



Tobacco Control  
Legal Consortium



## U.S. E-Cigarette Regulation: A 50-State Review

The following chart is a snapshot of the U.S. landscape of e-cigarette regulation as of May 22, 2015. The information below was based on a 50-state (plus Washington, D.C.) survey of current state statutes pertaining to e-cigarette regulations in the following areas: definition of “tobacco product,” taxation, product packaging, youth access/other retail restrictions, and smoke-free air legislation.<sup>1</sup> Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. The N/A designation refers to the lack of *state laws or regulations* related to e-cigarettes as of May 22, 2015; however, many *local laws* in these states (and throughout the U.S.) address e-cigarettes.

\*Denotes state with legislative session continuing beyond May 22, 2015, and with pending legislation or regulations concerning e-cigarettes as of May 22, 2015.

| State    | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>                          | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions                        | Smoke-Free Restrictions |
|----------|--|--|---------------------------------------|-------------------|---|-------------------------|
| Alabama* | No   | <i>Alternative Nicotine Product</i> includes “an | N/A                                   | N/A               | Unlawful for persons under age 19 to purchase, use or possess | N/A                     |

<sup>1</sup> N.B. Statutes/regulations governing the following were NOT included in the chart, as they simply support the sales/other restrictions within the statutory scheme: requirements that retailers/vending machines display signs indicating minimum access age; requirements that retailers verify the age of anyone who appears under a certain age; permission for retailers to refuse a sale if purchaser cannot prove age; penalties assessed for violations; permission for minors participating in enforcement activities to possess product.

<sup>2</sup> Application of definition within tobacco control scheme varies; see specific regulatory category for details of treatment of electronic nicotine delivery systems within state tobacco control scheme.

<sup>3</sup> Text excepting references to medical/cessation devices approved/regulated by FDA, which is commonly found in youth access or tax definitions of tobacco products or e-cigarettes, excluded for space considerations.

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|----------|--|--|---------------------------------------|-------------------|--|---|
|          |  | electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” <a href="#">ALA. CODE. § 28-11-2(1) (2015)</a> |                                       |                   | alternative nicotine product. <a href="#">ALA. CODE § 28-11-13(A) (2015)</a>   |   |
| Alaska   | No   | N/A  | N/A                                   | N/A               | Unlawful to sell or give “product containing nicotine” to person under age 19. <a href="#">ALASKA STAT. § 11.76.109(a) (2015)</a>                      | N/A   |
| Arizona  | No   | <i>Vapor Product</i> means a “noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size that can be used to heat a liquid nicotine solution contained in cartridges.” <a href="#">ARIZ. REV. STAT. § 13-3622(E)(3) (2015)</a>                                    | N/A                                   | N/A               | Unlawful to sell vapor product to minor; unlawful for minor to purchase or possess vapor product. <a href="#">ARIZ. REV. STAT. § 13-3622(A) (2015)</a> | N/A   |
| Arkansas | No   | <i>E-cigarette</i> means “an electronic oral device that provides a vapor of nicotine  | N/A                                   | N/A               | Sale/distribution of e-cigarettes to persons under age 18. <a href="#">ARK. CODE ANN. § 5-27-233(b)(1) (2015)</a>                                      | Use of e-cigarettes near schools or on school buses |

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|-------|--|--|---------------------------------------|-------------------|--|--|
|       |  | <p>or another substance that, when used or inhaled, simulates smoking, including without limitation a device that (A) is composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, or electronic circuit; (B) works in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes; and (C) is manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor...” <a href="#">ARK. CODE ANN. § 5-27-233(a) (2015)</a>; <a href="#">ARK. CODE ANN. § 6-21-609(a) (2015)</a></p> <p><i>Electronic Cigarette</i> means “an electronic product or device that produces a vapor that delivers nicotine or another substance to the person inhaling from the device to simulate smoking,</p> |                                       |                   | <p>Distribution of e-cigarettes or coupons for e-cigarettes to minors or near playgrounds schools or other areas frequented by minors. <a href="#">ARK. CODE ANN. § 5-27-233(g) (2015)</a></p> <p>Possession/purchase of e-cigarettes by persons under age 18 prohibited. <a href="#">ARK. CODE ANN. § 5-27-233(c)(1)</a>, and <a href="#">§ 4-16-101(b) (2015)</a></p> <p>No self-service displays of e-cigarettes in locations accessible to minors. <a href="#">ARK. CODE ANN. § 5-27-233(h) (2015)</a></p> | <p>prohibited. <a href="#">ARK CODE ANN. § 6-21-609(b) (2015)</a></p> <p>Use of e-cigarettes in registered day-care facilities prohibited. <a href="#">§§ 016.22.1-1101(14)</a> and <a href="#">016.22.6-1101(7) Ark. Code R. (2015)</a></p> |

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|-------------|--|--|---------------------------------------|-------------------|--|--|
|             |  | and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” <a href="#">ARK. CODE ANN. § 4-16-101(a)(2)(A) (2015)</a><br><br><i>Alternative Nicotine Product</i> includes Electronic Cigarettes. <a href="#">ARK. CODE ANN. § 4-16-101(a)(1) (2015)</a> |                                       |                   |  |  |
| California* | No   | <i>Electronic Cigarette</i> means “a device that can provide an inhalable dose of nicotine by delivering a vaporized solution.” <a href="#">CAL. HEALTH &amp; SAFETY CODE § 119405(b) (2015)</a>   | N/A                                   | N/A               | Sale of electronic cigarettes to persons under age 18 prohibited. <a href="#">CAL. HEALTH &amp; SAFETY CODE § 119405(a) (2015)</a>   | No school shall permit smoking or use of tobacco or any product containing tobacco or nicotine products by students. <a href="#">CAL. EDUC. CODE § 48901(a) (2015)</a> |
| Colorado    | Yes<br><a href="#">COLO. REV. STAT. § 18-13-121(5) (2015)</a>                      | <i>Cigarette, Tobacco Product or Nicotine Product</i> means “(i) a product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or (ii) any device that can be used  | N/A                                   | N/A               | Sale of e-cigarettes to persons under age 18 prohibited. <a href="#">COLO. REV. STAT. § 18-13-121(1)(a)</a> and <a href="#">§ 24-35-503(1) (2015)</a><br><br>Possession or purchase of e-cigarettes by persons under age 18 prohibited. <a href="#">COLO. REV. STAT. §</a> | Use of e-cigarettes prohibited on school grounds. <a href="#">COLO. REV. STAT. § 25-14-103.5 (2015)</a><br><br>Use of nicotine products in and                         |

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|--------------|--|--|---------------------------------------|-------------------|--|--|
|              |  | to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo or pipe.” <a href="#">COLO. REV. STAT. § 18-13-121(5) (2015)</a>  |                                       |                   | <a href="#">25-14-301(2) (2015)</a> ; <a href="#">COLO. REV. STAT. § 18-13-121(2) (2015)</a>   | around licensed child care facilities prohibited. <a href="#">12 COLO. CODE REGS § 2509-8:7.701.91(2015)</a> |
| Connecticut* | No   | <i>Electronic Nicotine Delivery System</i> means “an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.” <a href="#">CONN. GEN. STAT. § 53-344b(a)(1) (2015)</a><br><br><i>Vapor Product</i> means “any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, | N/A                                   | N/A               | Sale/delivery of electronic nicotine delivery system or vapor product to persons under age 18 prohibited. <a href="#">CONN. GEN. STAT. § 53-344b(b) (2015)</a><br><br>Purchase/possession of electronic nicotine delivery system or vapor product by persons under age 18 prohibited. <a href="#">CONN. GEN. STAT. § 53-344b(c) (2015)</a> | N/A  |

