



A Breath of Fresh Air: Reducing Youth Vaping in Tennessee

A report by TACIR
(Tennessee Advisory Commission on Intergovernmental Relations)
January 2025

Overview

Public Chapter 937, Acts of 2024

- the effects of vaping and the use of all vapor products by persons under twenty -one years of age
- initiation of vapor product usage
- health outcomes
- enforcement of underage sales
- best practices to address usage on school grounds
- taxation
- access to cessation products and services
- identify the prevalence of vaping among the under twenty -one population, demographics and usage trends

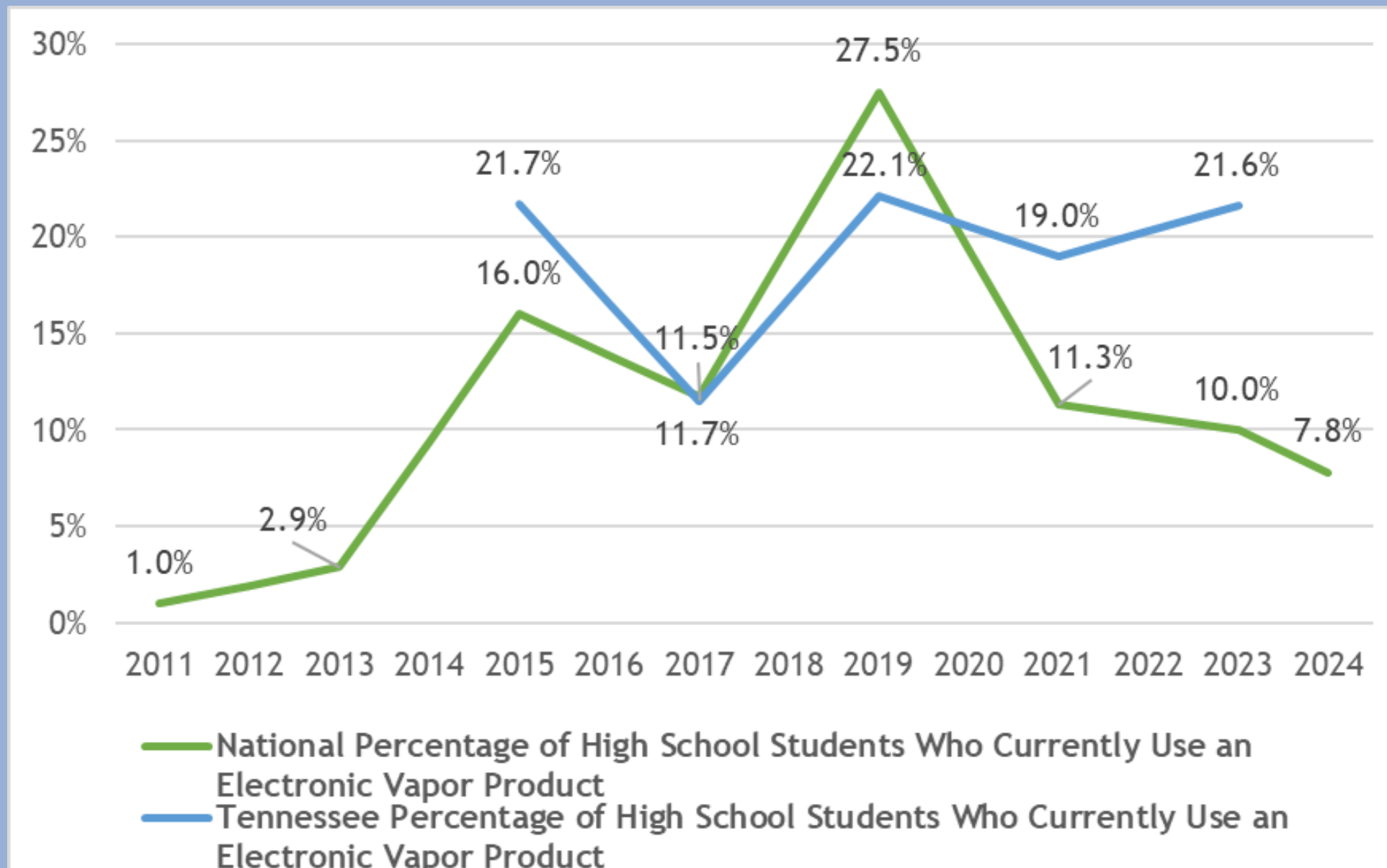


Why is youth vaping an issue?

