

Memorandum

To: The Honorable Governor Kate Brown

From: Patrick M. Allen, Director 

Date: September 27, 2019

Subject: Vaping Crisis Situation Analysis and Identified Options

In accordance with your directive of September 26, 2019, the Oregon Health Authority has identified the following options to prevent further deaths and acute lung injury to Oregonians related to vaping.

Current Crisis

- On September 26, 2019 the Oregon Health Authority issued a Public Health Warning that urged Oregonians to stop using vaping products immediately until the causes of recent deaths and respiratory injuries linked to vaping products have been identified.
- There are known health risks of e-cigarettes and other vaping devices. Before the current outbreak, OHA was already concerned about the health risks of vaping products and recommended not using these products.
- E-cigarettes are the most popular tobacco/nicotine product among Oregon youth and their use has been rising steeply. Among 11th-graders in Oregon, use of e-cigarette products increased from 13% to 23% from 2017 to 2019. This is a nearly 80% increase over a two-year period, similar to national trends. In 2017, 4.5% of Oregon adults were current users of e-cigarettes.
- The current nationwide outbreak of acute respiratory illnesses has elevated concern about the harms of vaping. This outbreak of severe illness is the latest evidence that vaping is not safe. Current case counts include 805 cases nationally (12 fatal) as of September 26 and 5 in Oregon (2 fatal).
- No specific types of e-cigarettes, vaping devices, or liquids have been conclusively identified as a cause of the illnesses at this time; the Food and Drug Administration is testing vaping products from cases around the United States to determine which specific products or ingredients may be the cause. Most of the cases in Oregon and nationally have been among people who vaped cannabis products; individuals in Oregon with the severe lung illness have reported using cannabis vaping products purchased at legal dispensaries.

Description of Options

1. Implement a six-month temporary moratorium on sale and display of all vaping products, including tobacco, nicotine, and cannabis, while the federal investigation is underway and Oregon's evaluation

of the ban is conducted. This moratorium should include online sales in Oregon. These options are provided independent of and without consideration of legal authority or approval. Factors to consider:

- a. Bans on sale and display of vaping products are being adopted by other states. The long-term effects of a ban are unknown, but we reasonably expect a reduction in injury and death if these products are no longer legally available.
 - b. Enforcement of the temporary moratorium will require partnership with the Oregon State Police, Oregon Liquor Control Commission, and other state agencies.
 - c. Establishing a single point of contact for the public to receive information and report illegal sales is important.
 - d. Potential risks of a moratorium include driving users of vaping devices to the illicit market and/or increasing the use of combustible products like cigarettes.
 - e. The options below include steps to mitigate those potential risks.
2. Emphasize to all health care providers that cases of vaping-associated acute lung injury must be reported to OHA so that we have more complete data and understanding of health impact.
 3. Increase access to FDA approved cessation methods (including nicotine replacement therapy) and substance use disorder prevention services through:
 - a. Enhanced access to nicotine replacement therapy in pharmacies, including easier reimbursement regardless of insurance coverage;
 - b. Ensure that all Oregon insurance providers identify and remove barriers to accessing nicotine replacement therapy and other cessation supports
 - c. Increased access to training and billing reference materials for health care providers and pharmacists in order to improve their ability to counsel and support patients in their quit attempts and receive reimbursement;
 - d. Provide eight weeks of free nicotine replacement therapy, without barriers, to all individuals who access the Oregon tobacco quit line;
 - e. Facilitate access to cessation services in the community where individuals are already accessing services, including in school-based health centers.
 4. Implement a statewide prevention campaign aimed at discouraging the use of vaping and combustible products with link to cessation services through:
 - a. Retail establishment signs and messaging to reinforce the risks of vaping
 - b. Online communications including social media to reach youth in Oregon
 - c. Multimedia campaign
 5. Request that the Food and Drug Administration regulate vaping products and impose a moratorium on internet sales and advertising of vaping products immediately.
 6. Convene a workgroup of health experts and agency leads to provide further recommendations on short- and long-term policies and strategies as evidence and information continues to emerge on this evolving crisis.

OHA believes these steps are necessary to protect the public from additional injuries and deaths in Oregon due to the use of vaping products. We understand these steps require additional review, planning, implementation and support from the Department of Justice, Oregon Liquor Control Commission, and Oregon State Police and other state agencies. I look forward to implementing your direction.