings, on school grounds or buses or at any school-sponsored event (ME. REV. STAT. ANN. tit. 22 § 1578-B(2) (2020)) certain outdoor areas, (ME. REV. STAT. ANN. tit. 22 § 1550(2) (2020)); and near beaches, state parks, and historic sites. (ME. REV. STAT. ANN. tit. 22 §</p>

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		<p>be used by a person to simulate smoking through inhalation of vapor or aerosol from the device [including] a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.”</p> <p>ME. REV STAT. ANN. tit. 22 § 1541(1-A) (2020); ME. REV. STAT. ANN. tit. 36 § 4401(2-A) (2020)</p> <p><u>Packaging Restrictions</u></p> <p><i>Electronic nicotine delivery device</i> means “any noncombustible device containing or delivering nicotine or any other substance intended for human consumption that employs a heating element, power source,</p>			<p>Possession or use of tobacco products prohibited by prisoners at Department of Corrections facilities. 03-201-10 ME. CODE R. § 20.1 (2020)</p>		<p>1580-E(2) (2020)</p> <p>Vaping and use of electronic cigarettes prohibited throughout the Wells Reserve except at designated smoking area in parking lot. 94-335-1 ME. CODE R. § 1(G)(4) (2020)</p>

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		<p>electronic circuit or other electronic, chemical or mechanical means and that may be used to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.”</p> <p>ME. REV. STAT. ANN. tit. 22 § 1560-B(1)(B) (2020)</p> <p><i>Nicotine liquid container</i> means “a container used to hold a liquid, gel or other substance containing nicotine that is sold, marketed or intended for use as or with an electronic nicotine</p>					

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		delivery device [but does not include cartridges] prefilled and sealed by the manufacturer and not intended to be opened by the consumer." ME. REV. STAT. tit. 22 § 1560-B(1)(C) (2020)					
Maryland	Yes. MD. CODE ANN., BUS. REG. § 16-3A-01(c) (2020) ; MD. CODE ANN., CRIM. LAW § 10-101(d) (2020) ; MD. CODE ANN., HEALTH GEN. § 13-1001(u) (2020)	<i>Electronic smoking device</i> means "a device, that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device [including] an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, and vaping liquid; and ...any component, part, or accessory of such a device regardless of whether or not it is sold separately, including any substance intended	N/A	N/A	Sale/distribution of electronic smoking devices to persons under age 21 years prohibited unless person is at least 18 years of age and an active duty member of the military. MD. CODE ANN., HEALTH GEN. §§ 24-305(b), 307(b) (2020) ; MD. CODE ANN., CRIM. LAW §§ 10-107(b)(2), (c)(1) (2020)	Yes, license required for shipment, manufacture, distribution, import or sale of electronic smoking devices into or within State. MD. CODE ANN., BUS. REG. §§ 16.7-201, 16.7-211(a), 16.7-213(a) (2020)	N/A

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		<p>to be aerosolized or vaporized during use of the device." MD. CODE ANN., BUS. REG. § 16.7-101(c) (2020)</p> <p><i>Vaping liquid</i> means "a liquid that: (1) consists of propylene glycol, vegetable glycerin or other similar substance; (2) may or may not contain natural or artificial flavors; (3) may or may not contain nicotine; and (4) converts vapor intended for inhalation when heated in an electronic device." MD. CODE ANN., BUS. REG. § 16.7-101(k) (2020)</p>					

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Massachusetts	Yes. MASS. GEN. LAW ch. 270 § 6 (a) (2020)	<i>Tobacco product</i> means “a product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoke, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including...electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization, [and including] any component, part or accessory.” MASS. GEN. LAW ch. 270 § 6(a) (2020) ; MASS. GEN. LAW ch. 270 § 28(a) (2020)	Electronic nicotine delivery systems taxed at rate of 75% of the wholesale price. MASS. GEN. LAW ch. 64C § 7E(b) (2020) (effective June 1, 2020)	Liquids or gels containing nicotine must be sold in child-resistant package. MASS. GEN. LAW ch. 270 § 27(a) (2020) ; 940 MASS. CODE REGS. 21.05 (2020) Electronic smoking devices may not be opened, repackaged or sold in smaller quantities than the smallest package distributed by the manufacturer for individual consumer use. 940 MASS. CODE REGS.	Sale/distribution of electronic smoking devices to persons under age 21 prohibited (except those who have attained the age of 18 before December 31, 2018). MASS. GEN. LAW ch. 270 § 6 (b) (2020) ; 940 MASS. CODE REGS. 21.04(3) (2020) Sale/distribution of flavored tobacco products or tobacco product flavor enhancers restricted to sales by a smoking bar for on site consumption and sales of flavored electronic nicotine delivery devices to out-of-state purchasers. MASS. GEN. LAW ch. 270 § 28(b) and (c) (2020) Sale of electronic nicotine delivery systems with nicotine content greater than 35 mg/ml restricted to specialty tobacco stores and smoking bars. MASS. GEN. LAW ch. 270 § 29(b) (2020)	Yes. MASS. GEN. LAW ch. 64C § 7E(h) (2020) (effective June 1, 2020)	Use of electronic cigarettes included in definition of “smoking” and prohibited in same spaces smoking prohibited, MASS. GEN. LAW ch. 270 § 22(a) (2020) (definition of smoking); including workplaces, indoor public places, child care centers, state buildings and vehicles, (with some exceptions) MASS. GEN. LAW ch. 270 §§ 22(b), (c) (2020) ; and public transportation. MASS. GEN. LAW ch. 272 § 43A (2020)

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p><i>Liquid nicotine container</i> means “a package: (i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and (ii) that is used to hold soluble nicotine in any concentration [but does not include [prefilled and disposable container ... if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.” MASS. GEN. LAW CH. 270 § 27(a) (2020)</p> <p><i>Electronic smoking device</i> means “any product that can deliver</p>		<p>21.04(1)(b) (2020)</p>	<p>Self-service displays and vending machine sales of electronic smoking devices restricted to adult-only facilities. 940 MASS. CODE REGS. 21.04(2), (4) (2020)</p> <p>Sampling/free distribution of electronic smoking devices prohibited. 940 MASS. CODE REGS. 21.04(1)(a) (2020)</p> <p>Distribution of free samples in a retail or other commercial establishment prohibited (except in retail tobacco stores and smoking bars). MASS. GEN. LAW ch. 270 § 6(c) (2020)</p> <p>Sale of electronic cigarettes in health care institution buildings or grounds prohibited. MASS. GEN. LAW ch. 112 § 61A (2020)</p> <p>Mail-order or internet sales of electronic smoking devices prohibited unless retailer requires age-</p>		<p>Use of electronic cigarettes prohibited in school buildings, grounds, buses or school-sponsored events. MASS. GEN. LAW ch. 74 § 58 (2020); MASS. GEN. LAW ch. 71 § 2A (2020)</p> <p>Nursing homes must designate electronic cigarette-free areas in common areas. No employee may use electronic cigarettes in any patient area. MASS. GEN. LAW 111 § 72X (2020)</p> <p>Use of nicotine delivery systems at licensed recreational</p>

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		<p>nicotine to the user through inhalation of vapor [including] any component part of such product, including liquid for use in the device regardless of whether the liquid contains nicotine, [and] whether or not sold separately" 940 MASS. CODE REGS. 21.03 (2020)</p> <p><i>Electronic nicotine delivery system</i> means "an electronic device, whether for 1-time use or reusable, that can be used to delivery nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and</p>			<p>verification and signature by person of legal sales age upon receipt. 940 MASS. CODE REGS. 21.04(1)(c), (4)(a) (2020)</p>		<p>children camps prohibited. 105 MASS. CODE REGS. 430.165 (2020)</p>

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		other similar devices that rely on vaporization or aerosolization; ...[including] any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device...[and]...any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately... MASS. GEN. LAWS ch. 64C § 7E(a) (2020) ; MASS GEN. LAWS ch. 270 § 29(a) (2020)					
Michigan	No	<i>Vapor product</i> means "a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means,	N/A	Liquid nicotine containers must be child-resistant (unless prefilled, sealed and not intended to be opened by the	Sale of vapor products to persons under age 18 years prohibited. MICH. COMP. LAWS ANN. § 722.641(1) (2020) Persons under age 18 years prohibited from	No	Use of electronic smoking devices prohibited in Third Judicial Circuit Court. MICH. COMP. LAWS ANN., R 3

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		<p>regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking...[including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an [aforementioned device].” MICH. COMP. LAWS ANN. § 722.644(h) (2020)</p> <p><i>Liquid nicotine</i> means “a liquid or other substance containing nicotine in any concentration that is</p>		<p>consumer). MICH. COMP. LAWS ANN. § 722.642b(1) (2020)</p>	<p>purchasing/possessing vapor products or using vapor products in a public place. MICH. COMP. LAWS ANN. § 722.642(3) (2020)</p> <p>Internet sales of vapor products permitted after verifying purchaser is at least 18 years of age through a third-party service. MICH. COMP. LAWS ANN. § 722.641(8)(b) (2020)</p> <p>Self-service displays of vapor products prohibited. MICH. COMP. LAWS ANN. § 722.642c (2020)</p> <p>Sales of flavored nicotine-containing vapor products are prohibited. Advertising for vapor products may not include imagery representing a characterizing flavor, must not be misleading (claiming to be “clean,” “safe” or “harmless,” and are prohibited at point of sale, within 25 feet of candy,</p>		<p>CIR Rule § 8.115 (F)(1) (2020)</p> <p>Vaping prohibited on child care center property and in homes and vehicles used to transport children in care when in operation for child care. MICH. ADMIN. CODE r. 400.1903(8) (2020); MICH. ADMIN. CODE r. 400.8110(13) (2020)</p>

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		<p>sold, marketed, or intended for use in a noncombustible product 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 or any other substance, ad the use or inhalation of which simulates smoking.”</p> <p>MICH. COMP. LAWS ANN. § 722.642b(3)(a) (2020)</p>			<p>foodstuffs and soft drinks, and anywhere visible from 25 feet outside place of business. MICH. ADMIN. CODE R. 325E.1-1.2019 (2020) (effective until September 18, 2020)</p>		

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Minnesota	Yes MINN. STAT. § 297F.01 (19) (2020)	<i>Electronic delivery device</i> 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 from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately.” MINN. STAT. § 609.685(1)(c) (2020) <i>Nicotine solution products</i> means “any cartridge, bottle or other package that contains nicotine, including nicotine	Tax of 95% of wholesale price imposed on tobacco products, including e-cigarettes. MINN. STAT. § 297F.05(3) (2020) ; Minn. Dep’t of Revenue Notice #12-10 (2012)	Liquids intended for human consumption and use in an electronic delivery device (whether they contain nicotine or not) must be sold in child resistant packaging. MINN. STAT. § 461.20(b) (2020)	Sale/distribution of electronic delivery devices prohibited to persons under age 18. MINN. STAT. §§ 609.685(1)(a), (2)(a) (2020) Purchase/possession/use of electronic delivery device by person under age 18 prohibited. MINN. STAT. §§ 609.685(2)(b), (3) (2020) Sale of electronic delivery devices from a moveable place of business (kiosk) prohibited. MINN. STAT. § 461.21 (2020) Self-service displays of electronic delivery devices restricted to adult-only, tobacco-only businesses; vending machines restricted to locations inaccessible to persons under age 18. MINN. STAT. § 461.18 (2020)	Yes. A town board or the governing body may license and regulate electronic delivery devices however, if they do not, the county board shall license and regulate electronic delivery devices. MINN. STAT. § 461.12(1) (2020)	Use of electronic delivery devices included in the definition of “smoking” (MINN. STAT. § 144.413(4) (2020)) and prohibited in all public places, including places of employment and public transportation, day care and health facilities, government owned or operated buildings, facilities owned by Minnesota State Colleges and Universities, the University of Minnesota, facilities licensed by the commissioner of human services

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		made or derived from tobacco, or sources other than tobacco, that is in a solution that is consumed, or meant to be consumed, through the use of a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that produces vapor or aerosol...[including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any batteries, heating elements, or other components, parts, or accessories sold with and meant to be used in the consumption of a solution containing nicotine." MINN. STAT. § 297F.01(22b)(b)-(c) (2020)					and those licensed by the commissioner of health (with some exceptions) (MINN. STAT. § 144.414 (2020)); and public and charter schools and any facility or vehicle owned, rented or leased by a school district (MINN. STAT. § 144.4165 (2020)).

