

# Smoke & Mirrors

## Why Smokefree Air Laws Can Address Electronic Smoking Devices' Vapor

*Eighty-eight percent of websites for electronic smoking devices claim that these devices give users the freedom to smoke anywhere. This fact sheet highlights why smokefree air laws can cover the vapor emitted from electronic smoking devices.*



Electronic smoking devices (also known as “electronic cigarettes,” “e-cigarettes,” or “electronic nicotine delivery systems”) are battery operated devices designed to be used in a manner similar to conventional tobacco products.<sup>1</sup> The use of electronic smoking devices is referred to as “vaping.” Despite emerging research showing that electronic smoking devices contain hazardous substances and may expose bystanders to secondhand vapor,<sup>2,3,4</sup> the popularity of these devices is soaring.<sup>5,6</sup>

As electronic smoking devices are used in places where the use of traditional cigarettes has previously been prohibited – such as workplaces, restaurants, and bars – they are threatening to renormalize tobacco use. The tobacco industry is encouraging this behavior. Many advertisements, including 88 percent of websites for electronic smoking devices, claim electronic smoking devices give users the freedom to smoke anywhere.<sup>7</sup> For example, recent ads proclaim:

- “You control when and where you want to smoke.”<sup>8</sup>
- “Smoke this! Anytime. Anywhere.”<sup>9</sup>
- “Smoking permitted.”<sup>10</sup>
- “Smoke in restaurants, work, cars, trucks, and around other people.”<sup>11</sup>

Despite this clear invitation to smoke, proponents of electronic smoking devices often claim that vaping is not the same as smoking and that smokefree air laws do not apply to people who vape.



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They make this argument in spite of their own advertisements and in spite of the fact that common definitions of “smoke” include vapor. For example, the Merriam-Webster Dictionary defines smoke as:

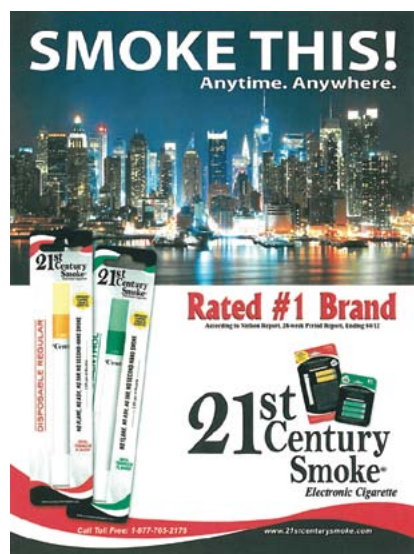
“**1 a:** the gaseous products of burning materials especially of organic origin made visible by the presence of small particles of carbon **b:** a suspension of particles in a gas; **2 a:** a mass or column of smoke **b:** smudge; **3: fume or vapor often resulting from the action of heat on moisture;** **4:** something of little substance, permanence, or value; **5:** something that obscures; **6 a(1):** something (as a cigarette) to smoke (2): marijuana **b:** an act of smoking tobacco; especially: a smoking break; **7 a:** a pale blue **b:** any of the colors of smoke; **8:** pitches that are fastballs.”<sup>12</sup>

By making the argument that smoking is somehow different from vaping, opponents of electronic smoking device regulation are simply attempting to cloud the issue, create confusion among policymakers, and deter local communities from restricting the use of electronic smoking devices.

Although many smokefree air laws already prohibit vaping in public places and places of employment, some jurisdictions are interested in strengthening their code to clarify that their smokefree air laws apply unequivocally to the use of electronic smoking devices.

To support those legislative changes, **ChangeLab Solutions has made the following definitions available for tobacco control advocates to use when updating their smokefree air laws:**

- “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, marijuana smoke, and crack cocaine smoke.
- “Smoking” means engaging in an act that generates Smoke, such as, for example: possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, an operating Electronic Smoking Device, or a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.



