**Ban on Sale of Flavored Vape Products in Oregon**

**Talking Points for Use by Local Public Health Authorities**

**Updated October 17, 2019**

**SUMMARY TALKING POINTS**

**The temporary ban on the sale of flavored tobacco and cannabis vaping products took effect on October 15, 2019.** This follows Governor Kate Brown’s [Executive Order 19-09](https://drive.google.com/file/d/1U_EFAy1MUYGkWuU_sL0XF7SP1fIyjliH/view) in response to the rapid increase of youth vaping and the growing number of cases of vaping-related illness and death. The ban will be in effect for 180 days.

**There are three main points I’d like to share:**

1. **All retailers must stop selling** flavored vape products. We have information to help them follow the rule.
2. We urge anyone who uses vaping products to **stop immediately**. Free, confidential help to quit is available. People who have recently vaped and are short of breath, coughing, or have chest pain should seek immediate medical attention.
3. This ban is an important step to protect people’s health immediately. But we need **long-term policy change** that will protect youth and adults from these dangerous products.

**We have a website** that contains information for people who want to quit, retailers, health care providers, parents and more. That address is [healthoregon.org/vaping](http://healthoregon.org/vaping).

**TALKING POINT DETAILS**

**RETAIL ENFORCEMENT**

Here’s how retail enforcement will work:

* OHA is contacting all known tobacco retailers, and OLCC is contacting all licensed marijuana retailers with guidance on enforcing the ban. Downloadable signs and information on how to comply with the ban are available at [healthoregon.org/vaping](http://healthoregon.org/vaping).
* Retailers should not display flavored vaping products in a manner that indicates they are being offered for sale.
* (County/tribe) public health authorities will work with Oregon Health Authority (OHA) and Oregon Liquor Control Commission (OLCC) on inspections, including a “secret shopper” program with undercover visits to check for violations. Retailers who violate the ban will face fines, and OLCC registrants may face license suspension or revocation.
* OHA will not be seizing products as part of enforcement. Retailers should notify local law enforcement if anyone says they are enforcing the ban by seizing flavored vaping products.
* If your county or tribe is doing anything else, insert here.
* Members of the public who see a violation of the emergency rules should contact the Oregon Health Authority at 971-673-0984 for tobacco products or on [www.healthoregon.org/vaping](http://www.healthoregon.org/vaping), or the Oregon Liquor Control Commission at 503-872-5000 for cannabis products. OHA is also setting up an online reporting tool for members of the public who see a violation.
* Online sales of flavored vaping products to people in Oregon are also prohibited during the ban.

**SUPPORT TO QUIT**

Vaping or smoking anything is always dangerous for people’s lungs. We’ve been concerned about these products for a long time. The outbreak of acute lung injury makes now a perfect time to quit — not just during the ban but for good. Free, confidential help to quit vaping is available 24/7 through:

* **The Oregon Quit Line**: telephone and online counseling and materials. People 18 years and older can receive Nicotine Replacement Therapy patches or gum.
  + - English: 1-800-QUIT-NOW (1-800-784-8669) or [www.quitnow.net/oregon](https://www.quitnow.net/oregon/)
    - Spanish: 1-855-DÉJELO-YA (1-855-335-35692) or [www.quitnow.net/oregonsp](http://www.quitnow.net/oregonsp)
    - Native Quit Line for Alaska Indians and Native Americans: 1-800-QUIT-NOW (1-800-784-8669), then press “7”
    - TTY: 1-877-777-6534
* **This is Quitting,** powered by truth®: texting program for young people who vape. Text DITCHJUUL to 88709 or<http://www.thisisquitting.com/>.
* **Oregon’s Drug and Alcohol Helpline**: information, resources and treatment for alcohol or drug use. Call 800-923-4357 or text RecoveryNow to 839863.

We strongly encourage health care providers, parents, educators and others to learn how to recognize vape use, help spread the word and encourage people to quit.

* Tips are available on the website, [healthoregon.org/vaping](http://healthoregon.org/vaping).
* As of October 9, providers have been required to report any suspected cases of vape-related lung injury by calling (insert local reporting number).

*(Optional secondary message)* Both the vape cartridge and the lithium-ion battery require careful disposal due to their risk to children, domestic pets and wildlife.

* For safe disposal in (county/tribe), (insert information if known/available, otherwise delete this paragraph).
* More information about safe disposal from the Department of Environmental Quality is available at [healthoregon.org/vaping](http://www.healthoregon.org/vaping).

**PREVENTION**

We need **stronger action** that will protect youth and adults from these dangerous products for the long-term.