“Vaping is substantially less harmful than smoking, so the message is clear, if the choice is between smoking and vaping, choose vaping. If the choice is between vaping and fresh air, choose fresh air.”

- Vaping increases the risk of various diseases like cardiovascular disease, COPD, and cancer, though generally less than smoking, at least in the short and medium term.
- Increased risk of EVALI, nicotine addiction, respiratory problems, and adverse effects on brain development, especially in youth.
- Combining vaping and smoking, otherwise known as dual use, significantly increases health risks.
- Vaping products may contain harmful chemicals that can damage the lungs.
- However, the long-term health consequences of vaping are still uncertain.

Comparison of National and Tennessee High School Usage of Electronic Vapor Products, 2011 to 2024

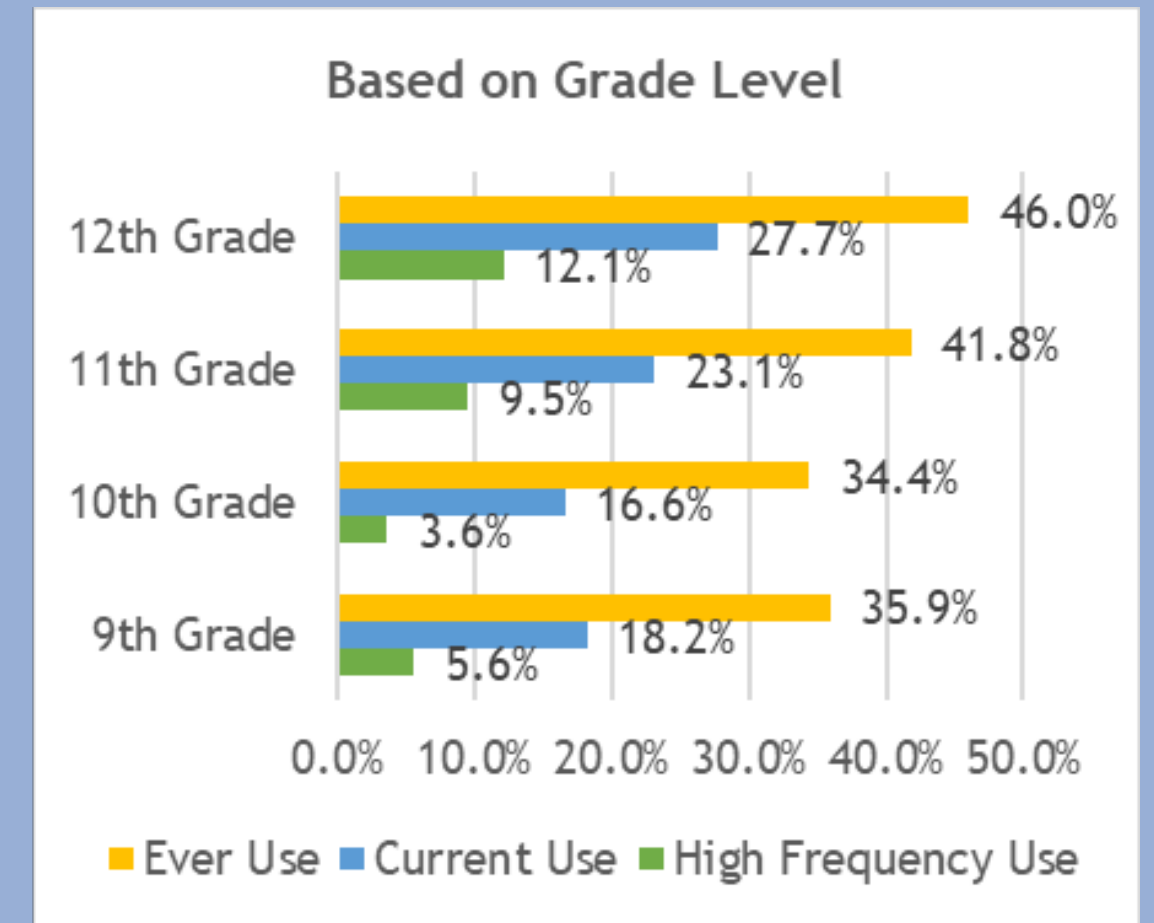
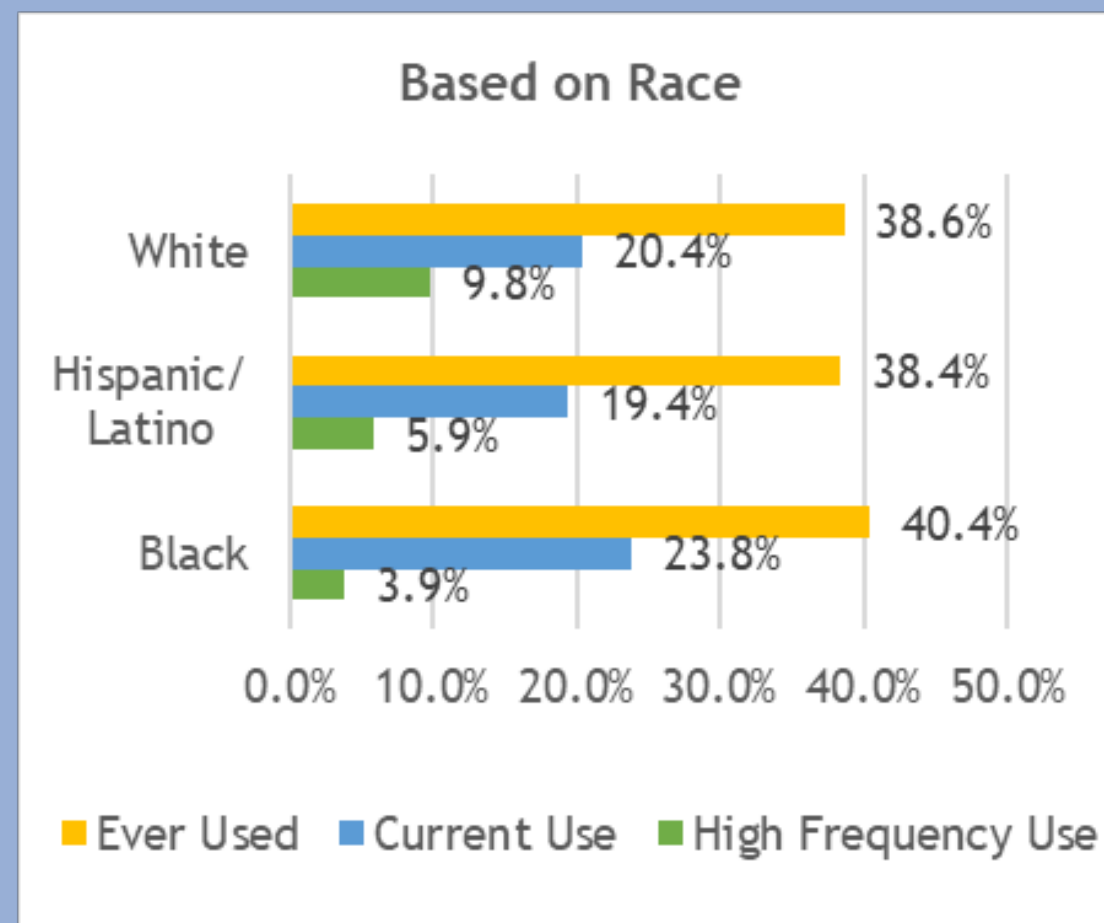
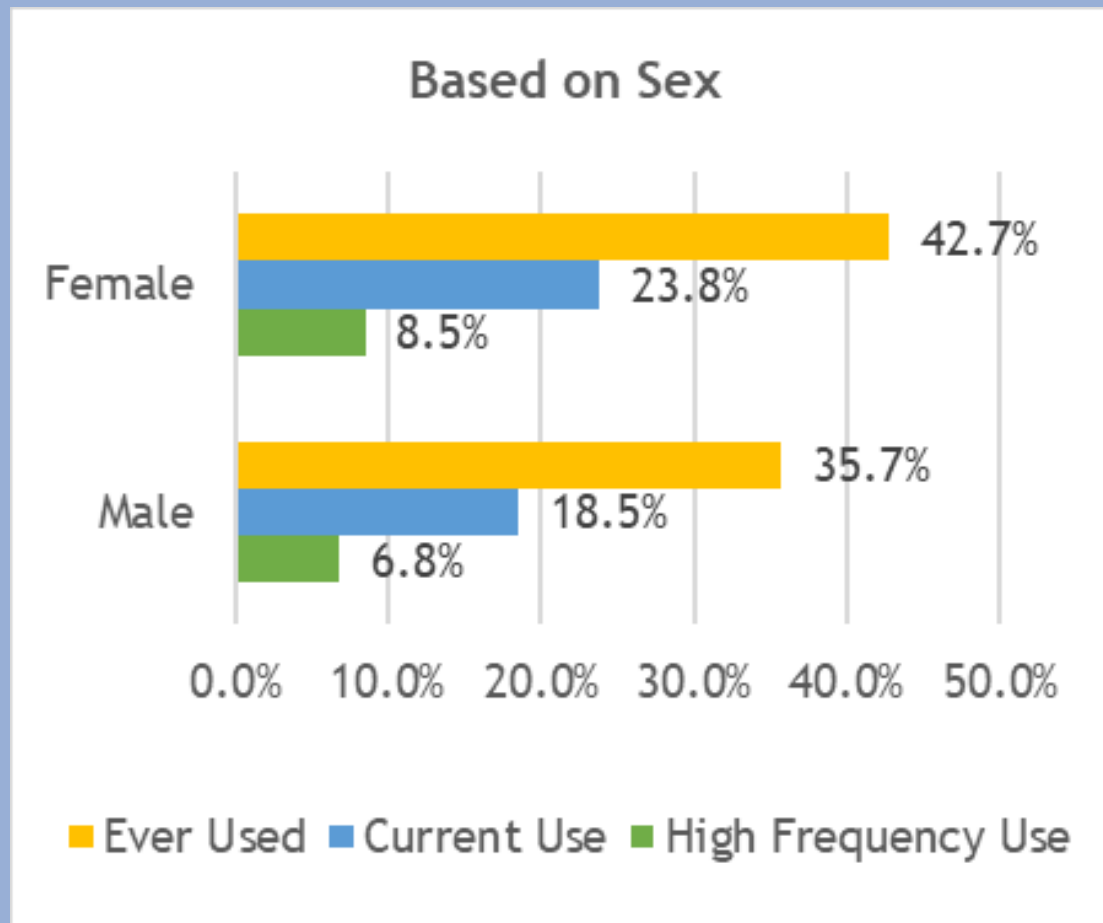


