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SECRETARY OF STATE

State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

19-09

September 25, 2019

PROTECTING RHODE ISLAND YOUTH AGAINST THE HARMS OF VAPING

WHEREAS, the detrimental effects of smoking tobacco have been well-known for decades;

WHEREAS, approximately 480,000 deaths each year are attributed to smoking and other tobacco use in the United States, with 1,800 in Rhode Island – killing more people than alcohol, AIDS, car accidents, illegal drugs, murders, and suicides combined;

WHEREAS, nearly nine out of 10 current adult cigarette smokers first started smoking or using other tobacco products by age 18;

WHEREAS, through decades of public health education and advocacy, Rhode Island's teenagers now have one of the lowest cigarette smoking rates (6%) in the country;

WHEREAS, traditional cigarettes are no longer the single face of nicotine addiction in Rhode Island;

WHEREAS, electronic nicotine-delivery system (ENDS) products are being aggressively marketed in Rhode Island and across the country, including marketing that

promotes flavored ENDS products to youth. Many ENDS products – including e-cigarettes – are colorfully packaged and available in flavors that appeal to the tastes and interest of young people, including the approximately 70% percent of teenagers shopping at convenience stores who are routinely exposed to such retail advertising at least once a week;

WHEREAS, these kinds of retail marketing efforts threaten to erode decades of progress in reducing the rates of smoking and nicotine addiction in the United States, particularly among young Rhode Islanders;

WHEREAS, ENDS product use among youth is rising dramatically, with a 78% increase among high school students and a 48% increase among middle school students between 2017 and 2018;

WHEREAS, in 2018, 20% of high-school students reported use of e-cigarettes;

WHEREAS, among high-school students that used e-cigarettes in 2018, 68% reported using flavored products;

WHEREAS, teenagers who use ENDS products of any kind are four times more likely to smoke tobacco cigarettes;

WHEREAS, nicotine is found to alter the brain development of youth and developing fetuses which can have negative long-term health effects;

WHEREAS, there is evidence that, in addition to nicotine, most ENDS products contain and emit numerous potentially toxic substances such as cadmium and diethylene glycol, which have been attributed to lung diseases and breathing problems. The effects of many other substances in ENDS products are yet unknown;

WHEREAS, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the United States Surgeon General have all declared youth vaping use a national epidemic, pervasive in every state;

WHEREAS, there has been a recent and alarming outbreak of severe pulmonary illnesses in multiple states, including hundreds of hospitalizations and at least eight deaths to date, associated with ENDS product use. To date, the Centers for Disease Control and Prevention have not been able to pinpoint the exact cause of these illnesses;

WHEREAS, more than half of the victims suffering from these pulmonary illnesses are younger than 25 years old; and

WHEREAS, it is the policy of the State to keep all Rhode Islanders safe from injury, protect youth and other vulnerable populations from unintended harms, promote community health, and establish supportive environments that empower freedom from addiction.

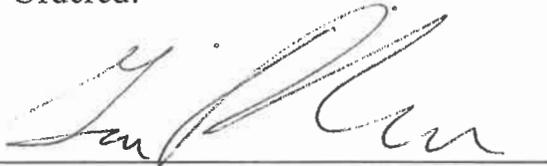
NOW, THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Rhode Island Department of Health (RIDOH) shall promulgate emergency regulations to prohibit the sale of flavored ENDS.
2. RIDOH shall convene a Vaping Advisory Group comprised of medical, public health, and product safety experts to monitor state and national vape trends, illnesses, and product developments and provide regular recommendations on further steps that should be taken to ensure public health and safety related to ENDS products.
3. The Rhode Island State Police shall investigate the sale and distribution of ENDS and ENDS products containing Tetrahydrocannabinol (THC) outside of the state's medical cannabis program, and the sale of ENDS products to underage youth.
4. The Rhode Island Department of Business Regulation (DBR) and the Rhode Island Department of Revenue (DOR) with support from RIDOH shall make recommendations on the application of the Other Tobacco Products (OTP) tax for all ENDS and ENDS products to support youth vaping prevention, as well as on implementing requirements that improve ENDS distributors' and vaping bars' license requirements related to any ENDS product.
5. The Rhode Island Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (BHDDH), RIDOH, and DBR shall develop recommendations to reduce the availability of ENDS products to persons under 21 years of age, which shall include, to the extent permissible by law, establishment of warning signs about the health risks of vaping ENDS products at retailers where any ENDS product is sold and in any vaping advertisements, as well as increased enforcement needs regarding illegal sales of ENDS products, and specifically flavored ENDS products, to youth.

6. RIDOH and DBR shall make recommendations regarding the establishment of standards for disclosures and uniform packaging related to flavored ENDS products for purposes of empowering consumers to make informed product purchases.
7. RIDOH, BHDDH, and DBR shall make recommendations on ENDS distributors' density limits, aimed at preventing an increase of licensed ENDS sellers within 500 feet from schools and/or after-school providers.
8. All State agencies, especially the Rhode Island Department of Education (RIDE), the Office of the Post-Secondary Commissioner (OPC), and BHDDH shall incorporate ENDS product use prevention and cessation materials into drug and addiction, tobacco, anti-smoking, smoking cessation, pulmonary health, and behavioral health wellness materials, programs, or advocacy produced by State agencies, or obtained from third parties, and offered to employees or the general public.
9. RIDOH and DBR shall make recommendations regarding the establishment of safety standards for all ENDS products.

This Executive Order shall take effect immediately.

So Ordered:

A handwritten signature in black ink, appearing to read "Gina M. Raimondo", written over a horizontal line.

Gina M. Raimondo
Governor

Dated: September 25, 2019