



Information Briefing:

# Public health impacts of e-cigarette use and e-cigarette retail establishments

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Analyst: Khadeejat Lawal

# Study purpose

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The JCHC directed staff to:

- Identify current state or local efforts to address e-cigarette use and retailer presence
- Describe how e-cigarette retailer/vape shop density impacts public health
- Describe the legal and regulatory frameworks related to e-cigarette retailer/vape shop presence and proliferation
- Identify gaps or opportunities to further regulate e-cigarette retailers/vape shops in the Commonwealth

Study approved by Commission for the 2026 workplan on October 22, 2025

# Findings in brief

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- E-cigarettes are increasing in popularity compared to combustible cigarettes
- E-cigarette use has short- and long-term health consequences
- Access to e-cigarette retailers increases the likelihood of initiation and continued use of e-cigarette products
- Virginia has taken a multifaceted approach to reduce the demand for and use of e-cigarettes
- Virginia's e-cigarette product and retailer regulatory framework has evolved significantly since 2024

# Agenda

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Adult and youth e-cigarette use prevalence

Short- and long-term consequences of e-cigarette use

Public health impacts of access to e-cigarette retailers

Virginia's approach to reducing demand and use of e-cigarettes

Evolution of Virginia's e-cigarette product and retailer regulatory framework

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# Electronic cigarettes use heat to vaporize e-liquids for inhalation

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- E-cigarettes most often contain liquid nicotine, flavorings, and the chemicals glycerol and propylene glycol
- E-cigarette retailers, including convenience stores, gas stations, or specialty vape shops, offer and sell any liquid nicotine or nicotine vapor product

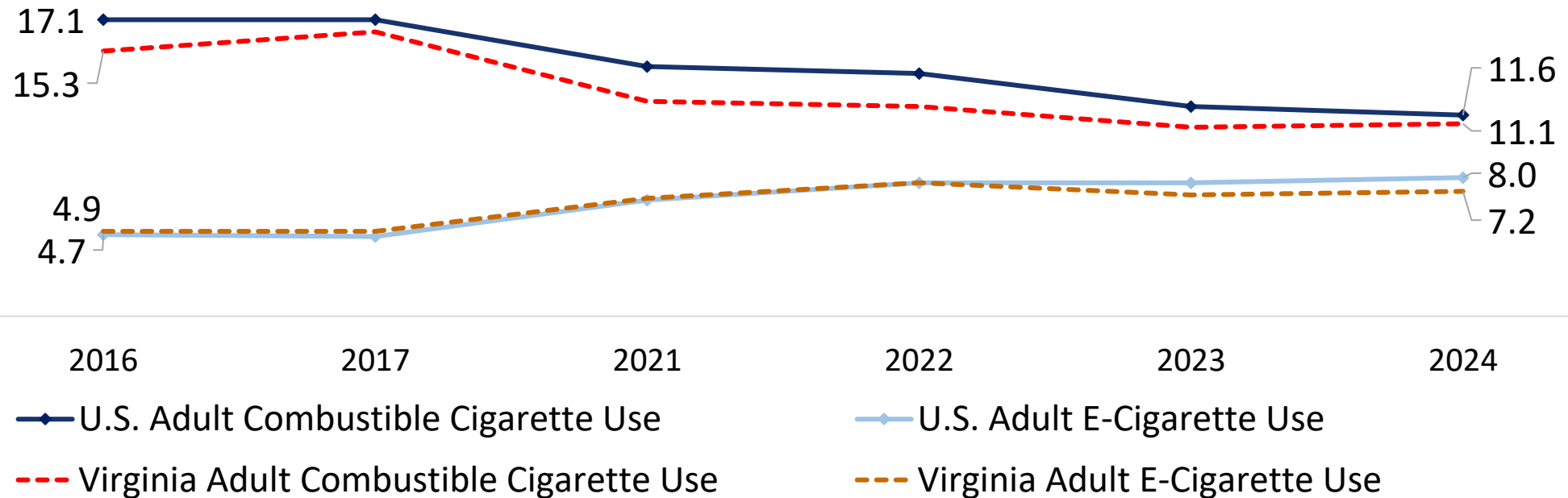
# The FDA regulates e-cigarette products offered for sale in the U.S.

