

E-Cigarette and Vape Use in Multi-Unit Housing (MUH)

What are e-cigarettes and vapes?

E-cigarettes and vapes, sometimes called electronic smoking devices (ESDs), are battery operated devices that often contain a mixture of liquid nicotine, propylene glycol and flavor. There are many types of e-cigarettes and vapes, including e-hookahs, e-pipes, 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 e-cigarette use is still unknown, there is a growing body of evidence that it is harmful.



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

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

Who uses e-cigarettes and vapes?

E-cigarette use and sales are increasing rapidly, and youth are disproportionately more likely to use e-cigarettes and vapes than other groups.³ E-cigarettes 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 e-cigarettes and vapes regulated?

The U.S. Food and Drug Administration (FDA) only recently began regulating e-cigarettes and vapes. 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 e-cigarette products and liquids.⁴ As of August 1, 2019, e-cigarette and vape use in Minnesota is prohibited in indoor public places, including common areas of rental apartment buildings, in accordance with the Minnesota Clean Indoor Air Act.

What are the health effects of e-cigarette and vape use?

E-cigarettes and vapes are designed to deliver high amounts of nicotine to the user. Often, e-cigarettes 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 e-cigarettes are dangerous to human health. These ingredients can cause: lung and cardiac inflammation, cancer, and cell damage.

Why would MUH managers include e-cigarettes and vapes in a smoke-free policy?

MUH managers are increasingly including e-cigarettes and vapes in a smoke-free policy to protect the health of their

residents and staff; reduce the potential risk of fire due to e-cigarette explosion; avoid policy and enforcement confusion between combustible smoking products and e-cigarettes; protect children and pets from accidentally ingesting sweet or fruity flavored e-juice; protect the property from residue; and promote an overall culture of health within the building.

What options do MUH managers have for regulating e-cigarette use?

Minnesota law already prohibits the use of e-cigarettes and vapes in common areas of rental apartment buildings. A property manager or owner can also modify a lease to prohibit the use of e-cigarettes and vapes in the individual units of 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 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. E-cigarettes and vapes are *not* an FDA-approved NRT. Therefore, it is most likely *not* discriminatory to prohibit the use of e-cigarettes and vapes 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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“blu” is a brand of e-cigarette 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.

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