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|-----------------------|--|---|---------------------------------------|-------------------|--|-------------------------|
|                       |  | to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product.” <a href="#">CONN. GEN. STAT. § 53-344b(a)(9) (2015)</a>  |                                       |                   |  |                         |
| Delaware*             | No   | <i>Tobacco Substitute</i> means “any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation ..., or any noncombustible product containing nicotine intended for use in such a device ...” <a href="#">11 DEL. CODE ANN. § 1115(11) (2015)</a> | N/A                                   | N/A               | Sale/distribution of tobacco substitutes to persons under age 18 prohibited. <a href="#">11 DEL. CODE § 1116(a) and § 1118(a) (2015)</a><br><br>Purchase of tobacco substitutes by persons under age 18 prohibited. <a href="#">11 DEL. CODE § 1124(a) (2015)</a><br><br>Self-service displays of tobacco substitutes prohibited in places accessible to persons under age 18. <a href="#">11 DEL. CODE § 1119(c) (2015)</a> | N/A                     |
| District of Columbia* | No   | <i>E-cigarette</i> means “an electronic vaporizer that produces an aerosol that simulates tobacco smoking.” <a href="#">D.C. CODE § 47-2001(e-1) (2015)</a>   | N/A                                   | N/A               | N/A  | N/A                     |
| Florida               | No   | <i>Nicotine Dispensing Device</i> means “any product that employs an electronic, chemical, or mechanical means to produce vapor from a  | N/A                                   | N/A               | Sale/distribution of nicotine dispensing devices or nicotine products to persons under age 18 years prohibited. <a href="#">FLA. STAT. § 877.112(2) (2015)</a>   | N/A                     |

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|-------|--|---|---------------------------------------|-------------------|---|-------------------------|
|       |  | <p>nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.” <a href="#">FLA. STAT. § 877.112(1)(a) (2015)</a></p> <p><i>Nicotine Product</i> means “any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means,</p> |                                       |                   | <p>Possession of nicotine dispensing devices or nicotine products by persons under age 18 prohibited. <a href="#">FLA. STAT. § 877.112(3) (2015)</a></p> <p>Self-service displays of nicotine products or nicotine dispensing devices prohibited in places accessible to persons under 18 years except when under direct control or line of sight of retailer, or sales made through vending machine with lockout device controlled by retailer. <a href="#">FLA. STAT. § 877.112(6) (2015)</a></p> |                         |

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|---------|--|---|---------------------------------------|-------------------|--|-------------------------|
|         |  | but does not include a:<br>(1) Tobacco product, as defined in § 569.002...”<br><a href="#">FLA. STAT. § 877.112(1)(b) (2015)</a>  |                                       |                   |  |                         |
| Georgia | No   | <p><i>Alternative Nicotine Product</i> means “any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.” <a href="#">GA. CODE ANN. § 16-12-170(1) (2015)</a></p> <p><i>Vapor Product</i> means “any noncombustible product containing 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 nicotine in a solution or other form. The term “vapor product” shall include any electronic cigarette, electronic cigar,</p> | N/A                                   | N/A               | <p>Sale of alternative nicotine products or vapor products to persons under age 18 prohibited. <a href="#">GA. CODE ANN. § 16-12-171(a)(1) (2015)</a></p> <p>Distribution of alternative nicotine products to general public or to persons under the age 18 prohibited. <a href="#">GA. CODE ANN. § 16-12-174(a)-(b) (2015)</a></p> <p>Purchase/possession of alternative nicotine products or vapor products by persons under age 18 prohibited. <a href="#">GA. CODE ANN. § 16-12-171(b)(1) (2015)</a></p> | N/A                     |



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|--------|--|---|---------------------------------------|-------------------|--|---|
|        |  | electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.”<br><a href="#">GA. CODE ANN. § 16-12-170(10) (2015)</a>  |                                       |                   |  |   |
| Hawaii | Yes<br><a href="#">HAW. REV. STAT. §328J-1 (2015)</a><br>(Effective January 1, 2016) | <u>The following definition applies to youth access law:</u><br><i>Electronic Smoking Device</i> means “any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.” <a href="#">HAW. REV. STAT. § 709-908(5) (2015)</a> | N/A                                   | N/A               | Sale/distribution of electronic smoking devices to persons under age 18 prohibited. <a href="#">HAW. REV. STAT. § 709-908(1) (2015)</a><br><br>Purchase of electronic smoking device by person under age 18 prohibited. <a href="#">HAW. REV. STAT. § 709-908 (3) (2015)</a> | Use of electronic smoking devices prohibited in enclosed or partially enclosed places that are: owned, leased or operated by the state or counties, open to the public, places of employment, sports arenas/stadiums, and within “presumptive reasonable distance” of entrances and exits to such |

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|-------|--|--|---------------------------------------|-------------------|--|--|
|       |  | <p><u>The following definitions apply to smoking restrictions:</u><br/> <i>Electronic Smoking Device</i> means “any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product, whether or not sold separately.” <a href="#">HAW. REV. STAT. § 328J-1 (2015)</a> (Effective January 1, 2016)</p> <p><i>Tobacco Product</i> means “any product made or derived from tobacco, that contains nicotine or other substances, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other</p> |                                       |                   |  | <p>places. <a href="#">HAW. REV. STAT. §§ 328J-2 through 328J-6 (2015)</a> (Effective January 1, 2016)</p> |

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|-------|--|--|---------------------------------------|-------------------|--|-------------------------|
|       |  | means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device...” <a href="#">HAW. REV. STAT. § 328J-1 (2015)</a> (Effective January 1, 2016)  |                                       |                   |  |                         |
| Idaho | No   | <i>Electronic Cigarette</i> means “any device that can provide an inhaled dose of nicotine by delivering a vaporized solution. ‘Electronic cigarette’ includes the components of an electronic cigarette including, but not limited to, liquid nicotine” <a href="#">IDAHO CODE ANN. § 39-5702(6) (2015)</a> | N/A                                   | N/A               | <p>Sale/distribution of electronic cigarettes to minors prohibited. <a href="#">IDAHO CODE ANN. § 39-5705(1) (2015)</a></p> <p>Possession/purchase/distribution/use of electronic cigarettes by minors prohibited. <a href="#">IDAHO CODE ANN. § 39-5703(1) (2015)</a></p> <p>Vending machine sales and self-service displays of electronic cigarettes restricted to adult-only tobacco stores. <a href="#">IDAHO CODE ANN. § 39-5706(1) (2015)</a></p> <p>If shipping e-cigarettes, seller required to obtain proof of age. <a href="#">IDAHO CODE ANN. § 39-5715(2) (2015)</a></p> <p>Shipment of e-cigarettes must include statement re: prohibition on shipping to individuals under</p> | N/A                     |

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|----------|--|--|---------------------------------------|--|--|---|
|          |  |  |                                       |  | age 18. <a href="#">IDAHO CODE ANN. § 39-5717a (2015)</a>  |   |
| Illinois | No   | <p><i>Electronic Cigarette or E-Cigarette</i> means “a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any combination thereof that are turned into vapor which is inhaled by the user.” <a href="#">430 ILL. COMP. STAT. 40/2.10 (2015)</a></p> <p><i>Alternative Nicotine Product</i> means “a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means.” <a href="#">720 ILL. COMP. STAT. 675/1.5(b) (2015)</a></p> | N/A                                   | Electronic cigarette liquids may be sold only in child-resistant packaging pursuant to rules adopted by the Department of Public Health, <sup>4</sup> excluding e-cigarette products sold in “sealed, pre-filled, or disposable replacement cartridges.” <a href="#">430 ILL. COMP. STAT. 40/10 (2015)</a> | <p>Distribution of alternative nicotine products to or by persons under age 18 prohibited. <a href="#">720 ILL. COMP. STAT. 675/1.5(a) (2015)</a></p> <p>Self-service display of alternative nicotine products restricted to adult-only tobacco stores. <a href="#">720 ILL. COMP. STAT. 677/10 (2015)</a></p> | Use of products containing nicotine prohibited on public higher education campuses. <a href="#">110 ILL. COMP. STAT. 64/10 (2015)</a> |
| Indiana  | No   | <i>Electronic Cigarette</i> means “a device that is capable of providing an inhalable dose of nicotine by delivering a   | N/A                                   | Nicotine liquid must be sold in child-resistant packaging,   | Sale/distribution of electronic cigarettes to persons under age 18 prohibited. <a href="#">IND. CODE § 35-46-1-10(a)</a> and <a href="#">§ 35-46-1-10.2(a) (2015)</a>  | N/A   |

<sup>4</sup> No such regulations as of 5/22/15.

