Implementing HB 2546
2015 OHT E-cig Data

TPEP Webinar

November 23, 2015: 10:00-11:30

November 24, 2015: 2:30-4:00

Kim La Croix, Policy Specialist
Pieter Leffers, Data Analyst
Public Health Division
Oregon Health Authority

PUBLIC HEALTH DIVISION
Center for Prevention and Health Promotion

Outline

- Describe electronic cigarettes
- New National and Oregon Healthy Teens electronic cigarette data
- HB 2546
- Communication plan for the law
- Changes in the enclosed area definition
- Signs
- MJ intersection with the ICAA
- WEMS and forms update

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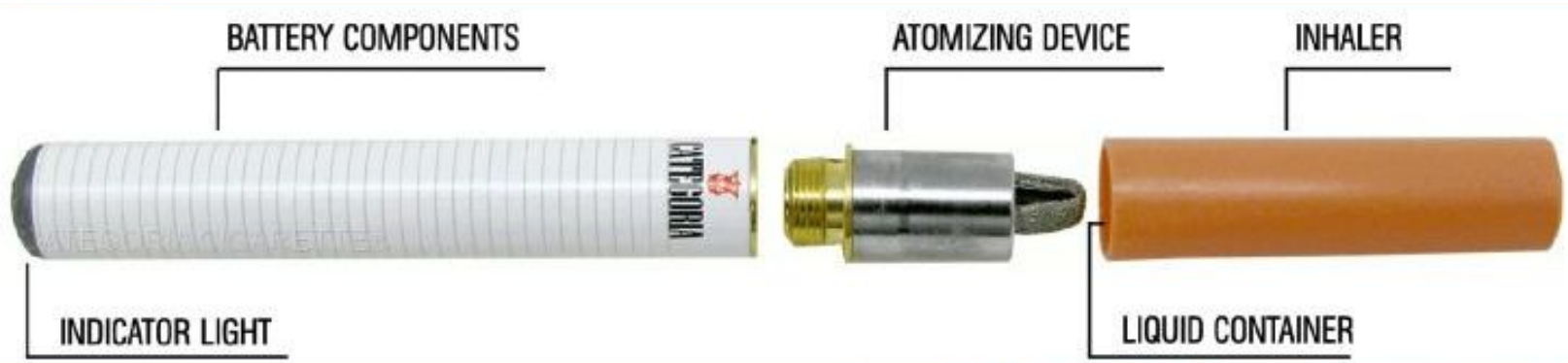
Anatomy of an e-cigarette



Evolution of electronic cigarettes

Prefilled

Fillable

Fillable

Customizable

Other electronic products

E-Hookah

Other electronic products

E-Cigar

E-Pipe

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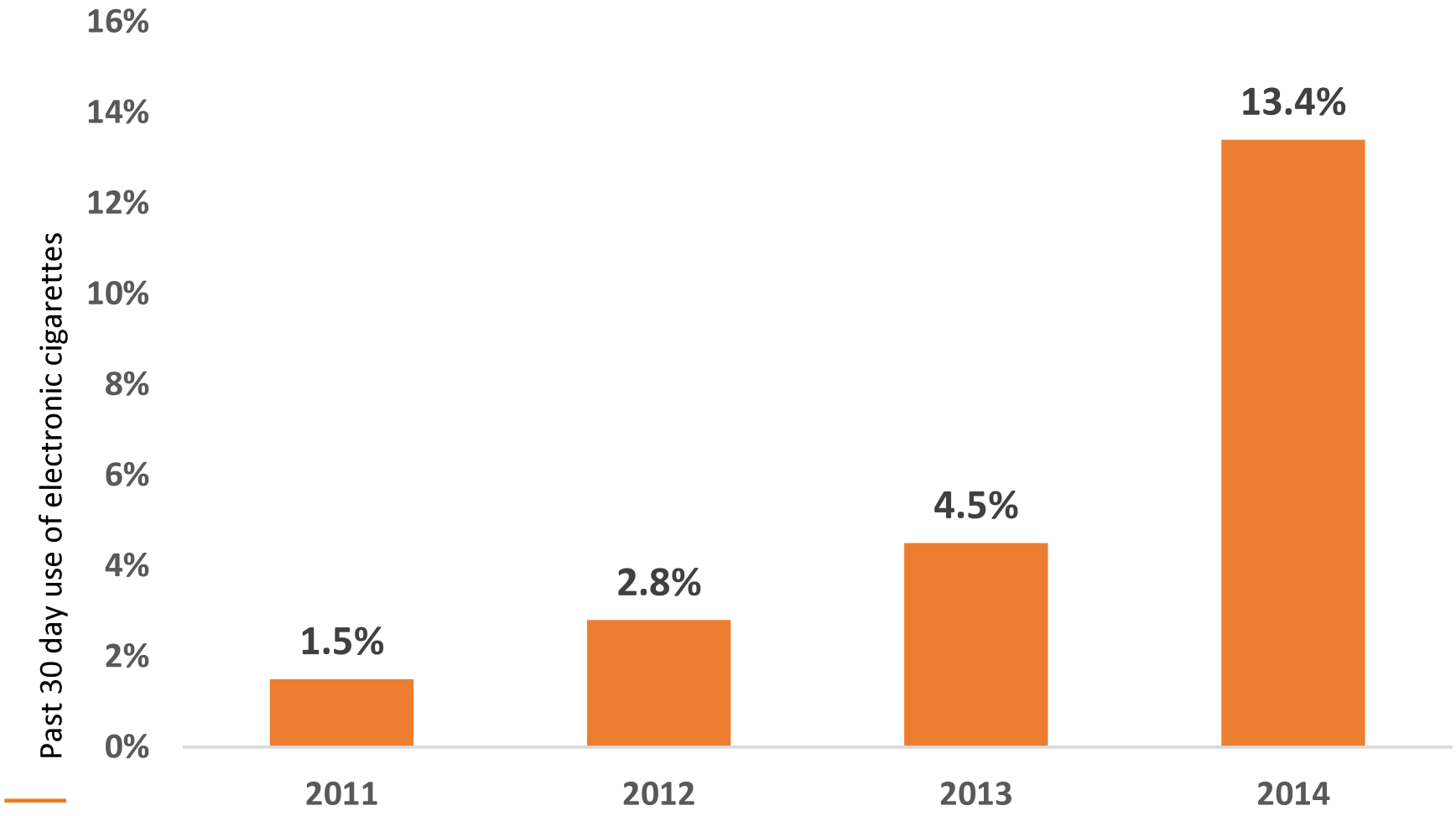
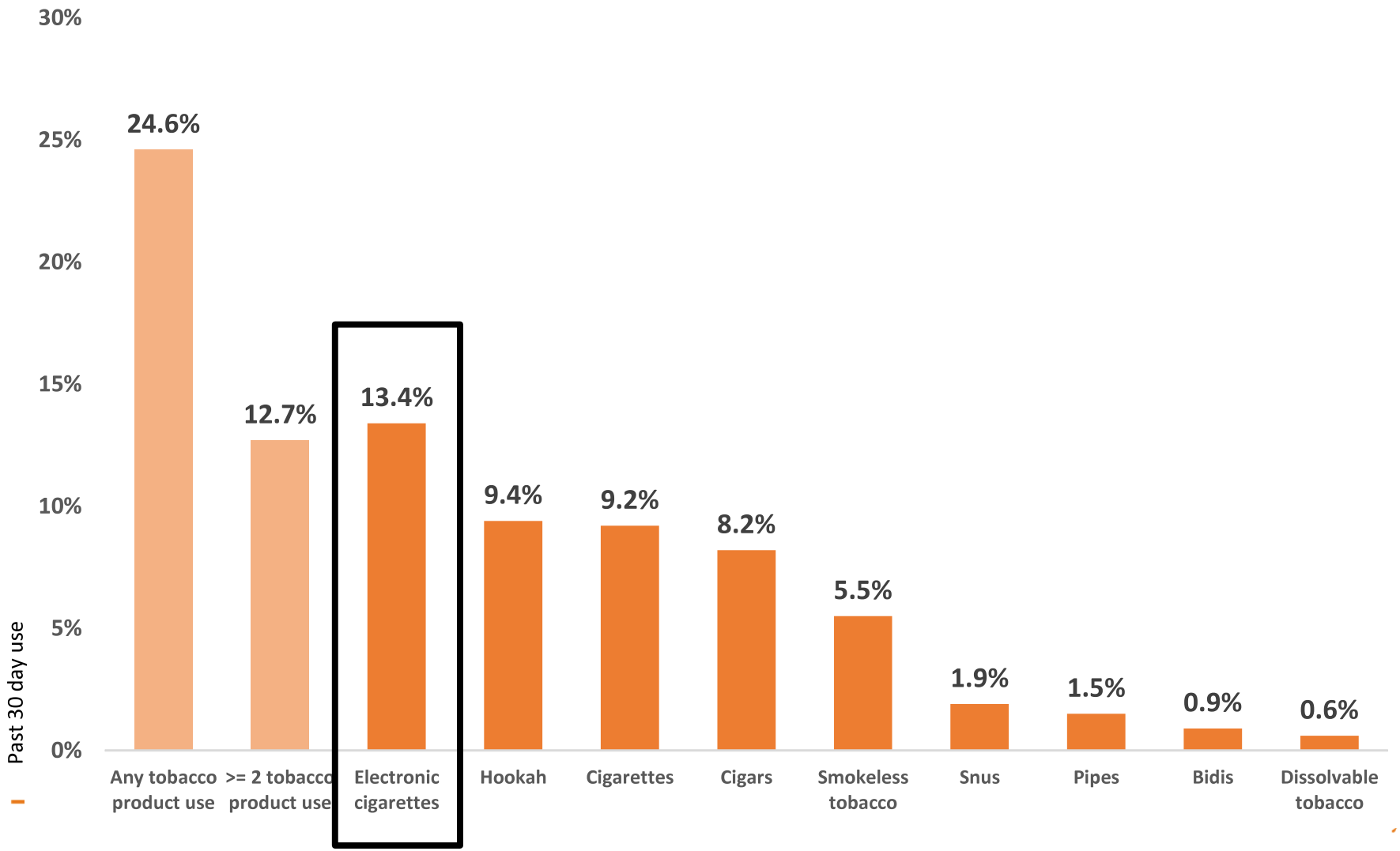
Past 30 day electronic cigarette use among high school students in the U.S., 2011-2014