- E-cigarettes became subject to federal regulation beginning in 2016 when the definition of tobacco products expanded to include e-cigarettes
- Manufacturers of e-cigarette products are required to receive approval for marketing through the PMTA process
- Applicants seeking PMTA approval must show that new e-cigarette products are less harmful than cigarettes

PMTA = Premarket Tobacco Product Application

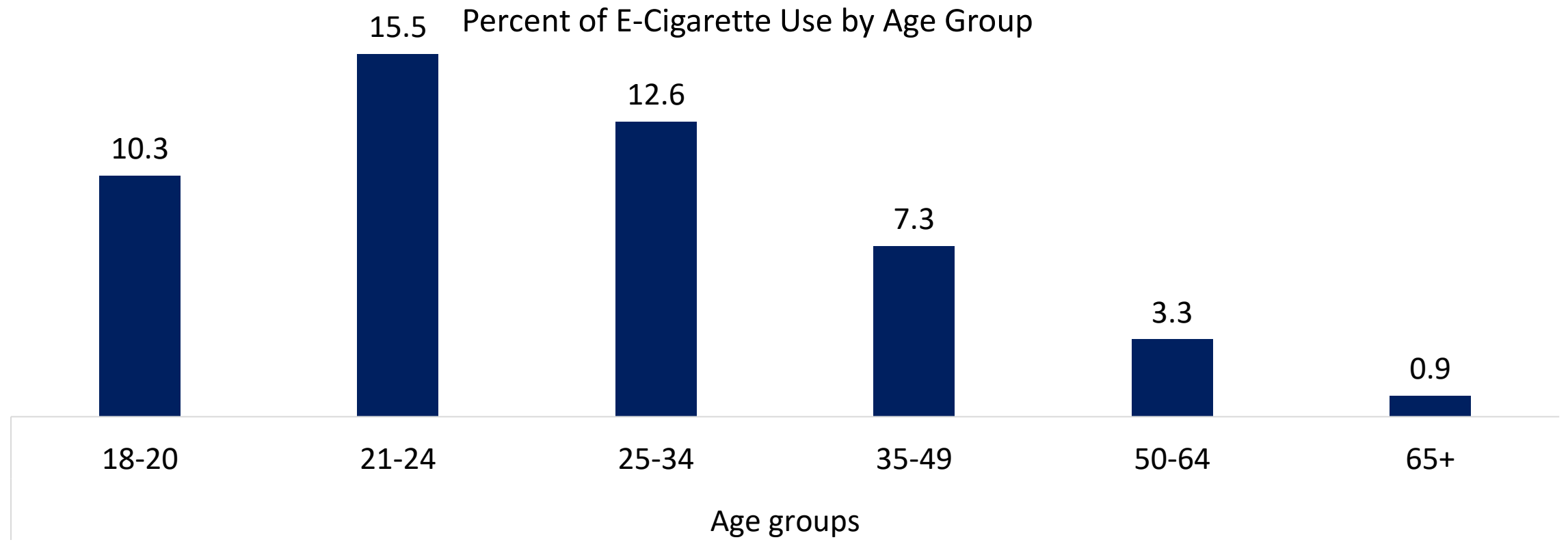
# The prevalence of adult e-cigarette use has increased since 2016

Percent of Adults Using Combustible or E-Cigarettes in the U.S. and in Virginia



SOURCE: JCHC staff analysis of Centers for Disease Control and Prevention Behavioral Risk Factor Surveillance Survey data, 2026.

