

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

What You Need To Know

On April 26, 2019, Gov. Ron DeSantis signed into law a voter-approved workplace ban on vapor-generating electronic devices. Starting July 1, 2020, e-cigarettes will be included in the Florida Clean Air Act (FCAA) and will be prohibited from indoor use in nonsmoking areas, including workplaces. This addition to the FCAA 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 FCAA

- The Florida Legislature enacted the FCAA 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 FCAA prohibits smoking in an enclosed indoor workplace, unless it is a:¹
 - 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 2022, 48% of Florida Youth (11-17) reported being exposed to secondhand electronic vapor aerosol.⁷

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.

DEMORMALIZATION

- 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 15.2% of Florida high school students are vaping in 2022, only about 7% of Florida adults are vaping.^{10, 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 2022, about 15.2% of Florida high school students reported current use of electronic vapor products.¹³
- Some of the most popular e-cigarette brands - like Juul, Puff Bar and HQD - are easy to conceal and deliver high levels of nicotine.¹⁷
- A JUULpod (Juul's liquid nicotine refill), for example, contains as much nicotine as a pack of 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 FCAA, call 1-800-337-3742 or email FCAA@flhealth.gov. For more information about the FCAA, visit tobaccofreeflorida.com/FCAA.

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.
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