Use nearly tripled from 2013 to 2014



Past 30 day use of tobacco products among high school students in the U.S. in 2014

E-cigarette use is higher than any other tobacco product



STATE OF OREGON

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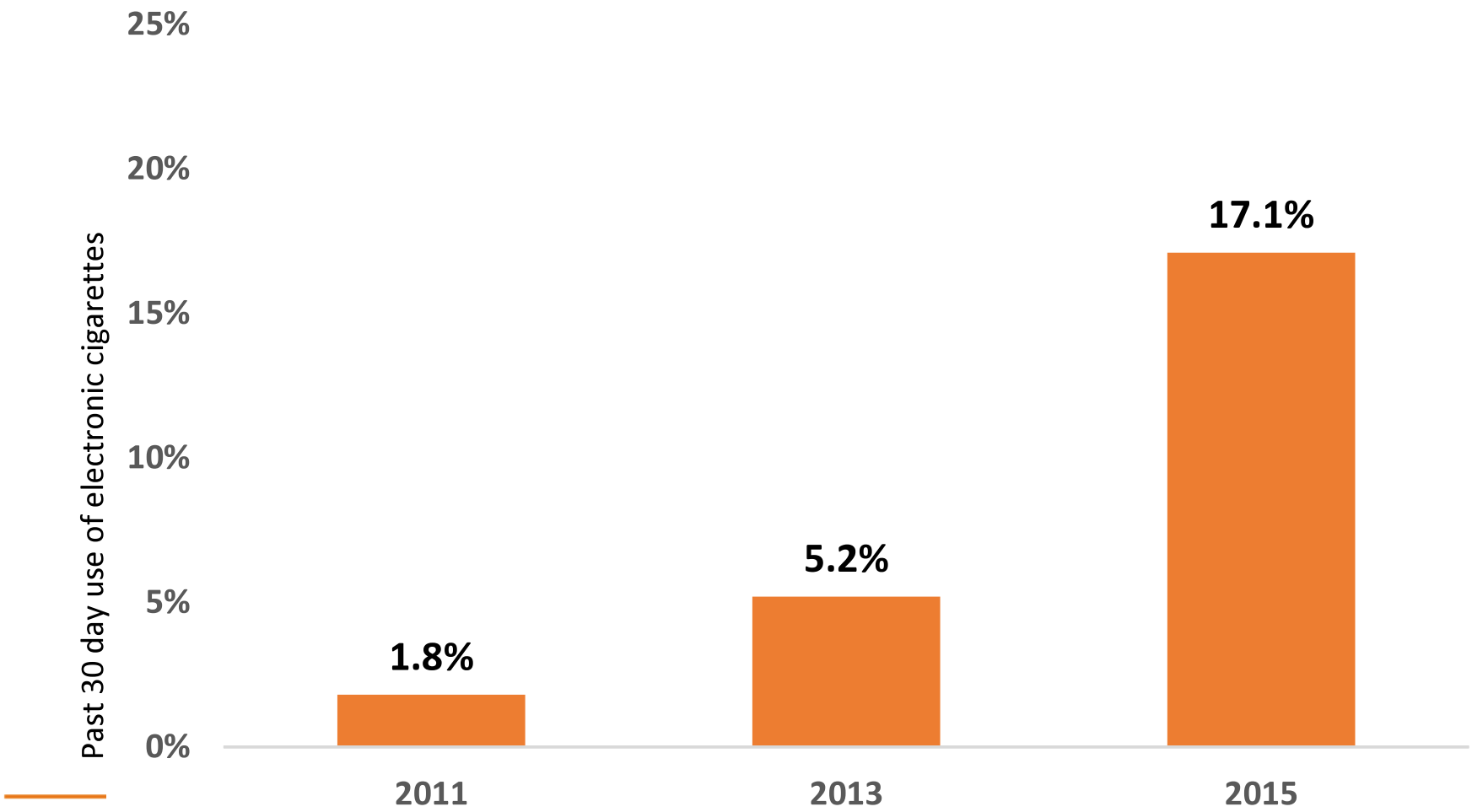
Past 30 day use of electronic cigarettes among 11th graders in Oregon, 2011-2015