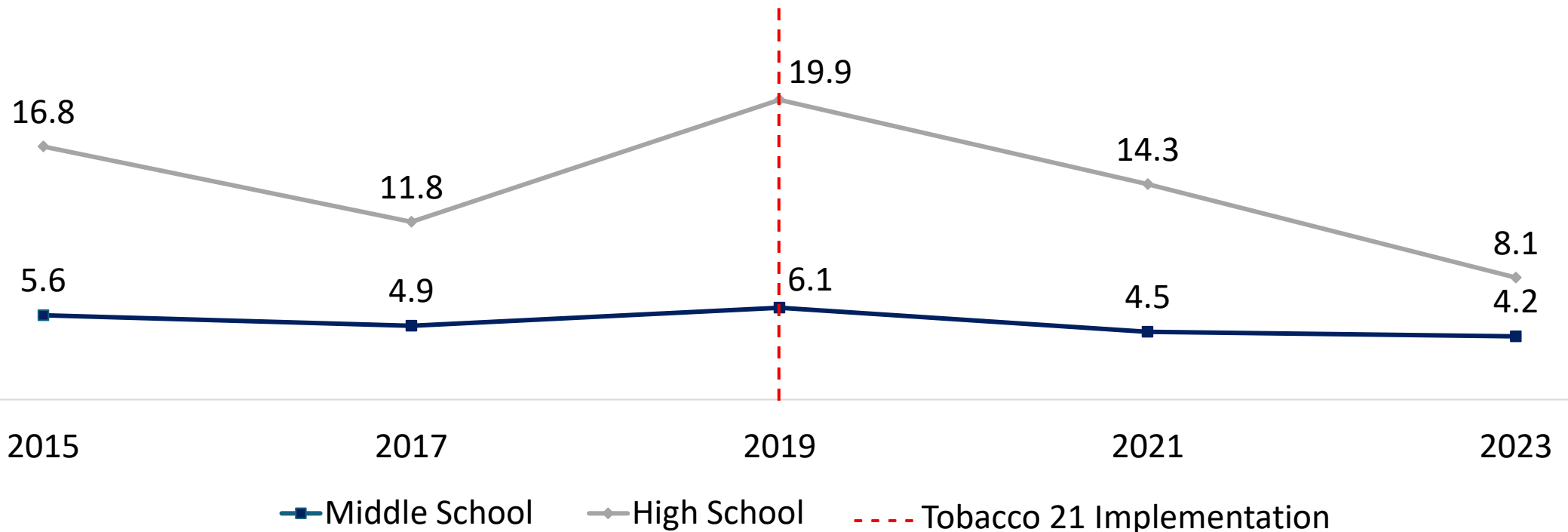
# E-cigarette use decreases as age increases above 24 years old



SOURCE: JCHC staff analysis of National Center for Health Statistics, 2023 National Interview Survey.

# Rates of youth e-cigarette use have fallen, but underage use still occurs

Percent of Adolescent E-Cigarette Users in Virginia



SOURCE: JCHC staff analysis of Centers for Disease Control and Prevention Youth Risk Behavior Survey data, 2026.

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# Nicotine is addictive and increases risk of stroke and poor mental health

- Nicotine is found in many e-cigarettes and can be addictive and harmful to users' health
- Constant nicotine stimulation increases risks of heart attack, stroke, and some pulmonary health conditions
- Nicotine use increases risk of insufficient sleep by 38 percent compared to non-users
- Symptoms of depression are more common among nicotine users than non-users

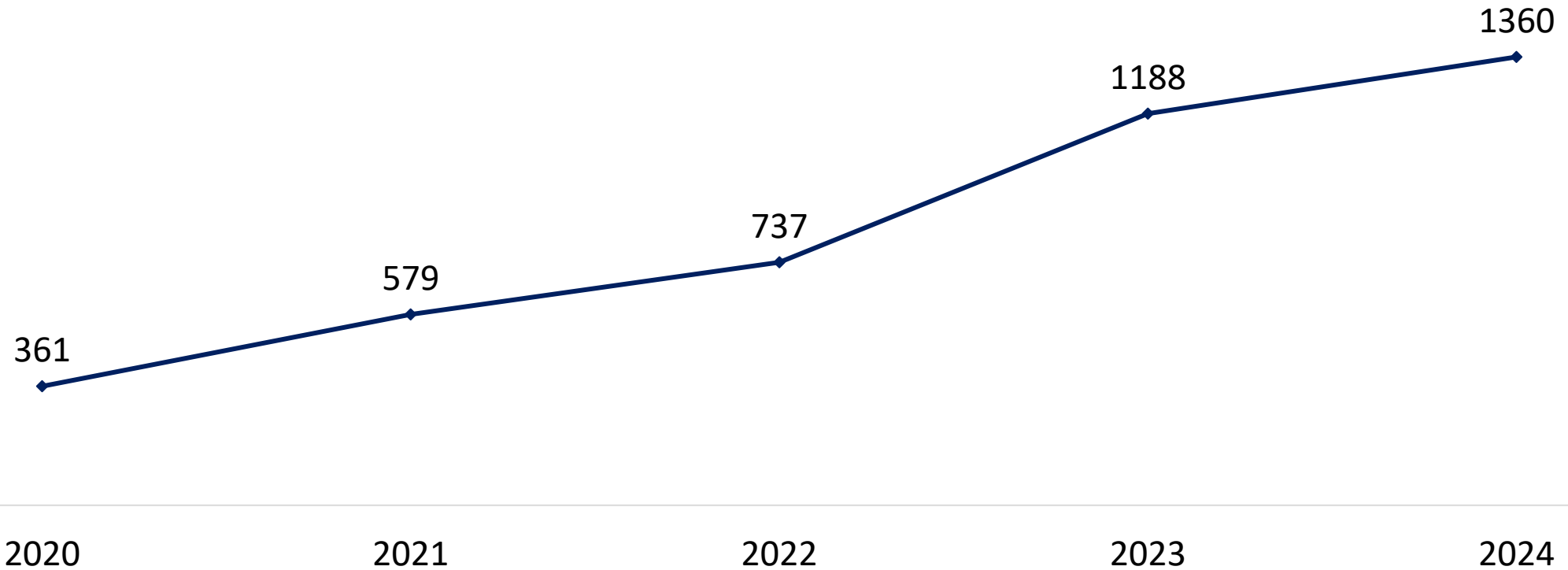
# E-cigarette use increases risks of lung damage

