

Vaping's Integration into the Florida Clean Indoor Air Act (FCIAA)

What You Need To Know

On April 26, Gov. Ron DeSantis signed into law a voter-approved workplace ban on vapor-generating electronic devices. Starting July 1, e-cigarettes will be included in the Florida Clean Indoor Air Act (FCIAA) and will be prohibited from indoor use in nonsmoking areas, including workplaces. This addition to the FCIAA will not restrict use of e-cigarettes and vaping devices inside private residences, retail tobacco and vapor-generating electronic device shops, standalone bars or hotel rooms where smoking is allowed. The law as written also does not affect more restrictive local vapor ordinances.

ABOUT THE FCIAA

- The Florida Legislature enacted the FCIAA in 1985 to protect people from the health hazards of secondhand smoke.
- In 2003, the Legislature passed a voter-approved amendment to prohibit smoking in workplaces that previously allowed smoking.
 - Because of this amendment, Florida law prohibits smoking in most indoor public and private businesses, including restaurants.
- Currently, the FCIAA prohibits smoking in an enclosed indoor workplace, unless it is a:
 - Private residence that is not being used commercially to provide child care, adult care, or health care, or any combination thereof;
 - Retail tobacco shop;
 - Designated smoking guest room in a public lodging establishment;
 - Stand-alone bar;²
 - Smoking cessation program or medical or scientific research; or
 - Customs smoking room in an airport.

LEARN THE FACTS

- E-cigarette devices heat a liquid – typically containing nicotine, flavorings, and other chemicals – and produce an aerosol.³
- E-cigarette aerosol – aka vapor – is NOT harmless “water vapor,” as many mistakenly believe.⁴ It can contain harmful and potentially harmful substances including cancer-causing chemicals and heavy metals such as nickel, tin, and lead.⁵
- Bystanders exposed to e-cigarette aerosol can also absorb its nicotine.⁶
- In 2018, 36.6% of Florida youth (ages 11-17) reported being exposed to secondhand e-cigarette vapor.

You can help by educating yourself, dispelling myths among your friends and family, talking to your kids or your students about the serious concerns around vaping and nicotine addiction, and of course, being tobacco free yourself. In April 2019, Tobacco Free Florida launched a statewide effort, E-Epidemic: Vaping and Youth, to help provide parents, educators, and other partners with the facts on youth vaping. Tobacco Free Florida is your trusted resource for credible and accurate information about all tobacco-related products, including vaping. For more information about the youth vaping epidemic, please visit tobaccofreeflorida.com/eeepidemic.

DENORMALIZATION

- Florida has always been at the forefront of tobacco prevention and has seen steady declines in youth cigarette smoking, but dramatic increases in vaping among teens threaten to reverse that trend.
- Health organizations like the American Heart Association (AHA) and American Academy of Pediatrics (AAP) say that vaping may help “re-normalize” smoking behaviors.^{8,9}
- E-cigarette companies claim that their products are intended for adults, but skyrocketing prevalence rates among teens tell a different story. While one in four Florida high school students are vaping,¹⁰ only about 4% of Florida adults are vaping.¹¹
- The federal government has declared youth e-cigarette use a nationwide epidemic. The FDA also stated that flavors play an important role in driving youth appeal.¹²
- In 2019, about 25.6% of Florida high school students reported current use of electronic vaping – a 63% increase compared to 2017.¹³
- The most popular e-cigarette brand is JUUL, a device shaped like a USB flash drive. The JUUL comes in a variety of flavors, is easy to conceal,^{15,16} and delivers high levels of nicotine.¹⁷
- A single JUUL pod (the liquid nicotine refill) contains as much nicotine as a pack of 20 regular cigarettes.¹⁸
- E-cigarettes, including JUUL, typically contain nicotine, which is highly addictive.¹⁹ Teens may be more sensitive to nicotine and feel dependent on nicotine sooner compared to adults.^{20,21,22}
- The brain continues to develop until about age 25 and the developing brain is more vulnerable to nicotine’s effects, including reduced impulse control, deficits in attention and cognition, and mood disorders.²³
- Evidence suggests that teens who use e-cigarettes may be at greater risk of starting to smoke regular cigarettes.^{24,25,26,27}
 - Cigarette smoking remains the single largest preventable cause of death and disease in the U.S.²⁸



To report a violation of the FCIAA, call 1-800-337-3742 or email FCIAA@flhealth.gov. For more information about the FCIAA, visit tobaccofreeflorida.com/FCIAA.