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|-------|--|---|---------------------------------------|--|--|-------------------------|
|       |  | <p>vaporized solution. The term includes the components and cartridges.” <a href="#">IND. CODE § 35-46-1-1.5 (2015)</a></p> <p><i>Electronic Delivery Device</i> means “any product that: (1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and (2) can be used by a person to simulate smoking in the delivery of nicotine, lobelia, or any other substance through inhalation of vapor from the product...[and] includes any component part...whether or not the component part is marketed or sold separately.” <a href="#">IND. CODE § 13-24-3-7 (2015)</a> (Effective July 1, 2015)</p> |                                       | <p>excluding pre-filled, sealed and not intended to be opened by consumer. <a href="#">IND. CODE § 13-24-3-7 (2015)</a> (Effective July 1, 2015)</p> | <p>Possession/purchase of electronic cigarettes by persons under age 18 prohibited. <a href="#">IND. CODE § 35-46-1-10.5(a) (2015)</a></p> <p>Self-service displays of electronic cigarettes restricted to adult-only tobacco stores. <a href="#">IND. CODE § 35-46-1-11.8(a) (2015)</a></p> <p>Retailers of electronic cigarettes must be registered. <a href="#">IND. CODE § 13-24-3-7 (2015)</a> (Effective July 1, 2015)</p> |                         |
| Iowa  | No   | <p><i>Vapor product</i> 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</p>  | N/A                                   | N/A  | <p>Sale/distribution of vapor products or alternative nicotine products to anyone under age 18 prohibited. <a href="#">IOWA CODE ANN. §453A.2(1) (2015)</a></p> <p>Possession/purchase of alternative nicotine products or vapor</p>   | N/A                     |

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|-------|--|--|---------------------------------------|-------------------|---|-------------------------|
|       |  | <p>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.” <a href="#">IOWA CODE ANN. § 453A.1(28) (2015)</a></p> <p><i>Alternative nicotine product</i> means “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.<br/>‘Alternative nicotine</p> |                                       |                   | <p>products by persons under age 18 prohibited. <a href="#">IOWA CODE ANN. §453A.2(2) (2015)</a></p> <p>Retailers must obtain a permit before selling vapor products. <a href="#">IOWA CODE ANN. §453A.47A(1) (2015)</a></p> <p>No distribution of free vapor products or alternative nicotine products to persons under age 18 or within 500 feet of places primarily used by minors. <a href="#">IOWA CODE ANN. § 453A.39(2)(b) (2015)</a></p> <p>Self-service displays prohibited. <a href="#">IOWA CODE ANN. §453A.36A(1) (2015)</a></p> <p>Vending machine sales restricted to adult-only locations. <a href="#">IOWA CODE ANN. §453A.36(6) (2015)</a></p> |                         |

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|----------|--|---|---------------------------------------|-------------------|---|-------------------------|
|          |  | product’ does not include cigarettes, tobacco products, or vapor products... <a href="#">IOWA CODE ANN. §453A.1(1) (2015)</a>   |                                       |                   |   |                         |
| Kansas   | No   | <i>Electronic Cigarette</i> means “a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.” <a href="#">KAN. STAT. ANN. §79-3301(ff) (2015)</a> | N/A                                   | N/A               | <p>Sale/distribution of electronic cigarettes to persons under age 18 prohibited. <a href="#">KAN. STAT. ANN. §79-3321(l) (2015)</a></p> <p>Purchase/possession of electronic cigarettes by person under age 18 prohibited. <a href="#">KAN. STAT. ANN. §79-3321(m)-(n) (2015)</a></p> <p>Self-service displays of electronic cigarettes restricted to tobacco specialty stores and vending machine inaccessible to minors or which has a lock-out device. <a href="#">KAN. STAT. ANN. §79-3321(u) (2015)</a></p> <p>Retailers of electronic cigarettes must obtain a license. <a href="#">KAN. STAT. ANN. §79-3303(a) (2015)</a></p> | N/A                     |
| Kentucky | No   | <i>Vapor Product</i> means “any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size   | N/A                                   | N/A               | <p>Sale of vapor products or alternative nicotine product to persons under age 18 prohibited. <a href="#">KY. REV. STAT. ANN. §438.310(1) (2015)</a></p> <p>Purchase of vapor products or alternative nicotine products by</p>  | N/A                     |

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| State | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions   | Smoke-Free Restrictions |
|-------|--|--|---------------------------------------|-------------------|--|-------------------------|
|       |  | <p>and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. ‘Vapor product’ includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.”<br/> <a href="#">KY. REV. STAT. ANN. §438.305(9) (2015)</a></p> <p><i>Alternative Nicotine Product</i> means “a noncombustible product containing nicotine that is intended for human consumption, whether</p> |                                       |                   | <p>persons under age 18 prohibited.<br/> <a href="#">KY. REV. STAT. ANN. §438.311(1) and §438.315(2) (2015)</a></p> <p>Possession/use of vapor products or alternative nicotine products by person under age 18 prohibited.<br/> <a href="#">KY. REV. STAT. ANN. §438.350(1)-(2) (2015)</a></p> <p>Distribution of free vapor products or alternative nicotine products to persons under age 18 years prohibited.<br/> <a href="#">KY. REV. ANN. STAT. §438.313(1) (2015)</a></p> <p>Vending machine sales of vapor products and alternative nicotine products to persons under 18 prohibited.<br/> <a href="#">KY. REV. STAT. ANN. §438.315(1) (2015)</a></p> |                         |



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| State      | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>   | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|------------|--|---|---------------------------------------|-------------------|---|-------------------------|
|            |  | chewed, absorbed, dissolved, or ingested by other means.” <a href="#">KY. REV. STAT. ANN. §438.305(1) (2015)</a>  |                                       |                   |   |                         |
| Louisiana* | No   | <i>Vapor Product</i> means “any non-combustible product containing nicotine or other substances 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 nicotine in a solution or other form. ‘Vapor product’ includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” <a href="#">LA. REV. STAT. ANN. §26:901(26)</a> ; <a href="#">LA. REV.</a> | N/A                                   | N/A               | <p>Sale/distribution of vapor products or alternative nicotine products to persons under age 18 prohibited. <a href="#">LA. REV. STAT. ANN. §14:91.8(c)</a> and <a href="#">§91.6(a) (2015)</a></p> <p>Purchase or possession of vapor product or alternative nicotine product by persons under age 18 prohibited unless accompanied by parent or in a private residence. <a href="#">LA. REV. STAT. ANN. §14:91.8(E)-(F) (2015)</a></p> <p>Self-service displays of vapor products and alternative nicotine products restricted to tobacco businesses and vending machines located in age-restricted settings. <a href="#">LA. REV. STAT. ANN. §26:910.1(A) (2015)</a></p> <p>Permits required for retailers of vapor products and alternative nicotine products. <a href="#">LA. REV. STAT. ANN. §26:902 (1) (2015)</a></p> | N/A                     |

