

E-cigarette and Alternative Tobacco Law

Overview

House File 2109 defined tobacco or nicotine products that were not covered under Iowa law before. These two categories are Vapor products, and Alternative Nicotine Products.

The law's definitions of "Vapor Product" and "Alternative Tobacco Products" means these items are not covered under the Iowa Smokefree Air Act.

The law also:

- ▶ Established an age requirement for the use/possession/purchase of these products
- ▶ Requires retailers/distributors/wholesalers to receive a tobacco permit
- ▶ Limited the places where these products can be given away.

This law went into effect July 1, 2014.

Vapor Product Defined

- ▶ "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance.
- ▶ "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.
- ▶ "Vapor products" do not include a product regulated as a drug or device by the United States Food and Drug Administration under chapter V of the federal Food, Drug, and Cosmetic Act.

Alternative Nicotine Product Defined

- ▶ A product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means.
- ▶ "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

Selling

A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen years of age. A retailer shall not sell any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

Permit to Sell

A person shall not engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a retail permit.

Minors

A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

Giveaways

A manufacturer, distributor, wholesaler, retailer, or distributing agent or agent thereof shall not give away any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen years of age, or within five hundred feet of any playground, school, high school, or other facility when such facility is being used primarily by persons under age eighteen for recreational, educational, or other purposes.

Not Tobacco Product

Vapor products are NOT classified as tobacco products. Therefore, they are not regulated by the Iowa Smoke Free Air Act nor are they subject to cigarette or tobacco excise taxes.