- Compared to non-users, e-cigarette users have:
  - 30 to 46 percent greater risk of developing asthma
  - 47 percent greater odds of developing COPD
- EVALI can be a fatal condition attributed to aerosolized vitamin E acetate, often found in e-cigarettes modified to include illegal products, like cannabis liquid

COPD = chronic obstructive pulmonary disease; EVALI = e-cigarette or vaping use-associated lung injury

# EVALI claims in Virginia have increased 276 percent since 2020

Number of EVALI Claims in Virginia



SOURCE: Virginia All-Payer Claims Database, administered by Virginia Health Information, 2026.

# E-cigarette use poses harm for non-users due to secondhand vapor exposure

- E-cigarette users exhale secondhand vapors that contain nicotine, heavy metals, and harmful compounds
- Exposure to secondhand vapor irritates the respiratory airways and lungs
- E-cigarette use by pregnant women can have significant consequences for fetal development and birth outcomes

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# Retailer advertising increases likelihood of e-cigarette use in young people

- External advertising passively exposes individuals to messages about e-cigarettes and increases susceptibility to e-cigarette use
- Point-of-sale advertising encourages impulsive purchases and generates curiosity about products
- Both types of advertising can portray e-cigarettes as less harmful than combustible cigarettes and encourage e-cigarette use

# Retailer presence and density increases access to e-cigarette products

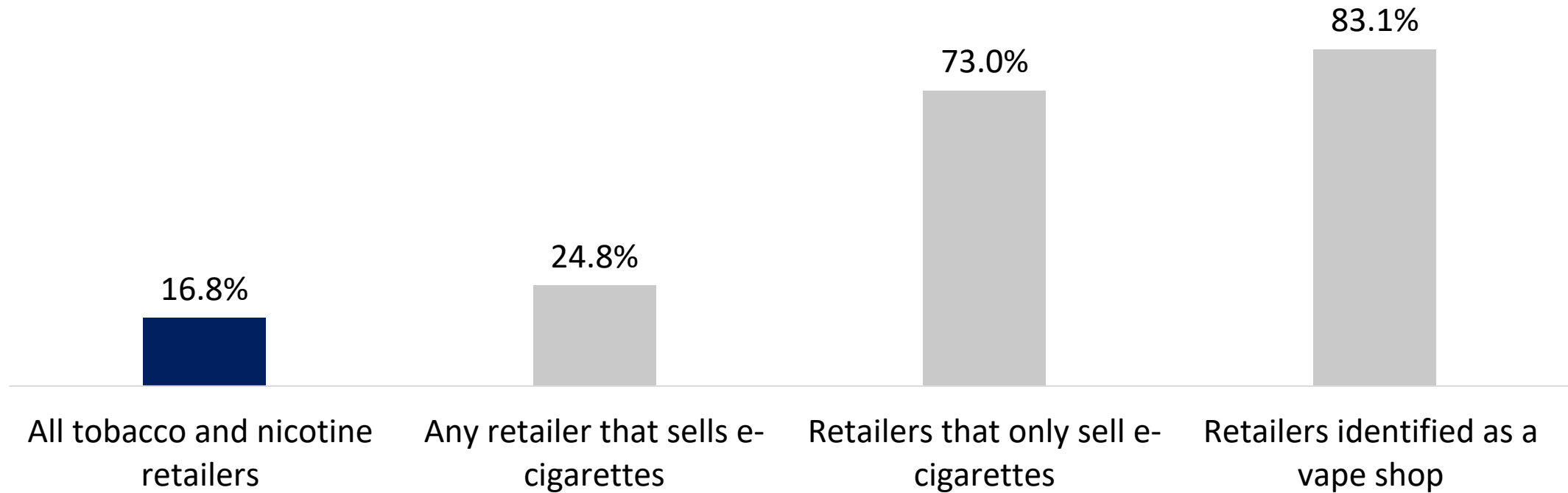
- E-cigarette retail establishments are the primary source for obtaining e-cigarette products
- Young people are more likely to be introduced to e-cigarette products when there is a greater concentration of retailers
- Adolescents who visit retailers at least once weekly are 1.79 times as likely to initiate e-cigarette use than those who never visit retailers