1. Ss. 386.204 and 386.2045, F.S. Additionally, s. 386.203(5)(c), F.S., by definition of an “enclosed indoor workplace,” excludes any facility owned or leased by and used exclusively for noncommercial activities performed by the members and guests of a membership association, including social gatherings, meetings, dining, and dances, if no person or persons are engaged in work.
2. A stand-alone bar is a licensed premises that predominantly or totally serves alcoholic beverages and in which serving food is merely incidental to the sale of alcohol. Also, it must not share a common entryway or indoor area with a business that predominantly serves food during the hours the stand-alone bar is operating its business, s. 386.203(11), F.S. See also s. 561.695, F.S.
3. Centers for Disease Control and Prevention (CDC). “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults.” CDC Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion. 3 Dec 2018.
4. Centers for Disease Control and Prevention (CDC). “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults.” CDC Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion. 3 Dec 2018.
5. US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.
6. Ballbé M, Martínez-Sánchez JM. Cigarettes vs. E-Cigarettes: Passive Exposure at Home Measured by Means of Airborne Marker and Biomarkers. Environmental Research 2014;135:76–80.
7. Florida Youth Tobacco Survey (FYTS), Florida Department of Health, Bureau of Epidemiology, 2018. <http://www.floridahealth.gov/statistics-and-data/survey-data/behavioral-risk-factor-surveillance-system/FYTSStateTables2012-20183-2019-FINAL.pdf>.
8. American Heart Association. “Is Vaping Safer Than Smoking?” Quit Smoking – Tobacco – Vaping, American Heart Association. www.heart.org/en/healthy-living/healthy-lifestyle/quit-smoking/tobacco-vs-vaping-g-safer-than-smoking (Accessed 24 May 2019)
9. American Academy of Pediatrics. “E-Cigarettes,” Julius B. Richmond Center of Excellence, Electronic Nicotine Delivery Systems. www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/Richmond-Center/rPages/Electronic-Nicotine-Delivery-Systems.aspx (Accessed 24 May 2019)
10. Florida Youth Tobacco Survey (FYTS), Florida Department of Health, Bureau of Epidemiology, 2019. <http://www.floridahealth.gov/statistics-and-data/survey-data/behavioral-risk-factor-surveillance-system/FYTSStateTables2012-20183-2019-FINAL.pdf>.
11. Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Population Health. BRFSS Prevalence & Trends Data [online]. 2017. [accessed Mar 29, 2019]
12. FDA Statement. “Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use.” U.S. Food and Drug Administration. 12 Sept. 2018. www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620185.htm (Accessed 14 March 2019)
13. Florida Youth Tobacco Survey (FYTS), Florida Department of Health, Bureau of Epidemiology, 2019. <http://www.floridahealth.gov/statistics-and-data/survey-data/behavioral-risk-factor-surveillance-system/FYTSStateTables2012-20183-2019-FINAL.pdf>.
14. Florida Youth Tobacco Survey (FYTS), Florida Department of Health, Bureau of Epidemiology, 2018. <http://www.floridahealth.gov/statistics-and-data/survey-data/behavioral-risk-factor-surveillance-system/FYTSStateTables2012-20183-2019-FINAL.pdf>.
15. Truth Initiative. “Nearly 1 in 5 youth say they have seen JUUL used in school.” 23 May 2018. truthinitiative.org/news/nearly-1-5-youth-say-they-have-seen-juul-used-in-school (Accessed 8 March 2019)
16. Zernike, Kate. “I Can’t Stop: Schools Struggle With Vaping Explosion.” The New York Times. 2 April 2018. www.nytimes.com/2018/04/02/health/vaping-cigarettes-addiction-teen.html (Accessed 8 March 2019)
17. CDC Newsroom Releases. “Sales of JUUL e-cigarettes skyrocket, posing danger to youth.” Centers for Disease Control and Prevention (CDC). 2 Oct. 2018. <https://www.cdc.gov/media/releases/2018/p1002-e-cigarettes-sales-danger>
18. Centers for Disease Control and Prevention (CDC). “E-cigarettes Shaped Like USB Flash Drives: Information for Parents, Educators and Health Care Providers.” CDC Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion. 18 Oct. 2018.
19. US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.
20. US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.
21. U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Printed with corrections, January 2014.
22. U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
23. US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.
24. Berry KM, Fetterman JL, Benjamin EJ, et al. Association of Electronic Cigarette Use With Subsequent Initiation of Tobacco Cigarettes in US Youths. JAMA Netw Open. 2019;2(2):e187794.
25. Miech R, Patrick ME, O’Malley PM, et al E-cigarette use as a predictor of cigarette smoking: results from a 1-year follow-up of a national sample of 12th grade students Tobacco Control 2017;26:e106-e111.
26. National Academies of Sciences, Engineering, and Medicine. 2018. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24952>.
27. US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.
28. U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Printed with corrections, January 2014.