



150 YEARS
OF ADVANCING
PUBLIC
HEALTH

Ban on E-Cigarettes and Vaping Products

Frequently Asked Questions

October 2019

With the goal of protecting the health of Massachusetts residents, and in accordance with Governor Baker's public health emergency declaration, Dr. Monica Bharel, Commissioner of the Massachusetts Department of Public Health, issued an order temporarily banning the sale of all e-cigarettes and vaping products.

When did the ban go into effect?

On September 24, 2019, Governor Baker declared a public health emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products and the epidemic of e-cigarette use among youth. All vaping products and e-cigarettes must be removed from public display immediately until further notice.

What factors led to the ban?

There is a multistate outbreak of severe lung disease associated with the use of vaping including but not limited to e-cigarettes. The investigation has not yet identified any specific e-cigarette or vaping product or substance that is linked to all cases. The only common factor that is linked to all cases is a history of e-cigarette use and vaping. In Massachusetts, potential and probable cases have been coming into the Public Health State Lab at an alarming rate since this lung disease was made a reportable condition on September 11, 2019. This indicates that we are experiencing the outbreak here in Massachusetts. This, along with the information that has been coming in from across the United States, led the Governor to declare this public health emergency. View national information from the CDC: [Outbreak of Lung Injury Associated with E-Cigarette Use, or Vaping](#).

What is included in the ban?

The sale of all e-cigarettes and all vaping products in retail establishments, online, and through any other means is prohibited. This includes all flavored and non-flavored e-cigarettes and vaping devices, including mint and menthol. It applies to products used to vape marijuana, THC and any other cannabinoid as well as nicotine.

Why is the ban for 4 months?

The multistate investigation is in the early stage. This initial time period gives Massachusetts and our national partners time to work towards identifying the specific cause of the illness.

Does the Commissioner's Order apply to the sale or display of items such as butane tanks?

The Commissioner's Order only applies to vaping products, which are defined in the order.

Will the ban be extended if, after four months, we still don't know what the cause is?

Although we are hopeful that the investigation will move quickly to determine the cause, we will need to evaluate status as we approach the four month mark.

Why does this include the sale of products to adults?

This disease is being seen in adults as well as youth, so this action is addressing the health and safety of *all* residents in the Commonwealth. The investigation has not yet identified any specific e-cigarette or vaping product or substance that is linked to all cases. The only common factor that is linked to *all* cases is a history of e-cigarette use and vaping, so it is important to stop the sale of all products at this time.

What about adults who vape and use e-cigarettes rather than smoke tobacco?

Although some adults are using e-cigarettes as harm reduction from smoking tobacco, and some have had success in quitting smoking tobacco with this product, the investigation has not yet identified any specific e-cigarette or vaping product or substance that is linked to all cases. The only common factor that is linked to all cases is a history of e-cigarette use and vaping. Therefore, we believe it is important to stop the sale of all product at this time

What are your plans for helping people who use these vape products to cope without them?

The Massachusetts Smokers' Helpline is a free and confidential service for Massachusetts residents who want help to end their nicotine use. If you are looking to quit tobacco including e-cigarettes, you can get help from a quit coach over the phone, use online tools and resources or a combination of these online features and telephone coaching. Support includes counseling and 4 weeks of free nicotine replacement therapy such as the nicotine patch, gum or lozenge. Go to www.makesmokinghistory.org for more tools and information or call 1-800-QUIT NOW (1-800-784-8669). Using coaching and quit smoking medicines you are 3X more likely to quit for good.

Teens who vape aren't old enough to buy a nicotine patch or gum. How do you help them?

Parents of youth under age 18 can speak with their child's healthcare provider about a prescription for nicotine replacement therapy.

Massachusetts partners with national resources for teens who are interested in quitting smoking or vaping:

- **My Life, My Quit™** is a specially designed program to help young people quit vaping or other tobacco products. **My Life, My Quit™** provides five free and confidential coaching sessions by phone, live texting, or chat with a youth coach specialist. Text "Start My Quit" to 855-891-9989 or call toll-free 1-855-891-9989 for real-time coaching. Youth can also visit mylifemyquit.com to sign up online, chat with a live coach, get information about vaping and tobacco, and activities to help them quit.
- **This is Quitting** powered by **truth®** is a texting program for young people who want to quit vaping. It is a free, confidential 60-day program during which participants receive texts with information, tips, and support. They receive daily text messages to help them prepare to quit and supportive texts from young people who have been through the program and know what it's like to quit. They can also text "CRAVE," "SLIP," "STRESS," or "MORE" at any time for instant support, or "MASSINFO" for information specific to Massachusetts. Young people can sign up even if you they aren't ready to quit – the texts they receive will give them strategies and practice quits to help build confidence and help them feel ready to quit. To enroll in the program, youth text "VapeFreeMass" to 88709. Youth can also connect with their school nurse, counselor, or coach to help get them started.

May a pharmacist dispense NRT to people who are under 18?

A pharmacist may dispense NRT to a person who is under 18 if the person has a patient-specific prescription. If there are questions as to instructions for use, the pharmacist should consult the prescriber.

What should store owners do with all the products they have in their inventory?

The Department of Public Health is developing guidance documents to assist retailers in complying with this order. In addition, local health departments will be assisting in the education of retailers.

Because this is a temporary ban, at this time we are not expecting that product be destroyed. Rather we are requiring that products be taken off of the shelves immediately.

Does the Commissioner's Order ban advertising of vaping products?

No. The Commissioner's Order temporarily bans the sale and/or display on the shelf for the purpose of selling the vaping products themselves.

What is required for stores that sold vaping products before the temporary ban but now wish to sell cigarettes?

Information about the Cigarette and Tobacco Excise tax administered by the Massachusetts Department of Revenue (DOR) can be found here: <https://www.mass.gov/info-details/dor-cigarette-and-tobacco-excise-tax>

What actions should Local Boards of Health or other municipal officials be taking with respect to the temporary ban on the sale or display of vaping products?

Local officials should ensure that retailers are aware of and complying with the temporary ban. DOR sent notice to nicotine retailers licensed by DOR on September 25, 2019. A template notice letter is available from DPH. An order to cease and desist should be issued to retailers that are not in compliance with the Commissioner's Order.

Should Local Boards of Health be enforcing the Commissioner's Order as it applies to entities licensed or permitted by the Cannabis Control Commission?

The Cannabis Control Commission (CNB) has the jurisdiction to enforce the Commissioner's Order as it applies to CNB licensed or permitted entities such as marijuana establishments.

Should police officers be confiscating vaping products from retailers?

As stated in the Commissioner's Order, State Police or local law enforcement may seize vaping products sold or kept on the shelf for sale in violation of the Commissioner's Order if the State Police or local law enforcement have a valid court order to do so.

I work for a municipality and have questions about how our municipal regulations will work with the Commissioner's Order.

Municipalities should seek legal advice from town counsel.