

2018 FLORIDA TOBACCO PREVENTION LEGISLATION

Key Points

SB 994 / H 797 would define electronic cigarettes and liquid nicotine as tobacco products, consistent with current federal law.

These bills would require electronic cigarette retailers to obtain a Tobacco Retail License through the Florida Department of Business and Professional Regulation, allowing law enforcement to verify that these businesses are following the current Florida age restriction.

These bills would allow Tobacco Free Florida to use resources and create materials to educate youth on the risks of electronic cigarettes and reduce the use of these devices

SB 994 / H 797: Tobacco Products

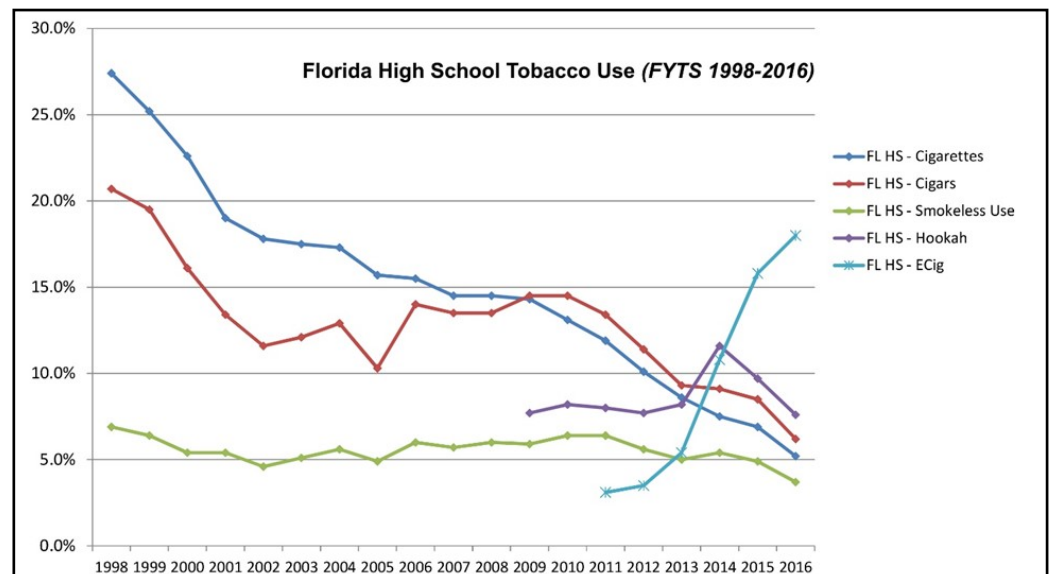
Senator Debbie Mayfield (R, District 17) and Representative Thad Altman (R, District 52) have introduced a bill to amend Florida Statute Chapter 569 on Tobacco Products to define all recreational nicotine products, including electronic cigarettes and liquid nicotine, as tobacco products. This would make the definition of these products consistent with Federal law as outlined by The Family Smoking Prevention and Tobacco Control Act of 2009.

