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Headline: Legislation to Regulate E-Cigarettes Is Facing Stiff Resistance in California

Report/Produced By: Erika Kelly  
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Text:

Electronic-cigarettes are growing more and more popular, but unlike traditional cigarettes, they are subject to few rules or regulations. Health experts and policymakers say that needs to change. A bill in the California Legislature would ban e-cigarettes in many public places. But that and other regulatory efforts are getting pushback from e-cigarette users, vape shop owners and tobacco companies. This is a report for *California Healthline*, a daily news service of the California HealthCare Foundation. I'm Erika Kelly.

At a tiny storefront in San Mateo, Zach Shpizner takes a drag off his e-cigarette.

**(sound of vaping)**

It's called vaping, and you can see why, as he exhales a large cloud of white vapor into the air. Shpizner works here at the Vapor Cave, a small shoebox of a store that caters to e-cigarette users.

**(sound of vaping)**

***(Shpizner): "I would like to think of it as a premier vapor shop here in San Mateo, California, where we provide both devices and liquids for cigarette replacement."***

The walls are lined with bottles upon bottles of e-liquid. The liquid goes into e-cigarettes, heated up and turned into that white vapor. The primary ingredients are propylene glycol or glycerine. Some contain varying levels of nicotine. And they come in a range of flavors. About 150 of them in this shop alone.

***(Shpizner): "Our biggest seller has been one that's a Fruit Loops and milk flavor. And it is unique, but it is really delicious."***

He's also really excited about a flavor called Carnage.

***(Shpizner): "And that's a Red Vines flavor. Red Vines licorice. It is just spot-on. You can like feel the little bits of licorice breaking up in your mouth as you vape it."***

Shpizner says the Vapor Cave's customers range from newbies to serious smokers, who are looking for a less toxic alternative to traditional cigarettes.

***(Shpizner): "All the way up to people who say, 'I'm smoking three cartons a day, and I need to get off of that now.' "***

The Vapor Cave and its customers are part of a booming industry, with an estimated \$2.5 billion in sales in 2014. And as the industry has grown, so have the concerns among health experts and policymakers.

***(Leno): "Here in California, we are at risk of losing 25 years and \$2 billion in investment as to educating Californians to the health risk of nicotine products."***

That's why State Sen. Mark Leno (D-San Francisco) says he's backing SB 140. The bill making its way through the Legislature would classify e-cigarettes as a tobacco product. That means they would be banned in all the same places as regular cigarettes. Places like restaurants, schools and public transit.

***(Leno): "What we're doing here is not banning any part of the industry, just regulating it as the tobacco product that it is."***

SB 140 is designed in part to cut down on e-cigarette use among kids. The CDC released a report earlier this year, showing that between 2013 and 2014, the number of middle- and high-schoolers who had tried an e-cigarette in the previous month, tripled. To help control that trend, SB 140 would classify e-cigarettes under California's STAKE Act, the law that polices tobacco sales to kids.

***(Leno): "There can be sting operations, and youth can be used in sting operations."***

But opponents argue the licensing and penalties that come along with the STAKE Act would be a burden for California's many small vape shops. Stephan Didak is with the Northern California Chapter of the Smoke Free Alternatives Trade Association. He says the STAKE Act is meant for traditional cigarettes.

***(Didak): "Specifically designed because of the harm and disease that was being caused by tobacco use. Vapor products do not fit that same category."***

Didak argues that vaping should be excluded from some tobacco regulation and allowed in more public places than regular smoking, because it's less harmful. Many people report that e-cigarettes helped them kick their cigarette habit. A long queue of bill opponents lined up to oppose SB 140 at a recent hearing in Sacramento.

***(Williams): "Bobby Williams. I am a small mom-and-pop shop business owner. I do oppose this bill, and this has kept my wife off of smoking for***

***the last two years. I love this product. It has saved so many lives, I believe."***

E-cigarettes can, in fact, be less harmful than traditional cigarettes. Take it from Stanton Glantz. He's a professor of medicine at UC-San Francisco, and director of the Center for Tobacco Control Research and Education.

***(Glantz): "There's no question that if you were an established smoker who switched entirely to e-cigarettes, you're going to be exposing yourself to lower levels of toxins."***

Glantz has heard the success stories and believes them. But so far, research doesn't support e-cigarettes as a reliable method for quitting.

***(Glantz): "The overwhelming pattern of use among e-cigarettes users, both among adults and among kids, is to keep them smoking ... cigarettes, and to discourage quitting."***

And just because they're somewhat less harmful than traditional cigarettes, Glantz says, doesn't mean they're without harm. He thinks e-cigarettes should be classified as tobacco products, as proposed under SB 140, and should be banned in public spaces. Secondhand vapor includes toxics such as formaldehyde, lead and benzene.

***(Glantz): "It's dangerous. It includes nicotine, it includes a lot of other chemicals. And there are studies that have been done that show bystanders absorb those toxic chemicals. And people shouldn't have to be exposed to that stuff."***

Glantz is a longtime anti-tobacco activist, and critic of big tobacco companies. He's wary of their growing presence in the e-cigarette business.

***(Glantz): "They're putting hundreds of millions of dollars into marketing these products. And they're doing everything they can to take control of the market and squash the vape shops."***

Tobacco company representatives haven't yet testified against SB 140, and they haven't submitted letters stating their opposition. But that doesn't mean they're not making their voices heard, says Tim Gibbs with the American Cancer Society Cancer Action Network.

***(Gibbs): "Every indication we have is that the tobacco companies are opposing, that they are feverishly working against SB 140."***

Public filings show tobacco companies are actively lobbying around SB 140 and other tobacco control legislation. In the first quarter of this year, Altria spent \$121,000 on lobbying. And R.J. Reynolds spent more than \$93,000.

A bill similar to SB 140 died in the last legislative session. But Gibbs says it has more momentum this year.

***(Gibbs): "Every newspaper in California has editorialized in favor of SB 140. It's got bipartisan support."***

But that's no guarantee. If the bill gets approval in the state Senate, it could land in the Assembly's Committee on Governmental Organization. There, Gibbs says, tobacco bills have faced a tough road. State records show many of the committee members have received campaign donations from tobacco companies.

Still, no matter the bill's fate, the growing e-cigarette business is facing a future with more scrutiny and more regulation.

This has been a report for *California Healthline*, a daily news service of the California HealthCare Foundation. If you have feedback or other issues you'd like to have addressed, please email us at [CHL@CHCF.org](mailto:CHL@CHCF.org). I'm Erika Kelly, thanks for listening.