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Mississippi	No	<p><i>Alternative nicotine product</i> means "(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." MISS. CODE ANN. § 97-32-51(1)(a) (2020)</p> <p><i>Electronic cigarette</i> means "an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to stimulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe." MISS.</p>	N/A	N/A	<p>Sale/distribution of alternative nicotine products or any cartridge or component to persons under 18 prohibited. MISS. CODE ANN. § 97-32-51(2) (2020)</p> <p>Internet sales of alternative nicotine products or any cartridge or component require third-party age verification. MISS. CODE ANN. § 97-32-51(3)(b) (2020)</p>	No	N/A

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		CODE ANN. § 97-32-51(1)(b) (2020)					
Missouri	No	<i>Vapor product</i> 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 [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe...and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in [any of the	N/A	Nicotine liquid containers must be child-resistant (except prefilled containers not intended to be opened by consumer). MO. REV. STAT. § 407.926.4(1), (2) (2020)	Sale/distribution of vapor products to persons under age 18 prohibited. MO. REV. STAT. §§ 407.926.1; 407.931.1; 407.931.3 (2020) Vending machine sales restricted to places inaccessible to persons under age 18 or through machines equipped with lock-out device and under direct unobstructed supervision of an adult. MO. REV. STAT. § 407.931.2 (2020) Purchase/possession of vapor products by persons less than age 18 prohibited. MO. REV. STAT. § 407.933.1 (2020)	Yes. MO. REV. STAT. § 407.934.1 (2020)	Vaping restricted to specifically designated areas of public buildings and grounds occupied by state agencies. MO. CODE REGS. ANN. tit. 1, § 35-1.050(2)(A)(11) (2020)

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		<p>aforementioned devices] [but] does not include any alternative nicotine product or tobacco product." MO. REV. STAT. § 407.925.12 (2020)</p> <p><i>Nicotine liquid container</i> means "a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product [but does not include cartridges] prefilled and sealed by the manufacturer and not intended to be opened by the consumer." MO. REV. STAT. § 407.926.4(2) (2020)</p>					
Montana	No	<i>Vapor product</i> means "a noncombustible product that may contain nicotine and	N/A	N/A	Sale/distribution of vapor products to persons under age 18 prohibited. MONT.	Yes. MONT. CODE ANN. § 16-11-	Use of vapor products prohibited in or on public school

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		<p>that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance [including] an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with [any aforementioned] device.” MONT. CODE ANN. §§ 16-11-302(7); 20-1-220 (2020)</p> <p><i>Vapor product</i> means a noncombustible product, regardless of</p>			<p>CODE ANN. § 16-11-305(1) (2020)</p> <p>Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. MONT. CODE ANN. § 16-11-306(1) (2020)</p> <p>Possession/use of vapor products by persons under age 18 prohibited. MONT. CODE ANN. § 45-5-637(1) (2020)</p> <p>Sale/distribution of flavored vapor products prohibited. 20 MONT. ADMIN. REG. 1879 (2020) (effective until April 16, 2020)</p>	<p>303(1) (2020)</p>	<p>property. MONT. CODE ANN. § 20-1-220(1) (2020)</p>

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		nicotine or Tetrahydrocannabinol (THC) content, that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance...[including] an electronic cigarette, electronic cigare, electronic cigareillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine or THC in a solution or other form tha tis intended to be used with or in [an aforementioned device]. 20 MONT. ADMIN. REG. 1879					

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		(2020) (effective until April 16, 2020)					
Nebraska	No	<i>Electronic nicotine delivery system</i> means "any product or device containing nicotine, tobacco, or tobacco derivatives that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to simulate smoking by delivering the nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form to a person inhaling from the product or device [including] any substance containing nicotine, tobacco, or tobacco derivatives, whether sold separately or sold in combination with [an	N/A	N/A	<p>Sale/distribution of electronic nicotine delivery systems to persons under age 19 prohibited. NEB. REV. STAT. §§ 28-1419; 28-1425 (2020)</p> <p>Use of electronic nicotine delivery systems by persons under age 19 prohibited. NEB. REV. STAT. § 28-1418 (2020)</p> <p>Persons under age 19 prohibited from obtaining electronic nicotine delivery systems. NEB. REV. STAT. § 28-1427 (2020)</p> <p>Vending machine sales of vapor products are restricted to locations inaccessible to the general public or in locations where liquor is sold. NEB. REV. STAT. § 28-1429.02 (2020)</p> <p>Self-service displays restricted to tobacco specialty</p>	Yes. NEB. REV. STAT. § 28-1420 (2020)	N/A

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		aforementioned product, and products] parketed, manufactured, distributed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or similar products...and any component, part or accessory [of such a product].” NEB. REV. STAT. § 28-1418.01(3) (2020)			stores and cigar bars. NEB. REV STAT. § 28-1429.03 (2020)		
Nevada	Yes. NEV. REV. STAT. ANN. § 370.0318 (2020)	<i>Vapor product</i> means “any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor	Vapor products taxed at rate of 30% of wholesale price. NEV. REV. STAT. ANN. § 370.450(1) (2020)	N/A	Sale/distribution vapor products to persons under age 18 prohibited. NEV. REV. STAT. ANN. § 370.1 (2020) Sale of vapor products through computer network, telephonic network or other electronic network must be packed and clearly marked “tobacco products” and only after age verification through third party service determines person is over age 18 years.	Yes. 2020 Nev. Laws Ch. 118, § 19(1)	Use of electronic smoking device included in definition of “smoking” (NEV. REV. STAT. ANN. § 202.2483(12)(n) (2020)) and prohibited in places of employment and places open to the public (NEV.

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		<p>from nicotine or any other substance in a solution or other form, the use or inhalation of which simulates smoking [including] an electronic cigarette, cigar, cigarillo pipe hookah, or vape pen . . . and the components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form [meant for use with an aforementioned device].” NEV. REV. STAT. ANN. §§ 202.2485.5; 370.054 (2020)</p> <p><u>Use restrictions</u></p> <p><i>Electronic smoking device</i> means “any</p>			<p>NEV. REV. STAT. ANN. § 202.24935 (2020)</p>		<p>REV. STAT. ANN. § 202.2483.1-2 (2020)), with some exceptions, including areas of casinos where minors prohibited, and age-restricted businesses, among some other private places (NEV. REV. STAT. ANN. § 202.2483.3 (2020)).</p> <p>Use of vapor products prohibited within any procedure area of an invasive body decoration establishment. NEV. ADMIN. CODE § 444.00849(1) (2020)</p>

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		product containing or delivering nicotine, a product made or derived from tobacco 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 or aerosol from the product [including] any component part of [such a product], regardless of whether the component part is sold separately.” NEV. REV. STAT. ANN. § 202.2483(12)(n) (2020)					
New Hampshire	Yes. N.H. REV. STAT. ANN. § 78:1(XIII) (2020)	<i>E-cigarette</i> means “any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that may or may not contain nicotine or e-liquid [including] e-cigarettes,	Closed cartridges or containers of nicotine-containing substances not intended to be opened taxed at rate of \$0.30/ml and containers	E-cigarettes and liquid nicotine must be sold in original packaging. N.H. CODE ADMIN. R.	Sale/distribution of e-cigarettes and e-liquid to persons under age 19 prohibited. N.H. REV. STAT. ANN. §§ 126-K:4-a(I); 126-K:8(I) (2020) Distribution of free e-cigarettes or e-liquid	Yes. N.H. REV. STAT. ANN. § 178:1(VI) (2020)	Use of e-cigarettes prohibited in all areas smoking is prohibited (N.H. REV. STAT. ANN. § 155:65(XV) (definition of “smoking”));

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		<p>e-cigars, or e-pipes” N.H. REV. STAT. ANN. §§ 126-K:2(II-b); 175:1(XXXI-a) (2020)</p> <p><i>E-liquid</i> means “any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation.” N.H. REV. STAT. ANN. §§ 126-K:2(II-c); 175:1(XXXI-a) (2020)</p> <p><i>Electronic cigarette</i> means “a noncombustible device regardless of shape or size that can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device, including but not limited to a device manufactured, distributed, marketed, or sold as an electronic cigarette, electronic</p>	<p>intended to be opened taxed at rate of 8% of wholesale price. N.H. REV. STAT. ANN. 78:2(II)(b) (2020)</p>	<p>ANN. LIQ. 1003.01 (2020)</p>	<p>restricted to locations inaccessible to persons under age 19 or licensed retail tobacco store. N.H. REV. STAT. ANN. § 126-K:5(I) (2020)</p> <p>Purchase/possession/use of e-cigarettes or liquid nicotine by persons under age 19 prohibited. N.H. REV. STAT. ANN. § 126-K:6(I) (2020)</p>		<p>including hospitals, public transportation, restaurants and day care agencies during hours of operation, as well as any other enclosed place of public access when smoking cannot be “effectively segregated.” N.H. REV. STAT. ANN. § 155:66 (2020)</p> <p>Use of e-cigarette and e-liquid in or on the grounds of a “public educational facility” prohibited. N.H. REV. STAT. ANN. § 126-K:7(I) (2020)</p>

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		cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or any other similar product or device under any other product name or descriptor...[including] any liquid or other substance containing nicotine that is intended to be used with or in such a device, including a closed cartridge or container that is not intended to be opened.” N.H. REV. STAT. ANN. § 78:1 (III-a) (2020)					
New Jersey	Yes. N.J. STAT. § 54:40B-2 (2020)	<u>Use restrictions</u> <i>Electronic smoking device</i> means “an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including,	Liquid nicotine taxed at rate of \$0.10 per fluid milliliter by volume, and a proportionate rate on all fractional parts of fluid milliliter (except container	Liquid nicotine must be sold in child-resistant containers. N.J. STAT. § 2A:170-51.9(a) (2020)	Sale/distribution of electronic smoking device to person under age 21 prohibited. N.J. STAT. §§ 2A:170-51.4(a)(2); 2C:33-13.1(a) (2020) Advertising electronic cigarettes prohibited on NJ Transit. N.J. ADMIN. CODE § 16:86-1.2(a)(8) (2020)	Yes (for sales of container e-liquid). N.J. STAT. 54:40b-3.3(a) (2020)	Use of electronic smoking device included in definition of “smoking” (N.J. STAT. §§ 26:3D-57), and prohibited in same spaces smoking

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		<p>but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.” N.J. STAT. § 26:3D-57 (2020)</p> <p><u>Packaging restrictions</u></p> <p><i>Liquid nicotine</i> means “any solution containing nicotine which is designed or sold for use with an electronic smoking device.” N.J. STAT. § 2A:170-51.9(a)(2) (2020)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container of liquid, wax, gel, or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product [but]</p>	<p>e-liquid). N.J. STAT. § 54:40B-3.2(a) and (d) (2020)</p> <p>Container e-liquid taxed at rate of 10% of the listed retail sale price. N.J. STAT. § 54:40B-3.4(a) (2020)</p>		<p>E-liquids may only be sold at retail by licensed specialty vapor businesses. N.J. STAT. § 54:40B-3.3(a) (2020)</p> <p>Discounted sales of vapor products (including through coupons and rebates) prohibited. N.J. STAT. 2A:170-51.11(1)(a) (2020)</p> <p>Discounted sales or distribution of flavored vapor products prohibited. N.J. STAT. 2A:170-51.12(1)(a) (2020)</p>		<p>prohibited, including: indoor public places, workplaces, public parks and beaches (26:3D-58); with some exceptions (26:3D-59); and restricted in lodging establishments (26:3D-60) (2020).</p> <p>Children’s Group Homes must prohibit use of electronic smoking devices by children and staff sale/distribution of such devices to children. N.J. ADMIN. CODE § 3A:56-4.6 (2020)</p> <p>Use of electronic cigarettes</p>