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| State          | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>   | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|----------------|--|---|---------------------------------------|-------------------|---|-------------------------|
|                |  | <a href="#">STAT. ANN. §14:91.8(g)(7) (2015)</a><br><br><i>Alternative Nicotine Product</i> means “any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means...[but] does not include any ... vapor product.” <a href="#">LA. REV. STAT. ANN. §26:901(1); LA. REV. STAT. ANN. §14:91.8(g)(1) (2015)</a> |                                       |                   |   |                         |
| Maine*         | No   | N/A   | N/A                                   | N/A               | N/A   | N/A                     |
| Maryland       | No   | N/A   | N/A                                   | N/A               | Sale of “an electronic device that can be used to deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe” to minors prohibited (excluding FDA approved medical devices). <a href="#">MD. CODE ANN., Health §24-305(b) (2015)</a> | N/A                     |
| Massachusetts* | No   | N/A   | N/A                                   | N/A               | N/A   | N/A                     |
| Michigan*      | No   | N/A   | N/A                                   | N/A               | N/A   | N/A                     |

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| State       | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>   | Excise or Special Tax (non-sales tax)  | Product Packaging   | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions  |
|-------------|--|---|--|---|---|--|
| Minnesota   | Yes<br><a href="#">MINN. STAT. ANN. §297F.01 (2015)</a>                            | <i>Electronic delivery device</i> means “any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately...” <a href="#">MINN. STAT. ANN. §609.685(1)(c) (2015)</a> | Tax of 95% of wholesale price imposed on tobacco products, including e-cigarettes.<br><a href="#">MINN. STAT. ANN. §297F.05 (2015)</a> | Liquids intended for human consumption and use in an electronic delivery device (whether contain nicotine or not) must be sold in child resistant packaging.<br><a href="#">MINN. STAT. ANN. §461.20 (2015)</a> | Sale/distribution of electronic delivery devices prohibited to persons under age 18.<br><a href="#">MINN. STAT. ANN. §609.685(1a)(a) (2015)</a> ; <a href="#">MINN. STAT. ANN. §609.685(2)(a)</a><br><br>Purchase/possession of electronic delivery device by person under age 18 prohibited.<br><a href="#">MINN. STAT. ANN. §609.685(2)(b) (2015)</a> ; <a href="#">MINN. STAT. ANN. §609.685(3)</a><br><br>Sale of electronic delivery devices from a moveable place of business (kiosk) prohibited.<br><a href="#">MINN. STAT. ANN. §461.21 (2015)</a><br><br>Self-service displays of electronic delivery devices restricted to adult-only tobacco businesses and vending machines in locations inaccessible to persons under age 18.<br><a href="#">MINN. STAT. ANN. §461.18 (2015)</a> | Use of electronic delivery devices prohibited in day care and health facilities, and certain publicly-owned buildings.<br><a href="#">MINN. STAT. ANN. §144.414 (2015)</a><br><br>Use of electronic delivery devices prohibited in public schools and any facility or vehicle owned, rented or leased by the school district.<br><a href="#">MINN. STAT. ANN. §144.4165 (2015)</a> |
| Mississippi | No   | <i>Alternative Nicotine Product</i> means “(1) An electronic cigarette; or (2) Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking,  | N/A  | N/A   | Sale of alternative nicotine products or any cartridge or component to persons under 18 prohibited.<br><a href="#">MISS. CODE ANN. § 97-32-51(3) (2015)</a><br><br>Internet sales of alternative nicotine products require age  | N/A  |

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| State     | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|-----------|--|--|---------------------------------------|-------------------|---|-------------------------|
|           |  | <p>absorbing, dissolving, inhaling or by any other means. <a href="#">MISS. CODE ANN. § 97-32-51(1)(a)(i) (2015)</a></p> <p><i>Electronic Cigarette</i> means “an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to stimulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.” <a href="#">MISS. CODE ANN. § 97-32-51(1)(b)(i) (2015)</a></p> |                                       |                   | <p>verification. <a href="#">MISS. CODE ANN. § 97-32-51(3)(b) (2015)</a></p>  |                         |
| Missouri* | No   | <p><i>Alternative Nicotine Product</i> means “any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. ‘Alternative nicotine product’ does not include any vapor product...” <a href="#">MO.</a></p>   | N/A                                   | N/A               | <p>Sale of alternative nicotine products or vapor products to persons under age 18 prohibited. <a href="#">MO. REV. STAT. § 407.926(1)</a> and <a href="#">MO. REV. STAT. § 407.931(1) (2015)</a></p> <p>Mail and internet sales of alternative nicotine or vapor products to persons under 18 prohibited. <a href="#">MO. REV. STAT. § 407.926(2) (2015)</a></p> |                         |

U.S. E-Cigarette Regulation: A 50-State Review

| State   | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|---------|--|--|---------------------------------------|-------------------|---|-------------------------|
|         |  | <p><a href="#">REV. STAT. § 407.925(1) (2015)</a></p> <p><i>Vapor Product</i> means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit ... [including] the container of nicotine in a solution or other form... “Vapor products does not include any alternative nicotine product or tobacco product.” <a href="#">MO REV. STAT. § 407.925(12) (2015)</a></p> |                                       |                   | <p>Vending machines that sell these products “shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than 18 year of age from purchasing ...” Vending machines also shall be equipped with a lock-out device, and the default is in the locked position. <a href="#">MO. REV. STAT. § 407.931(2) (2015)</a></p> <p>Purchase of alternative nicotine products or vapor products by persons less than age 18 prohibited. <a href="#">MO. REV. STAT. §407.933(3) (2015).</a></p> <p>Retailers must obtain retail sales tax license. <a href="#">MO. REV. STAT. §407.934(1) (2015)</a></p> |                         |
| Montana | No   | <p><i>Alternative nicotine product</i> means “any manufactured noncombustible product containing nicotine derived from tobacco that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. ‘Alternative nicotine</p>  | N/A                                   | N/A               | <p>Retailers must obtain license. <a href="#">MONT. CODE ANN. § 16-11-303 (2015)</a> (effective January 1, 2016)</p> <p>Sale/distribution of alternative nicotine products or vapor products to persons under age 18 prohibited. <a href="#">MONT. CODE ANN. § 16-11-305 (2015)</a> (effective January 1, 2016)</p>   | N/A                     |

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|-------|--|--|---------------------------------------|-------------------|---|-------------------------|
|       |  | <p>product’ does not include any vapor product...”<br/> <a href="#">MONT. CODE ANN. § 16-11-302(1) (2015)</a> (effective January 1, 2016)</p> <p><i>Vapor Product</i> means a non-combustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device....” <a href="#">MONT. CODE ANN. § 16-11-302(7)</a></p> |                                       |                   | <p>Vending machine sales restricted to bars where machine is under direct line-of-sight supervision. <a href="#">MONT. CODE ANN. § 16-11-306 (2015)</a> (effective January 1, 2016)</p> <p>Possession/use of alternative nicotine products or vapor products by persons under age 18 prohibited. <a href="#">MONT. CODE ANN. §45-5-637 (2015)</a> (effective January 1, 2016)</p> |                         |

