

# Tobacco and Vapor Product Prevention and Control Program

Strategic Plan GOAL 4: A Washington State with vastly reduced secondhand vapor emissions and smoke

## The Washington State Vapor Products Law (RCW 70.345)

E-cigarettes and other vapor products were largely unregulated at the state or federal levels until 2016. In May of 2016, the U.S. Food and Drug Administration (FDA) finalized its Deeming Rule to regulate electronic nicotine delivery systems (ENDS) as tobacco products under the Tobacco Control Act. The Washington State Vapor Products Law, RCW 70.345, was passed by Washington State legislature and took effect in June 2016 to regulate sales of vapor products to reduce youth access and establish a licensing system for vapor product retailers and distributors.

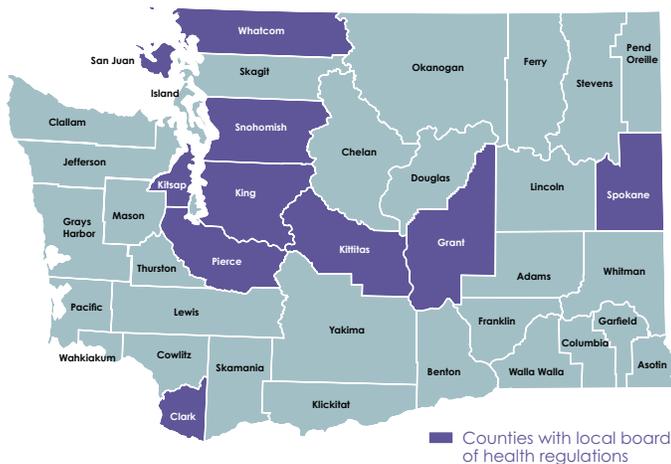
The Washington vapor products law explicitly provides local jurisdictions the authority to restrict the use of vapor products in indoor public places and in outdoor public areas where children congregate, such as schools, playgrounds, and parks (RCW 70.345.210).

Prior to the state law and the federal rule, several local boards of health in Washington had enacted policies to restrict the use of vapor products in public places, similar to prohibitions on smoking in public places (Figure 1). These policies also regulated the sale of vapor products to restrict youth access. At that time, there was no regulation of e-cigarettes at the state or federal levels, beyond a prohibition on sales to minors in Washington that was enacted in 2013 (RCW 26.28.080). When the Washington Vapor Products Law took effect in 2016, it preempted local enforcement of these provisions (RCW 70.345.210). As a result, the Boards of Health for Pierce and Snohomish counties have amended their regulations to reflect changes under the state law by removing sections pertaining to regulating sales of vapor products.

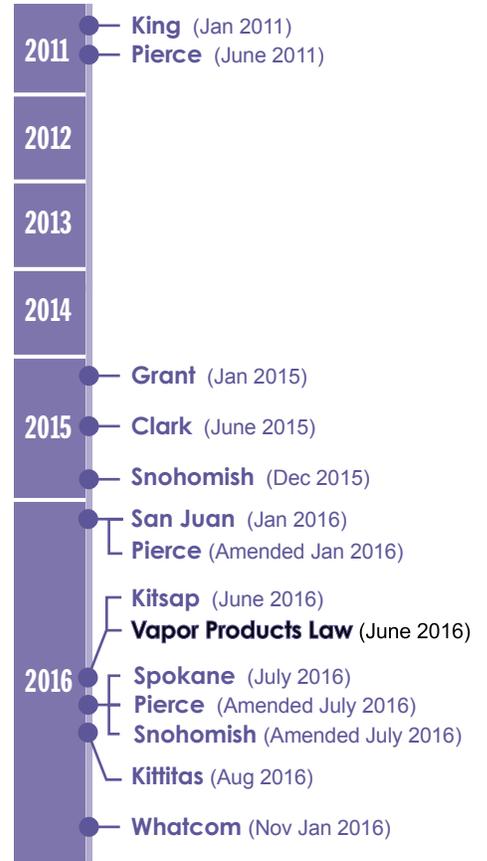
Currently, local boards of health in 10 of Washington’s 39 counties have acted to pass regulations on vaping in public places under their authority to protect public health (RCW 70.05) (Figure 2). Nine of the 10 regulations also restrict vaping in places of employment. In general, these regulations prohibit use of vapor products in the same places where smoking is prohibited under Washington’s Smoking in Public Places Law (RCW 70.160) (Figure 2 and Table 1, other side), which has been in effect since 2005. About 74 percent of Washington residents live in areas where use of vapor products is prohibited in public places under local board of health regulations.

**FIGURE 2: County Level Regulations**

*This map does not show municipalities with no vaping policies.*



**FIGURE 1: Local Health Board Regulations Timeline** (Dates listed are effect dates.)



Despite significant progress in the enactment of local prohibitions on vaping in public places, about a quarter of Washington State’s population are potentially exposed to secondhand vape emissions in public places. The Washington State Department of Health Tobacco and Vapor Product Prevention and Control Program continues to work with partners across the state to create tobacco and vape free environments that protect individuals and the public from exposure to vape emissions.

**Table 1: Overview of Local Board of Health Regulations on Use of Vapor Products**

Jurisdiction	Vaping Prohibited in			"No Vaping" Signs Required	Vaping in Vapor Product Retail Outlets Local regulations in addition to state law's "tastings" allowance in licensed retail outlets that exclude minors and meet other specific requirements.
	Indoor Public Places	Places of Employment	Outdoor Public Places Where Children Congregate		
<b>King</b> Title 19.12 Effective Jan. 2011	✓	✓			
<b>Clark</b> Chapter 24.20 Effective June 1, 2015	✓	✓		✓	Vaping allowed in vapor product only stores with independent ventilation.
<b>Grant</b> Ordinance 2014-2 Effective Jan. 1, 2015	✓	✓			Vaping allowed in vapor product only stores that exclude minors.
<b>Kitsap</b> Ordinance 2016-01 Effective June 7, 2016	✓	✓		✓	Indoor use of vapor products in licensed retail outlets as allowed under state law.
<b>Kittitas</b> Chapter 8.24 Effective Aug. 18, 2016	✓			✓	If vapor products constitute less than 51 percent of retailer's business, tastings may only be offered in a separate enclosed area of the business.
<b>Pierce</b> Chapter 9 Effective July 6, 2016. <i>Implementation suspended pending outcome of legal proceedings</i>	✓	✓	✓	✓	Retailers offering tastings per state law must meet ventilation requirements; must not encourage tobacco "never users" to taste; tastings must be no cost, nicotine-free, not removed from premises; max 3 customers tasting at a time; employees cannot taste or vape; no seating or entertainment that encourages lounging; and hygienic techniques are used.
<b>San Juan</b> Chapter 8.2 Effective Jan. 1, 2016	✓	✓			Vaping allowed in vapor product only stores that exclude minors.
<b>Snohomish</b> Chapter 14 Effective July 14, 2016	✓	✓	✓	✓	
<b>Spokane</b> Resolution 16-01 Effective July 1, 2016	✓	✓		✓	Indoor use of vapor products in licensed retail outlets as allowed under state law.
<b>Whatcom</b> Chapter 24.14 Effective Nov. 11, 2016	✓	✓			Tastings allowed under state law, provided retailer does not allow customers or employees to consume vapor products.