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New FDA Rule Extends Regulation to E-Cigarettes, Other Tobacco Products

Local health officials excited by announcement, but say but more is needed to protect kids

Eau Claire, WI, May 9th 2016 – The Food and Drug Administration took historic action late last week to improve the public’s health and protect future generations from tobacco and nicotine addiction by announcing a new rule extending its oversight beyond cigarettes and smokeless tobacco. The new rule includes the regulation of e-cigarettes and vape pens, all cigars, hookah (water pipe) tobacco, pipe tobacco and nicotine gels, among others.

The rule also looks to restrict youth access to all of these newly regulated tobacco products. These components are scheduled to go into effect in 90 days:

- Tobacco products cannot be sold to minors under the age of 18 (both in person and online)
- Age verification by photo ID is required for all tobacco sales
- Tobacco products covered by the rule cannot be sold in vending machines (unless in an adult-only facility)
- The distribution of free tobacco product samples is not allowed



In addition, tobacco manufacturers must show that their products meet the applicable public health standard set forth in the law and receive marketing authorization from the FDA, unless the product was on the market as of February 15, 2007. Tobacco companies with products on the market have two years to comply.

Nationally, current e-cigarette use among high school students increased a whopping 900 percent from 2011 to 2015. In 2015, 3 million middle and high school students were current e-cigarette users. In Eau Claire County, more than 125 middle and high school students report using e-cigarettes in the past month.

While health advocates expressed excitement for the new rule, a few key missing pieces have been noted, like flavoring restrictions for e-cigarettes and hookah and advertising restrictions on e-cigarette manufacturers. “With the steady increase of these products to the market and drastic surge in e-cigarette use among youth, this ruling is long overdue,” said Rachael Manning, Coalition Facilitator with the Alliance for Substance Abuse Prevention. “However, the job’s only half-done as long as these products still come in kid-tempting flavors like Berry Blast and Fruit Loops, and while aggressive advertising still targets young people.”

It is clear that the FDA's extended authority and regulation will have a significant impact and will help restrict youth access to these products. While the ruling is comprehensive in many ways, and is a great first step, more attention to how these products are being advertised and how young people continue to be prime targets will be needed in the future.