# Retail establishments increase access to potentially harmful non-nicotine products

- E-cigarette retailers offer additional products besides nicotine e-cigarettes, including nicotine analogs, kratom, and hemp
- The co-availability of hemp products and e-cigarettes in retail settings may encourage dual initiation and sustained use in adolescents
- Some retailers in Virginia illegally sell products that aerosolize cannabis liquid

# Tobacco retailers sell hemp-derived cannabis products

Percentage of Retailers that Sell Hemp-Derived Cannabis Products

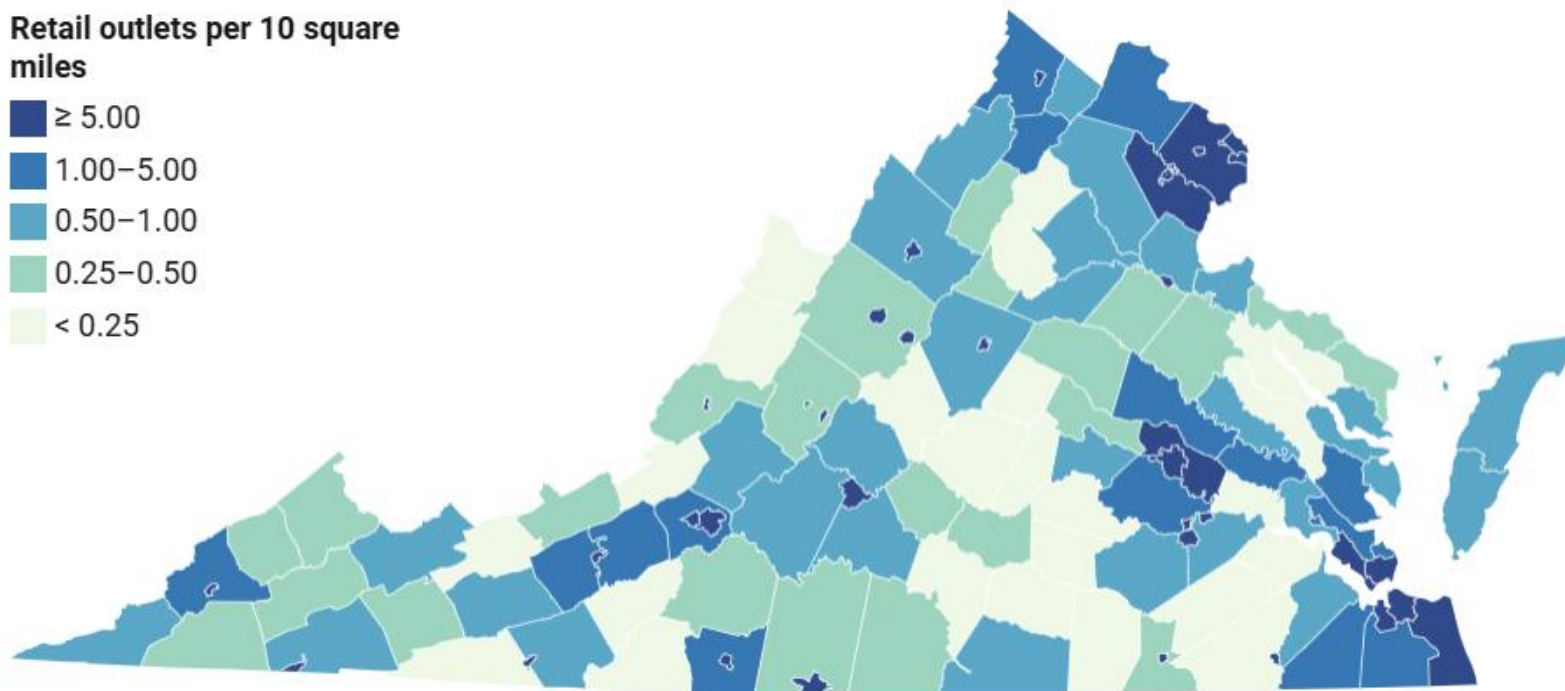
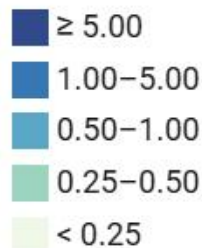


SOURCE: JCHC staff analysis of DBHDS CounterTools data, 2026.

