The Food and Drug Administration (FDA) issued a final rule in 2016 that extended its authority to e-cigarettes, e-cigars, and e-hookah within the Tobacco Control Act. The FDA requires retailers to verify a customer is at least 18 years old before the sale of e-cigarettes. The FDA also subjects existing and new electronic products to review by the agency before entering the market. In September 2018, the FDA issued notices to five e-cigarette manufacturers requiring them to put forward plans to address and reverse youth access to and appeal of their products.

Rhode Island passed a law that prohibited the sale of e-cigarettes to minors. The law did not define these substances and devices as tobacco products (as the FDA does) and instead created a definition called “electronic nicotine delivery systems” or “ENDS.”

- ENDS are not currently subject to state tobacco control provisions including taxes.
- In 2017, legislation passed that prohibits the use of ENDS in schools.
- In 2018, ENDS were added to the Public Health and Workplace Safety Act that bans smoking in enclosed areas including businesses, public places, or common areas in apartment buildings.
TOBACCO TO 21

Six states (including California, Hawaii, Maine, Massachusetts, New Jersey, Oregon), DC, and at least 350 localities (including two towns in Rhode Island, Barrington and Central Falls) have raised the sale age of tobacco products from 18 to 21. The American Academy of Pediatrics and the Institute of Medicine recommend increasing the minimum sale age to 21 to delay access and initiation among youth. Nationally, 88% of adult cigarette users who smoke daily report starting by the age of 18, and 99% of all tobacco initiation occurs by age 26.

Effective January 1, 2018, Rhode Island law prohibits Electronic Nicotine Delivery Systems (ENDS), also known as e-cigarettes, from schools and related properties along with other tobacco products. These products cannot be used or possessed in these settings. While this state law is in effect, in order to be effective, schools must also update their school policy on how they plan to enforce the state law.

School enforcement policies should:
- Focus enforcement on education and cessation support
- Be aligned with other tobacco enforcement strategies
- Include education about the impacts of e-cigarettes and other tobacco products
- Include referral to a school counselor or social worker
- Notify the parent/guardian
- Confiscate the product

Rhode Island restricts the use of out-of-school suspensions to situations when a child’s behavior poses a demonstrable threat that cannot be dealt with by other means. During the 2016-2017 school year, there were 228 suspensions related to tobacco use, including 117 in-school suspensions and 111 out-of-school suspensions.

References

6, 11, 17 Rhode Island General Law 23-20.9.5.
7, 13 Rhode Island General Law 23-20.10.
8 Food and Drug Administration. Department of Health and Human Services. (2016). Deeming tobacco products to be subject to the federal food, drug, and cosmetic act, as amended by the family smoking prevention and tobacco control act. (21 CFR Parts 1100, 1140, and 1143). Washington, DC.
14 Rhode Island General Law, and schools are required to post this signage. 16-2-17.1.

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