

- E-cigarettes release nicotine and other chemicals into the air. Allowing their use in smoke-free places would reintroduce toxins into clean air made possible by smoke-free policies.
- Allowing the use of e-cigarettes in workplaces and public places will complicate enforcement of smoke-free laws.

This map illustrates the distribution of the two major political parties in the 2008 U.S. presidential election. States are colored based on their electoral college results: dark blue for Democrat, light yellow for Republican, and light gray for states that did not participate in the election (Alaska and Hawaii). The map shows a clear divide, with the majority of states in the West, Midwest, and Northeast favoring the Democrat, while the majority of states in the South and Great Plains favoring the Republican.

The aerosol released by e-cigarettes contains nicotine and other toxins.

While e-cigarettes may be less harmful to the individual user than conventional cigarettes, many questions remain about the impact of exposure to the inhaled or exhaled aerosol. The Surgeon General found that, “prohibiting the use of e-cigarettes in enclosed spaces eliminates potential health risks to nonusers and ensures their right to clean air.”⁷

- According to the CDC, e-cigarette aerosol is not harmless “water vapor” and it is not as safe as clean air.⁸ E-cigarette aerosol contains nicotine, which is absorbed by users and bystanders.⁹ Studies have found other chemicals and toxins present in some e-cigarettes, including formaldehyde, acrolein, volatile organic compounds like toluene, tobacco-specific nitrosamines, and metals like nickel and lead.¹⁰ These compounds are generally present at levels much lower than in cigarette smoke, although the compounds themselves are found on FDA’s list of harmful or potentially harmful substances.¹¹
- Because of the limited data available on the safety of exposure to e-cigarette emissions, in 2015 the National Institute for Occupational Safety and Health (NIOSH) issued a recommendation that e-cigarettes be included in smoke-free workplace policies.¹²
- Published studies have found that e-cigarettes emit significant amounts of nicotine into the air and can involuntarily expose nonsmokers and people who choose not to use e-cigarettes to nicotine.¹³ One study found that passive exposure to e-cigarettes produced a similar effect on serum cotinine levels (a measure of nicotine exposure) as exposure to secondhand smoke from traditional cigarettes.¹⁴
- Although an increasing number of scientists are examining the issue, it remains unclear to what extent secondhand exposure to nicotine causes harm to bystanders, especially among vulnerable populations, such as children, pregnant women, and people with cardiovascular conditions.¹⁵ And the long-term health effects of e-cigarettes are not known, because they have not been in widespread use long enough to assess them.¹⁶
- In a 2023 public policy issue brief, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) shared their view on e-cigarettes and indoor smoking bans: “Effects of secondary involuntary exposure to ENDS have not been thoroughly studied by the scientific community, in part because these devices are new, evolving, diverse and customizable. However, because ENDS have become so prevalent, indoor building components and occupants are being exposed to passive vapor. Many cognizant public health authorities argue that caution should prevail in all situations of human exposure when limited data is available about health impacts. Applying this principle to ENDS argues that involuntary exposure should be banned in order to keep exposure to airborne emissions as low as possible.”¹⁷

Smoke-free laws protect everyone’s right to breathe clean air. When evaluating the potential risks of exposure to e-cigarette aerosols, the standard for comparison should not be whether the aerosol is less harmful than secondhand tobacco smoke. It should be whether e-cigarettes release nicotine and toxins into the clean air made possible by smoke-free laws.¹⁸

Allowing e-cigarette use will undermine enforcement of smoke-free laws.

Smoke-free laws have been implemented successfully across the country with few problems and near-universal compliance rates.¹⁹ These laws work because the rules are simple and clear and easily understood by business owners, workers, patrons, and enforcement agencies.

As noted by the CDC, prohibiting the use of e-cigarettes in public places can support enforcement of smoke-free laws.²⁰ Allowing e-cigarettes in workplaces and public places, on the other hand, would cause needless confusion and complicate enforcement. Not only are some e-cigarettes made to closely resemble conventional cigarettes and be smoked like them; the marketing of these products in television and other advertising promotes their use in a way that mimics smoking conventional cigarettes.

Business owners, employees, and enforcement officers would have to make an extra effort to distinguish between e-cigarettes and actual cigarettes and possibly take time to referee disputes between users and other customers. Having to distinguish e-cigarettes from others will complicate enforcement and may even make smokers of conventional cigarettes think smoking is allowed.

These problems are entirely avoidable by including e-cigarettes in smoke-free laws along with other tobacco products. Experience in smoke-free cities and states shows that customers quickly adjust to smoke-free laws, and even smokers come to support them. Including e-cigarettes in the law means that those wishing to use the products would simply need to step outside, just as cigarette smokers do under the law. And just as cigarette smokers across the country have adjusted to abiding by smoke-free laws, e-cigarette users will adjust as well.

Smoke-free laws are working to improve public health and should not be undermined.

A majority of the U.S. population now lives in jurisdictions that prohibit smoking in most workplaces and public places. Smoke-free laws not only protect everyone's right to breathe clean air; they also create an environment in which smokers are more likely to try to quit and succeed in doing so and in which kids are less likely to start smoking. The CDC has stated that including e-cigarettes in smoke-free laws can support these tobacco-free norms.²¹ Allowing e-cigarettes in workplaces and public places, however, could reverse this progress.²²

- By encouraging smokers to use e-cigarettes in places where they cannot smoke, e-cigarette marketing discourages quitting by offering smokers a way to get nicotine when they otherwise cannot.
- Allowing e-cigarette smoking in workplaces and public places will add to the re-glamorization of smoking that e-cigarette companies are attempting to achieve through their marketing efforts, which include many of the same tactics and themes that have addicted kids for decades.²³

Conclusion

Many questions remain about the potential impact of e-cigarettes on both users and non-users. The use of e-cigarettes in otherwise smoke-free places raises challenges for enforcement and has the potential to undermine the public health impact of smoke-free laws. Including e-cigarettes in smoke-free laws is the best policy for public health and the best policy to protect everyone's right to breathe clean air.

Electronic Cigarettes Should Be Included In Smoke-Free Laws

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