Source: Tennessee Department of Education 2024; Centers for Disease Control 2016b; Centers for Disease Control 2018b; Centers for Disease Control 2018c; Center for Tobacco Products 2019; Center for Tobacco Products 2021; Centers for Disease Control 2023b; and US Food and Drug Administration 2024e.

Prevalence

- Youth vaping in Tennessee is higher than the national average.
- In 2023, 21.6% of Tennessee high school students reported vaping, compared to 10% nationally.
- A dip in vaping rates in 2017 coincided with the implementation of the Deeming Rule.
- Youth vaping surged again from 2017 to 2019 in part because of the popularity of JUUL products.
- National rates have since declined further, reaching 7.8% in 2024 (Tennessee rate is not yet available for 2024).

Vaping Prevalence of Tennessee High School Students Based on Sex, Race, and Grade Level, 2023

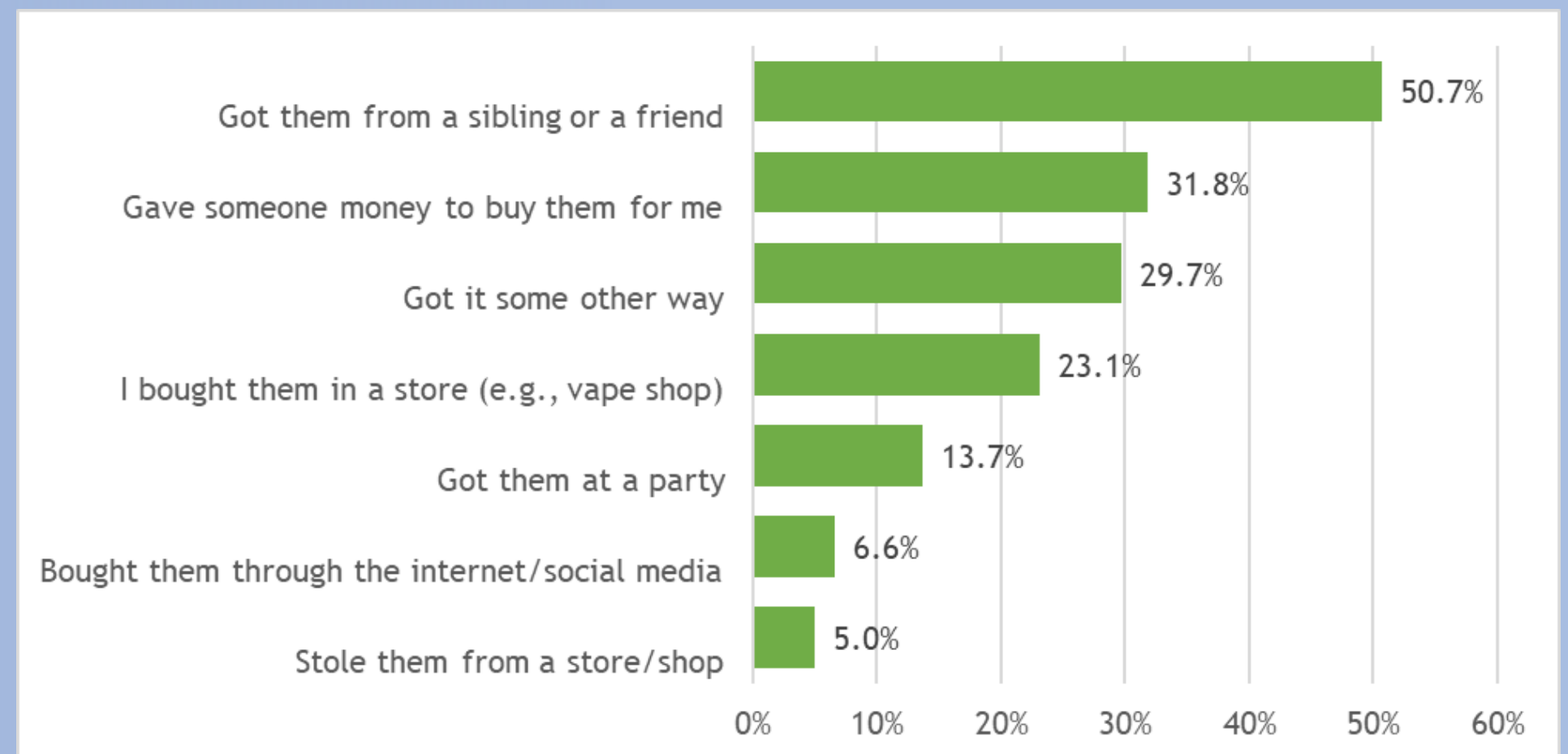


Source: Tennessee Department of Education 2024.

What influences youth vaping initiation?

- Vapor products are easier to access than cigarettes, according to students.
- The number of vape shop entities is increasing.
- Young people are influenced to vape by friends and family.
- Young people initiate vaping for a variety of reasons but rarely to stop smoking cigarettes.
- Young people who vape are more likely to start smoking cigarettes than young people who do not vape.

Tennessee Students' Sources for Obtaining Vaping Devices
2023



*Note: Students were able to select more than one source, so percentages sum to more than 100%.
Source: Tennessee Department of Mental Health and Substance Abuse Services 2024a.*

Existing Policy

Federal Level:

- The FDA regulates vapor products under the Tobacco Control Act.
- Federal law prohibits the sale of tobacco and vapor products to individuals under 21.

State Level (Tennessee):

- Tennessee has enacted Tobacco 21 legislation.
- Synar Program: The state conducts compliance checks using secret shoppers.
 - Challenges include recruiting shoppers and inspecting all relevant stores.
 - Compliance rates vary, but some stakeholders believe increased inspections are needed.
 - Fines are imposed on retailers who sell to minors.

Local Level:

- Local Ordinances: Many localities have enacted their own regulations, like bans on vaping in parks and age -restricted venues similar to the Nonsmoker Protection Act.