# E-cigarette retailer density varies across Virginia's localities

## E-Cigarette Retailers per 10 Square Miles in Virginia, 2026

Retail outlets per 10 square miles



SOURCE: JCHC staff analysis of DBHDS CounterTools data, 2026.

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# Virginia supports educational efforts to reduce youth e-cigarette use

- Health education SOLs include tobacco and nicotine use prevention for students in grades two through twelve
- VFHY distributes Youth Development grants to community organizations to provide evidence-based vaping prevention or cessation instruction to adolescents

SOL = Standards of Learning; VFHY = Virginia Foundation for Healthy Youth

# Efforts to reduce secondhand exposure to e-cigarette vapor are limited

- The Virginia Indoor Clean Air Act does not apply to e-cigarette vapor or permit localities to enact ordinances related to e-cigarette use
- VDH Tobacco Control Program and VFHY assist community organizations and colleges/universities that wish to voluntarily become smoke- and vapor-free environments

VDH = Virginia Department of Health

# Cessation services are offered through multiple pathways

- VDH Tobacco Control Program provides cessation services through the statewide quit hotlines
- State regulated health plans offer comprehensive cessation services
- *Code of Virginia* permits health carriers to provide their members with cessation services
- Pharmacists can initiate treatment with, dispense, or administer nicotine replacement therapies

# Federal age verification requirements limit youth purchases of e-cigarettes

- Per federal regulations, DBHDS and ABC perform underage buyer inspections on 10 percent of retailers
- CSBs provide merchant education to retailers on tobacco product sales restrictions to underage individuals
- Maintaining a current list of retailers relies on input from local staff rather than a centralized licensing or permitting process

DBHDS = Department of Behavioral Health and Developmental Services; ABC = Virginia Alcoholic Beverage Control Authority; CSBs = Community Services Boards

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# The Liquid Nicotine and Vapor Product Directory lists certified e-cigarette products

- In 2024, the Attorney General was mandated to establish and maintain a Liquid Nicotine and Vapor Product (LNVP) Directory
- Products must be included on the Directory to be legally sold in Virginia
- Manufacturers must annually certify that the product has received PMTA approval or remains under FDA review

FDA = Food and Drug Administration; PMTA = Premarket Tobacco Product Application

# Enforcement based on the Directory product inclusion requirements began April 2026

- Enforcement officially began in April 2026, following legal challenges that initially delayed action
- The OAG, Commonwealth's attorneys, and attorneys for any county, city, or town may take enforcement action
- The OAG has limited capacity to enforce the requirements related to the Directory without additional resources
  - Funding is included in the Senate budget