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		<p>does not include [containers] prefilled and sealed by the manufacturer [and] not intended to be opened by the consumer." N.J. STAT. § 2A:170-51.9(a)(3) (2020)</p> <p><i>Vapor product</i> 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 or size, to produce vapor from nicotine in a solution or any form [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other</p>					<p>prohibited in Atlantic City International Airport similar to smoking. N.J. ADMIN. CODE § 19:76-4.3 (2020)</p>

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		<p>container of nicotine in a solution or other form intended to be used with, or in, any such device." N.J. STAT. § 2A:170-51.9(a)(4) (2020)</p> <p><u>Tax</u></p> <p><i>Tobacco product</i> means "any product containing, made, or derived from any tobacco, nicotine, or other chemicals or substances for consumption by a person, including...liquid nicotine." N.J. STAT. § 54:40B-2 (2020)</p> <p><i>Electronic smoking device</i> means "a nonlighted, noncombustible device that may be used to simulate smoking and that employs a</p>					

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		<p>mechanical heating element, battery, or circuit, regardless of shape or size, to produce aerosolized or vaporized nicotine or other substance for inhalation into the body of a person, [including devices marketed as] an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other similar product with any other product name or descriptor." N.J. STAT. § 54:40B-2 (2020)</p> <p><i>Liquid nicotine</i> means "any solution containing nicotine that is designed or sold for use with an electronic smoking device." N.J. STAT. § 54:40B-2 (2020)</p> <p><i>Container e-liquid</i> means "a container of</p>					

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		liquid nicotine or other liquid where the liquid is marketed, sold, or intended for use in an electronic smoking device, but does not include a prefilled cartridge or other container where the cartridge or container is marketed, sold, or intended for use as, or as a part of, an electronic smoking device." N.J. STAT. 54:40B-2 (2020)					
New Mexico	Yes. N.M. STAT. ANN. § 7-12A-2(L) (2020) ; 2020 N.M. Laws ch. 46 § 2(S)	<u>Tax, Youth Access and Use Restrictions</u> <i>E-cigarette</i> means "(1) . . . any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and	E-liquid taxed at rate equal to 12.5% of product value. N.M. STAT. ANN. § 7-12A-3(D) (2020) Closed-system cartridges taxed at rate of \$0.50 per cartridge. N.M. STAT. ANN. § 7-12A-3(E) (2020)	Nicotine liquid must be sold in child-resistant containers (unless prefilled, sealed, and not intended to be opened by consumer). N.M. Stat. Ann. § 57-2C-1(A) (2020) ; 2020	Sale/distribution of e-cigarettes or a nicotine liquid container to persons under age 21 prohibited. 2020 N.M. Laws ch. 46 (3)(a) (new MLSA effective January 1, 2021) Self-service displays of e-cigarettes and nicotine liquid prohibited. 2020 N.M. Laws ch. 46 § 15(A)	Yes. 2020 N.M. Laws ch. 46 §§ 5(A); 6(A); and 7(A) (effective January 1, 2021)	Use of e-cigarettes included in definition of "smoking" (N.M. STAT. ANN. § 24-16-3(N) (2020) (definition of "smoking")), including workplaces and indoor public places (N.M.

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		<p>(2) includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor” N.M. STAT. ANN. §§ 7-12A-2(E) (2020); N.M. CODE R. § 6.12.4.7(B) (2020); 2020 NM Laws ch. 46 § 2(I)</p> <p><i>Electronic nicotine delivery system means “an electronic device, including e-cigarettes, whether composed of a heating element and battery or an electronic circuit, that provides a vapor or aerosol of nicotine, the use or inhalation of which simulates smoking.”</i> 2020 N.M. Laws ch. 46 § 2(J) (effective January 1, 2021)</p>		<p>N.M. Laws ch. 46 § 3(C)</p> <p>E-cigarettes and nicotine liquid containers must be sold in “original factory-sealed package.” 2020 N.M. Laws ch. 46 § 3(B)</p>	<p>Vending machine sales of e-cigarettes and nicotine liquid containers restricted to locations inaccessible by persons under age 21. 2020 N.M. Laws ch. 46 § 15(B) (new MLSA effective January 1, 2021)</p> <p>Sales of e-cigarettes, that are “knowingly attractive to minors” prohibited. This includes products with packaging or labeling containing cartoon characters or mimicry of products, characters and the like primarily marketed toward minors. 2020 N.M. Laws ch. 46 § 3(D) (effective January 1, 2021)</p> <p>Free samples of e-cigarettes and nicotine liquid, prohibited without express written approval. 2020 N.M. Laws ch. 46 § 16(a) (effective January 1, 2021)</p>		<p>STAT. ANN. § 24-16-4) (2020)), and reasonable distances from entrances, windows and ventilation systems if places where smoking is prohibited (N.M. STAT. ANN. § 24-16-13 (2020))</p> <p>Use/possession/distribution of nicotine liquid containers and e-cigarettes prohibited on school property and by students at school-sponsored activities. N.M. CODE R. § 6.12.4.8(A) (2020)</p>

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		<p><i>Nicotine liquid</i> means "a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an electronic nicotine delivery system." 2020 NM Laws ch. 46 § 2(O) (effective January 1, 2021)</p> <p><i>Nicotine liquid container</i> means "a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette." N.M. STAT. ANN. § 30-49-2(D) (2019); N.M. CODE R. 6.12.4.7(E) (2020)</p> <p><u>Trade practices</u></p>			<p>Delivery sales of e-cigarettes require third-party age verification. 2020 N.M. Laws ch. 46 § 14(c) (effective January 1, 2021)</p>		

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		<p><i>Electronic delivery device</i> means "any electronic device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine, the use or inhalation of which simulates smoking." N.M. STAT. ANN. § 57-2C-1(C)(2) (2020)</p> <p><i>Nicotine liquid container</i> means "a bottle or container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an electronic delivery device [excepting those] pre-filled and sealed . . . and not intended to be opened by the consumer."</p>					

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		<p>N.M. STAT. ANN. § 57-2C-1(C)(3) (2020)</p> <p><u>Use</u></p> <p><i>E-cigarette</i> means “a product containing or delivering nicotine or another substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product, including a device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah or vape pen or under another product name or descriptor.”</p> <p>N.M. STAT. ANN. § 24-16-3(E) (2020)</p> <p><u>Tax</u></p>					

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		<p><i>E-liquid</i> means "liquid or other substance intended for use in an e-cigarette, not including any substance containing cannabis or oil derived from cannabis." N.M. STAT. ANN. § 7-12A-2(F) (2020)</p> <p><i>Closed system cartridge</i> means "a single-use, pre-filled disposable cartridge containing five milliliters or less of e-liquid for use in an e-cigarette." N.M. STAT. ANN. § 7-12A-2(D) (2020)</p>					
New York	No	<p><u>Retail Restrictions</u></p> <p><i>Electronic cigarette (or e-cigarette)</i> means "an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill,</p>	A tax of 20% of retail price is imposed on all vapor products. N.Y. TAX § 1181 (2020)	Liquid nicotine ("electronic liquid") must be sold in a child resistant bottle. N.Y. GEN. BUS. LAW § 399-gg(1) (2020)	Sale/distribution of e-cigarettes or liquid nicotine to persons under age 21 prohibited. N.Y. PUB. HEALTH LAW §§ 1399-cc(2); 1399-bb(4); 1399-bb(5) (2020)	Yes. N.Y. TAX § 1183 (2020) (certificate of registration)	E-cigarette use prohibited where smoking is prohibited, including, but not limited to indoor areas such as work places, restaurants, mass

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		<p>cartridge and any other component of such a device.” N.Y. PUB. HEALTH LAW § 1399-aa(13) (2020)</p> <p><i>Liquid nicotine</i> (or <i>electronic liquid</i> or <i>e-liquid</i>) means “a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.” N.Y. PUB. HEALTH LAW § 1399-cc(1)(e) (2020)</p> <p><i>Vaping</i> means “the use of an electronic cigarette.” N.Y. PUB. HEALTH LAW § 1399-n(9) (2020)</p> <p><u>Tax</u></p> <p><i>Vapor product</i> means “any non-combustible liquid or gel, regardless of the presence of</p>			<p>Self-service displays of e-cigarettes or liquid nicotine prohibited except in tobacco businesses and locations restricted to persons at least 21 years of age. N.Y. PUB. HEALTH LAW § 1399-cc(7) (2020)</p> <p>Vending machine sales of e-cigarettes permitted in bars, private clubs, and tobacco businesses; in other businesses that have proportionally few employees under 21, the products must not be accessible to the general public and must be visible to and under the direct control of person in charge. N.Y. PUB. HEALTH LAW § 1399-dd (2020)</p> <p>Possession, manufacture, distribution and sale of flavored (except menthol) electronic cigarettes and nicotine e-liquids prohibited.</p>		<p>transit, hospitals, schools and dorms, and outdoor areas, such as railroad stations, hospital, library and school grounds (with some exceptions) N.Y. PUB. HEALTH LAW §§ 1399-n(9) (definition of vaping); 1399-o; 1399-q (exceptions) (2020); and most playgrounds (with certain restrictions) N.Y. PUB. HEALTH LAW § 1399-o-1(1) (2020)</p> <p>E-cigarette use restricted similar to smoking on Niagara Frontier Transportation</p>

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		<p>nicotine therein, that is manufactured in to a finished product for use in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaping pen, hookah pen, or other similar device...” N.Y. TAX § 1180(a) (2020)</p>			<p>N.Y. COMP. CODES R. & REGS. tit. 10, § 9-3.2 (2020)</p>		<p>Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 1151.9 (2020)</p> <p>E-cigarette use restricted similar to smoking on Rochester-Genesee Regional Transportation Authority property. N.Y. COMP. CODES R. & REGS. tit. 21, § 4901.4(a)(10) (2020)</p> <p>“Vaping” restricted similar to smoking on Syracuse Regional Airport property. N.Y. COMP. CODES R. & REGS. tit. 21, § 176.3(i) (2020)</p>

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North Carolina	Yes. N.C. GEN. STAT. §§ 14-313(a)(4); 105-113.4(11a); 148-23.1(d)(2) (2020)	<p><u>Sales/Distribution restrictions</u></p> <p><i>Vapor product</i> means “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.” N.C. GEN. STAT. §§ 14-313(a)(5), 14-401.18A(a)(4); 148-23.1(d)(3) (2020)</p> <p><i>E-liquid</i> means “a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled</p>	Vapor products taxed at rate of \$0.05/fluid ml. of consumable product. N.C. GEN. STAT. § 105-113.35(a1) (2020)	E-liquid products containing nicotine must be sold in child-resistant containers and must state the product contains nicotine. N.C. GEN. STAT. § 14-401.18A(b)–(c) (2020)	<p>Sale/distribution of vapor products to persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(b) (2020)</p> <p>Vending machine sales of vapor products restricted to locations inaccessible to minors or where controlled by owner. N.C. GEN. STAT. § 14-313(b1) (2020)</p> <p>Purchase of vapor products by persons under age 18 prohibited. N.C. GEN. STAT. § 14-313(c) (2020)</p> <p>Sample vapor products may only be distributed in a “qualified adult-only facility.” N.C. GEN. STAT. § 105-113.35(a2)(3) (2020)</p> <p>Internet distribution of vapor products requires third-party age verification. N.C. GEN. STAT. § 14-313(b2) (2020)</p> <p>Delivery sellers of vapor products must obtain a</p>	No	<p>Use of e-cigarettes prohibited at child care centers. 10A N.C. ADMIN. CODE 9.0604(h) (2020)</p> <p>Use of e-cigarettes prohibited at Family Child Care Homes. 10A N.C. ADMIN. CODE 9.1719 (a)(10) (2020)</p> <p>Sale/distribution/ use of vapor products in State Correctional facilities prohibited. N.C. GEN. STAT. §§ 14-258.1(c); 148-23.1(b), (b1) (2020)</p>

