

The Evolution of Regulating Electronic Cigarettes In Oregon: From Science to Policy

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PRESENTATION FORMAT: Panel Presentation

TOPIC/TARGET AUDIENCE: Public Health Professionals working on local-level policy change, communications strategy, strategic use of data, evaluation of policies and tobacco and e-cigarette prevention policy are key audiences that would be especially interested in this presentation.

ABSTRACT: Use of e-cigarettes mimics conventional cigarette smoking, and e-cigarettes also contain the same addictive ingredient, nicotine. This presentation will describe how the Oregon Public Health Division implements a comprehensive approach to addressing the threat electronic cigarettes pose to the public's health.

Steven Fiala will describe the current science on electronic cigarettes, including Oregon data and emerging studies. Kim La Croix will describe HB 2546, which includes electronic cigarettes in Oregon's Indoor Clean Air Act and bans the sale to minors. Holly Heiberg will describe statewide communications efforts about e-cigarettes.

Oregon became the 5th state to include electronic cigarettes in their Indoor Clean Air Act (ICAA) with the passage of HB 2546. It is one of the strongest laws in the country because there are no exemptions for electronic cigarette retail outlets, smoke shops, bars or other venues. Strategic communications and thoughtful use of data informed the strategy that led to passage of HB 2546.

A comprehensive approach including data, communications, policy and evaluation expertise are essential to addressing public health problems. The legalization of marijuana and the collaborative approach to developing the electronic cigarette legislation was critical to passage of HB 24546.

OBJECTIVE(S): At the end of this presentation, participants will be able to: describe the current state of science for electronic cigarettes; discuss the evolving electronic cigarette communication environment and its impact on policy; identify successful strategies that resulted in the passage of HB 2546.

PANEL ABSTRACT 1: Electronic cigarettes are relatively new and research on the public health harms and potential benefits is limited. Limited evidence and anecdotes have contributed to e-cigarette being promoted as a harm reduction strategy and tobacco cessation aid.

The Public Health Division tracked emerging e-cigarette research throughout the 2015 legislative session. In addition, the prevalence of e-cigarette use among Oregonians is being captured through the Oregon's adult and youth risk factor surveys.

In Oregon, e-cigarette use among high school-age kids increased 150 percent from 1.8% in 2011 to 5.2% in 2013. The health impacts of e-cigarettes, for users and the public, cannot be determined with

currently available data. However, e-cigarettes contain nicotine, which is the same addictive substance found in cigarettes. Another risk associated with e-cigarettes is that children may consume e-cigarette solutions. From January to March 2015, the Oregon Poison Control Center responded to 25 calls related to unintentional nicotine poisoning from e-cigarettes; 14 (56%) calls were related to children younger than six years old.

The long-term health effects of e-cigarette use are not well understood. Public health professionals should be aware of the current state of the science to have data-driven dialogue about vapor products moving forward.

PANEL ABSTRACT 2: Oregon became the 5th state to include electronic cigarettes in their smokefree workplace law. Oregon's innovative and collaborative approach helped bring along diverse stakeholders and stay ahead of tobacco industry innovations. The legalization of recreational marijuana coincided with the passage of HB 2546 and was important to its success.

After the 2014 short legislative session, an electronic cigarette workgroup was formed to work on electronic legislation for the 2015. This workgroup included nontraditional public health partners and helped inform the details of a complicated bill prior to legislation session. A focus on definitions that included both nicotine and marijuana, supported easy enforcement of the law, and stayed ahead of tobacco industry innovations was challenging. Agreement upon core components was essential to maintaining a bill that protects the public's health.

A dedicated and diverse workgroup can be key to drafting legislation. Dedicated time, legal expertise and different perspectives can also be important.

PANEL ABSTRACT 3: Marketing of e-cigarettes is largely unregulated and has shaped the information environment with messages that e-cigarette vapor is not harmful. However, preliminary testing of e-cigarettes has identified chemicals known to cause cancer and birth defects in first and secondhand e-cigarette vapor. In addition, e-cigarette advocates have promoted these products as smoking cessation tools and online advertising for e-cigarettes have perpetuated smoking cessation claims. In this information environment, how does public health convey what is known about these products and the potential risks?

The Public Health Division formed a small communications workgroup that meets on a monthly basis to discuss national and Oregon data, emerging studies, news reports, and the public health framing of this issue. This has helped the Oregon Public Health Division clearly and consistently respond to media questions, develop testimony and background briefs, and education materials. Working in a misleading information environment requires a cohesive and collaborative effort to respond and reframe.

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