The Food and Drug Administration (FDA) issued a final rule in 2016 that extended its authority to e-cigarettes, e-cigars, and e-hookah within the Tobacco Control Act. The FDA requires retailers to verify a customer is at least 18 years old before the sale of e-cigarettes. The FDA also subjects existing and new electronic products to review by the agency before entering the market. In September 2018, the FDA issued notices to five e-cigarette manufacturers requiring them to put forward plans to address and reverse youth access to and appeal of their products. In February 2020, the FDA prohibited the manufacturing, distribution, and selling of all flavored cartridge-based ENDS, with the exception of mint and tobacco flavors.

### Rhode Island KIDS COUNT

**TRENDS IN YOUTH TOBACCO USE: STATE AND SCHOOL TOBACCO POLICIES**

**HISTORY OF TOBACCO CONTROL POLICY IN RHODE ISLAND**

Rhode Island has a strong history of supporting policies that prevent youth tobacco use. Due to both persistent and emerging trends in youth tobacco use, including e-cigarette use, Rhode Island should continue to enact evidenced-based policies, update existing laws, and increase funding for prevention, cessation, and tobacco control programs in order to reduce the number of youths initiating, using, and becoming addicted to tobacco products. Both the state and school districts have unique roles to play to reduce tobacco use and support healthy, smoke-free communities.

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>Tobacco included in health education</td>
</tr>
<tr>
<td>1992</td>
<td>Smoking prohibited in school buildings</td>
</tr>
<tr>
<td>1993</td>
<td>Minimum tobacco sale age set at 18</td>
</tr>
<tr>
<td>1996</td>
<td>7th state to prohibit indoor smoking</td>
</tr>
<tr>
<td>2004</td>
<td>Smoking cessation insurance mandates passed</td>
</tr>
<tr>
<td>2006</td>
<td>Cigarette tax increased to $3.50</td>
</tr>
<tr>
<td>2009</td>
<td>Department of Health establishes Tobacco Control Program</td>
</tr>
<tr>
<td>2013</td>
<td>E-Cigarette minimum sale age set at 18</td>
</tr>
<tr>
<td>2014</td>
<td>E-Nicotine Delivery Systems (ENDS) prohibited in school buildings</td>
</tr>
<tr>
<td>2018</td>
<td>Use of ENDS prohibited indoors</td>
</tr>
<tr>
<td>2018</td>
<td>Sale of flavored electronic nicotine delivery systems prohibited</td>
</tr>
<tr>
<td>2020</td>
<td>Department of Revenue creates unit to investigate tax fraud, including tobacco</td>
</tr>
</tbody>
</table>

### UPDATING LAWS AND POLICIES TO INCLUDE E-CIGARETTES

**FEDERAL**

The Food and Drug Administration (FDA) issued a final rule in 2016 that extended its authority to e-cigarettes, e-cigars, and e-hookah within the Tobacco Control Act. The FDA requires retailers to verify a customer is at least 18 years old before the sale of e-cigarettes. The FDA also subjects existing and new electronic products to review by the agency before entering the market. In September 2018, the FDA issued notices to five e-cigarette manufacturers requiring them to put forward plans to address and reverse youth access to and appeal of their products. In February 2020, the FDA prohibited the manufacturing, distribution, and selling of all flavored cartridge-based ENDS, with the exception of mint and tobacco flavors.

**RHODE ISLAND**

In 2014, Rhode Island passed a law that prohibited the sale of e-cigarettes to minors. The law did not define these substances and devices as tobacco products (as the FDA does) and instead created a definition called “electronic nicotine delivery systems” or “ENDS.”

- ENDS are not currently subject to state tobacco control provisions including taxes.
- In 2017, legislation passed that prohibits the use of ENDS in schools.
- In 2018, ENDS were added to the Public Health and Workplace Safety Act that bans smoking in enclosed areas including businesses, public places, or common areas in apartment buildings.
- In 2020, RI prohibited the sale of flavored electronic nicotine delivery systems.
In 2020, the federal minimum age to purchase tobacco products, including cigarettes, cigars, and e-cigarettes, was raised from 18 to 21. Nationally, 88% of adult cigarette users who smoke daily report starting by the age of 18, and 99% of all tobacco initiation occurs by age 26.16

**SCHOOL POLICIES ON ELECTRONIC NICOTINE DELIVERY SYSTEMS**

Effective January 1, 2018, Rhode Island law prohibits Electronic Nicotine Delivery Systems (ENDS), also known as e-cigarettes, from schools and related properties along with other tobacco products. These products cannot be used or possessed in these settings.17 While this state law is in effect, in order to be effective, schools must also update their school policy on how they plan to enforce the state law.

School enforcement policies should:

- Focus enforcement on education and cessation support
- Be aligned with other tobacco enforcement strategies
- Include education about the impacts of e-cigarettes and other tobacco products
- Include referral to a school counselor or social worker
- Notify the parent/guardian
- Confiscate the product

Rhode Island restricts the use of out-of-school suspensions to situations when a child’s behavior poses a demonstrable threat that cannot be dealt with by other means.18 During 2018-2019 there were 839 suspensions related to tobacco use, including 371 in-school suspensions and 465 out-of-school suspensions, up from 228 suspensions the year before.19

References


5 Rhode Island General Law 23-20.9.5.

6 Rhode Island General Law 23-20.10.

7 Food and Drug Administration, Department of Health and Human Services. (2016). *Deeming tobacco products to be subject to the federal food, drug, and cosmetic act, as amended by the family smoking prevention and tobacco control act.* (21 CFR Parts 1100, 1140, and 1143). Washington, DC.


13 Rhode Island General Law, and schools are required to post this signage. 16-2-17.1.