U.S. E-Cigarette Regulation: A 50-State Review

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|-----------|--|--|---------------------------------------|-------------------|--|-------------------------|
|           |  | <a href="#">(2015)</a> (effective January 1, 2016)   |                                       |                   |  |                         |
| Nebraska* | No   | <p><i>Alternative Nicotine Products</i> means “any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. ‘Alternative nicotine product’ does not include any vapor product . . .” <a href="#">NEB. REV. STAT. § 28-1418.01(1) (2014)</a></p> <p><i>Vapor Product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means . . . that can be used to produce vapor from nicotine in a solution or other form. Vapor Product includes any electronic cigarette, [cigar, cigarillo, pipe] or similar product or device.” <a href="#">NEB. REV. STAT. § 28-1418.01(4) (2014)</a></p> | N/A                                   | N/A               | <p>Sale/distribution of vapor products or alternative nicotine products to persons under age 18 prohibited. <a href="#">NEB. REV. STAT. § 28-1419 (2014)</a>; <a href="#">NEB. REV. STAT. § 28-1425 (2014)</a></p> <p>Use of vapor products or alternative nicotine products by persons under age 18 prohibited. <a href="#">NEB. REV. STAT. § 28-1418 (2014)</a></p> <p>Vending machine sales of vapor products and alternative nicotine products are restricted to locations inaccessible to minors or an establishment that has a liquor license and which sells alcohol in the same room as the vending machine. <a href="#">NEB. REV. STAT. § 28-1429.02 (2014)</a></p> <p>Self-service displays restricted to tobacco specialty stores and cigar bars. <a href="#">NEB. REV. STAT. § 28-1429.03 (2014)</a></p> | N/A                     |

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| State          | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions   |
|----------------|--|--|---------------------------------------|-------------------|---|---|
| Nevada*        | No   | N/A  | N/A                                   | N/A               | N/A   | N/A   |
| New Hampshire* | No   | <p><i>E-cigarette</i> means “any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.” <a href="#">N.H. REV. STAT. ANN. § 126-K:2(II-a) (2015)</a></p> <p><i>Liquid Nicotine</i> means “any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.” <a href="#">N.H. REV. STAT. ANN. § 126-K:2(III-a) (2015)</a></p> | N/A                                   | N/A               | <p>Sale/distribution of e-cigarettes and liquid nicotine to minors prohibited. <a href="#">N.H. REV. STAT. ANN. § 126-K:4</a>; <a href="#">N.H. REV. STAT. ANN. § 126-K:8 (2015)</a></p> <p>Distribution of free e-cigarettes or liquid nicotine prohibited except in locations inaccessible to minors. <a href="#">N.H. REV. STAT. ANN. § 126-K:5 (2015)</a></p> <p>Purchase/possession of e-cigarettes or liquid nicotine by minors prohibited. <a href="#">N.H. REV. STAT. ANN. § 126-K:6 (2015)</a></p> | Use of e-cigarette and liquid nicotine on public educational facility grounds prohibited. <a href="#">N.H. REV. STAT. ANN. § 126-K:7 (2015)</a> |
| New Jersey*    | No   | <i>Electronic Smoking Device</i> means “an electronic device that can be used to deliver nicotine or other substances to the person inhaling from  | N/A                                   | N/A               | Sale/distribution of electronic smoking device to person under age 19 prohibited. <a href="#">N.J. STAT. §2A:170-51.4(a)(2) (2015)</a> ; <a href="#">N.J. STAT. 2C:33-13.1 (2015)</a>   | Use of electronic smoking device prohibited in indoor public places, workplaces   |



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|------------|--|--|---------------------------------------|--|--|--|
|            |  | the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.” <a href="#">N.J. STAT. § 26:3D-57 (2015)</a>   |                                       |  |  | and schools (with some exceptions). <a href="#">N.J. STAT. § 26:3D-58 (2015)</a> |
| New Mexico | No   | <p><i>E-cigarette</i> means “(1)... any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and (2) includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor...” <a href="#">N.M. STAT. ANN. § 30-49-2 (2015)</a></p> <p><i>Nicotine liquid container</i> means “a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.” <a href="#">N.M. STAT. ANN. § 30-49-2 (2015)</a></p> | N/A                                   | <p>Liquid nicotine must be sold in child-resistant container, excluding cartridges that are pre-filled and sealed by the manufacturer and not intended to be opened by the consumer. <a href="#">N.M. STAT. ANN. § 30-49-3(D) (2015)</a></p> <p>E-cigarettes and nicotine liquid containers must be sold in original factory-sealed package. <a href="#">N.M. STAT. ANN. §</a></p> | <p>Sale/distribution of e-cigarettes or a nicotine liquid container to persons under age 18 prohibited. <a href="#">N.M. STAT. ANN. § 30-49-3(A)</a> and <a href="#">N.M. STAT. ANN. § 30-49-8 (2015)</a></p> <p>Procurement of e-cigarette or nicotine liquid container by persons under age 18 prohibited. <a href="#">N.M. STAT. ANN. § 30-49-3(B) (2015)</a></p> <p>Internet sale of e-cigarettes or nicotine liquid containers to persons under age 18 in New Mexico is prohibited. <a href="#">N.M. STAT. ANN. § 30-49-3(E) (2015)</a></p> <p>E-cigarettes and nicotine liquid containers may only be sold by a retailer face-to-face. <a href="#">N.M. STAT. ANN. § 30-49-7(A)(1) (2015)</a></p> <p>Self-service displays of e-cigarettes and nicotine liquid containers prohibited. <a href="#">N.M. STAT. ANN. § 30-49-7(A)(2) (2015)</a></p> | N/A  |

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|-----------|--|---|---------------------------------------|---|--|-------------------------|
|           |  |   |                                       | <a href="#">30-49-3(C) (2015)</a>   | <p>Vending machine sales are permitted only in adult-only locations. <a href="#">N.M. STAT. ANN. § 30-49-7(B) (2015)</a></p> <p>Distribution of free e-cigarettes or nicotine liquid containers to persons under age 18 prohibited except in the practice of cultural or ceremonial activities in accordance with federal religious freedom act. <a href="#">N.M. STAT. ANN. § 30-49-8 (2015)</a></p>  |                         |
| New York* | No   | <p><i>Electronic cigarette</i> (or e-cigarette) means “an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.” <a href="#">N.Y. PUB. HEALTH LAW §1399-aa(13) (McKinney 2015)</a></p> <p><i>Liquid nicotine</i> (or electronic liquid or e-liquid) means “a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.” <a href="#">N.Y.</a></p> | N/A                                   | Liquid nicotine must be sold in a child resistant bottle. <a href="#">N.Y. GEN. BUS. LAW §399-gg(1) (McKinney 2015)</a> | <p>Sale/distribution of e-cigarettes or liquid nicotine to persons under age 18 prohibited. <a href="#">N.Y. PUB. HEALTH LAW §1399-cc(1)(e) (McKinney 2015)</a></p> <p>Self service displays of e-cigarettes or liquid nicotine prohibited except in tobacco businesses. <a href="#">N.Y. PUB. HEALTH LAW §1399-cc(7) (McKinney 2015)</a></p> <p>Vending machine sales of e-cigarettes permitted in limited locations and must be visible to and under the direct control of person in charge. <a href="#">N.Y. PUB. HEALTH LAW §1399-dd (McKinney 2015)</a></p> | N/A                     |

