

Electronic Smoking Device Use in Multi-Unit Housing (MUH)

What is an electronic smoking device (ESD)?

ESDs are battery operated devices that often contain a mixture of liquid nicotine, propylene glycol and flavor. There are many types of ESDs including e-cigarettes, e-hookahs, e-pipes, vapes, JUULs, hookah pens, vape pens, and personal vaporizers. When the mixture, called “e-juice,” is heated, it produces a nicotine aerosol that is inhaled. Although the long-term health impact of ESD use is still unknown, there is a growing body of evidence that ESD use can have harmful health impacts.



ESDs have changed in the last decade. Early ESDs were made to resemble conventional cigarettes. The newest versions are sleek and look like phones, flash drives, or other gadgets.

Almost all ESD e-juice cartridges contains nicotine and come in a multitude of flavors including menthol, fruit medley, cotton candy, and flavors that imitate popular candy brands. Similar to conventional cigarettes, ESD aerosol has been found to contain heavy metals, carcinogens, silicate, and nanoparticles (which can go deep into the lungs).^{1,2}

Who uses ESDs?

ESD use and sales are increasing rapidly, and youth are disproportionately more likely to use ESDs than other groups.³ ESDs are also popular among people seeking an alternative to conventional cigarettes that they perceive to be safer. They also appeal to those who desire to smoke in places where conventional cigarette use is prohibited.

Are ESDs regulated?

The US Food and Drug Administration (FDA) only recently began regulating ESDs. The new restrictions prohibit sales to minors under the age of 18, require manufacturers to register with the FDA, prohibit sellers from making claims that their products are less harmful than cigarettes, require manufacturers to submit ingredient lists for e-liquids, and require warning labels on ESDs and liquids.⁴ Some states and municipalities nationwide also include ESD use in their local clean indoor air laws.

What are the health effects of ESD use?

ESDs are designed to deliver high amounts of nicotine to the user. Often, ESDs deliver more than two times the amount of nicotine approved by the FDA for smoking cessation aids.⁵ Nicotine is a highly addictive stimulant that can increase blood pressure and heart rate.⁶ Many of the ingredients found in ESDs are known to be dangerous to human health. These ingredients can cause: lung and cardiac inflammation, cancer, and cell damage.

Why would MUH managers include ESDs in a smoke-free policy?

MUH managers are increasingly including ESDs in a smoke-free policy to protect the health of their residents and staff; reduce the potential risk of fire due to ESD explosion; avoid policy and enforcement confusion between combustible smoking products and ESDs; protect children and pets from accidentally ingesting sweet or fruity flavored e-juice; protect the property from vaping residue; and promote an overall culture of health within the building.



What options do MUH managers have for regulating ESD use?

There may already be local or state laws in your area that prohibit ESD use in some or all places within multi-unit housing. Check clean indoor air laws in your area to see if there are any that might apply to your full or partial property (like the common areas). A property manager or owner can also modify a lease to prohibit the use of ESDs in an apartment building by changing the definition of “smoking” and specifically defining “electronic smoking device.” Sample language is provided at the end of this document.

If the property owner or manager currently has a lease with a smoke-free provision or addendum, the changes can be added at lease renewal. Similar to the initial addition of smoke-free language, the new ESD provision can be phased in as longer-term leases come up for renewal, or a specific date can be set for month-to-month leases or residents who voluntarily agree to the new term prior to the renewal of their lease.

Discrimination

The use of FDA-approved nicotine replacement therapy products (NRT) for smoking cessation (like the patch or gum) are usually allowed in locations where smoking is prohibited. ESDs are NOT an FDA-approved NRT. Therefore, it is most likely NOT discriminatory to prohibit the use of ESDs while permitting the use of other NRT products.

Sample definition language to include in your lease addendum:

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. “Smoking” also includes the use of an electronic smoking device.

“Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.

References

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6. Benowitz, N, Burbank, A. (2016). Cardiovascular Toxicity of Nicotine: Implications for electronic cigarette use. *Trends in Cardiovascular Medicine* 26(6), 515-523.



“blu” is a brand of ESD manufactured by Lorillard, the company that makes Newport cigarettes. It is purposefully designed to look different than a conventional cigarette for use in places with smoke-free policies.