E-cigarette use has tripled since 2013



Past 30 day use of electronic cigarettes among 11th graders in Oregon, 2011-2015

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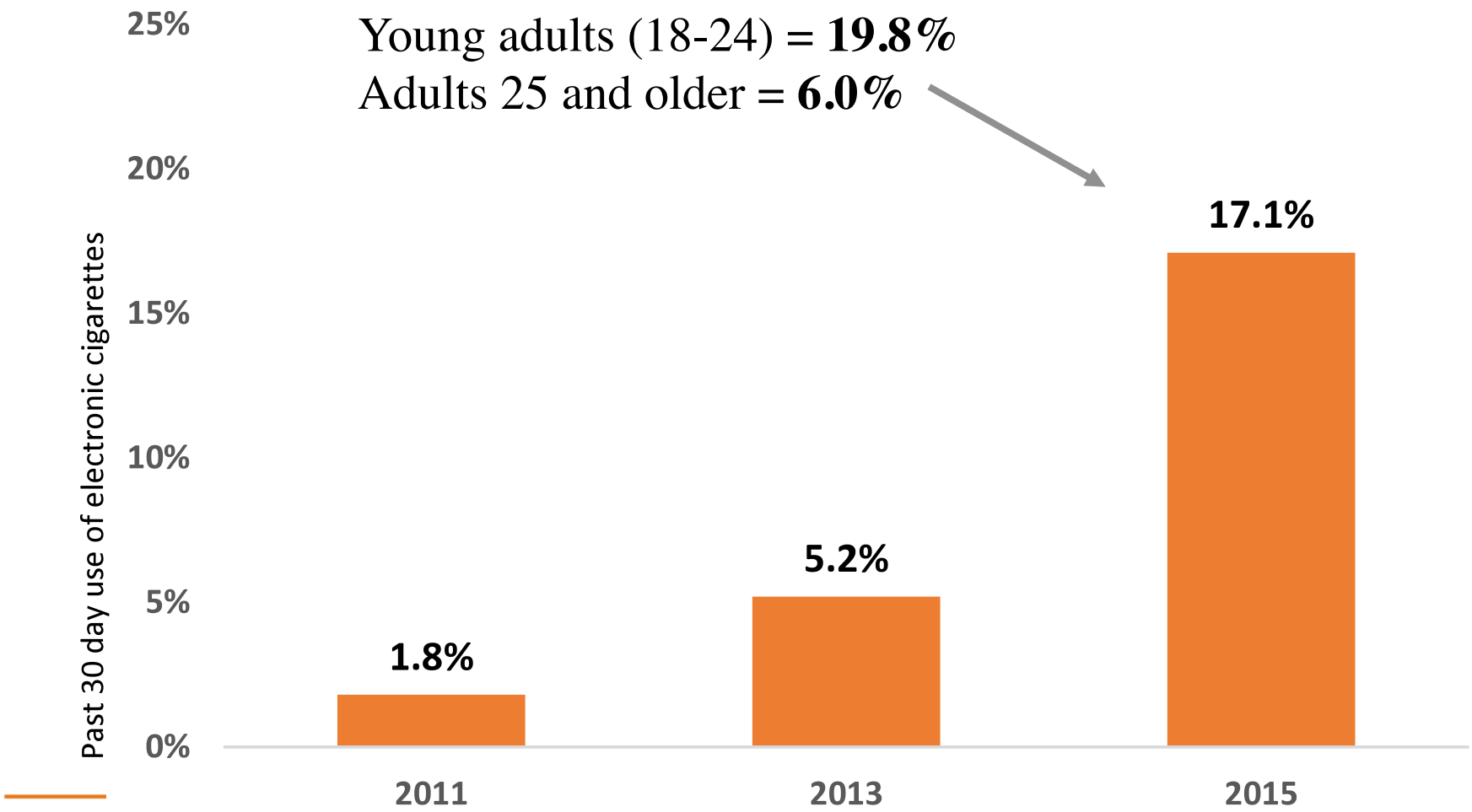
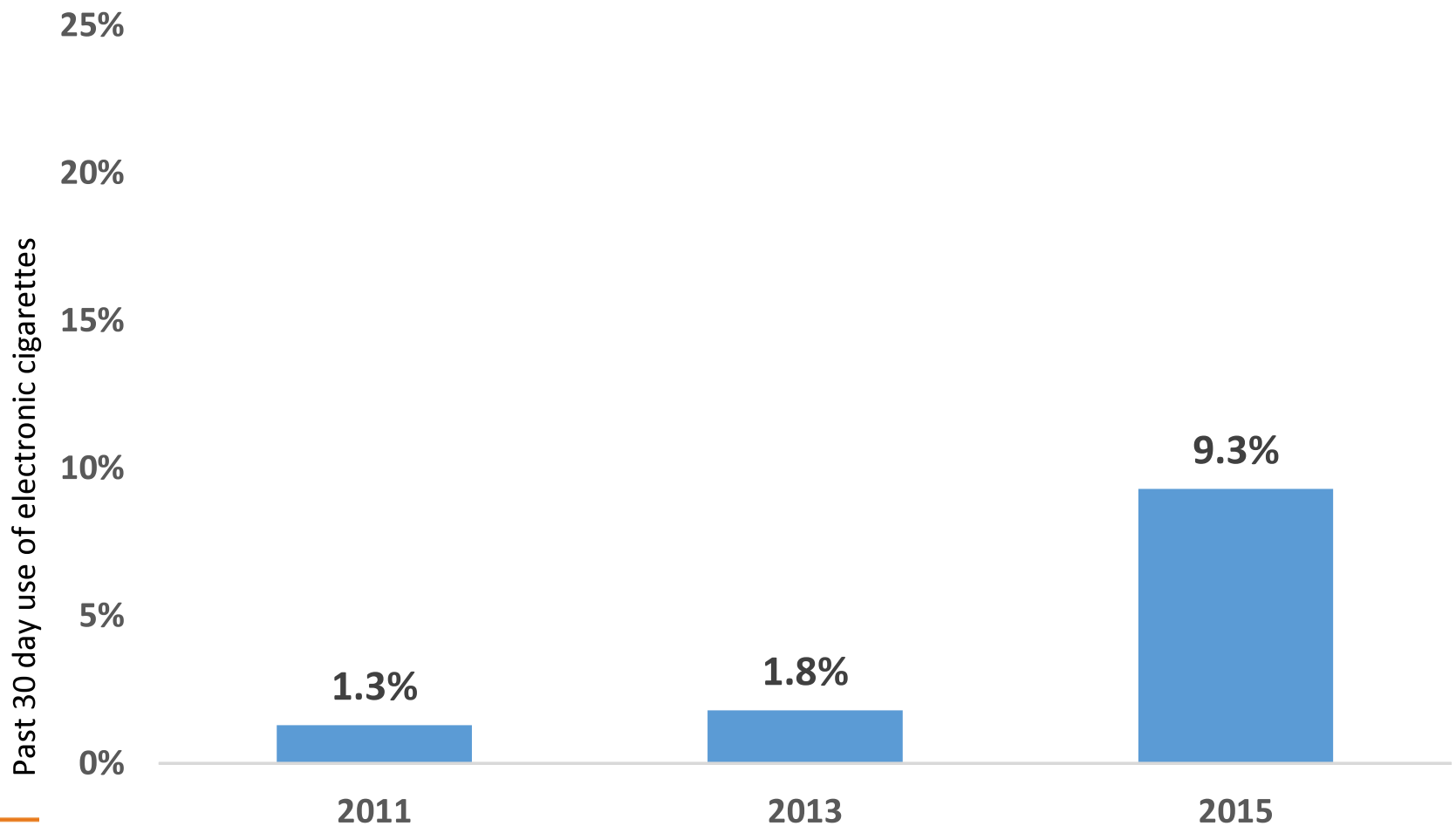


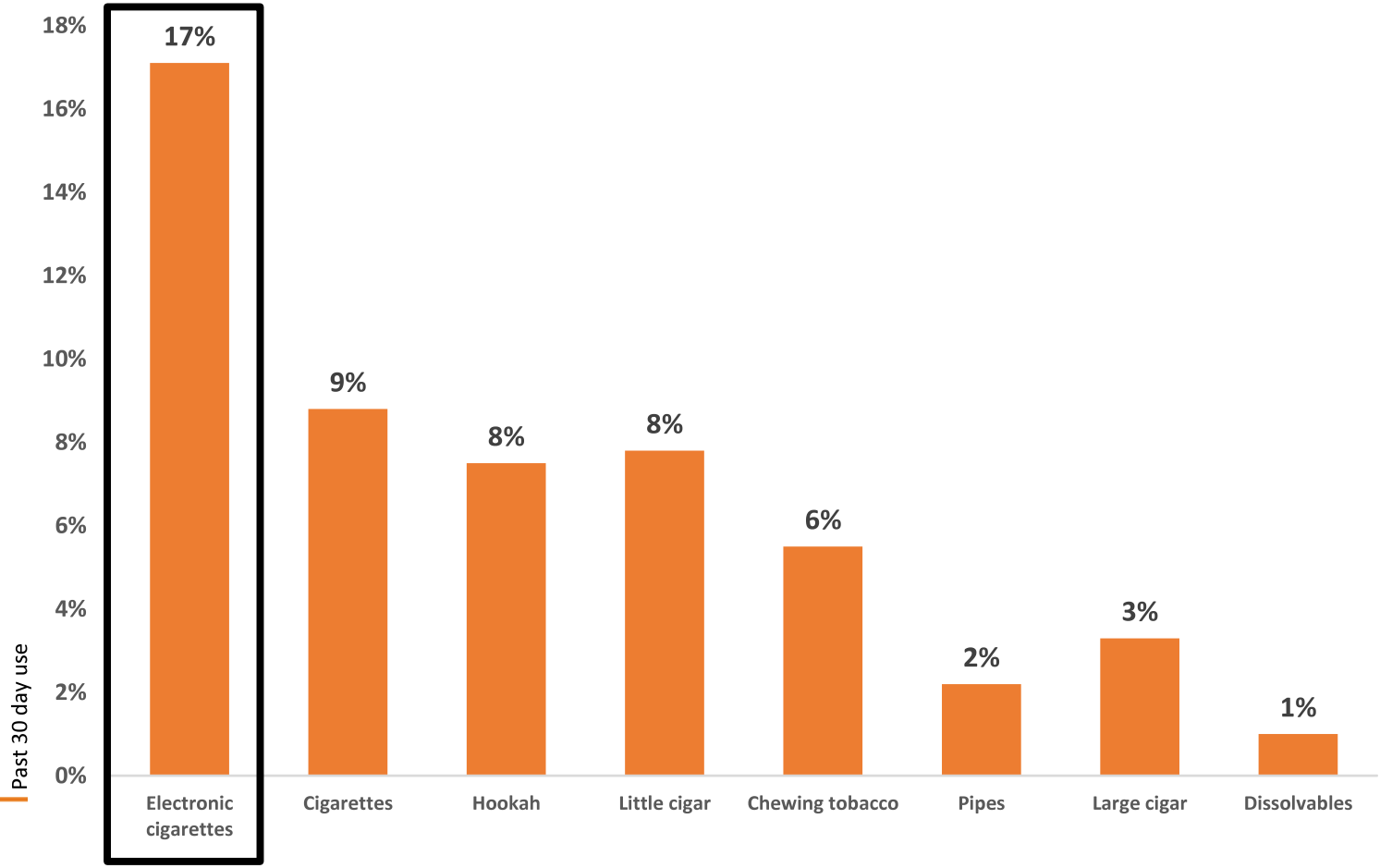
Past 30 day use of electronic cigarettes among 8th graders in Oregon, 2011-2015