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		<p>using a vapor product.” N.C. GEN. STAT. § 14-401.18A(a)(2) (2020)</p> <p><i>E-liquid container</i> means “a bottle or other container of e-liquid [except] a container [that] is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer.” N.C. GEN. STAT. § 14-401.18A(a)(3) (2020)</p> <p><u>Tax provisions</u></p> <p><i>Vapor product</i> means “any nonlighted, 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 [including]</p>			<p>license and file with the state a memo or copy of the invoice for each such sale each month. N.C. GEN. STAT. § 105-113.4F(b)-(c) (2020)</p>		<p>E-cigarette use prohibited on school property and at school sponsored events. N.C. GEN. STAT. ANN. § 115C-407 (2020) (requiring tobacco-free policy); DEPT PUB. INST., Preventing and Reducing E-cigarette Use and Other Tobacco Use among Students February 21, 2020 (specifying tobacco-free policies must prohibit use of e-cigarettes)</p>

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		<p>any vapor cartridge or other container of nicotine . . . intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device." N.C. GEN. STAT. § 105-113.4(13a) (2020)</p> <p><i>Consumable product</i> means "any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used." N.C. GEN. STAT. § 105-113.4(1k) (2020)</p>					
North Dakota	No	<p><u>Use restrictions</u></p> <p><i>E-cigarette</i> means "any electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a</p>	N/A	Nicotine liquid containers must be child-resistant. N.D. CENT. CODE § 12.1-31-03.2(1) (2020)	<p>Sale/distribution of electronic smoking devices to persons under age 18 prohibited. N.D. CENT. CODE § 12.1-03(1)(a) (2020)</p> <p>Sale/distribution of flavored e-liquid or electronic smoking device containing</p>	No	Use of e-cigarettes included in definition of smoking and therefore prohibited in public places, places of

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		<p>vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking [including a product marketed as an] e-cigarette, e-cigar, and e-pipe or under any other product, name, or descriptor." N.D. CENT. CODE § 23-12-09(3) (2020)</p> <p><u>Sales restrictions</u></p> <p><i>Electronic smoking device</i> means "any electronic product that delivers nicotine or other substances to the individual inhaling from the device, including, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or</p>			<p>flavored e-liquid to persons under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03.3(1) (2020)</p> <p>Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to persons under age 18 or which are controlled by the seller. N.D. CENT. CODE §§ 12.1-31-03(1)(b); 12.1-31-03.1(1), (2) (2020)</p> <p>Purchase/possession/use of electronic smoking device by person under age 18 prohibited. N.D. CENT. CODE § 12.1-31-03(2) (2020)</p> <p>Retailers' sale and shipment of electronic smoking devices through mail prohibited unless retailer verifies the purchaser is at least 18 years of age and requires signature upon delivery of a person at least</p>		<p>employment and within 20 feet of entrances, exits, windows, air intakes and ventilation systems thereof (with some exceptions). N.D. CENT. CODE §§ 23-12-09(15) (definition of smoking); 23-12-10 (2020)</p>

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		<p>accessory of such a product, whether or not sold separately”</p> <p>N.D. CENT. CODE § 12.1-31-03(9)(b) (2020)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of a liquid or other substance containing nicotine in which the liquid or substance is sold, marketed, or intended for use in an electronic smoking device [except a container that] is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.” N.D. CENT. CODE § 12.1-31-03.2(2) (2020)</p>			18 years of age. N.D. CENT. CODE § 51-32-01(2) (2020)		
Ohio	Yes. OHIO REV. CODE ANN. §	<p><u>Sales restrictions</u></p> <p><i>Alternative nicotine product</i> “means . . . an</p>	Vapor products taxed at rate of \$0.01 per vapor volume. OHIO	Alternative nicotine products must be sold in the	Sale/distribution of alternative nicotine products to persons under age 21	Yes. OHIO REV. CODE ANN. §	Use of electronic nicotine delivery systems, which includes e-

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	2927.02(A)(7) (2020)	<p>electronic smoking device, vapor product, 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.” OHIO REV. CODE ANN. § 2927.02(A)(2) (2020)</p> <p><i>Electronic smoking device</i> “means . . . any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe”. Electronic smoking device includes any</p>	<p>REV. CODE ANN. § 5743.51(A)(4) (2020); OHIO REV. CODE ANN. § 5743.62(A)(4) (2020); OHIO REV. CODE ANN. § 5743.63 (2020)</p>	<p>same minimum quantities as manufacturer’s container. OHIO REV. CODE ANN. § 2927.02(B)(5) (2020)</p>	<p>prohibited. OHIO REV. CODE ANN. § 2927.02(B)(1) (2020)</p> <p>Vending machine sales of alternative nicotine products restricted to locations inaccessible to persons under age 21 or under control of owner. OHIO REV. CODE ANN. § 2927.02(C) (2020)</p> <p>Purchase/possession/use of alternative nicotine products not allowed for persons under age 21 unless a parent accompanies them. OHIO REV. CODE ANN. § 2151.87(B) (2020)</p> <p>Only licensed secondary manufacturers can reconstitute, dilute or reprocess vapor products for resale to consumers. OHIO REV. CODE ANN. § 5743.20 (2020)</p>	<p>5743.61(A) (2020)</p>	<p>cigarettes, prohibited in the capitol buildings. OHIO ADMIN. CODE 128-4-02(G)(8) (2020)</p> <p>Use of electronic cigarettes prohibited in body art establishment rooms used for body art or sterilization procedures. OHIO ADMIN. CODE 3701-9-04(K) (2020)</p> <p>Use of electronic cigarettes/electronic nicotine delivery systems prohibited on various college and university campuses by regulation (e.g., University of</p>

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		<p>component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device.”</p> <p>OHIO REV. CODE ANN. § 2927.02(A)(5) (2020)</p> <p><i>Vapor product</i> means “a product, other than a cigarette or other tobacco product...that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing...[including] any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or</p>					<p>Cincinnati, OHIO ADMIN. CODE 3361:10-17-06(B)(1) (2020); Cuyahoga Community College, OHIO ADMIN. CODE 3354:1-20-05(C)(1),(2),(3)(f) (2020); Wright State University, OHIO ADMIN. CODE 3352-7-05(B),(C)(1) (2020); Kent University, OHIO ADMIN. CODE 3342-5-21(A),(B) (2020); University of Akron, OHIO ADMIN. CODE 3359-20-05.10(A)(2),(B)(1) (2020)</p> <p>Vaping/use of electronic cigarettes</p>

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		<p>electronic circuit and is used to deliver the product." OHIO REV. CODE ANN. § 2927.02(A)(8) (2020)</p> <p><u>Tax</u></p> <p><i>Electronic smoking product</i> means "any noncombustible product, other than a cigarette or tobacco product, that (1) contains or is designed to use vapor products and (2) 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 the vapor product...[including]... an electronic cigarette, electronic cigar, electronic cigarillo,</p>					<p>prohibited in Franklin County Court of Common Pleas. OHIO FRANKLIN PROB RULE 54.3 (2020)</p> <p>Assisted living providers prohibited from using electronic cigarettes while providing care. OHIO ADMIN. CODE 173-39-02(B)(8)(f)(iv) (2020)</p>

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		<p>electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device..." OHIO REV. CODE ANN. § 5743.01(U) (2020)</p> <p><i>Vapor product</i> means "any liquid solution or other substance that (1) contains nicotine and (2) is depleted as it is used in an electronic smoking product." OHIO REV. CODE ANN. § 2927.02(T) (2020)</p> <p><i>Vapor volume</i> means "one of the following, as applicable: (1) if a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product; (2) if the vapor product is sold in nonliquid form, one-tenth of one gram of vapor product." OHIO</p>					

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		REV. CODE ANN. § 5743.01(W) (2020)					
Oklahoma	No.	<i>Vapor product</i> means “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 [including] 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” OKLA. STAT. ANN. tit. 63 § 1-229.12(8) (2020) ; OKLA. STAT. ANN. tit.	N/A	N/A	<p>Purchase/possession of vapor products by persons under age 18 prohibited. OKLA. STAT ANN. tit. 10A § 2-8-224(A) (2020)</p> <p>Sale/distribution of vapor products to persons under age 18 prohibited. OKLA. STAT. ANN. tit. 63 §§ 1-229.13(A); 1-229.26(A) (2020)</p> <p>Vending machines sales are restricted to locations inaccessible to persons under age 18. OKLA. STAT. ANN. tit. 63 § 1-229.17 (2020)</p> <p>Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility used primarily by persons under the age of 18 prohibited. OKLA. STAT.</p>	No	<p>Use of vapor products prohibited in or on school property, in school vehicles and at school-sponsored events. OKLA. STAT. ANN. tit. 70 § 1210.213(A) (2020)</p> <p>Use of vaping devices and e-cigarettes prohibited on properties owned, leased or contracted for use by the state, including buildings, land and vehicles owned, leased or contracted for use by the state, except when used</p>

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		70 § 1210.212(6) (2020)			ANN. tit. 63 § 1-229.18(A)–(B) (2020) Self-service displays of vapor products restricted to adult-only facilities. OKLA. STAT. ANN. tit. 63 § 1-229.21(A) (2020)		by those living in Veteran's Affairs Residential Facilities while they are on facility grounds. OKLA. EXEC. ORD. 2019-07 (continuing OKLA. EXEC. ORD. 2013-43) Vaping prohibited in those parts of the Capitol Building assigned to the House. H.R. 1001, 57th Leg., 1st Sess (Okla. 2019), Rule 11.5 Possession/use of electronic cigarettes and vaping devices prohibited on grounds of Comprehensive Community

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							Addiction Recovery Centers', Mental Illness Service Programs, Gambling Treatment Programs, Community Mental Health Centers, Substance Related and Addictive Disorder Treatment, and Opioid Treatment Programs. OKLA. ADMIN. CODE §§ 450:24-21-1.1(a); 450:27-3-5(a); 450:65-7-4.1(a); 450:17-23-3(a); 450:18-5-3.3(a); 450:70-2-3(a) (2020)
Oregon	No	<i>Inhalant</i> means "nicotine, a cannabinoid or any	N/A	Inhalant delivery systems	Sale of inhalant delivery system to person under age 21 years of age prohibited.	No	Aerosolizing or vaporizing inhalants in