* Here in (county/tribe), we’re working on (insert policy priorities).
* The emergency rules are temporary. This pause in flavored sales is a chance for us, as a community, to decide how we want to protect people in (county/tribe) once the ban is no longer in place.
* As part of her Executive Order, Governor Brown tasked OHA and OLCC to develop legislative proposals with long-term solutions to address youth vaping and lung injury. She also called on the FDA to regulate flavored vaping products.

**BACKGROUND FACTS**

* Governor Kate Brown’s [Executive Order 19-09](https://drive.google.com/file/d/1U_EFAy1MUYGkWuU_sL0XF7SP1fIyjliH/view) is in response to the rapid increase of youth vaping. Among Oregon high school students who use e-cigarettes exclusively, nearly 90 percent use flavored e-cigarette products.
  + The rate of youth nicotine vaping in (county/tribe) is (insert percentage from Oregon Tobacco Facts and/or share your county or tribal fact sheet).
* The ban also addresses the growing number of cases of vaping-related illness and death. As of October 8, 2019, Oregon has identified nine people who have suffered serious respiratory illnesses linked to vaping, including two deaths.
  + (If people have been affected in your county or tribe, please note.)

**Q&A**

***How can you tell if a teen or other person may be vaping?***

Here are some common signs of vaping:

* Changes in behavior or mood swings.
* Trouble concentrating.
* Sweet or fruity smells on clothing or other personal items.
* Physical symptoms, like frequent headaches, nausea, fatigue, coughing, feeling short of breath or having intense food cravings that won’t go away.
* Unfamiliar school supplies or tech products (many vaping devices look like USB drives or other easy-to-conceal items).

***Why does the ban cover only flavored vape products?***

The Governor’s first priority is protecting kids. Youth use of vaping products went up nearly 80 percent from 2017 to 2019, and we know that flavors are a key reason that youth and young adults start vaping. Taking flavors off the market will substantially reduce the number of people, including youth, who use these dangerous products.

***If OHA’s inspection is completed before the 180 days are up, will these products go back on the market?   
If these products are found to be safe before the 180 days are up, will they go back on the market?***

Vaping or smoking anything is always dangerous for people’s lungs. Understanding what is causing lung injury now is a priority. But even when we know that, these products are not safe. Our understanding is that the ban will remain in place for the full 180 days.

***Isn’t vaping safer than smoking?***

* Vaping or smoking anything is always dangerous for people’s lungs.
* Most e-cigarettes contain nicotine—the addictive drug in regular cigarettes, cigars and other tobacco products. Many teens do not realize this.[[1]](#footnote-1)
  + Nicotine can harm the developing adolescent brain, especially the parts of the brain that control attention, learning, mood and impulse control.
  + Using nicotine in adolescence may also increase risk for future addiction to other drugs.
  + Many young people who use e-cigarettes also smoke cigarettes. More and more evidence shows that young people who use e-cigarettes are likely to smoke cigarettes in the future.
* It is difficult for consumers to know what e-cigarette products contain. The e-cigarette aerosol that users breathe from the device and exhale can contain harmful and potentially harmful substances, including nicotine, ultrafine particles, cancer-causing chemicals and heavy metals.[[2]](#footnote-2)

***Many people use vape to quit smoking cigarettes. What are they supposed to do?***

Vape is not an FDA-approved way to quit. Vaping carries risks of nicotine addiction. The best way to quit is through counseling and tested, regulated medications like nicotine replacement therapy patches or gum. Both are available free from the Oregon Quit Line. All health insurance plans also offer support to quit tobacco.

Research has shown that using e-cigarettes can make it less likely that people who smoke will quit for good.[[3]](#footnote-3)

***What’s to keep people from just ordering vape products online, driving to another state or buying on the illicit market?***

Online sales in Oregon are also banned. Washington and California both have bans in place. We strongly encourage against purchasing any unregulated products as they may carry an even stronger risk of lung injury.

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1. CDC: Quick Facts on the Risk of E-cigarettes for Kids, Teens and Young Adults. https://www.cdc.gov/tobacco/basic\_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html [↑](#footnote-ref-1)
2. CDC, ibid [↑](#footnote-ref-2)
3. Kalkhoran, Sara et al. “E-cigarettes and smoking cessation in real-world and clinical settings: a systematic review and meta-analysis.” The Lancet Respiratory Medicine, Volume 4, Issue 2, 116 - 128. Published Online: 14 January 2016 (as cited on OHA E-Cigarette Fact Sheet). [↑](#footnote-ref-3)