E-cigarette use has increased 5-fold since 2013



Past 30 day use of tobacco products among 11th graders in Oregon in 2015

E-cigarette use is higher than any other tobacco product



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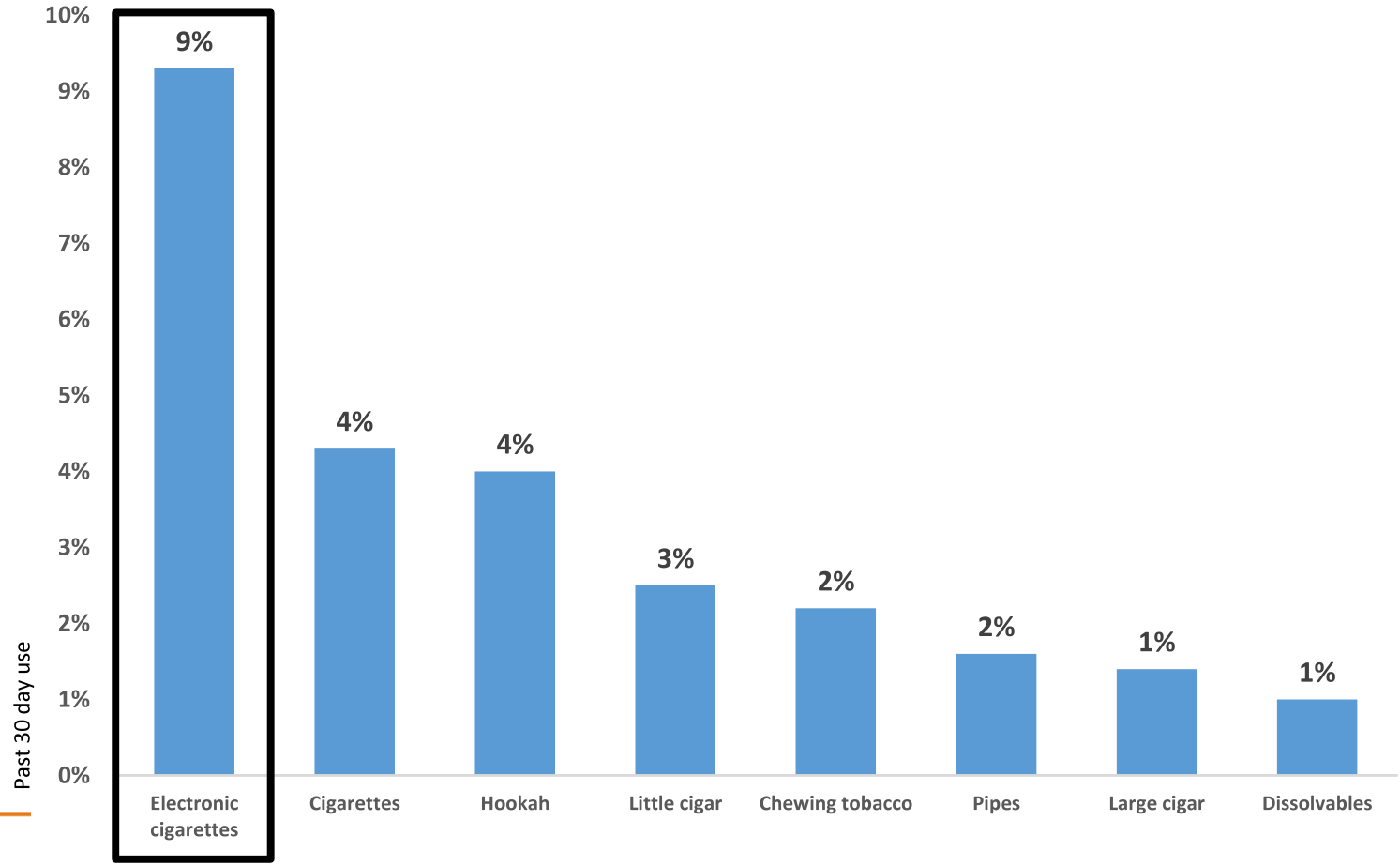
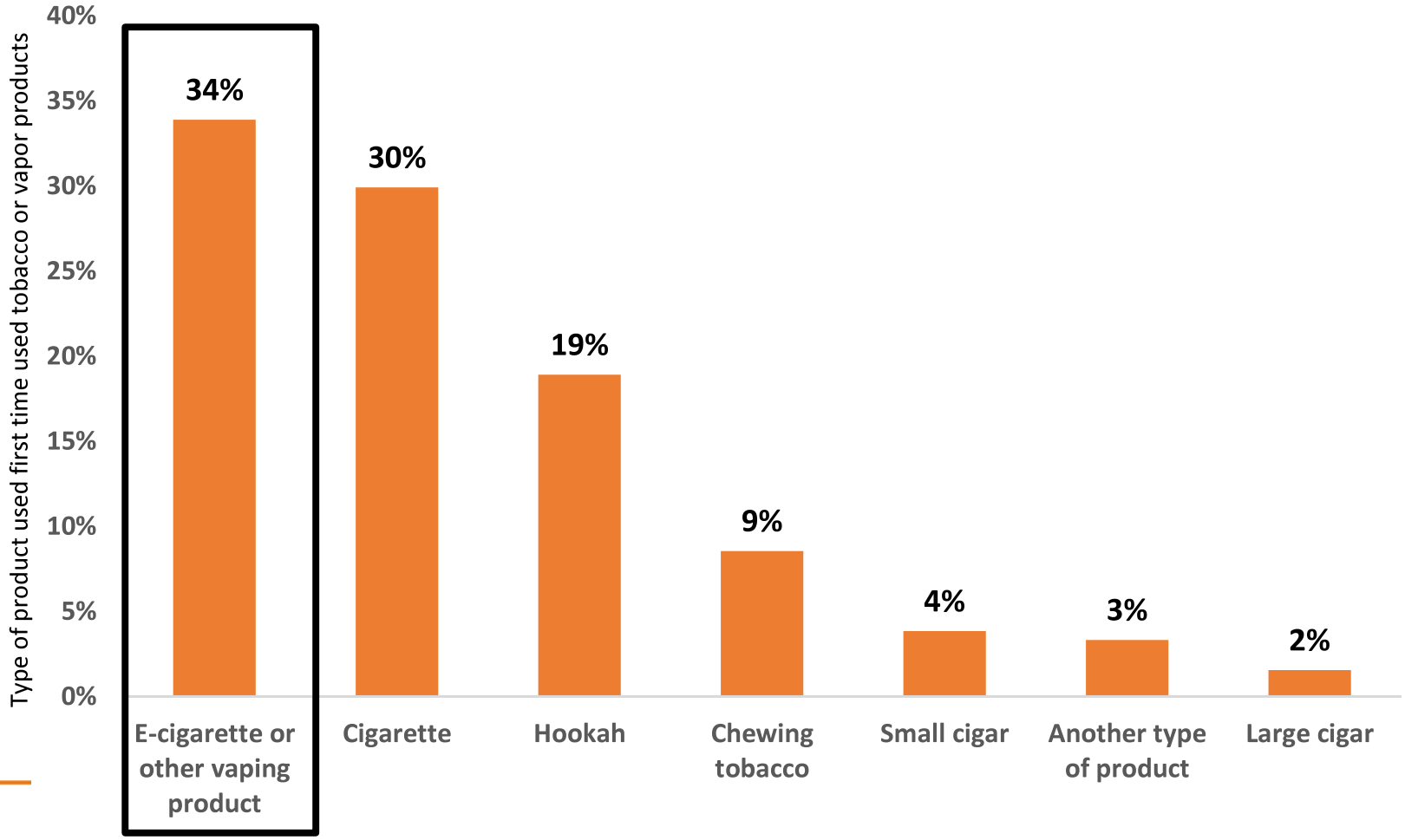


