Texas Must Improve on Recent Federal Action to Address E-cigarettes

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January 6, 2020

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In the effort to curb e-cigarette use among Texas youth, 2019 provided many reasons to celebrate. The Texas Legislature, U.S. Congress, and the Food and Drug Administration took bold actions, raising the minimum age of sale for tobacco and e-cigarettes to 21 and restricting the sale of many flavored e-cigarettes. However, we still have a great deal of work left to regulate and enforce restrictions on these harmful products.

The Texas Public Health Coalition is pleased new federal regulations now prohibit most flavors of small cartridge-based vaping devices, like JUUL. However, we are concerned menthol flavored e-cigarette cartridges will remain on the market, along with all flavors of e-liquid used in refillable e-cigarettes.

Exempting certain flavored e-cigarettes offers the tobacco industry a clear loophole to continue targeting Texas children with addictive products. In 2019, 64% of high school e-cigarette users used mint or menthol flavored products, a 51% increase since 2017.1 One in six middle and high school e-cigarette users say they obtained e-cigarettes from a vape shop in the past month, where any flavor of e-liquid can continue to be sold.2 While state and federal Tobacco 21 laws are a meaningful step toward restricting sales to youth, strict enforcement of age restrictions is necessary, especially if stores can continue stocking flavored products with well-documented appeal to children.

The Texas Legislature can and should take additional steps to keep tobacco and e-cigarettes out of the hands of Texas youth, including:

1. **Banning all characterizing flavors** – including menthol – in all tobacco products, including e-cigarettes.
2. **Increasing taxes on conventional cigarettes and imposing an excise tax on e-cigarettes** that achieves parity with combustible cigarettes. Use tax revenue for additional evidence-based tobacco cessation programming at the Texas Department of State Health Services and retail enforcement activities.
3. **Strengthen enforcement measures** on all tobacco and e-cigarette retailers to ensure compliance.

It is our coalition’s priority to ensure Texas children are healthy and safe. With the help of the Texas Legislature, we can improve on the federal government’s recent action and signal clearly to the tobacco industry that Texas does not welcome their efforts to addict children to nicotine.

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References updated January 8, 2020