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		<p>other substance that (a) [i]s in a form that allows the nicotine, cannabinoid or substance to be delivered into a person’s respiratory system; (b) [i]s inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person’s respiratory system” OR. REV. STAT. ANN. § 433.835(3) (2020)</p> <p><i>Inhalant delivery system</i> means “(i) [a] device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or (ii) a component of a device [described above] or a substance in any form sold for the purpose of</p>		<p>(including all component parts such as inhalants) must be labeled pursuant to state rules and sold in child-resistant packaging which is not attractive to persons under age 18. OR. REV. STAT. ANN. §§ 431A.175(2)(d)-(f) (2020)</p>	<p>OR. REV. STAT. ANN. § 167.755(1) (2020)</p> <p>Self-service displays of inhalant delivery systems prohibited except in locations inaccessible to persons under 21 years of age. OR. REV. STAT. ANN. § 167.765 (2020)</p> <p>Purchase of inhalant delivery system by person under age 21 prohibited. OR. REV. STAT. ANN. § 167.760 (2020)</p> <p>Possession of inhalant delivery system by person under age 18 prohibited. OR. REV. STAT. ANN. § 167.785 (2020)</p> <p>Vending sales of inhalant delivery systems restricted to locations inaccessible to persons under age 21 years of age. OR. REV. STAT. ANN. § 167.780(2) (2020)</p>		<p>public places, places of employment, jury rooms, at least 75% of hotel rooms, child care facilities and vehicles (while children are passengers), and within 10 feet of entrances, exits, windows or ventilation intakes of enclosed areas prohibited (with some exceptions). OR. REV. STAT. ANN. §§ 433.845; 433.850 (2020); OR. ADMIN. R. 414-180-0015(26) (2020)</p> <p>Hospitals may not permit use of “inhalant delivery</p>

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		<p>being vaporized or aerosolized by a device [described above], whether the component or substance is sold separately or is not sold separately” OR. REV. STAT. ANN. § 431A.175(1)(a) (2020)</p> <p><i>Vapor product means “a product intended for human inhalation using an inhalant delivery system that contains any substance.”</i> OR. ADMIN. R. 333-015-1000(1)(f) (2020)</p>			<p>Public/private schools, college, community college, university career school, technical education school, youth correction and juvenile detention facilities must prohibit possession of inhalant delivery systems by persons under age 21 present at facility or at facility-sponsored event. OR. REV. STAT. ANN. § 339.883 (2020)</p> <p>Sale of nicotine inhalant delivery devices and liquid nicotine containers prohibited by medical marijuana dispensaries. OR. ADMIN. R. 333-008-1200(11) (2020)</p>		<p>system[s]” in hospital or within 10 feet of a doorway, window or ventilation intake thereof. OR. REV. STAT. ANN. § 441.815(2) (2020)</p> <p>Use of inhalant delivery system in car while person under age 18 is present prohibited. OR. REV. STAT. ANN. § 811.193 (2020)</p>
Pennsylvania	Yes. 72 PA. CONS. STAT. § 8201-A (2020) ; 18 PA. CONS. STAT. §§	<p><i>Tax and Packaging</i></p> <p><i>Electronic Cigarette</i> means “(1) an electronic oral device, such as one composed of a heating element</p>	Electronic cigarettes taxed at rate of 40% of purchase price charged to the retailer. 72 PA. CONS. STAT. §	Tobacco products (incl. electronic cigarettes) must be sold in original manufacturer	Sale of electronic cigarettes to persons under age 21 (or under age 18 if military member or veteran) prohibited. 18 PA. CONS. STAT. § 6305(a) (2020) (effective July 1, 2020)	Yes. 72 PA. CONS. STAT. § 8220-A(a) (2020)	Electronic cigarettes prohibited in schools, on school vehicles and on school property owned

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	<p>6305(k) and 6306.1(d) (2020) (effective July 1, 2020)</p>	<p>and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking. (2) The term includes (i) [a] device as described in paragraph (1), notwithstanding whether the device is manufactured, distributed marketed or sold as an e-cigarette, e-cigar and e-pipe or under any other product, name or description[,] (ii) [a] liquid or substance placed in or sold for use in an electronic cigarette.” 72 PA. CONS. STAT. § 8201-A (2020)</p> <p><u>Sales</u></p>	<p>8202-A(a.1) (2020)</p>	<p>packaging without modification or alteration. 72 PA. CONS. STAT. § 8233-A (2020)</p>	<p>Self service displays of electronic cigarettes restricted to specialty tobacco stores. 18 PA. CONS. STAT. § 6305(a)(6) (2020) (effective July 1, 2020)</p> <p>Vending machine sales of electronic cigarettes prohibited in locations accessible to persons under age 21 (or under age 18 if military member or veteran). 18 PA. CONS. STAT. § 6305(a)(4) (2020) (effective July 1, 2020)</p> <p>Persons under age 21 (or under age 18 if military member or veteran) prohibited from purchasing electronic cigarettes. 18 PA. CONS. STAT. § 6305(a.1)(1) (2020) (effective July 1, 2020)</p>		<p>or leased or under the control of a school district. 18 PA. CONS. STAT. § 6306.1 (2020) (effective July 1, 2020)</p>

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		<p><i>Electronic cigarette</i> means “an electronic device that delivers nicotine or other substances through vaporization and inhalation.” 18 PA. CONS. STAT. §§ 6305(k) and 6306.1(d) (2020) (effective July 1, 2020)</p> <p><i>Electronic nicotine delivery system</i> or <i>ENDS</i> means “a product or device used, intended for use or designed for the purpose of ingesting a nicotine product [including] electronic cigarette.” 18 PA CONS. STAT. §§ 6305(k) and 6306.1(d) (2020) (effective July 1, 2020)</p>					
Rhode Island	No	<i>Electronic nicotine-delivery system</i> means “an electronic device that may be used to simulate smoking in the	N/A	Electronic nicotine delivery system must be sold in “original,	Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. 11 R.I. GEN.	Yes. 23 R.I. GEN. LAWS ANN. § 23-1-56(a) (2020)	Use of electronic nicotine delivery systems included in definition of “smoking” and

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		<p>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." 11 R.I. GEN. LAWS ANN. § 11-9-13.4(15) (2019); 23 R.I. GEN. LAWS ANN. § 23-20.10-2(4) (2020)</p> <p><i>Liquid nicotine container</i> means "a bottle or other container of a liquid or other substance where the liquid or substance is sold, marketed, or intended for use in a vapor product" excluding such</p>		<p>factory-wrapped package." 11 R.I. GEN. LAWS ANN. § 11-9-13.8(2) (2020)</p> <p>Electronic nicotine delivery system liquids must be sold in child-resistant packaging. 11 R.I. GEN. LAWS ANN. § 11-9-13.20(a), (b) (2020)</p>	<p>LAWS ANN. §§ 11-9-13; 11-9-13.10; 11-9-13.8(1) (2020)</p> <p>Public use/possession of electronic nicotine-delivery systems by persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-14 (2020)</p> <p>Purchase of electronic nicotine-delivery systems by persons under age 18 prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-13 (2020)</p> <p>Vending machine sales of electronic nicotine delivery systems restricted to locked machines in locations continually supervised and in direct line of sight of authorized person on a business premises or in locations inaccessible to persons under age 21. 11 R.I. GEN. LAWS ANN. § 11-9-13.1(A) (2020)</p> <p>Distribution of free electronic nicotine-delivery systems or</p>		<p>prohibited in same places smoking is prohibited (23 R.I. GEN. LAWS ANN. §§ 23-20.10-2(19) (2020) (definition of smoking)), including public places, health care facilities, child and adult day care facilities, common areas of multi-unit housing (more than 4 units), public transportation, schools and indoor and outdoor sports arenas (23 R.I. GEN. LAWS ANN. § 23-20.10-3 (2020)); workplaces (23 R.I. GEN. LAWS</p>

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		containers that are "prefilled and sealed by the manufacturer and not intended to be opened by the consumer." 11 R.I. GEN. LAWS ANN. § 11-9-13.20(c) (2020)			coupons for free products within 500 feet of any school prohibited. 11 R.I. GEN. LAWS ANN. § 11-9-13.10 (2020) Sale of flavored electronic nicotine delivery systems prohibited. 216-50 R.I. CODE R. § 15-6.10(A) (2020)		ANN. § 23-20.10-4 (2020)), with some exceptions (23 R.I. GEN. LAWS ANN. §§ 23-20.10-6; 23-20.10-6.1 (2020)). Possession and use of e-cigarettes, including by visitors, prohibited in all Rhode Island Department of Corrections facilities, vehicles and property. 240-20 R.I. CODE R. §§ 1.6(D), 1.16(D) (2020) (referencing R.I. Dep't of Corrections Policy No. 8.08-2 DOC. Smoking and Tobacco

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							Regulations (April 28, 2014)
South Carolina	No	<p><i>Alternative nicotine product</i> means “any vaping product, whether or not it includes nicotine, including electronic smoking devices, that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means.” S.C. CODE ANN. § 16-17-501(6) (2020)</p> <p><i>Electronic smoking device</i> means “any device that may be used to deliver any aerosolized or caporized substance, including e-liquid, to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, vapor</p>	N/A	E-liquid containers (except those that are sealed and not intended to be opened by consumers) must be child-resistant and be labeled appropriately with warnings as prescribed by federal regulation. S.C. CODE ANN. § 16-17-506(2) (2020)	<p>Sale/distribution of alternative nicotine products to persons under age 18 prohibited. S.C. CODE ANN. §§ 16-17-500(A); 16-17-502(A) (2020)</p> <p>Purchase/possession of alternative nicotine products by persons under age 18 prohibited. S.C. CODE ANN. § 16-17-500(F)(1) (2020)</p> <p>Vending machine sales of alternative nicotine products restricted to locations inaccessible to persons under age 18 or locked and under control of owner. S.C. CODE ANN. § 16-17-500(D) (2020)</p> <p>Internet or remote sales of alternative nicotine products require third party age verification. S.C. CODE ANN. § 16-17-500(C) (2020)</p>	No	<p>Use of electronic cigarettes prohibited in ambulances. S.C. CODE ANN. REGS. 61-7 § 601(O) (2020)</p> <p>All school district must adopt, implement and enforce a written policy prohibiting the use of alternative nicotine products in and on school property, and at school-sponsored events. S.C. CODE ANN. § 59-1-380 (2020)</p>

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		<p>product, or e-hookah [including] any component, part or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance includes nicotine." S.C. CODE ANN. § 16-17-501(7) (2020)</p> <p><i>E-liquid</i> means "a substance that: (a) may or may not contain nicotine; (b) is intended to be vaporized and inhaled using a vapor product; and (c) is a legal substance under the laws of this State and the laws of the United States..." S.C. CODE ANN. § 16-17-501(8) (2020)</p>			<p>Specialty alternative nicotine shops must prohibit entry to persons under age 18 years. S.C. CODE ANN. § 16-17-500(J)(1) (2020)</p>		

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		<i>Vapor product</i> means "a powered vaporizer that converts e-liquid to a vapor intended for inhalation." S.C. CODE ANN. § 16-17-501(9) (2020)					
South Dakota	Yes S.D. CODIFIED LAWS § 34-46-20 (2020)	<i>Vapor product</i> 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 [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic smoking device, or similar product or device and any vapor cartridge or other container of	N/A	Vapor products must be sold in original manufacturer's packaging. S.D. CODIFIED LAWS § 34-46-21 (2020)	<p>Sale/distribution of vapor products to persons under age 21 prohibited. S.D. CODIFIED LAWS § 34-46-2(1) (2020) (publicly accessible version not yet updated)</p> <p>Purchase/possession/ use of vapor products by persons under age 21 prohibited. S.D. CODIFIED LAWS § 34-46-2(2) (2020) (publicly accessible version not yet updated)</p> <p>Distribution of free vapor products within 500 feet of school, playground, or other facility primarily used by persons under age 21 prohibited. S.D. CODIFIED LAWS § 34-46-2(7) (2020) (publicly accessible version not yet updated)</p>	No	<p>Use of electronic smoking device prohibited similar to smoking (S.D. CODIFIED LAWS § 34-46-1(6) (2020)) (definition of smoking), including public places and workplaces (S.D. CODIFIED LAWS § 34-46-14 (2020))</p> <p>Department of Corrections policy prohibits the use of electronic cigarettes by staff and offenders in all buildings and</p>