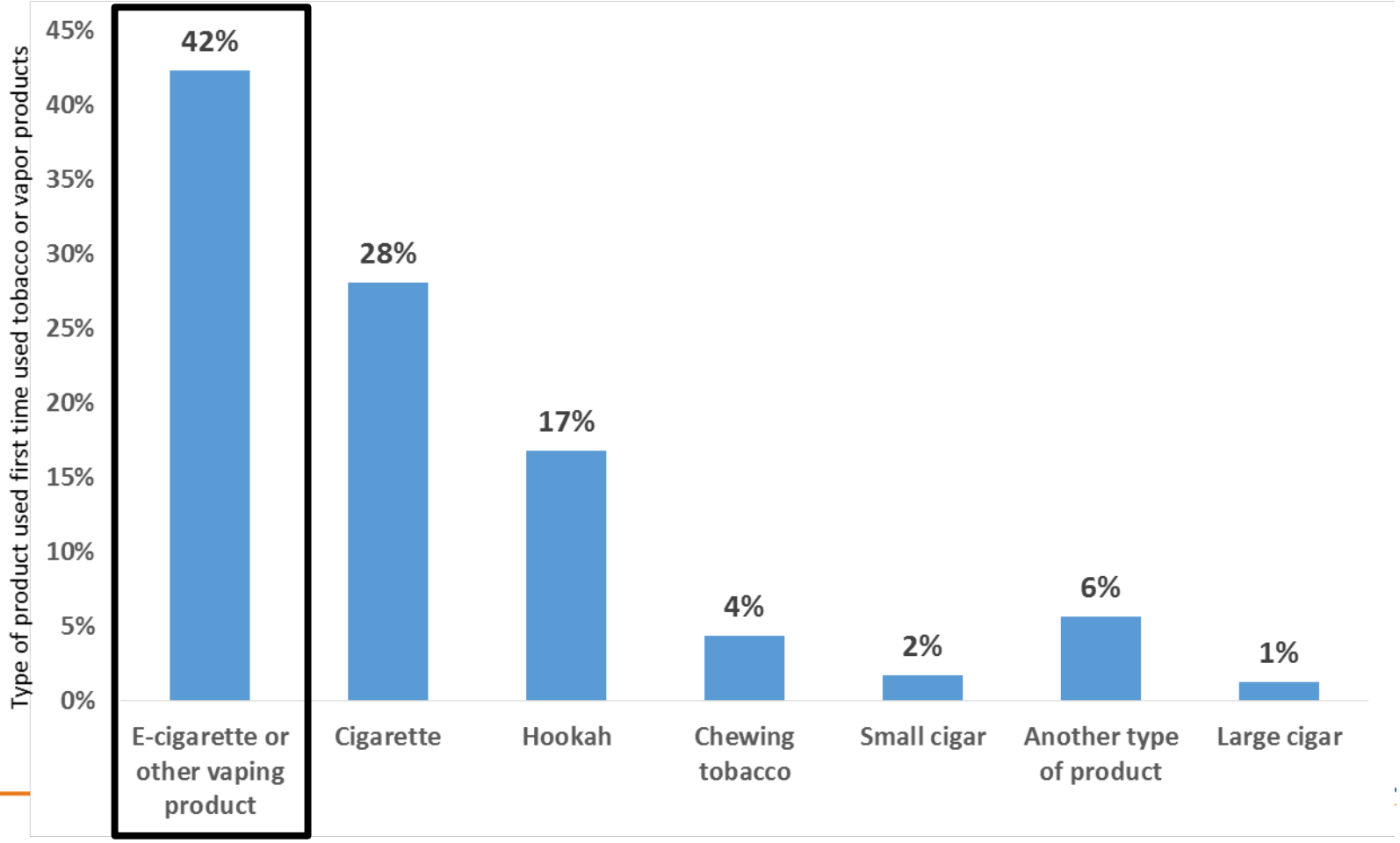
First tobacco or vaping product used by 11th graders in Oregon in 2015

E-cigarettes were the first product used for about 1 in 3 tobacco or electronic cigarette users



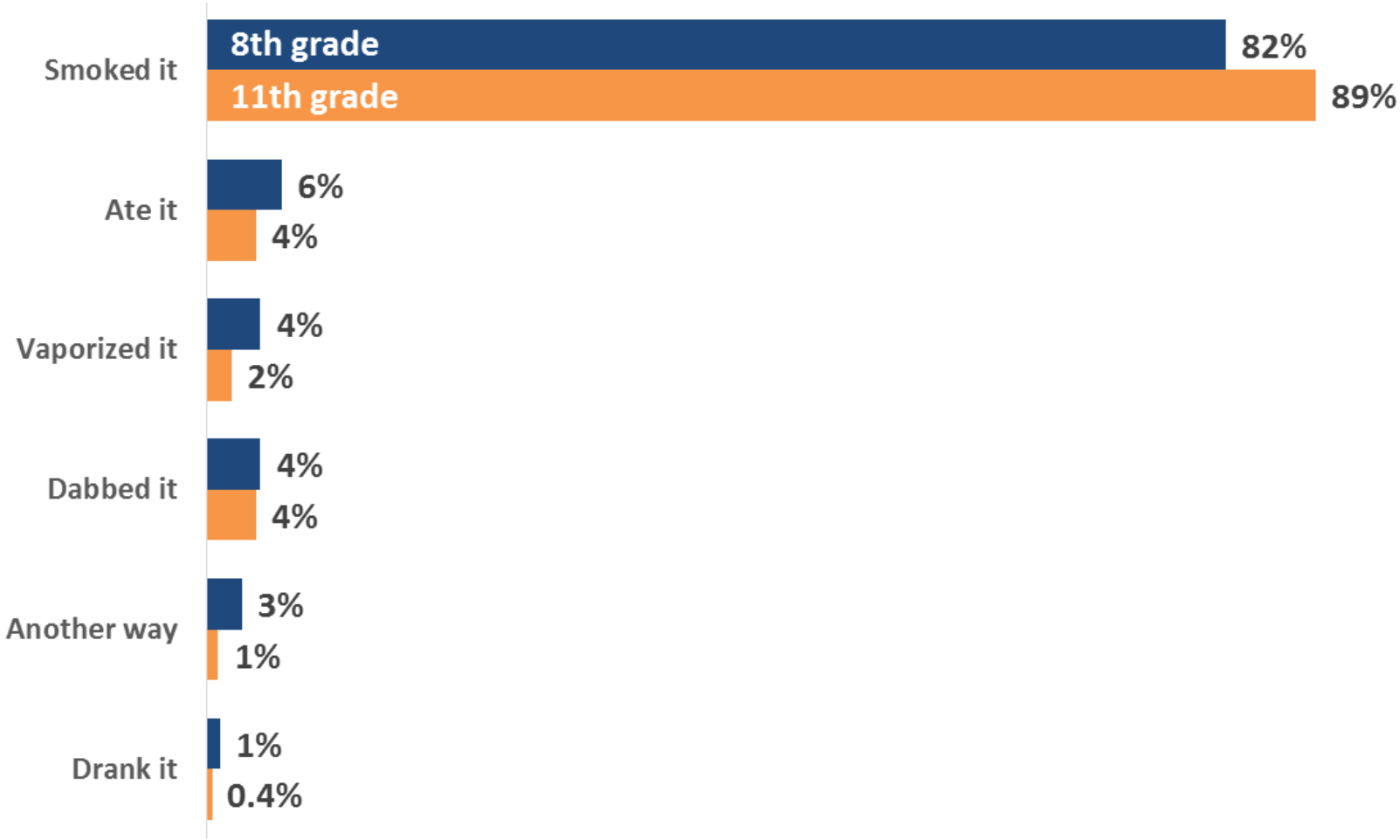
First tobacco or vaping product used by 8th graders in Oregon in 2015