Consensus on Harm, Disagreement on Solutions

Taxing Vapor Products:

- Reduce youth and adult vaping, generate revenue for prevention programs.
- May lead to unintended consequences like increased black -market activity or switching to cigarettes.
- Health advocates support parity with cigarette taxes, but vape shops oppose high taxes, arguing they would disproportionately affect adult users.

Comprehensive Smoke -Free Laws:

- Reduce exposure to secondhand vapor, discourage youth initiation by making vaping less visible and accessible.
- Health advocates strongly support expanding Tennessee's current law.

Flavor Bans:

- Reduce appeal to youth by restricting access to attractive flavors.
- Primarily affect adult users who also enjoy flavored products.
- Vape shops oppose flavor bans because they decrease sales to adults and not just minors.

Vapor Product Directories:

- Potentially limit the availability of unapproved or harmful products and could be used to implement flavor bans.
- May be difficult to administer and maintain because of the complexities of FDA regulations.
- Stakeholder disagreement exists, with convenience stores generally supportive and vape shops opposed.

Estimated Percentage Decrease in Youth Vaping Based on Tax Structure, Fiscal Year 2022 - 23

Type of Tax	Tax Rate	Estimated % Decrease in Youth Vaping	Estimated Tax Revenue, Fiscal Year 2022-23
Wholesale Tax	5%	0% to 9%	\$6.7 million to \$7.3 million
	10%	0% to 17%	\$12 million to \$15 million
	15%	1% to 26%	\$16 million to \$22 million
Per mL tax on closed systems; percentage of price tax on open systems (bifurcated)	\$1 per mL (closed); 5% (open)	0% to 6%	\$15 million to \$16 million
	\$2 per mL (closed); 10% (open)	0% to 11%	\$29 million to \$32 million
	\$3 per mL (closed); 15% (open)	1% to 17%	\$41 million to \$48 million
Retail Tax	5%	0% to 9%	\$9 million to \$10 million
	10%	1% to 17%	\$17 million to \$20 million
	15%	1% to 26%	\$22 million to \$30 million

Source: Staff analysis based on elasticity estimates, estimates of the number of people who vape in Tennessee, and other estimates.

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TACIR Report Recommendations

1. The General Assembly require vapor product retailers to check the ID of all purchasers, regardless of age (i.e., universal carding).

2. The General Assembly establish licensing for vapor product retailers.

3. The General Assembly increase consistent and recurring funding for the Tennessee Department of Health's Tobacco Use Prevention and Control Program to expand existing prevention and cessation efforts in Tennessee.

4. The Tennessee Department of Education require school districts to report more specific substance abuse information, including vaping offenses, in their annual discipline reports.

Universal Carding

- Federal and Tennessee law requires retailers to check IDs of individuals purchasing vapes who are under the age of 30.

Tennessee Precedent

- Representatives for convenience stores say that universal carding, which was implemented for carryout beer purchases in Tennessee in 2006, was successful in reducing underage access to alcohol by one-quarter.
- The law was subsequently expanded to include all alcohol products, and advocates say it helps deter underage purchases by taking the judgment call of who to card away from the clerk.

Louisiana

- Since 2021, Louisiana has required ID checks for all vapor product purchases.
- Data from the state show a decrease in vaping in the past 30 days among young adults from 28.9% in 2022 to 21.6% in 2023 but an increase among high schoolers from 24% in 2021 to 30% in 2023.