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		<p>nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device.” S.D. CODIFIED LAWS § 34-46-20 (2020)</p> <p><i>Electronic smoking device</i> means “any e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen containing or delivering nicotine or any other substance intended for human consumption that may be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. S.D. CODIFIED LAWS § 34-46-1(1) (2020)</p>			<p>Self-service displays of vapor products restricted to tobacco specialty store or vending machines inaccessible to persons under age 21. S.D. CODIFIED LAWS §§ 34-46-2(5); 34-46-21 (2020) (publicly accessible version not yet updated)</p>		<p>offices, on all real property owned, leased or occupied by the Department, and all state vehicles. The policy defines electronic cigarettes as “any device that allows users to inhale nicotine vapor, or is capable of delivering nicotine in a vapor form. Devices typically consist of a mouthpiece, heating element, and a unit containing a rechargeable battery and various electronic circuits.” S.D. Dep’t of Corrections</p>

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							Policy § 1.3.C.7 (2020)
Tennessee	No	<i>Vapor product</i> means "any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an	N/A	Liquid nicotine containers must be child-resistant. TENN. CODE ANN. § 39-17-1512(b) (2020)	<p>Sale/distribution of vapor products to persons under age 18 years prohibited. TENN. CODE ANN. § 39-17-1504(a) (2020)</p> <p>Purchase/possession of vapor products by persons under age 18 prohibited. TENN. CODE ANN. § 39-17-1505(a) (2020)</p> <p>Minors permitted to handle vapor products in the course of employment when under the supervision of someone at least 21 years of age. TENN. CODE ANN. § 39-17-1505(f) (2020)</p> <p>Distribution of free vapor products/samples prohibited on "any public street, sidewalk, or park." TENN. CODE ANN. § 39-17-1504(c) (2020)</p>	No	Use of vapor products restricted to areas children not allowed at child care centers, any room or area in a community center while the area is used for children's activities, group care homes, healthcare facilities, museums, schools, school grounds, residential treatment facilities for children and youth, youth development centers, zoos. TENN. CODE ANN. § 39-17-1604 (2020)

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		<p>[aforementioned] product” TENN. CODE ANN. § 39-17-1503(10) (2020)</p> <p><i>Liquid nicotine container</i> means “a bottle or other container that contains liquid nicotine or any other substance containing nicotine, where the liquid or other substance is sold, marketed or intended for use in a vapor product [except containers] prefilled and sealed by the manufacturer, and not intended to be opened by the consumer.” TENN. CODE ANN. § 39-17-1512(a) (2020)</p>			Distribution by mail of vapor products requires distributor obtain an affirmative statement from recipient that the person is 18 years or older. TENN. CODE ANN. § 39-17-1504(d) (2020)		Use of electronic nicotine delivery systems prohibited at Tennessee Technological University, Cookeville Student Housing. TENN. COMP. R. & REGS. 0240-09-02-.05(2)(d) (2020)
Texas	No	<i>E-cigarette</i> means “an electronic cigarette or any other device that simulates smoking by using a mechanical heating element,	N/A	Liquid nicotine sold as an accessory for an e-cigarette must be sold in a child-resistant	Sale/distribution of e-cigarettes and distribution/redemption of coupons for e-cigarettes to persons under age 21 is prohibited (unless purchaser	Yes. Persons engaged in delivery sales of e-cigarettes	Use of e-cigarettes restricted to designated areas in schools, elevators,

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		<p>battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device [including products sold as] e-cigarette, e-cigar, or e-pipe or under another product name or description [and including any] component, part, or accessory for the device [whether or not] sold separately”</p> <p>TEX. HEALTH & SAFETY CODE ANN. § 161.081(1-a) (2020)</p> <p><i>Vapor products</i> means “Electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling</p>		<p>container unless prefilled and sealed by the manufacturer and not intended to be opened by a consumer. TEX. HEALTH & SAFETY CODE ANN. § 161.0875 (2020)</p>	<p>is at least 18 and has U.S. or state military id card). TEX. HEALTH & SAFETY CODE ANN. §§ 161.082; 161.087 (2020)</p> <p>Purchase/possession/use of e-cigarettes by persons under age 21 years prohibited unless at least 18 with a U.S. or state military id card. TEX. HEALTH & SAFETY CODE ANN. § 161.252 (2020)</p> <p>Self-service/vending sales of e-cigarettes restricted to locations inaccessible to persons under age 21. TEX. HEALTH & SAFETY CODE ANN. § 161.086 (2020)</p> <p>Retailers of e-cigarette delivery sales must register with the state, verify, at time of purchase and at delivery, that the purchaser is over 21 years of age, include a notice about the prohibition on selling e-cigarettes to minors, and file certain information</p>	<p>must register with the comptroller. TEX. HEALTH & SAFETY CODE ANN. § 161.456 (2020)</p>	<p>enclosed theaters, libraries, museums, hospitals, certain buses, planes and trains. TEX. PENAL CODE ANN. § 48.01(a-1), (d) (2020)</p> <p>School trustees must prohibit e-cigarette use and student possession of e-cigarettes at “a school-related or school-sanctioned activity on or off school property.” TEX. EDUC. CODE ANN. § 38.006(b) (2020)</p> <p>Use of e-cigarettes or vapor products is prohibited at school, and</p>

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		<p>from the device, or any substance used to fill or refill the device." 37 TEX. ADMIN. CODE § 151.25(a)(8) (2020)</p>			<p>about the purchaser with the comptroller. TEX. HEALTH & SAFETY CODE ANN. § 161.452(c) (2020)</p>		<p>before/after-school programs, including the premises, playground, transportation vehicles, and during field trips. 40 TEX. ADMIN. CODE § 744.2603(d) (2020)</p> <p>Use of vapor products is prohibited inside Department of Criminal Justice facilities, but permitted in designated outdoor areas. 37 TEX. ADMIN. CODE § 151.25(d) (2020)</p> <p>Use of e-cigarettes prohibited at childcare homes</p>

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
							<p>and centers, including playgrounds, vehicles, and during off-site field trips. 40 TEX. ADMIN. CODE §§ 746.3703(d); 747.3503(d) (2020)</p> <p>E-cigarette use in residential child care facilities and in vehicles transporting children prohibited. 40 TEX. ADMIN. CODE § 748.1661 (2020)</p> <p>Use of electronic cigarettes prohibited in licensed pediatric extended care transportation vehicles. 26 TEX.</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
							ADMIN. CODE § 550.1102(d)(3) (2020) In foster homes, adults must use e-cigarettes outside, and may not use e-cigarettes when transporting children by car. 26 TEX. ADMIN. CODE. § 749.2931 (2020)
Utah	Yes. UTAH CODE ANN. §§ 26-62-102(9); 17-50-333(g); 10-8-41.6(1)(g) (2020)	<u>Sales Restrictions</u> <i>Electronic cigarette</i> means “(i) an electronic device used to deliver or capable of delivering vapor containing nicotine into an individual’s respiratory system; (ii) any component of the device described in subsection [(i)]; or (iii) an accessory sold in the same package as the	N/A	Sales of unsealed electronic cigarette substances (e.g., refillable or open systems) must comply with state labeling, packaging, and nicotine content restrictions including: required safety	Selling/distributing electronic cigarettes to persons under age 19 prohibited. The minimum legal sales age will be increased to age 20 on July 1, 2020, and to age 21 as on July 1, 2021. UTAH CODE ANN. § 76-10-104(1) (2020) Purchase/possession of electronic cigarette by person aged 18 years or younger prohibited. The prohibition will apply to those under age 20 as of July 1, 2020, and to	Yes. Selling/ distributing electronic cigarettes requires a state license UTAH CODE ANN. § 59-14-803(1) (2020) Retailers of electronic cigarettes	Use of e-cigarettes included in definition of “smoking” and prohibited in same places smoking is prohibited (UTAH CODE ANN. § 26-38-2(6) (2020) (defining smoking)), including most public indoor

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		<p>device described in subsection [(i)]. (b) [I]ncludes an e-cigarette as defined in § 26-38-2.” UTAH CODE ANN. § 59-14-802(2)(a) (2020)</p> <p><i>Electronic cigarette product</i> means “an electronic cigarette or an electronic cigarette substance.” UTAH CODE ANN. §§ 59-14-802(3); 76-10-101(3); 26-57-102(3) (2020)</p> <p><i>Electronic cigarette substance</i> means “any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.” UTAH CODE ANN. § 59-14-802(4) (2020)</p> <p><u>Use Restrictions</u></p>		<p>warning, prohibition on labels reflecting certain additives, maximum nicotine levels, and child-resistant packaging, UTAH ADMIN. CODE r. 384-415-3 through 384-415-6 (2020) (authorized by UTAH CODE ANN. § 26-57-103 (2020))</p>	<p>those under age 21 as of July 1, 2021. UTAH CODE ANN. § 76-10-105(1) (2020)</p> <p>Retail sales of electronic cigarette to consumer must be through a face-to-face exchange, except sales through a tobacco specialty shop, vending machine or self-service display inaccessible to persons under age 19. The minimum age of entry will be increased to 20 as of July 1, 2020, and to 21 as of July 1, 2021. UTAH CODE ANN. § 76-10-105.1(2), (3) (2020)</p> <p>Tobacco specialty businesses (including those selling electronic cigarettes) must prohibit anyone under age 19 from entering (unless accompanied by parent or is 18 and older and active-duty military). The age of legal entry will be raised to 20 on July 1, 2020, and to 21 on</p>	<p>must hold a valid tobacco retail permit from local health department. UTAH CODE ANN. §§ 26-62-201; 17-50-333(3)(a); 10-8-41.6(3)(a) (2020)</p>	<p>spaces (with some exceptions). UTAH CODE ANN. § 26-38-3 (2020)</p> <p>Distribution of electronic cigarettes prohibited in a correctional facility. UTAH CODE ANN. § 76-8-311.3(5)(d) (2020)</p> <p>School boards directed to adopt rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities. UTAH CODE ANN. § 53G-8-</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		<p><i>E-cigarette</i> means “[a] any electronic oral device: (i) that provides an aerosol or 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 [(a)].” UTAH CODE ANN. § 26-38-2(1) (2020)</p>			<p>July 1, 2021. UTAH CODE ANN. § 26-62-205 (2020)</p> <p>Tobacco retail specialty businesses (including those selling electronic cigarettes) must be located 1,000 feet from “community locations” (including, but not limited to, schools, churches, playgrounds and youth centers), 600 feet from other tobacco specialty shops, and 600 feet from property used or zoned for agriculture or residential use. UTAH CODE ANN. §§ 17-50-333(4)(a); 10-8-41.6(4)(a) (2020)</p> <p>Distribution of electronic cigarette samples restricted to distribution to adults at “professional conventions” or with “purchase of another tobacco product or electronic cigarette.” UTAH CODE ANN. § 76-10-111 (2020)</p>		<p>209(2)(b)(ii) (2020)</p> <p>Use of e-cigarettes prohibited in cars when person 15 years or younger is present. UTAH CODE ANN. § 41-6a-1717 (2020)</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
Vermont	Yes. 32 VT. STAT. ANN. § 7702(15) (2020)	<p>Sales and Use Restrictions</p> <p><i>Tobacco substitute</i> means “products, including electronic cigarettes or other electronic or battery-powered devices, that contain or are designed to deliver nicotine or other substances into the body through the inhalation of vapor” 7 VT. STAT. ANN. § 1001(8) (2020)</p> <p><i>Nicotine liquid container</i> means “a bottle or other container of a nicotine liquid or other substance containing nicotine which is sold, marketed, or intended for use in a tobacco substitute [except a container] prefilled and sealed by the manufacturer and not</p>	Tobacco substitutes taxed at rate of 92% of wholesale price. 32 VT. STAT. ANN. § 7811(a) (2020)	Liquid nicotine must be sold in child-resistant packaging, excluding pre-filled cartridges not intended to be opened by consumer. 7 VT. STAT. ANN. § 1012(a) (2020)	<p>Sale/distribution of tobacco substitutes to persons under age 21 prohibited. 7 VT. STAT. ANN. § 1003(a) (2020)</p> <p>Purchase/possession of tobacco substitutes by persons under age 21 prohibited. 7 VT. STAT. ANN. § 1005(a)(1) (2020)</p> <p>Self-service displays restricted to locations inaccessible to persons under age 21 years. 7 VT. STAT. ANN. § 1003(c)(2) (2020)</p> <p>No person under the age of 16 years may sell tobacco substitutes. 7 VT. STAT. ANN. § 1002(f) (2020)</p>	Yes. 7 VT. STAT. ANN. § 1002(a) (2020)	<p>Use of tobacco substitutes restricted similar to smoking and prohibited in public places, including indoor public places, grounds of publicly-owned and hospital buildings and within 25 feet of any state owned building, and in workplaces (with some exceptions). 18 VT. STAT. ANN. §§ 1742; 1743 (exceptions); 1421(a) (2020)</p> <p>Use of tobacco substitutes prohibited at child care facilities and afterschool programs. 33 VT.</p>