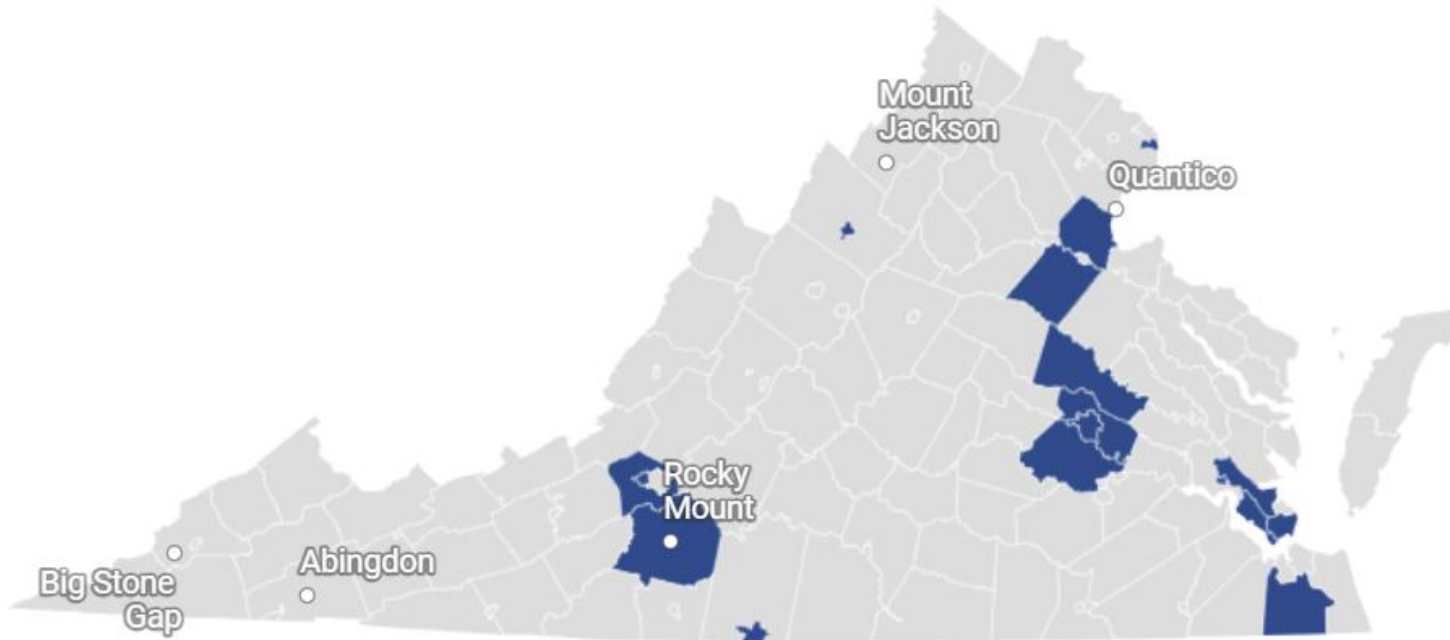
OAG = Office of the Attorney General

# Virginia law permits localities to enact ordinances limiting the location of retailers

- Beginning in 2024, the *Code of Virginia* authorizes localities to regulate the locations of retailers selling tobacco and hemp products
- Localities may prohibit these retailers within 1,000 linear feet of a day care center or school
- Retail locations established prior to July 1, 2024 are not impacted by this law or any local ordinance enacted in response to this law

# At least 22 localities in Virginia have amended zoning ordinances

## Localities Regulating the Location of E-Cigarette Retailers through Zoning Ordinances



*Note:* Cities and counties with amended ordinances are blue, towns with amended ordinances are labeled.  
SOURCE: JCHC staff analysis of locality ordinance, media reports, and survey data, 2026.

# Virginia expanded licensure of retailers through Tax to increase retailer visibility

- Virginia Tax manages a system of certification and licensure to collect taxes on tobacco and nicotine products sold in Virginia
- Previous system did not capture retailers that purchased from distributors and only sold e-cigarettes
- Since 2024, any retailer selling e-cigarettes must obtain a LNVP license

# Efforts to expand licensure through Tax did not result in additional transparency

- Exceptions and exemptions in certification and licensure requirements limit Virginia Tax's ability to identify and oversee e-cigarette retailers
- Due to these exemptions, only 55 retailers received an LNVP license as of January 2026
- The absence of a statewide system to identify retail locations hampers widescale enforcement of laws prohibiting underage sales

# Recently enacted legislation may improve retailer identification and enforcement

- House Bill 308 (Hope) and Senate Bill 620 (Ebbin) from the 2026 General Assembly Session create a statewide permitting process for tobacco retailers:
  - Require permits for all retail tobacco establishments
  - Require ABC to conduct an unannounced underage buyer operation for each tobacco retail permittee at least once every 24 months

# Pace of implementation dependent upon available resources

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- Funding to implement HB308/SB620, estimated at \$3.8 million annually, is included in the Senate budget
- ABC intends to begin enforcement activities on October 1, 2026, once the legislation becomes effective
- ABC is required to submit their first report on the efficacy of the underage buyer operation by December 1, 2026, and annually thereafter

# Opportunity for public comment

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- Submit written public comments by close of business on Friday, June 12th

Email: [jchcpubliccomments@jchc.virginia.gov](mailto:jchcpubliccomments@jchc.virginia.gov)

Mail: 411 E. Franklin Street, Suite 505  
Richmond, VA 23219

NOTE: All public comments are subject to FOIA and must be released upon request.

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# Questions/Discussion