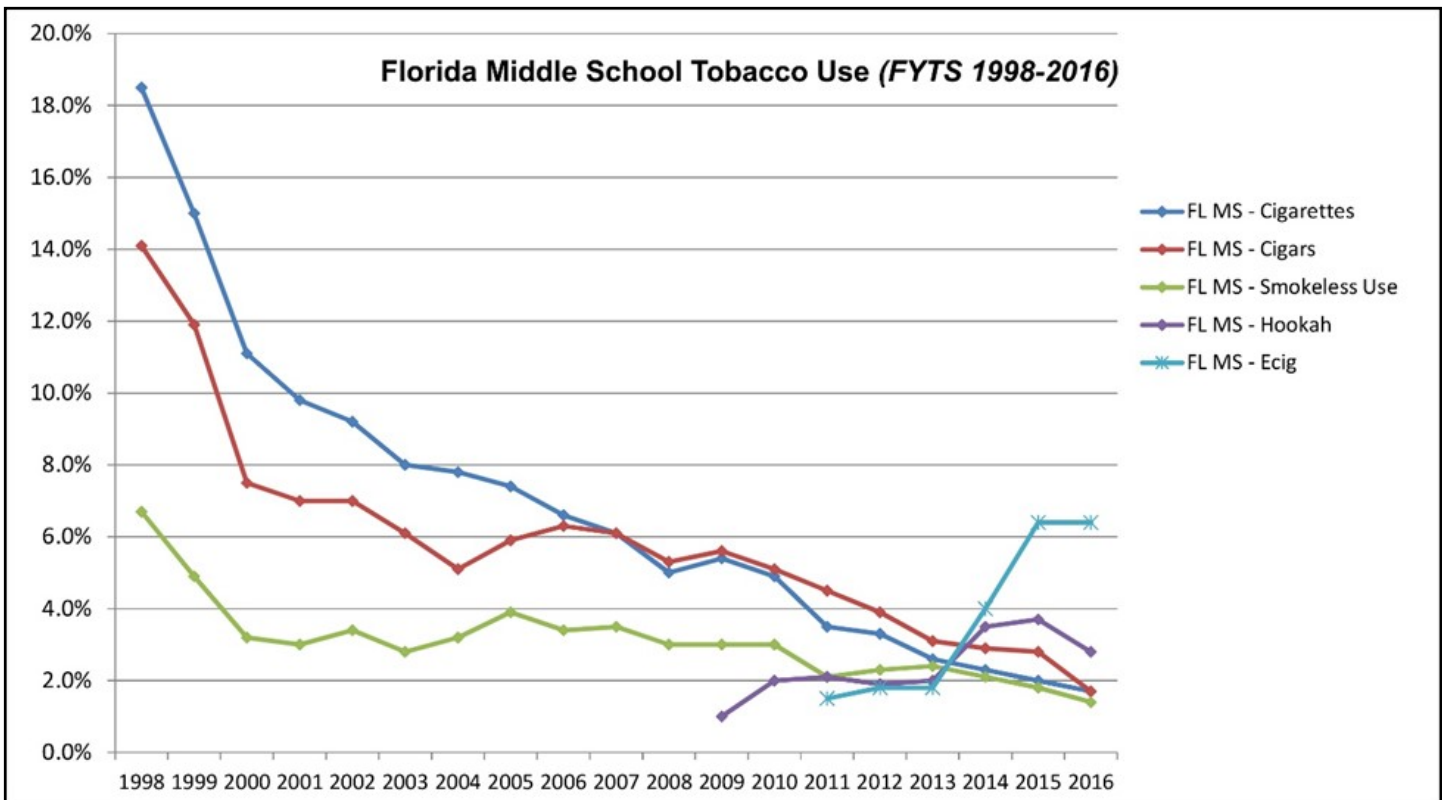
Purpose of the Current Legislation

Florida legislators passed a new law during the 2014 legislative session to make 18 the age to purchase “nicotine dispensing devices” and “nicotine products” statewide.

Since the passage of the 2014 law in Florida, the Food and Drug Administration (FDA), under the rules of The Family Smoking Prevention and Tobacco Control Act, classified a number of recreational nicotine products as “tobacco products” in 2016. This change was made to distinguish the FDA regulation of recreational nicotine products from the FDA regulation of medical nicotine products (patches, nasal spray, lozenges, etc.) that are designed and tested to help people quit using tobacco.

The current Florida bills (SB 994 / H 797) will make state law consistent with current federal law by including “electronic nicotine delivery systems and their components” and “e-liquid” in the definition of tobacco products.





The most important direct impact is that retailers selling any form of tobacco in Florida, including e-cigarettes and liquid nicotine, will be required to have a Retail Tobacco License. The bills will also eliminate the redundancy in the current Florida Statutes by repealing F.S. 877.112.

Why this Legislation is Important

Each year, 85% of new tobacco users start using tobacco between the ages of 12 and 17, well before it is legal to purchase and use the products. That is a staggering statistic that tells us that age restrictions alone do not prevent youth access to tobacco. Consider this: if age restriction laws worked perfectly, there should be *no tobacco use* among youth aged 12-17.

Youth tobacco prevention requires educational resources and policy changes on many levels to make an impact on youth tobacco use. In Florida, there has been a lot of effort to reduce youth tobacco use, made possible with money from the Tobacco Settlement in 1997. The charts above reveal a dramatic reduction in the use of cigarettes and cigars, and moderate reduction in smokeless tobacco use, among Florida's youth in the years following the Tobacco Settlement.

However, these same charts reveal a dramatic rise in the use of electronic cigarettes among Florida's middle and high school students. That trend,

particularly among high school students, has not changed since 2014, the year in which Florida law restricted the sale of these products to minors under the age of 18!

SB 994 and H797 would make two key changes that should help reverse this trend.

First, age restrictions only work if they are enforced. Adding electronic cigarettes and liquid nicotine to the definition of tobacco, and therefore requiring a Florida Tobacco Retail License through the Department of Business and Professional Regulation, would help identify ALL tobacco retailers in the state, including vendors that sell only electronic cigarettes and liquid nicotine. This would allow the Florida Division of Alcoholic Beverages and Tobacco and other law enforcement agencies to verify that ALL tobacco retailers are following the current Florida age restriction on the sale and purchase of recreational nicotine.

Second, Tobacco Free Florida has been reluctant to work on the issue of the increasing use of electronic cigarettes by youth because they are not currently defined as tobacco in Florida law. Defining all recreational nicotine products, including electronic cigarettes, as tobacco products would allow Tobacco Free Florida to use resources to reverse the current trend and reduce youth access and use of these products.