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>intended to be opened by the consumer.” 7 VT. STAT. ANN. § 1012(b)(2) (2020)</p> <p><u>Tax</u></p> <p><i>Other tobacco products</i> means “any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing , or in any other manner, including products sold as a tobacco substitute...and including any liquids, whether nicotine based or not, or delivery devices sold separately for use with a tobacco substitute, but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco...”</p>					<p>STAT. ANN. § 3504(a) (2020)</p> <p>Use of tobacco substitutes prohibited on “public school grounds” and at sponsored events. 16 VT. STAT. ANN. § 140 (2020)</p> <p>Use of tobacco substitutes prohibited in cars occupied by a child under 18 years of age. 23 VT. STAT. ANN. § 1134b(a) (2020)</p>

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State	Included in at Least 1 State Law Definition of "Tobacco Product." ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		32 VT. STAT. ANN. § 7702(15) (2020)					
Virginia	No	<i>Nicotine vapor product</i> 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 [including] any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other	N/A	Liquid nicotine must be sold in a child-resistant container (except sealed, prefilled cartridges not intended to be opened by consumer). VA CODE ANN. § 59.1-293.11(A) (2020)	<p>Sale/distribution of nicotine vapor products to persons under age 21 prohibited (unless person is active duty military 18 yrs of age or older). VA. CODE ANN. § 18.2-371.2(A), (B), (D) (2020)</p> <p>Purchase/possession of nicotine vapor product by person under age 21 prohibited (unless person is active duty military 18 yrs of age or older). VA. CODE ANN. §§ 18.2-371.2(B), (D) (2020)</p> <p>Mail order and internet sales of nicotine vapor products require verification that purchaser is over age 21 at</p>	No	School boards directed to develop and implement policy to prohibit use and distribution of nicotine vapor products on school bus, school property and at school-sponsored activities. VA. CODE ANN. §§ 22.1-79.5; 22.1-279.6(H) (2020)

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		<p>container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device." VA. CODE ANN. §§ 18.2-371.2(H); 58.1-1021.01 (2020)</p> <p><i>Liquid nicotine</i> means "a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product." VA. CODE ANN. §§ 58.1-1021.01; 59.1-293.10 (2020)</p> <p><i>Liquid nicotine container</i> means "a bottle or other container holding liquid nicotine in any concentration [except containers] prefilled and sealed by the</p>			<p>time of purchase and signature of recipient over age 21 at time of delivery (unless purchaser is active duty military 18 yrs of age or older). VA. CODE ANN. §§ 18.2-371.2(C), (D) (2020)</p> <p>Vending machine sales of nicotine vapor products restricted to places not generally accessible to persons under age 21 years. VA. CODE ANN. §18.2-371.2(A) (2020)</p>		

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/ Permit Required	Smoke-Free Restrictions
		manufacturer . . . and . . . not intended to be opened by the consumer.” VA. CODE ANN. § 59.1-293.10 (2020)					
Washington	No	<p>Sales and Use Restrictions</p> <p><i>Vapor product</i> means “any noncombustible product that may contain nicotine and 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 or aerosol from a solution or other substance [including] electronic cigarette, electronic cigar, electronic cigarillo, electronic</p>	<p>Vapor products taxed at rate of \$0.27 per milliliter of solution. WASH. REV. CODE ANN. § 82.102(1)(a)(i) (2020)</p> <p>Accessible container of solution greater than 5 milliliters subject to tax of \$0.09 per milliliter of solution. . . .” WASH. REV. CODE ANN. § 82.102(1)(a)(ii) (2020)</p>	<p>Liquid nicotine containers must be child resistant. WASH. REV. CODE ANN. § 70.345.130(1) (2020)</p> <p>All “liquid nicotine containers must be labeled with a warning regarding harmful effects of nicotine, a warning to keep the ‘vapor product’ away from children, a warning that</p>	<p>Sale/distribution of vapor products to persons under age 21 prohibited. WASH. REV. CODE ANN. § 26.28.080(1) (2020)</p> <p>Purchase/possession of vapor products by persons under age 18 prohibited. WASH. REV. CODE ANN. § 70.345.140(1) (2020)</p> <p>Self-service displays of vapor products prohibited except in retailers inaccessible to persons under age 21. WASH. REV. CODE ANN. § 70.345.080 (2020)</p> <p>Samples of vapor products must take place within</p>	<p>Yes. WASH. REV. CODE ANN. § 70.345.030(1)(a) (2020)</p>	<p>Use of vapor products prohibited in and on grounds of child care facilities, schools, playgrounds, school buses, elevators, and within 500 feet of schools. WASH. REV. CODE ANN. § 70.345.150 (2020)</p> <p>Vaping prohibited in indoor early learning facilities, vehicles used to</p>

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		<p>pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in [such a device].” WASH. REV. CODE ANN. § 70.345.010(19) (2020)</p> <p><i>Closed system nicotine container</i> means “a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use,</p>		<p>vaping is illegal for minors, and for ‘open systems,’ a disclosure of the amount of nicotine in milligrams per milliliter, along with the total volume of the container in milliliters.” WASH. REV. CODE ANN. § 70-345-075(1) (2020)</p>	<p>licensed retail premises that is restricted to those over the age of 21 years, contain no nicotine (unless “customer explicitly consents”), and use a disposable mouthpiece. WASH. REV. CODE ANN. § 70.345.100 (2020)</p> <p>Free vapor product distribution prohibited without contemporaneous purchase of vapor product. WASH. REV. CODE ANN. § 70.345.110 (2020)</p> <p>Delivery sales of vapor products prohibited unless seller has a valid delivery sale license, verifies the age of the purchaser through a third-party database, and only accepts payment through a credit or debit card in the purchaser’s name. WASH. REV. CODE ANN. § 70.345.090(1)-(7) (2020)</p> <p>Sales/distribution, and/or advertisement of electronic</p>		<p>transport children, and outdoors on property during nonbusiness hours in a place that would not be considered a “public place” and at least 25 feet from entrances, windows and vents. WASH. ADMIN. CODE § 110-300-0420(2) (2020)</p> <p>Use of electronic cigarettes within public institutions of higher education restricted through regulation (e.g., Eastern Washington University WASH. ADMIN. CODE § 172-122-</p>

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		<p>including reasonably foreseeable ingestion or other contact by children.” WASH. REV. CODE § 70.345.010(4) (2020)</p> <p><i>Liquid nicotine container</i> means “a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration [excepting] closed system nicotine containers.” WASH. REV. CODE ANN. § 70.345.010(8) (2020)</p> <p><u>Tax</u></p> <p><i>Vapor product</i> means “any noncombustible product containing a solution or other</p>			<p>cigarettes on certain campuses of higher education prohibited. (e.g., Eastern Washington University WASH. ADMIN. CODE § 172-122-310(3) (2020); WSU Vancouver WASH. ADMIN. CODE § 504-37-020(5), (7) (2020); Washington State University Pullman WASH. ADMIN. CODE § 504-38-020(6), (8) (2020))</p>		<p>310 (2020); Peninsula College WASH. ADMIN. CODE § 132A-125-030(10)(d) (2020); Spokane Falls Community College WASH. ADMIN. CODE § 132Q-10-231 (2020); Bellingham Technical College WASH. ADMIN. CODE § 495B-140-070(2) (2020); Washington State University Vancouver WASH. ADMIN. CODE § 504-37-020 (2020); Washington State University Pullman WASH. ADMIN. CODE § 504-38-020 (2020); Bellevue</p>

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		consumable substance, regardless of whether it contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution or other substance, including an electronic cigarette, electronic cigare, electronic cigareillo, lectronic pipe, or similar product or device. The term also includes any cartridge or other container of liquid nicotine, solution, or other consumable substance, regardless of whether it contains nicotine, that is intended to be used with or in a device that can be used to deliver aerosolized or vaporized nicotine to a					<p>College WASH. ADMIN. CODE § 132H-126-100(24) (2020); Lake Washington Institute of Technology WASH. ADMIN. CODE § 495D-140-070(4) (2020); and University of Washington WASH. ADMIN. CODE § 478-136-035 (2020)</p> <p>Use of electronic smoking devices in State veteran homes prohibited (except designated outdoor smoking areas). WASH. ADMIN. CODE § 484-20-090(1)(h) (2020)</p>

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		<p>person inhaling from the device and is sold for such purpose.”</p> <p>WASH. REV. CODE ANN. § 82.101(15) (2020)</p> <p><i>Accessible container</i> means a container “that is intended to be opened.” WASH. REV. CODE ANN. § 82.101(1) (2020)</p>					
West Virginia	Yes. W. VA. CODE ANN. § 16-9A-2(a)(1) (2020)	<p><u>Youth Access and Use</u></p> <p><i>Tobacco product and Tobacco-derived product</i> mean “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</p>	E-cigarette liquid taxed at rate of \$0.075 per milliliter or fraction thereof. W. VA. CODE ANN. § 11-17-4b(b)(1) (2020)	N/A	<p>Sale/distribution of vapor products to persons under age 18 years prohibited. W. VA. CODE ANN. § 16-9A-2(b)(3) (2020)</p> <p>Vending machine sales of vapor products restricted to places inaccessible to persons under age 18. W. VA. CODE ANN. § 16-9A-8 (2020)</p> <p>Use/possession of tobacco products or tobacco-derived products by persons under age 18 prohibited. W. VA.</p>	No	<p>Use of tobacco-derived products prohibited in schools and on school grounds except those areas not used for instructional purposes and inaccessible to students. W. VA. CODE ANN. § 16-9A-4 (2020)</p> <p>Use of e-cigarettes in state-owned</p>

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		<p>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." W. VA. CODE ANN. § 16-9A-2(a)(1) (2020)</p> <p><i>Vapor product</i> 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</p>			CODE ANN. § 16-9A-3 (2020)		<p>vehicles prohibited. W. VA. CODE R. § 148-3-7.7 (2020)</p>

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		<p>produce vapor from nicotine in a solution or other form [including] 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 [aforementioned] device." W. VA. CODE ANN. § 16-9A-2(a)(3) (2020)</p> <p><u>Tax</u></p> <p><i>E-cigarette</i> means "an electrical or electronic device that provides a smoke, vapor, fog, mist, gas or aerosol suspension of nicotine or another substance that, when used or inhaled, simulates the</p>					

