

## **E-Cigarettes and Michigan's Smoke-Free Air Law Fact Sheet**

- E-cigarettes (or electronic cigarettes) are battery-powered devices that provide inhaled doses of nicotine by way of a vaporized solution.
- Current legal analysis concludes that because e-cigarettes do not contain tobacco, they are not covered under Michigan's Smoke-Free Air Law, which takes effect May 1, 2010.
- Although e-cigarettes are not covered under Michigan's smoke-free air law, businesses may set their own policy banning the use of e-cigarettes in their establishment. Based on the information below, we encourage businesses to consider adopting such a policy.
- Businesses should be aware that e-cigarettes closely resemble real cigarettes. Therefore, it is possible that from a distance an individual may think that a person using an e-cigarette is smoking a real cigarette, which could trigger a complaint against a business related to the smoke-free air law.
- The e-cigarette is not a proven safe alternative to smoking and we discourage its use both for the user's safety and the safety of the people in the same room.
- The Food and Drug Administration (FDA) has determined that e-cigarettes meet the definition of a combination drug device product and therefore should be regulated by the FDA. Currently e-cigarettes are not approved by the FDA.
  - The FDA has concluded that e-cigarettes pose acute health risks and contain detectable levels of carcinogens and toxic chemicals. The carcinogenic substances diethylene glycol and nitrosamines have been found in FDA tested samples, as well as other tobacco-specific impurities that may be harmful to humans.
  - The vapor emitted into a room, either from exhalation or the vapor emitted from the e-cigarette itself, may not be safe. E-cigarettes contain varying levels of nicotine, a toxic substance known to contribute to heart disease and heart attacks.
  - The FDA recently won a case in the U.S. Court of Appeals that bans the import of e-cigarettes. Several states and localities in the U.S. have already banned the use of e-cigarettes in non-smoking areas, and at least two attorneys general have filed suits to stop their sale until an industry legal challenge to the FDA is resolved. Several other countries have already banned the sale of e-cigarettes.
- There are proven safe and effective nicotine replacement medications available over-the-counter at pharmacies including patches, gum, lozenges -- oral inhalers and nasal sprays can be obtained with a prescription. Nicotine replacement patches, gum and lozenges are also available free to uninsured and county health plan clients through the Michigan Tobacco Quit Line (1-800-QUIT-NOW).