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|---------------------------|--|---|--|---------------------------------|--|---|
|                           |  | <a href="#">PUB. HEALTH LAW §1399-cc(1)(e) (McKinney 2015)</a>  |  |                                 |  |   |
| North Carolina*           | Yes<br><a href="#">N.C. GEN. STAT. § 14-313(4) (2014)</a>                          | <p><i>Tobacco product</i> includes “a tobacco-derived product, vapor product, or components of a vapor product.” <a href="#">N.C. GEN. STAT. § 14-313(4) (2014)</a></p> <p><i>Vapor product</i> means “any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette.” <a href="#">N.C. GEN. STAT. § 14-313(5) (2014)</a></p> <p><i>Consumable product</i> means “any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. <a href="#">N.C. GEN. STAT. § 105-113.4 (2014)</a></p> | Vapor products taxed at rate of \$0.05/fluid ml. of consumable product. <a href="#">N.C. GEN. STAT. § 105-113.35 (2015)</a> (Effective June 1, 2015) | N/A                             | <p>Sale/distribution of vapor products to persons under age 18 is prohibited. <a href="#">N.C. GEN. STAT. § 14-313(b) (2014)</a></p> <p>Vending machine sales of vapor products restricted to locations inaccessible to minors where vending machine is under continuous control of owner and can be operated only upon activation by the owner. <a href="#">N.C. GEN. STAT. § 14-313(b1) (2014)</a></p> <p>Internet distribution of vapor products permitted with use of age verification through an independent, third-party service. <a href="#">N.C. GEN. STAT. § 14-313(b2) (2014)</a></p> <p>Purchase of vapor products by persons under age 18 prohibited. <a href="#">N.C. GEN. STAT. § 14-313(c) (2014)</a></p> | Vapor products prohibited on State correctional facilities premises, except for religious purposes. <a href="#">N.C. GEN. STAT. § 148-23.1 (2014)</a> |
| North Dakota <sup>5</sup> | No   | <i>E-cigarette</i> means “any electronic oral device, such  | N/A  | Nicotine liquid containers must | Sale/distribution of electronic smoking devices and alternative  | Use of e-cigarettes prohibited in   |

<sup>5</sup> North Dakota law includes amendment by HB 1186, adopted April 15, 2015.

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| State | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions   | Smoke-Free Restrictions  |
|-------|--|--|---------------------------------------|--|--|--|
|       |  | <p>as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product, name, or descriptor.” <a href="#">N.D. CENT. CODE § 23-12-09 (2015)</a></p> <p><i>Electronic Smoking Device</i> means “any electronic product that delivers nicotine or other substances to the individual inhaling from the device, including, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately.....” <a href="#">N.D.</a></p> |                                       | <p>be sold in child-resistant packaging, excepting pre-filled sealed containers not intended to be opened by consumers.</p> <p><a href="#">N.D. CENT. CODE § 12.1-31-03.2 (2015)</a></p> | <p>nicotine products to persons under age 18 prohibited. <a href="#">N.D. CENT. CODE § 23-12.1-03(1)(a) (2015)</a></p> <p>Self-service displays restricted to tobacco specialty stores and vending machines inaccessible to minors or which are controlled by the seller. <a href="#">N.D. CENT. CODE § 12.1-31-03; 12.1-31-03.1(1) (2015)</a></p> <p>Purchase/possession/use of electronic smoking device by person under age 18 prohibited. <a href="#">N.D. CENT. CODE § 23-12.1-03.1(2) (2015)</a></p> <p>Sales of electronic smoking devices by means other than face-to-face transactions restricted to retailers or persons whose age has been verified when product is shipped via method requiring signature of person verified to be at least age 18. <a href="#">N.D. CENT. CODE § 51-32-01(2) (2015)</a></p> | <p>public places and places of employment and within 20 feet of entrances, exits, windows, air intakes and ventilation systems thereof. <a href="#">N.D. CENT. CODE § 23-12-10(1)-(2) (2014)</a></p> |

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| State | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions   | Smoke-Free Restrictions |
|-------|--|--|---------------------------------------|--|--|-------------------------|
|       |  | <p><a href="#">CENT. CODE ANN. §12.1-31-03(9)(b) (2015)</a></p> <p><i>Alternative Nicotine Product</i> means “any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. The term does not include any ... electronic smoking device....” <a href="#">N.D. CENT. CODE ANN. §12.1-31-03(9)(a) (2015)</a></p> |                                       |  |  |                         |
| Ohio* | No   | <p><i>Alternative nicotine product</i> means... an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.” <a href="#">OHIO REV. CODE ANN. §2927.02(A)(2) (2015)</a></p> <p><i>Electronic cigarette</i> means...any electronic</p>  |                                       | <p>Alternative nicotine products must be sold in the same minimum quantities as manufacturer’s container. <a href="#">OHIO REV. CODE ANN. §2927.02(b) (2015)</a></p> | <p>Sale/distribution of alternative nicotine products to persons under age 18 prohibited. <a href="#">OHIO REV. CODE ANN. §2927.02(b) (2015)</a></p> <p>Internet sales/distribution of alternative nicotine products restricted to transactions using age verification. <a href="#">OHIO REV. CODE ANN. §2927.02(b) (2015)</a></p> <p>Vending machine sales restricted to locations inaccessible to persons under age 18 or where control of the vending machine is in the</p> | N/A                     |

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| State | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|-------|--|--|---------------------------------------|-------------------|---|-------------------------|
|       |  | product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” <a href="#">OHIO REV. CODE ANN. § 2927.02(A)(6) (2015)</a> |                                       |                   | hands of the owner and is within that person’s or other employees’ plain view. <a href="#">OHIO REV. CODE ANN. §2927.02(c) (2015)</a> |                         |

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| State         | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|---------------|--|--|---------------------------------------|-------------------|---|-------------------------|
| Oklahoma      | No   | <i>Vapor product</i> means “noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. ‘Vapor products’ shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device...” <a href="#">OKLA. STAT. tit. 37 § 600.2(8) (2014)</a> | N/A                                   | N/A               | <p>Purchase/possession of vapor products by persons under age 18 prohibited. <a href="#">OKLA. STAT. tit. 37 § 600.13 (2014)</a>; <a href="#">OKLA. STAT. tit. 10A, § 2-8-224 (2014)</a></p> <p>Sale/distribution of vapor products to persons under age 18 prohibited. <a href="#">OKLA. STAT. tit. 37, § 600.3 (2014)</a></p> <p>Vending machines sales are restricted to locations inaccessible to persons under age 18. <a href="#">OKLA. STAT. tit. 37 § 600.7 (2014)</a></p> <p>Distribution of free vapor products to persons under 18 or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility used primarily by persons under the age of 18 prohibited. <a href="#">OKLA. STAT. tit. 37 § 600.8 (2014)</a></p> <p>Self-service displays of vapor products restricted to adult-only facilities. <a href="#">OKLA. STAT. tit. 37 § 600.10A (2014)</a></p> | N/A                     |
| Oregon*       | No   | N/A  | N/A                                   | N/A               | N/A   | N/A                     |
| Pennsylvania* | No   | N/A  | N/A                                   | N/A               | N/A   | N/A                     |

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| State          | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|----------------|--|--|---------------------------------------|--|---|-------------------------|
| Rhode Island*  | No   | <i>Electronic nicotine-delivery system</i> means “an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah and any related device and any cartridge or other component of such device.” <a href="#">R.I. GEN. LAWS ANN. § 11-9-13.4 (2014)</a> | N/A                                   | Electronic nicotine delivery system must be sold in original factory-wrapped package. <a href="#">R.I. GEN. LAWS ANN. § 11-9-13.8 (2014)</a> | Retailers of electronic nicotine-delivery system products must obtain a license. <a href="#">R.I. GEN. LAWS ANN. § 23-1-56 (2014)</a><br><br>Sale/distribution of electronic nicotine delivery system to persons under age 18 prohibited. <a href="#">R.I. GEN. LAWS ANN. § 11-9-13 (2014)</a> ; <a href="#">R.I. GEN. LAWS ANN. § 11-9-13.8 (2014)</a><br><br>Vending machine restricted to locked machines in locations continually supervised and in direct line of sight of authorized person on a business premises or in locations inaccessible to persons under age 21. <a href="#">R.I. GEN. LAWS ANN. § 11-9-13.1(a) (2014)</a><br><br>Distribution of free electronic nicotine-delivery system to persons under age 18 or within 500 feet of any school prohibited. <a href="#">R.I. GEN. LAWS ANN. § 11-9-13.10 (2014)</a> | N/A                     |
| South Carolina | No   | <i>Alternative nicotine product</i> means “a product, including electronic cigarettes, that consists of or contains nicotine that can be ingested into the body by   | N/A                                   | N/A  | Sale/distribution of alternative nicotine products to persons under age 18 years prohibited. <a href="#">S.C. CODE ANN. § 16-17-500(A)</a> ; <a href="#">S.C. CODE ANN. § 16-17-502(A) (2015)</a>   | N/A                     |



