

HEALTH FACT SHEET

TRENDS IN YOUTH TOBACCO USE: STATE AND SCHOOL TOBACCO POLICIES



Updated October 2020

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.^{1,2,3,4,5,6,7}



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.⁸ 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.⁹ 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.¹⁰

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.”¹¹

- ENDS are not currently subject to state tobacco control provisions including taxes.
- In 2017, legislation passed that prohibits the use of ENDS in schools.¹²
- 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.¹³
- 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

¹ Rhode Island Department of Elementary and Secondary Education. *Rhode Island Department of Education: Comprehensive health instructional outcomes*. (2015) Providence, RI: Rhode Island Department of Elementary and Secondary Education.

² Roberts, C., Boles Welsh, E., Collins, E., & Pearlman, D.N. (2013). *2013 Tobacco Control Program data report: Adult tobacco use in Rhode Island*. Providence, RI: Rhode Island Department of Health.

³ State of Rhode Island, Division of Taxation. 2017.

^{4,11} Rhode Island General Law 11-9-13.4.

⁵ House Fiscal Advisory Staff, (2017). *Budget as enacted: Fiscal Year 2018*. Providence, RI: Rhode Island House of Representatives.

^{6,12,17} Rhode Island General Law 23-20.9.5.

^{7,13} Rhode Island General Law 23-20.10.

⁸ 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.

⁹ U.S. Food and Drug Administration. (2018). *FDA takes new steps to address epidemic of youth e-cigarette use*. [Press release]. Retrieved from www.fda.gov

¹³ U.S. Food and Drug Administration. (2020). *FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint* [Press release]. Retrieved from www.fda.gov

¹⁴ American Academy of Pediatrics. (n.d.). *Tobacco to 21: An easy way to save young lives*. Retrieved August 1, 2017, from www.aap.org

¹⁵ *Public health implications of raising the minimum age of legal access to tobacco products*. Washington, DC (2015): Institute of Medicine of the National Academies.

¹⁶ *Preventing tobacco use among youth and young adults: A report of the Surgeon General: Executive summary*. (2012). Atlanta, GA: U.S. Department of Health and Human Services.

¹⁸ Rhode Island General Law, and schools are required to post this signage. 16-2-17.1.

¹⁹ Rhode Island Department of Education, 2016-2017 and 2017-2018 school year.



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We'd like to thank CVS Health for its support of this publication.