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		<p>activity of smoking...[including] but not limited to, a device that is composed of a heating element, battery or electrical or electronic circuit, or a combination of heating element, battery and electrical or electronic circuit, which works in combination with e-liquid to produce an inhalable product . . . [including products marketed or sold as] e-cigarette, e-cigar, e-pipe or under any other name or descriptor.”</p> <p>W. VA. CODE ANN. § 11-17-4b(a)(1) (2020)</p> <p><i>E-cigarette liquid</i> means “any of the liquids or liquid mixtures used in e-cigarettes and is also known as e-juice, e-liquid, or e-liquid product . . . [including]</p>					

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		e-cigarette liquid mixing kits and...components. When used in, or with, an e-cigarette, e-cigarette liquid is vaporized or otherwise converted into an inhalable product. E-cigarette liquid may or may not include, without limitation, propylene glycol, vegetable glycerin, nicotine from any source or flavorings.” W. VA. CODE ANN. § 11-17-4b(a)(2) (2020)					
Wisconsin	No	<i>Nicotine product</i> means “a product that contains nicotine and is not . . . 1. A tobacco product. 2. A cigarette. 3. A[n FDA-approved] smoking cessation product . . .” WIS. STAT. ANN. § 134.66(1)(f) (2020)	Vapor products taxed at rate of \$0.05 per ml of liquid or other substance. WIS. STAT. ANN. § 139.76(1m) (2020)	N/A	Sale/distribution of nicotine products to persons under age 18 prohibited. WIS. STAT. ANN. § 134.66(2)(a) (2020) Sampling of nicotine products restricted to places inaccessible to persons under age 18 (without parent/guardian). WIS. STAT. ANN. § 134.66(2)(am) (2020)	No	E-cigarette use prohibited at State Fair Park indoor facilities and main stage area. Wisconsin State Fair Park Admission Policies

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		<i>Vapor product</i> means "a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element, regardless of whether the liquid or other substance contains nicotine". WIS. STAT. ANN. § 139.75(14) (2020)			Purchase/possession of nicotine products by persons under age 18 prohibited. WIS. STAT. ANN. § 254.92(2) (2020)		
Wyoming	No. (change effective July 1, 2020)	Sales Restrictions: <i>Electronic cigarette</i> means "any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device	Electronic cigarettes and vapor material purchased or imported by wholesalers taxed at rate of 15% of the wholesale price. WYO. STAT. ANN. § 39-18-104(g) (2020) (effective July 1, 2020) If tax not paid at time of wholesale purchase,	Liquid nicotine containers must "be sold in child resistant packaging." WYO. STAT. ANN. § 35-7-2002(a) (2020)	Sales/distribution/delivery of electronic cigarettes to persons under age 18 prohibited. WYO. STAT. ANN §§ 14-3-302(a), (c) (2020) Purchase of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-304(a) (2020) Possession/use of electronic cigarettes by persons under age 18 prohibited. WYO. STAT. ANN § 14-3-305(a) (2020)	Yes, for wholesalers and manufacturers. WYO. STAT. ANN. § 39-18-106 (2020)	Use of electronic cigarettes prohibited in child care facilities when children are present. FAMILY SERVICES Ch. 4 WYO. CODE R. § 14(t) (2020)

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State	Included in at Least 1 State Law Definition of “Tobacco Product.” ²	Definition ³	Excise or Special Tax (non-sales tax)	Product Packaging	Youth Access/Other Retail Restrictions	Retail License/Permit Required	Smoke-Free Restrictions
		<p>[including] any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or devices....”</p> <p>WYO. STAT. ANN §§ 14-3-301(a)(v); 39-18-101(a)(ix) (2020) (amended definition effective July 1, 2020)</p> <p><i>Vapor material</i> means “any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used [including] liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.”</p> <p>WYO. STAT. ANN. §§ 14-3-301(vii); 39-18-101(a)(x) (2020)</p>	<p>consumers must pay tax at a rate of 7.5% of the retail price of electronic cigarettes and vapor material.</p> <p>WYO. STAT. ANN. § 39-18-014(h) (2020) (effective July 1, 2020)</p>		<p>Self-service displays and vending machine sales of electronic cigarettes restricted to locations inaccessible to persons under age 18. WYO. STAT. ANN § 14-3-303(b) (2020)</p> <p>Remote sales require third party age verification and signature of person at least 21 years of age upon receipt. WYO. STAT. ANN. § 14-3-309(a), (b) (2020) (effective July 1, 2020)</p>		

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		<p>(definition effective July 1, 2020)</p> <p><i>Nicotine product</i> means "tobacco products..., electronic cigarettes and vapor material." WYO. STAT. ANN. §§ 14-3-301(vi); 39-18-101(a)(xi) (2020) (definition effective July 1, 2020)</p> <p><u>Packaging restrictions:</u></p> <p><i>Vapor product</i> 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 [including] any electronic cigarette,</p>					

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		<p>electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an [aforementioned] device." WYO. STAT. ANN. §§ 35-7-2001(a)(iii) (2020)</p> <p><i>Liquid nicotine container</i> means "a bottle or other container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in a vapor product [not including a cartridge that is] prefilled and sealed by the manufacturer and not intended to be</p>					

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		opened by the consumer” WYO. STAT. ANN. § 35-7-2001(a)(ii) (2020)					
American Samoa (Not available via Westlaw)	No.	N/A	N/A	N/A	N/A	N/A	N/A
Guam	Yes. 10 GUAM CODE ANN. § 90103(q) (2020)	<p><i>Electronic cigarettes or e-cigarettes</i> means “battery-operated products designed to deliver nicotine, flavor, and other chemicals. They turn nicotine, which is highly addictive, and other chemicals into a vapor that is inhaled by the user.” 11 GUAM CODE ANN. § 6102(l) (2020)</p> <p><i>Electronic smoking device</i> means “any electronic product that can be used to aerosolize and/or deliver nicotine or</p>	N/A	N/A	<p>Sale/distribution of electronic cigarettes (including any refill, cartridge, or any other component part) to persons under age 21 prohibited. 11 GUAM CODE ANN. §§ 6102(l); 6401(a) (2020)</p> <p>Possession/use/purchase of electronic cigarettes (including any refill, cartridge, or any other component part) by persons under age 21 prohibited. 11 GUAM CODE ANN. §§ 6102(l); 6401(a)(2); 6406 (2020)</p> <p>Vending machine sales of electronic cigarettes must be</p>	N/A	Use of electronic smoking devices restricted similar to smoking, including enclosed public spaces, within 20 feet of the entrance or exit of enclosed public spaces, in motor vehicles with children under age 17 or a pregnant woman, and designated smoke-free areas of places of employment. 10 GUAM CODE

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		other substances to the person inhaling from the device, including...an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product, whether or not sold separately." 10 GUAM CODE ANN. § 90103(d) (2020)			located in areas inaccessible to persons under age 21 or under constant supervision by authorized person. 11 GUAM CODE ANN. § 6401(b) (2020)		ANN. §§ 90103 (definition of "smoking"); 90105; 90106(a); 90114(a) (2020)
Northern Mariana Islands (Not available via Westlaw)	Yes. 4 N. MAR. I. CODE § 50131(a) (2020); 6 N. MAR. I. CODE § 3110(e) (2020)	<i>Electronic nicotine delivery system</i> or <i>electronic cigarette</i> means "a battery-powered electronic device and like products, containing nicotine-based liquid that is vaporized and inhaled, used to stimulate the experience of smoking tobacco. This term shall include any such	N/A	N/A	Sale/giving electronic cigarettes to persons under age 18 prohibited. 6 N. MAR. I. CODE § 3110(a), (b) (2020) Use/possession of electronic cigarettes by persons under age 18 prohibited (including handling of products during the course of employment). 6 N. MAR. I. CODE § 3110(c) (2020)	Yes. 4 N. MAR. I. CODE § 50131(b) (2020)	Use of electronic cigarette included in definition of smoking and prohibited in public places, including, but not limited to, childcare facilities, schools, museums, restaurants and

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		devices whether they are manufactured as e-cigarettes, e-cigars, or under any other product.” 6 N. MAR. I. CODE § 3171(r) (2020)					sports arenas. (6 N. MAR. I. CODE §§ 3171(p)) (definition of smoking); 3173 (2020)
Puerto Rico	No.	<i>Electronic cigarette or e-cigarette</i> means “a product intended to provide the user with a dose of nicotine combined with other substances in the form of a vapor, as defined by the the Department of Health through regulations, in conjunction and with the advice of the Department of Treasury [and shall be interpreted as consistent with federal law and regulations].” P.R. LAWS ANN. tit. 24, § 904(a) (2020); P.R. Laws Ann. tit. 23, § 1041(f) (2020)	Electronic cigarettes taxed at \$3 per item. P.R. LAWS ANN. tit. 13, § 31635(b)(2) (2020) Nicotine cartridges taxed at rate of \$0.05/ml solution, whether it contains nicotine or not. P.R. LAWS ANN. tit. 13, § 31635(b)(2) (2020)	Nicotine cartridges must display the volume of nicotine solution on packaging in form prescribed by regulation. P.R. LAWS ANN. tit. 13, § 31635(c) (2020)	Sale of electronic cigarettes to persons under age 18 prohibited. P.R. LAWS ANN. tit. 24, § 904 (2020) ; P.R. LAWS ANN. tit. 13, § 33138(b)(1) (2020) ; P.R. LAWS ANN. tit. 33, § 1022a (2020) Distribution of free samples of electronic cigarettes prohibited to minors, in places where minors are allowed, and within 500 feet of a public or private school. P.R. LAWS ANN. tit. 23, § 1041(c) (2020)	No.	Use of electronic cigarettes prohibited in public places, including public buildings, schools, restaurants, museums, and other locations. P.R. LAWS ANN. tit. 24, §§ 891(a) (definition of “smoking”); 892 (2020)

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		<p><i>Vapor product</i> means "any type of product that contains nicotine and uses a heating element, energy source, electronic circuit, or any electronic, chemical, or mechanical means, regardless of size and shape that can be used to produce nicotine vapor as a solution or in any other form [including any] electronic cigarette, electronic cigar, electronic pipe, or any similar product or device and any vape cartridge or any other container for nicotine as a solution, or in any other form, which is destined to be used with or within [any aforementioned products]." P.R. Laws Ann. tit. 23, § 1041(h) (2020)</p>					

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		<p>Tax</p> <p><i>Electronic cigarette</i> means "any noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from nicotine in a solution or other form, which because of its appearance, size or its packaging and labeling, is likely to be used, offered to, or purchased by, consumers as an electronic cigarette, vaporizer, or electronic pipe." P.R. LAWS ANN. tit. 13, § 31635(a)(1) (2020)</p> <p><i>Nicotine cartridge</i> means "a vapor</p>					

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		cartridge or any other container holding liquid nicotine that is intended to be used with or in an electronic cigarette or vaporizer." P.R. LAWS ANN. tit. 13, § 31635(a)(2) (2020)					
U.S. Virgin Islands	No.	<p><i>Electronic cigarette</i> means "a battery-operated device that contains cartridges filled with a combination of nicotine, flavor and chemicals that are turned into a vapor which is inhaled by the user." V.I. CODE ANN. tit. 27, § 305b(a)(1) (2020)</p> <p><i>Alternative nicotine product</i> means "a product or device not consisting of or containing tobacco that provides nicotine for ingestion into the body, whether by chewing,</p>	N/A	Electronic cigarettes and alternative nicotine products must be sold in "original factory-wrapped package." V.I. CODE ANN. tit. 27, § 305b(c)(3) (2020)	Sale/distribution of electronic cigarettes or alternative nicotine products to persons under age 18 prohibited. V.I. CODE ANN. tit. 27, § 305b(c)(1) (2020)	Yes. V.I. CODE ANN. tit. 27, § 305b(c)(4) (2020)	N/A

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		smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means." V.I. CODE ANN. tit. 27, § 305b(a)(2) (2020)					