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| State        | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions   | Smoke-Free Restrictions |
|--------------|--|--|---------------------------------------|-------------------|--|-------------------------|
|              |  | <p>chewing, smoking, absorbing, dissolving, inhaling, or by any other means.” <a href="#">S.C. CODE ANN. §16-17-501(6) (2015)</a></p> <p><i>Electronic cigarette</i> means “an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.” <a href="#">S.C. CODE ANN. §16-17-501(7) (2015)</a></p> |                                       |                   | <p>Purchase/possession of alternative nicotine products by persons under age 18 prohibited. <a href="#">S.C. CODE ANN. §16-17-500(F) (2015)</a></p> <p>Vending machine sales restricted to locations inaccessible to persons under age 18 or locked and under control of owner <a href="#">S.C. CODE ANN. §16-17-500(D) (2015)</a></p>   |                         |
| South Dakota | Yes<br><a href="#">S.D. CODIFIED LAWS §34-46-20 (2015)</a>                         | <i>Vapor product</i> means “any noncombustible product containing 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 nicotine in a solution or other form. The term, vapor product, includes any   | N/A                                   | N/A               | <p>Sale/distribution of vapor products to persons under age 18 prohibited. <a href="#">S.D. CODIFIED LAWS §34-46-2(1) (2015)</a></p> <p>Purchase/possession/ use of vapor products by persons under age 18 prohibited. <a href="#">S.D. CODIFIED LAWS §34-46-2(2) (2015)</a></p> <p>Distribution of free vapor products within 500 feet of playground, school or other child-focused</p> | N/A                     |

U.S. E-Cigarette Regulation: A 50-State Review

| State     | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|-----------|--|--|---------------------------------------|--|---|-------------------------|
|           |  | electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” <a href="#">S.D. CODIFIED LAWS §34-46-20 (2015)</a> |                                       |  | facility prohibited. <a href="#">S.D. CODIFIED LAWS §34-46-2(7) (2015)</a><br><br>Self-service displays of vapor products restricted to tobacco specialty store or vending machines inaccessible to persons under age 18. <a href="#">S.D. CODIFIED LAWS §34-46-21 (2015)</a> |                         |
| Tennessee | No   | <i>Vapor Product</i> means “[A]any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit vapor; (B) Includes any electronic cigarette, electronic cigar, electronic cigarillo,  | N/A                                   | Liquid nicotine must be sold in child-resistant packaging, except pre-filled cartridges not intended to be opened by consumer. <a href="#">TENN. CODE ANN. §39-17-1509(b) (2015)</a> (Effective January 1, 2016) | Sale/distribution of vapor products to persons under age 18 years prohibited. <a href="#">TENN. CODE ANN. §39-17-1504(a) (2015)</a><br><br>Purchase/possession of vapor products by persons under age 18 prohibited. <a href="#">TENN. CODE ANN. §39-17-1505(a) (2015)</a>    | N/A                     |

U.S. E-Cigarette Regulation: A 50-State Review

| State  | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions  |
|--------|--|--|---------------------------------------|--|---|--|
|        |  | electronic pipe, or similar product, and any vapor cartridge or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product...” <a href="#">TENN. CODE ANN. §39-17-1503 (2015)</a>  |                                       |  |   |  |
| Texas* | No   | N/A  | N/A                                   | N/A  | N/A   | N/A  |
| Utah   | Yes<br><a href="#">UTAH CODE §26-42-102(6) (2015)</a><br>(Effective July 1, 2015)  | <i>Electronic cigarette</i> means “(i) an electronic device used to deliver or capable of delivering vapor containing nicotine into a person’s respiratory system; or (ii) any component of or accessory intended for use with the device described in subsection [(i)]; or (iii) an accessory sold in the same package as the device described in subsection [(i)]. (b) “Electronic cigarette” includes an e-cigarette as defined in §26-38-2.” <a href="#">UTAH CODE § 59-</a> | N/A                                   | Department of Health directed to establish rules for labeling, packaging and quality controls for electronic cigarette substances, except those sold in manufacturer-sealed container not intended to be opened by consumers, to | Selling/distributing electronic cigarettes to persons under age 19 prohibited. <a href="#">UTAH CODE §76-10-104 (1) (2015)</a> and <a href="#">UTAH CODE §76-10-111(2) (2015)</a><br><br>Purchase/ possession of electronic cigarette by person aged 18 years prohibited. <a href="#">UTAH CODE §76-10-105(1) (2015)</a><br><br>Self-service displays and vending machine sales restricted to locations inaccessible to persons under age 19 without a parent or guardian. <a href="#">UTAH CODE §76-10-105.1(2) (2015)</a> | Electronic cigarettes prohibited in correctional facilities. <a href="#">UTAH CODE §76-8-311.3(5) (2015)</a><br><br>School boards directed to adopt rules prohibiting use and possession of electronic cigarettes on school property and at sponsored activities. <a href="#">UTAH</a> |

U.S. E-Cigarette Regulation: A 50-State Review

| State | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions                           |
|-------|--|--|---------------------------------------|--|---|---|
|       |  | <p><a href="#">14-802(2); § 76-10-101(3) (2015)</a></p> <p><i>E-cigarette</i> means “[a)] any electronic oral device: (i) that provides a vapor of nicotine or other substance; and (ii) which simulates smoking through its use or through inhalation of the device; and (b) includes an oral device that is: (i) composed of a heating element, battery, or electronic circuit; and (ii) marketed, manufactured, distributed, or sold as: (A) an e-cigarette; (B) e-cigar; (C) e-pipe; or (D) any other product name or descriptor, if the function of the product meets the definition of subsection [(a)].” <a href="#">UTAH CODE § 26-38-2(1) (2015)</a></p> <p><i>Electronic cigarette product</i> means “an electronic cigarette or an electronic cigarette substance.” <a href="#">UTAH CODE § 76-10-101(4) (2015)</a></p> |                                       | <p>be implemented by July 1, 2016. <a href="#">UTAH CODE §26-57-103 (2015)</a></p> | <p>Tobacco retail specialty businesses (tobacco product sales, including e-cigarettes, account for more than 35% of total annual gross receipts) must be licensed by counties and municipalities. <a href="#">UTAH CODE § 17-50-333(2) (2015)</a> and § <a href="#">10-8-41.6(4) (2015)</a></p> <p>Location of tobacco retail specialty businesses minimally restricted relative to schools, child care facilities, churches, libraries, playgrounds, other tobacco specialty shops, and other facilities. <a href="#">UTAH CODE § 17-50-333(5) (2015)</a> and § <a href="#">10-8-41.6(5) (2015)</a></p> <p>Retailers of electronic cigarette products must obtain a license from the State Tax Commission. <a href="#">UTAH CODE § 59-14-803(1) (2015)</a></p> | <p><a href="#">CODE §53A-11-908(3) (2015)</a></p> |