Retail Licensing

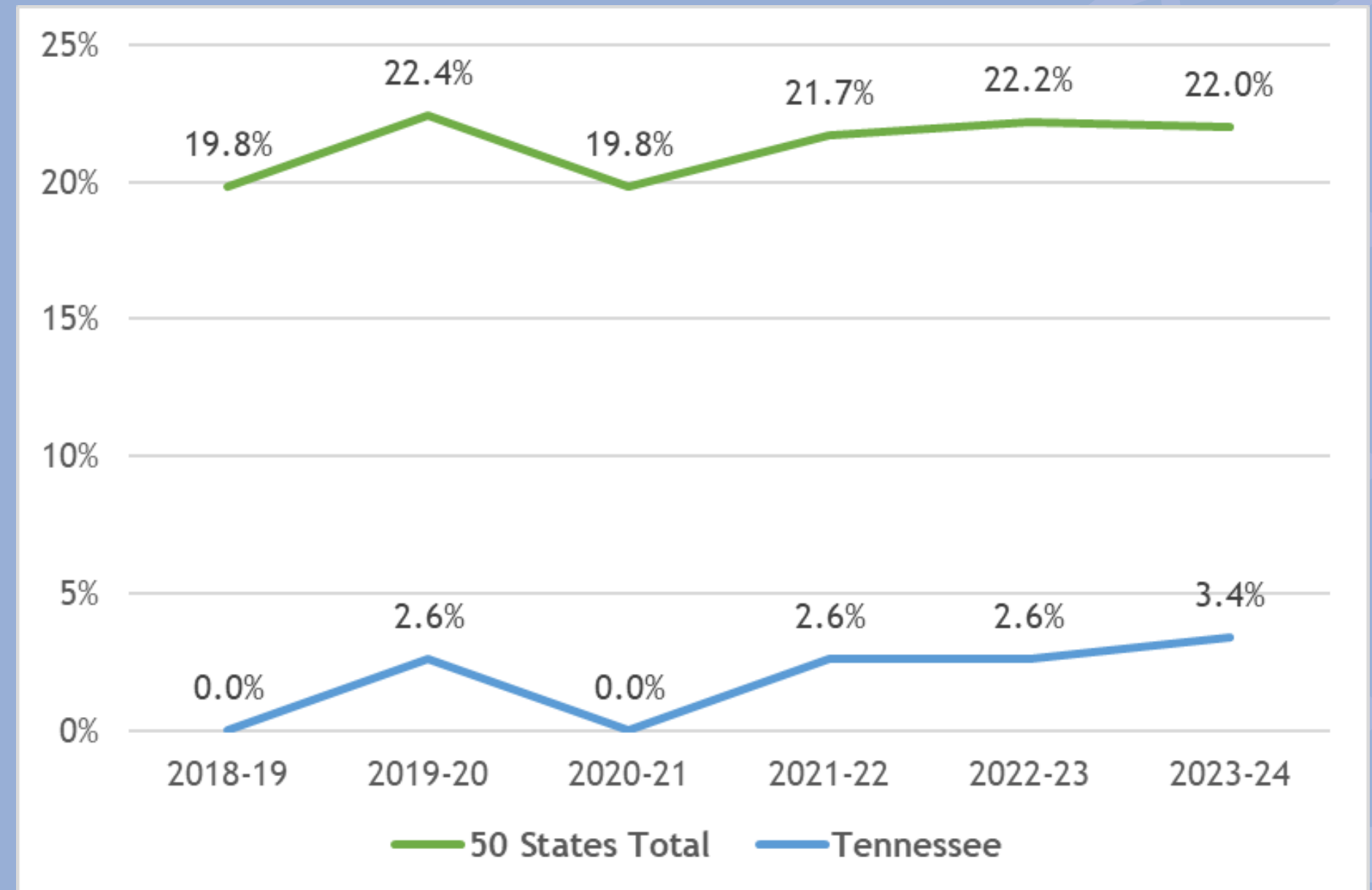
- Tennessee lacks a licensing system for vapor product retailers.
- Research indicates retail licensing could be effective for reducing youth vaping in Tennessee.
- Licensing could improve enforcement, by helping identify retailers for the state's Synar inspectors, who may not be aware of many vape shop locations in Tennessee, and improve compliance with underage sales laws.
- Revenue could be generated from licensing fees to enhance enforcement and program administration.
- Staff of the Department of Health say vapor product retail licensing should also include tobacco products and any other products that contain nicotine.

Prevention and Cessation Programs

- Evidence shows that prevention and cessation programs are highly effective in reducing youth vaping.
 - For example, CATCH My Breath, decreased youth initiation of e-cigarette use by 46%, according to one study. CATCH My Breath emphasizes peer-led activities to empower students with avoidance, refusal, and exit strategies.
 - Another study found that a cessation program, Not On Tobacco (NOT), doubled the likelihood of quitting. Not On Tobacco (NOT) teaches self-management, stress management, and techniques to manage nicotine dependency, and family and peer pressure.