E-cigarettes were the first product used for about 2 in 5 tobacco or electronic cigarette users



Method of marijuana use in past 30 days among 8th and 11th graders in Oregon in 2015

The majority of Oregon youth who use marijuana are smoking it; use of electronic cigarettes for marijuana is low



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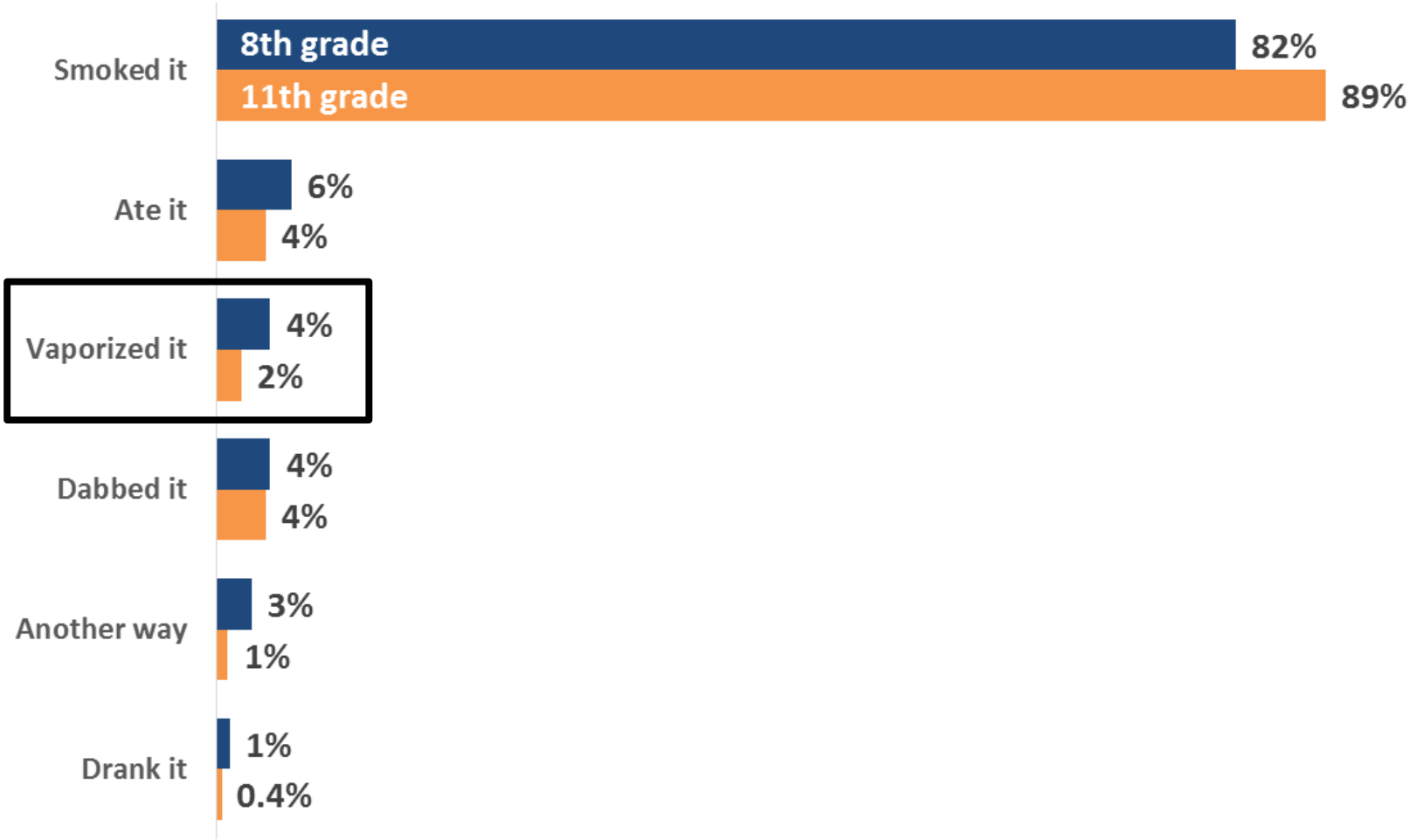

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Oregon's E-Cigarette Law
House Bill 2546

Defined "Inhalant delivery systems"

- IDS are devices that can be used to deliver nicotine, cannabinoids and other substances, in the form of a vapor or aerosol.
- These include e-cigarettes, vape pens, e-hookah and other devices.
- These are not considered tobacco products under the new law.

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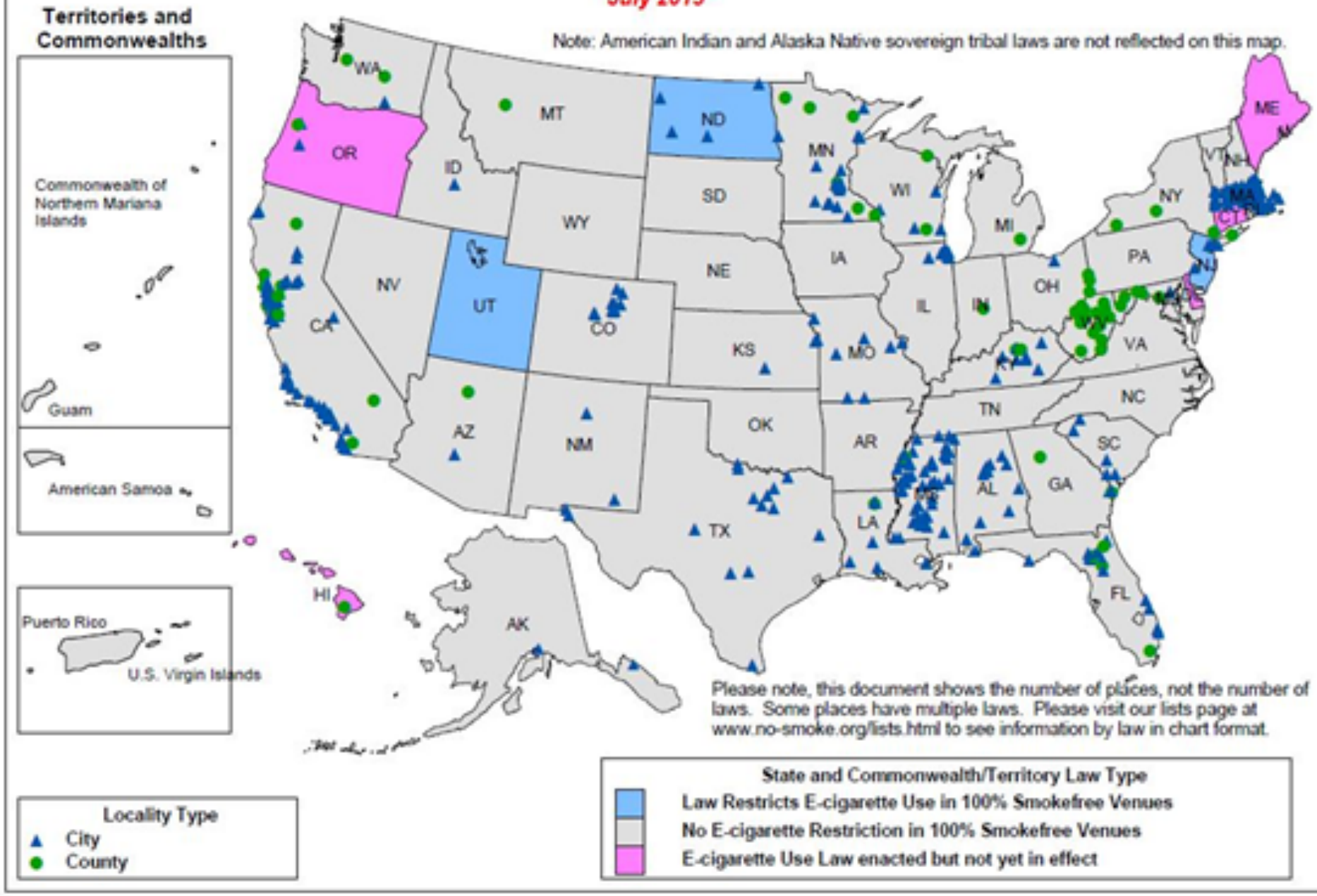
States & Municipalities with Laws Regulating Use of Electronic Cigarettes