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| State    | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>   | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions   | Smoke-Free Restrictions  |
|----------|--|---|---------------------------------------|--|--|--|
|          |  | <i>Electronic cigarette substance</i> means “any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.” <a href="#">UTAH CODE § 76-10-101(4) (2015)</a>   |                                       |  |  |  |
| Vermont  | No   | <i>Tobacco substitute</i> means “products, including electronic cigarettes or other electronic or battery-powered devices, that contain and are designed to deliver nicotine or other substances into the body through inhaling vapor...” <a href="#">7 VT. STAT. ANN. § 1001(8) (2015)</a> |                                       | Liquid nicotine must be sold in child-resistant packaging, excluding pre-filled cartridges not intended to be opened by consumer. <a href="#">7 VT. STAT. ANN. § 1012 (2015)</a> | <p>Sale/distribution of tobacco substitutes to persons under age 18 prohibited. <a href="#">7 VT. STAT. ANN. § 1007 (2015)</a></p> <p>Purchase/possession of tobacco substitutes by persons under age 18 prohibited. <a href="#">7 VT. STAT. ANN. § 1005(a) (2015)</a></p> <p>Retailers of tobacco substitutes required to obtain a license. <a href="#">7 VT. STAT. ANN. § 1002 (2015)</a></p> <p>Self-service displays restricted to locations inaccessible to minors. <a href="#">7 VT. STAT. ANN. § 1003(d) (2015)</a></p> | <p>Use of tobacco substitutes prohibited at child care facilities. <a href="#">33 VT. STAT. ANN. § 3504 (2015)</a></p> <p>Use of tobacco substitutes prohibited on public school grounds and at sponsored events. <a href="#">16 VT. STAT. ANN. § 140 (2015)</a></p> |
| Virginia | No   | <i>Nicotine vapor product</i> means “any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic,  | N/A                                   | Liquid nicotine must be sold in a child-resistant container and must include a warning label stating that the  | <p>Sale/distribution of nicotine vapor products to persons under age 18 prohibited. <a href="#">VA. CODE ANN. §18.2-371.2(A)</a></p> <p>Purchase/possession of nicotine vapor product by person under age</p>  | School boards directed to develop and implement policy to prohibit e-cigarette use on school bus, school   |

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|------------|--|---|---------------------------------------|--|---|--|
|            |  | chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. ‘Nicotine vapor product’ includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.”<br><a href="#">VA. CODE ANN. § 18.2-371.2(H) (2015)</a> |                                       | container should be kept out o the reach of children.<br><a href="#">VA. CODE ANN. § 18.2-371.2 (2015)</a> | 18 prohibited. <a href="#">VA. CODE ANN. § 18.2-371.2(B) (2015)</a>   | property and at school-sponsored activities. <a href="#">VA. CODE ANN. §22.1-79.5</a> ; <a href="#">VA. CODE ANN. § 22.1-279.6(H) (2015)</a>   |
| Washington | No   | <i>Vapor product</i> means “a noncombustible tobacco-derived product containing nicotine that employees a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges....”<br><a href="#">WASH. REV. CODE ANN. § 26.28.080(3) (2015)</a>  | N/A                                   | N/A  | Sale of vapor products to persons under age 18 prohibited. <a href="#">WASH. REV. CODE ANN. § 26.28.080(1) (2015)</a> | Use of electronic cigarettes on public institutions of higher education restricted through regulation. ( <i>e.g.</i> , Eastern Washington University <a href="#">WASH. ADMIN. CODE § 172-122-310</a> ) |

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|---------------|--|---|---------------------------------------|-------------------|--|--|
|               |  |   |                                       |                   |  | <p>(2015); Peninsula College <a href="#">WASH. ADMIN. CODE § 132A-125-030 (2015)</a>; Lake Washington Institute of Technology <a href="#">WASH. ADMIN. CODE § 495D-140-070 (2015)</a>; and University of Washington <a href="#">WASH. ADMIN. CODE § 478-136-035 (2015)</a></p> |
| West Virginia | No   | <p><i>Tobacco Product and Tobacco-Derived Product</i> means “any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus,</p> | N/A                                   | N/A               | <p>Sale/distribution of vapor products to persons under age 18 years prohibited. <a href="#">W.VA. CODE ANN. § 16-9A-2(b)(3) (2015)</a></p> <p>Vending machine sales of vapor products restricted to adult-only establishments or establishments with an alcoholic beverage license. <a href="#">W.VA. CODE ANN. § 16-9A-8 (2015)</a></p> <p>Possession of tobacco products or tobacco-derived products by persons under age 18 prohibited. <a href="#">W.VA. CODE ANN. § 16-9A-3 (2015)</a></p> | <p>Use of tobacco-derived products prohibited in schools and on school grounds except those areas not used for instructional purposes and inaccessible to students. <a href="#">W.VA. CODE ANN. § 16-9A-4 (2015)</a></p>   |

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|-------|--|---|---------------------------------------|-------------------|--|-------------------------|
|       |  | <p>chewing tobacco or other common tobacco-containing products. A ‘tobacco-derived product’ includes electronic cigarettes or similar devices, alternative nicotine products and vapor products...” <a href="#">W.VA. CODE ANN. § 16-9A-2(a)(1) (2015)</a></p> <p><i>Vapor Product</i> means “any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. ‘Vapor Product’ includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with</p> |                                       |                   |  |                         |



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| State      | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>   | Excise or Special Tax (non-sales tax) | Product Packaging  | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|------------|--|---|---------------------------------------|--|---|-------------------------|
|            |  | or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. ...” <a href="#">W.VA. CODE ANN. § 16-9A-2(a)(3) (2015)</a>  |                                       |  |   |                         |
| Wisconsin* | No   | <i>Nicotine Product</i> means “a product that contains nicotine and is not any of the following: (1) a tobacco product; [or] (2) a cigarette.” <a href="#">WIS. STAT. ANN. § 134.66(1)(f) (2015)</a>  | N/A                                   | N/A  | Sale/distribution of nicotine products to persons under age 18 prohibited. <a href="#">WIS. STAT. ANN. § 134.66(2)(a) (2015)</a> ; <a href="#">WIS. STAT. ANN. § 254.92(2m) (2015)</a><br><br>Purchase/possession of nicotine products by persons under age 18 prohibited. <a href="#">WIS. STAT. ANN. § 254.92(2) (2015)</a>   | N/A                     |
| Wyoming    | Yes<br><a href="#">WYO. STAT. ANN. § 14-3-301(a)(i) (2015)</a>                     | <i>Tobacco Products</i> means “any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.” <a href="#">WYO. STAT. ANN. § 14-3-301(a)(i) (2015)</a><br><br><i>Electronic Cigarette</i> means “a product that employs any mechanical heating | N/A                                   | Liquid nicotine containers sold to in-state consumers must be in child-resistant packaging. <a href="#">WYO. STAT. ANN. § 35-7-1802 (2015)</a> | Sales/distribution /delivery of tobacco products to persons under age 18 prohibited. <a href="#">WYO. STAT. ANN § 14-3-302(a) (2015)</a><br><br>Purchase of tobacco products by persons under age 18 prohibited. <a href="#">WYO. STAT. ANN § 14-3-304(a) (2015)</a><br><br>Possession/use of tobacco products by persons under age 18 prohibited. <a href="#">WYO. STAT. ANN § 14-3-305(a) (2015)</a><br><br>Self service displays restricted to vending machines in locations | N/A                     |

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| State | Included in at Least One Definition of “Tobacco Product” in State Law <sup>2</sup> | Definition <sup>3</sup>  | Excise or Special Tax (non-sales tax) | Product Packaging | Youth Access/Other Retail Restrictions  | Smoke-Free Restrictions |
|-------|--|--|---------------------------------------|-------------------|---|-------------------------|
|       |  | element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.” <a href="#">WYO. STAT. ANN § 14-3-301(a)(v) (2015)</a> |                                       |                   | inaccessible to persons under age 18. <a href="#">WYO. STAT. ANN § 14-3-303(b) (2015)</a> |                         |