Prevention and Cessation Programs

- Tennessee underfunds its Tobacco Use Prevention and Control Program compared to CDC recommendations.
- Studies show a strong link between increased state funding and reduced youth vaping rates.
- Every 50% increase in state funding of control programs decreased youth vaping by 7.46%, according to one study.
- Based on that study, increasing Tennessee's funding to 22% of CDC's recommendation, to \$16.6 million per year, could lead to around a 30% decrease in youth vaping in Tennessee.

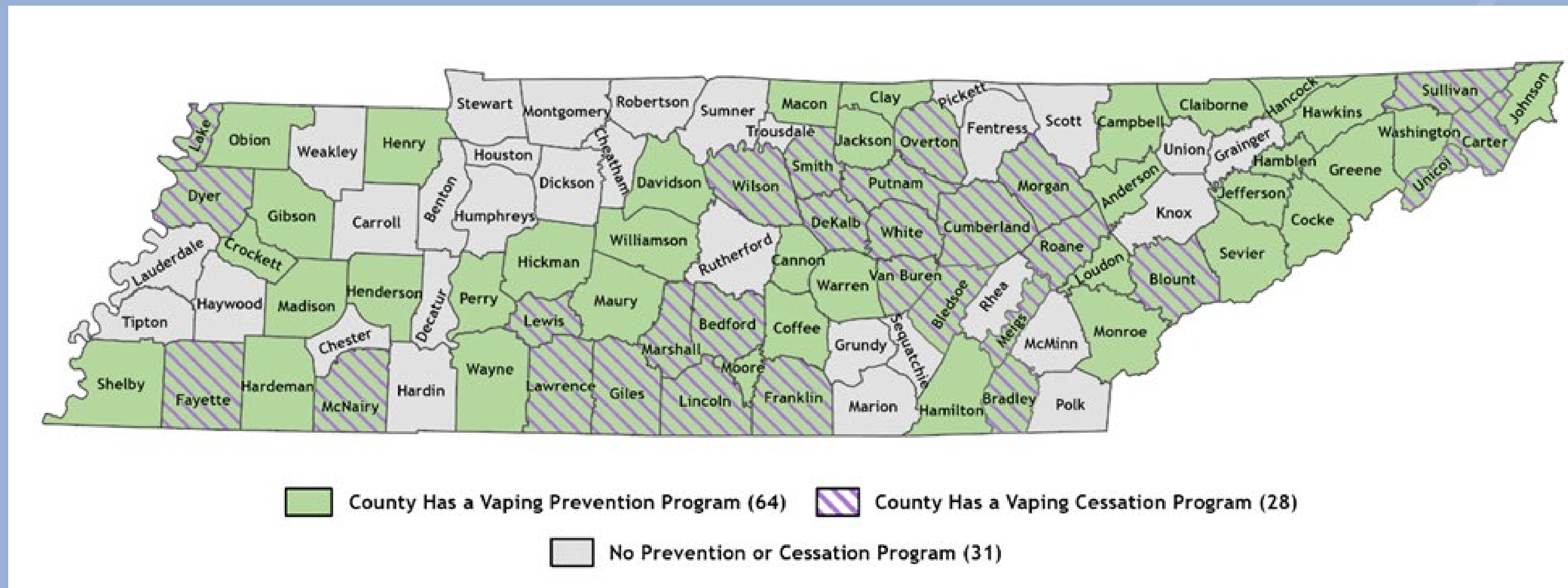


Source: Campaign for Tobacco

-Free Kids 2024b.

Prevention and Cessation Programs in Tennessee's 95 Counties, 2024

Many Tennessee counties lack programs, especially cessation programs.



Note: Local governments and others may be doing more than what is reported here.

Source: Email correspondence with staff of the Tennessee Department of Health's Tobacco Use Prevention and Control Program, October 1, 2024.

October 1, 2024.

School District Disciplinary Data

- School districts already collect data concerning vaping incidents on school grounds, though such data is only reported to the Department of Education in general terms and does not separate vaping from similar incidents like substance use.
- More detailed disciplinary data would provide policymakers with better information on:
 - which substances are being abused most often;
 - where to focus enforcement, prevention, and cessation efforts; and
 - where to aid future research.



Thank you

For more information, visit: www.tn.gov/tacir