American Nonsmokers' Rights Foundation

July 2015



No exemptions for electronic cigarette retail outlets

Bans the sale, purchase or use of electronic cigarettes for those under the age of 18

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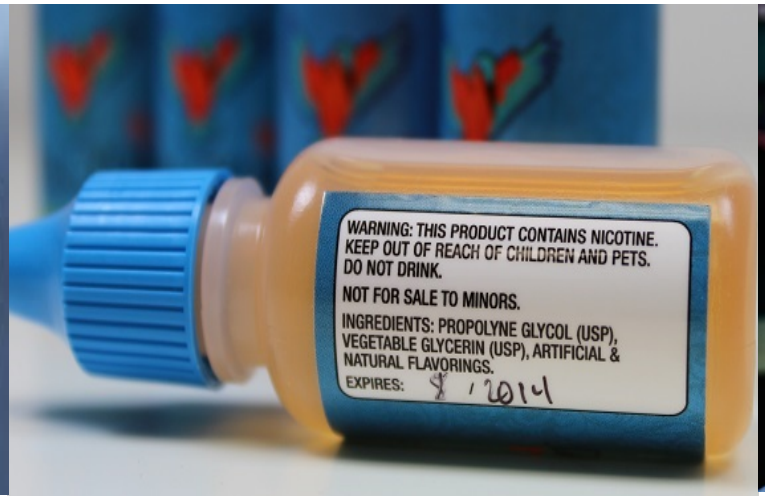
Rule-writing authority

Child-resistant packaging

Labeling



Packaging that doesn't appeals to minors

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Rule writing authority for “enclosed area”

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Prohibits all Inhalants

Delivered into a person's respiratory system:

- Nicotine
- Cannabinoid
- Other Substances
- Herbal hookah

Next steps?
Administrative Rules
& ICAA
Implementation

ICAA Rules Advisory Committee (RAC)

Last Name	First Name	Organization
Hartstein	Sara	Benton County Public Health
Jouni	Rami	Oregon Hookah Association
Mack	Letitia	Oregon Health Authority – Addictions and Mental Health
Minahan	Matt	NW Vapor Association
Nyssen	Carrie	American Lung Association of the Mt. Pacific
Phillips	Tanya	Jackson County Public Health
Pritchard	Penny	Deschutes County Public Health
Rodriguez	Luis	American Cancer Society Action Network
Steward	Susan	Building Managers Association

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Administrative Rules

- Held 2 RAC meetings
  - 8/6, 8/26
- Filed the Notice with SOS: 10/15
- **Public Hearings: 11/30, 12/2, 12/4**
- **Public Comment Period Closes: 12/5**
- Complete responses to comments: 12/12
- File final rules with the SOS and Legislative Counsel: 12/24/15
- New Laws: 1/1/2016 (ICAA);

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Public Hearings

- November 30, 2015 at 11:00 a.m.:
  - Mike Maier Building – 1130 NW Harriman Ave., Suite B, Community Board Room, Bend, OR 97703
- December 2, 2015 at 11:00 a.m.:
  - Portland State Office Building – 800 NE Oregon St. Room 918, Portland, OR 97232
- December 4, 2015 at 11:00 a.m.:
  - Jackson County Health and Human Services – 140 S Holly St., Union Creek Room #206, Medford, OR 97501

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Written Comments

- **Before 5:00 p.m. on December 4, 2015**
  - Public Health Division Rules Coordinator
    - OHA, Public Health Division
    - Brittany Sande, Administrative Rules Coordinator
    - 800 NE Oregon Street, Suite 930
    - Portland, Oregon 97232
- E-mail comments to: brittany.a.sande@state.or.us
- Fax to (971) 673-1299.

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Questions so far?

Enclosed Area Definitions

CURRENT:

"Enclosed area" means

- All space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary wall or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.

PROPOSED:

"Enclosed area" means

- All space between a floor and a ceiling or roof that is enclosed on **two** or more sides by permanent or temporary walls or windows, exclusive of doors or passageways.
- If no ceiling or roof is present, "enclosed area" means all space that is encompassed by **three** or more sides by permanent or temporary walls or windows, exclusive of doors or passageways,.

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New “enclosed area” definition

2 walls and a ceiling

3 walls with no ceiling

Hookah

Hookah Timeline

January 1, 2016

All inhalants are prohibited in public places and workplaces (**herbal hookah,** marijuana, nicotine).

Hookah lounges that are not certified smoke shops with the state cannot allow **any type of hookah smoking indoors**.

This includes HERBAL hookah

Certified smoke shops can only allow **TOBACCO** smoking indoors

- Vaporizing and Aerosolizing is prohibited
- Smoking of other inhalants is prohibited

Eliminates confusion and costly litigation

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No Sampling of E-liquids Indoors
Nicotine and nicotine-free

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E-liquid Timeline

January 1, 2016

All inhalants are prohibited in public places and workplaces (herbal hookah, marijuana, **nicotine**).

Vape lounges cannot allow **any type of aerosolizing/vaping indoors.**

This includes:

- **Nicotine and Nicotine-free inhalants**
- **SAMPLING**

Certified smoke shops only apply to tobacco products. E-liquids are not tobacco products

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Marijuana

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Retail marijuana regulation timeline

November 4, 2014
Ballot M91 passed by Oregon voters

June 2015
HB 3400 passed by Oregon legislature

July 1, 2015
Retail marijuana legalized for possession

October 1, 2015
Medical marijuana dispensaries sell retail marijuana

Retail marijuana regulation timeline

January 1, 2016

All inhalants are prohibited in public places and workplaces (herbal hookah **marijuana,** nicotine).

January 4, 2016

Liquor Commission will begin taking applications for growers, processors and retail outlets

Medical Marijuana Exemption

"Medical use of marijuana is permitted in the place of employment of a license of a professional licensing board described in ORS 475.328

ORS 475.328 authorizes licensed health care professionals to administer medical marijuana

- Patient must have a medical card
- Patient must "reside" in the licensed health care facility
- If smoked, adequate ventilation must be provided
- Does not include medical marijuana dispensaries
- This is not a new provision

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How to Work with Businesses

- Work with businesses to come into compliance
- Provide information and education
  - Initial Response Letter (IRL)
  - Direct to website: http://www.healthoregon.org/morefreshair
  - Provide a copy of the rules
- Site visit compliance checklist
- Do not “approve” smoking shelters
  - Beyond scope of work/not area of expertise
  - Misinterpretations, back and forth
  - Costly
  - Confusion regarding government entities
  - Difficult for future legal proceedings

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HB 2969

- Allows on premises consumption of food and drink, excluding alcoholic drinks, in certified smoke shops.