### Additional Resources from ChangeLab Solutions:

- *Model California Ordinance: Regulating Electronic Smoking Devices*
- *Regulating Toxic Vapor: A Policy Guide to Electronic Smoking Devices*
- *Comprehensive Smokefree Places Ordinance: A Model California Ordinance Regulating Smoking in Indoor and Outdoor Areas*

[changelabsolutions.org/tobacco-control](http://changelabsolutions.org/tobacco-control)

*This material was made possible by funds received from Grant Number 09-11182 with the California Department of Public Health, California Tobacco Control Program.*

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April 2014

- <sup>1</sup> Legacy Foundation. (2012). Tobacco Fact Sheet: Electronic Cigarettes (E-Cigarettes). Available at: [www.legacyforhealth.org/PDFPublications/ECIGARETTE\\_0909\\_temp.pdf](http://www.legacyforhealth.org/PDFPublications/ECIGARETTE_0909_temp.pdf)
- <sup>2</sup> German Cancer Research Center. (2013). Red Series Tobacco Prevention and Tobacco Control Volume 19: Electronic Cigarettes - An Overview. Available at: [www.dkfz.de/de/tabakkontrolle/download/Publikation/RoteReihe/Band\\_19\\_e-cigarettes\\_an\\_overview.pdf](http://www.dkfz.de/de/tabakkontrolle/download/Publikation/RoteReihe/Band_19_e-cigarettes_an_overview.pdf)
- <sup>3</sup> Schripp, T., Markewitz, D., Uhde, E., & Salthammer, T. (2013). Does E-Cigarette Consumption Cause Passive Vaping? *Indoor Air*, 23(1), 25–31. Doi:10.1111/j.1600-0668.2012.00792.x
- <sup>4</sup> Schober, W., et al. (2013). Use of Electronic Cigarettes (E-Cigarettes) Impairs Indoor Air Quality and Increases FeNO Levels of E-Cigarette Consumers. *Int. J. Hyg. Environ. Health*.
- <sup>5</sup> King, B. et al. (2013). Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010–2011. *Nicotine & Tobacco Research*. Doi:10.1093/ntr/ntt013
- <sup>6</sup> Corey, C. et al. (2013). Notes from the Field: Electronic Cigarette Use Among Middle and High School Students - United States, 2011–2012. *Morbidity and Mortality Weekly Report (MMWR)*, 62(35), 729–730. Retrieved from [www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm)
- <sup>7</sup> Grana, R. & Ling, P. (2014). “Smoking Revolution: A Content Analysis of Electronic Cigarette Retail Websites.” *American Journal of Preventive Medicine*. 46(4), 395–403. doi:10.1016/j.amepre.2013.12.010
- <sup>8</sup> Trinkets and Trash. (2012). Blu Electronic Cigarette Advertisement. Available at: [www.trinketsandtrash.org/detail.php?artifacitid=7186&page=1](http://www.trinketsandtrash.org/detail.php?artifacitid=7186&page=1)
- <sup>9</sup> Trinkets and Trash. (2012). 21<sup>st</sup> Century Smoke Electronic Cigarette Advertisement. Available at: [www.trinketsandtrash.org/detail.php?artifacitid=7899&page=2](http://www.trinketsandtrash.org/detail.php?artifacitid=7899&page=2)
- <sup>10</sup> CounterTobacco.org. (n.d). Blu Electronic Cigarette Advertisement Available at: [www.countertobacco.org/sites/default/files/imagecache/watermarked/submittedphotos/BLU%20Smoking%20Permitted%204%2027%2012.JPG](http://www.countertobacco.org/sites/default/files/imagecache/watermarked/submittedphotos/BLU%20Smoking%20Permitted%204%2027%2012.JPG)
- <sup>11</sup> CounterTobacco.org. (n.d). NJoy Electronic Cigarette Advertisement. Available at: [www.countertobacco.org/sites/default/files/imagecache/watermarked/submittedphotos/2013Eigs\\_IzardCountyAR\\_2007NjoyEicig.jpg](http://www.countertobacco.org/sites/default/files/imagecache/watermarked/submittedphotos/2013Eigs_IzardCountyAR_2007NjoyEicig.jpg)
- <sup>12</sup> Merriam-Webster Dictionary. (2014). Smoke. Retrieved from [www.merriam-webster.com/dictionary/smoke](http://www.merriam-webster.com/dictionary/smoke)

Photos courtesy of trinketsandtrash.org.