Electronic Cigarette Substances

ACTION ITEM

BOARD OF HEALTH

FEBRUARY 14, 2023

Davis COUNTY HEALTH DEPARTMENT

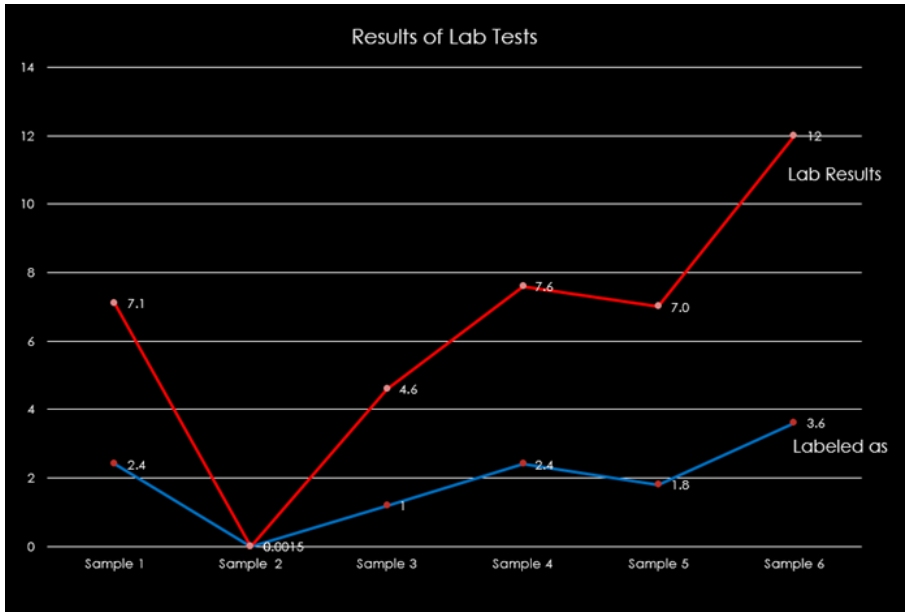
Background

- Utah Indoor Clean Air Act
- Attractiveness to Children & Youth
- Unknown Long-Term Health Effects
- No Regulatory Control



Davis County Regulatory Objectives

- Access and Appeal to Minors
- Packaging
- Labeling
- Nicotine Content
- Manufacturing Operations
  - Permitted 8 Facilities



Ultimate Goal: Serve as a stop-gap until FDA was ready!

Regulatory Timeline

- **2012 –** Utah Indoor Clean Air Act amended to include E-cigarettes.
- **2014** – Davis County Board of Health – Electronic Smoking Device Regulation adopted.
- **2015** – The Legislature passed bill that required UDOH to establish standards for labeling, nicotine content, packaging, and product quality.
  - Utah Administrative Code R384-415 Electronic-Cigarette Substance Standards Rule adopted end of that year.
- **2016** – FDA required to begin regulating E-cigarettes as tobacco products.
- **2018** – Davis County Board of Health revises regulation to focus only on manufacturing.
  - Renames regulation Electronic Cigarette Substance Regulation.
- **2018** – FDA issued first warning letter to a company for selling e-liquids without the required market authorization.
- **2019** – FDA Guidance document on achieving premarket tobacco approval for e-liquid.
- **2020** – U.S. District Court provided deadline to register products. Deadline extended to September 9, 2020. Required to rule on them by September 2021.
- **2021** – FDA authorized the marketing of the first E-cigarette products, 98% products had been reviewed by this time. They also issued many Marketing Denial Orders.
- **2022** – Applications for non-combustible products for market authorization extended to August 2022.
  - One remaining E-Cigarette manufacturer permitted in Davis County. This manufacturer is currently in process with the FDA.
  - Tobacco retailers still required to be permitted by the local health department.

Board Action

- Recommend to rescind the Davis County Board of Health – Electronic Cigarette Substance Regulation.