Smoke Shop A - Applications received after June 30, 2011	Smoke Shop B - In 2008, met requirements noted below (in grandfather clause row)	Smoke Shop C - Applied for certification prior to June 30, 2011 (and certified by Dec. 31, 2012)
Can sell food and beverages, including alcohol, for off-premises consumption. Can allow on-premises consumption of food or beverages, *not* including alcohol.	Can sell food and beverages, including alcohol, for off-premises consumption. Can allow on-premises consumption of food or beverages, *not* including alcohol.	Can sell alcohol for off-premises consumption. Cannot sell or offer on-premises consumption of alcoholic beverages. **NO CHANGE**

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Smoke Shops and Cigar Bars by County

County	Smoke Shop
Clackamas	Broadway Cigar Company (Lake Oswego)
	Cascade Cigar & Tobacco, Co. Inc
Clatsop	Under the Bridge Cigarettes
Crook	Boss Hoggs Smoke Shop
Deschutes	**Specialty Cigars International (B)**
Lane	**Cigars on 7th (A)**
	Mirage Hookah Lounge
Marion	**Avva Cigars and Wine (B)**
	Kings Hookah Lounge (formerly Al Narah Hookah Lounge (Eugene)
	You Name It
Multnomah	82nd Ave Tobacco & Pipe Ltd.
	Al Narah Hookah Lounge
	Broadway Cigar Company (Portland)
	Hookah Café (formerly Kings Hookah Lounge)
	Qush Hookah
	Rich's Cigar Store (B)
	Sultan Hookah Lounge and Smoke Shop
	Beirut Hookah Lounge 2 (formerly Sunset Hookah Lounge & Smoke Shop)
Washington	Beirut Hookah Lounge and Smoke Shop
	Genie Hookah Café
	Habebi Hookah Bar
	Paul's Tobacco World
	Urban Hookah
Umatilla	The Cigarette Store

Communications Plan

Advertisements

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Paid Media

- Trade Publications
  - Main Ingredient
  - Lodging News
- Business Publications
  - Cascade Business News
  - Medford Business Review
  - Oregon Business Magazine
  - Portland Business Journal
- Newspapers
  - Bend Bulletin
  - Blue Chip/Eugene R-G
  - Medford Mail Tribune
  - Oregonian
  - Salem Statesman Journal

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Earned Media

- Oregon Restaurant and Lodging Association
  - Article in Main Ingredient magazine and Lodging News magazine
  - E-newsletter
- Oregon Business Magazine
  - Small blurb in December issue, working on something longer for January
- Oregon Rental Housing Association
  - Interested in running article
- Lane County Rental Owners Association
  - Submitted article
- Outreach to Oregonian, Register-Guard, Portland Business Journal in late November/December

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Additional Outreach

- Building Owners and Managers Association
- Law Enforcement
- Advocacy Partners
- New Website
  - http://www.healthoregon.org/morefreshair
- Letters through BOLI and OLCC
- **LOCAL EFFORTS**
  - Environmental Health
  - Ads

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Signs

https://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/EducationalResources/Pages/index.aspx#decals

- Use Internet Explorer
- Set printer to "actual size"

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Signs

- State is not printing decals
  - Coordinators are **not** required to distribute or provide signs
  - Grantees can use their funds to print decals, although they are **strongly** encouraged not to do so
  - A better use of funds is to invest in **staff** to work on tobacco **policy**
- Only Public Health program that does not charge a fee to business that has been providing signs
- Businesses comply with many regulations
- Signs are not the only tool to support compliance
- Minimal cost to businesses
- Rules do not require business to post the signs that were developed by the state

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NO

SMOKING OR CONSUMPTION OF MARIJUANA

is allowed in or at a

PUBLIC PLACE

ANY BUSINESS WITH A LIQUOR LICENSE IS CONSIDERED A PUBLIC PLACE

PUBLIC PLACE IS DEFINED AS A GENERAL PLACE WHERE THE PUBLIC HAS ACCESS

OREGON LIQUOR CONTROL COMMISSION OLCC

WHAT'S LEGAL? Educate Before You Recreate

www.whatslegaloregon.com

http://www.oregon.gov/olcc/LIC/docs/signs/NoSmoking_Marijuana__PublicPlace.pdf

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Questions so far?

WEMS, FORMS

- Tara Weston leading workgroup
- Revising Initial Response Letter (IRL)
  - Before 1/1/2016
- Revising online forms (no paper forms)
  - Before 1/1/2016
- Informing updates to Workplace Exposure Monitoring System (WEMS)
  - After 1/1/2016

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Packaging and Labeling RAC

- Holding 5 RAC meetings
  - 8/6, 8/26, 9/11, 11/3, 12/7
- File the Notice with SOS: TBD
- Public Hearings: TBD
- Public Comment Period Closes: TBD
- Complete responses to comments: TBD
- New Law: 7/1/2016 (ICAA);

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Packaging and Labeling RAC

Last Name	First Name	Organization
Baker	Jen	Oregon Nurses Association
Dresser	Courtney	Oregon Medical Association
Giffin	Sandy	Oregon Poison Control Center
Hartstein	Sara	Benton County Public Health
Hopper	Lindsey	PacificSource Government Programs
Mack	Letitia	Oregon Health Authority – Addictions and Mental Health
Miller	Shawn	NW Grocery Association/Miller & Associates
Minahan	Matt	NW Vapor Association
Nyssen	Carrie	American Lung Association of the Mt. Pacific
Phillips	Tanya	Jackson County Public Health
Pritchard	Penny	Deschutes County Public Health
Rodriguez	Luis	American Cancer Society Action Network
Rood	Sandra	Oregon Pediatric Society
Sweet	Jesse	Oregon Liquor Control Commission - Retail Marijuana Program
Wright	Becky	Multnomah County Public Health

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Packaging and Labeling Rules

- 4 components covered under IDS definition
    1. Liquid nicotine container
    2. Liquid inhalant container (no nicotine)
    3. Prefilled inhalant delivery systems
    4. Fillable inhalant delivery systems
- Packaging Attractive to Minors
- Child-resistant packaging
  - Exempts prefilled IDS
- Labeling
  - Ingredients, amount of nicotine, warnings
- Enforcement
- Violations
- Penalties

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Sales to Minors

- Revise the content of the “Notice” that retailers of IDS are required to post.
- Includes IDS as part of Sales to Minors rules
- General updates and clarifications
- Embedded in AMH rules
  - Now in PHD rules
- Temporary rules effective upon filing
- Statutory deadline: 1/1/2016
- Full rulemaking process in 2016

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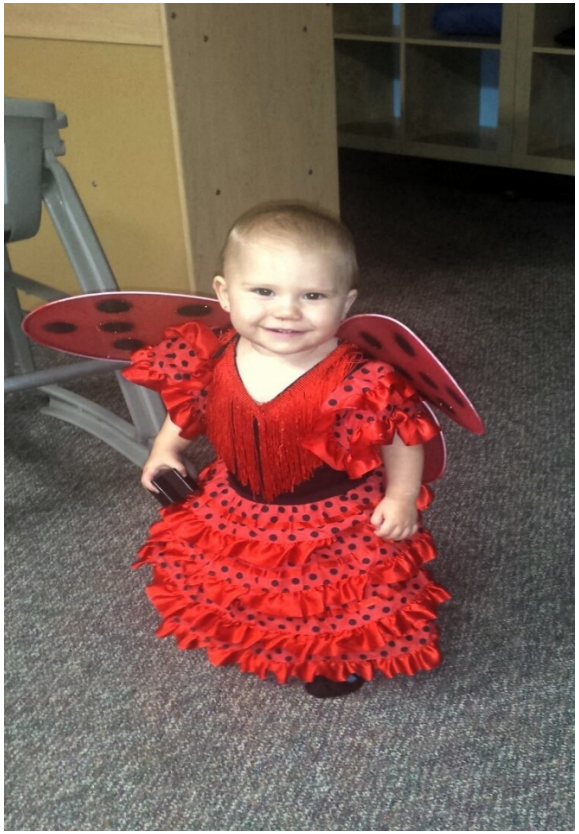
Questions?



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