

Declaring public health emergency, Gov. Charlie Baker announces temporary ban on sale of vaping products

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Gov. Charlie Baker announced a four-month ban on the sale of all vaping products in Massachusetts on Sept. 24, 2019. (Shira Schoenberg / The Republican)

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Gov. Charlie Baker is banning the sale of all vaping products in Massachusetts for four months.

Baker on Tuesday declared a public health emergency, and announced the temporary ban, which will affect all devices and all flavored and non-flavored vaping products, made with both nicotine and marijuana.

“We’re declaring this public health emergency because medical and disease control experts have been tracking the rapidly increasing number of vaping related illnesses that in some cases have led to death,” Baker said at a Statehouse press conference announcing the ban. “We as a commonwealth need to pause sales in order for our medical experts to collect more information about what is driving these life threatening vaping-related illnesses.” The ban was approved by the state’s Public Health Council unanimously on Tuesday afternoon. It will be effective immediately.

Local police departments and public health boards will be authorized conduct compliance checks to make sure retailers remove vaping products from their shelves. Massachusetts is the first state to implement an emergency ban on all vaping products. As of Sept. 17, the U.S. Centers for Disease Control and Prevention identified 530 cases of lung-related illnesses related to vaping and e-cigarettes.

State public health officials have received 61 of possible vaping-related illnesses in Massachusetts. Three have those have been confirmed as tied to vaping, and two are considered probable cases.

The Department of Public Health requires health care providers to report any suspected cases to the state.

The CDC has not yet identified an exact cause of the illnesses, although some state and federal investigators have been looking into an oil derived from vitamin E that is used as an additive in some vape cartridges.

Baker said the four-month pause on sales will give the state time to gather more information and determine what additional regulatory or legislative actions are needed to address the safety concerns around vaping.

E-cigarette makers say vaping products are often used as tool to wean people who are addicted to nicotine off traditional cigarettes.

Austin Finan, a spokesman for the e-cigarette maker Juul, said the company will comply with local laws. But he warned that banning e-cigarette products will shift consumers to the black market and push people back to using traditional cigarettes.

“Removing e-cigarettes from the market will create a thriving black market of counterfeit and compatible products, made with unknown ingredients under unknown manufacturing standards, drive former adult smokers who successfully use vapor products back to cigarettes and deny the opportunity for current adult smokers to have alternatives,” Finan said in a statement.

As the ban goes into effect, the state will establish a “standing order” for nicotine replacement products, such as gum and patches, which means anyone can buy those products at a pharmacy and use their health insurance to pay for them without a prescription. The state will also expand capacity at its free smokers’ hotline, which connects people who are addicted to smoking to counseling services and support groups.

Asked about the impact on smokers trying to stop using cigarettes, Baker said cigarettes do not have the short-term health effects of vaping products, which can result in illness within weeks. Cigarettes are sold with warning labels from behind the counter, while e-cigarettes are on shelves with no warning labels.

The Cannabis Control Commission, which regulates the state’s legal marijuana industry, has ordered its licensees to stop selling vaping products immediately.

The New England Convenience Store and Energy Marketers Association, a trade association representing the state’s convenience stores, said in a statement that the organization will immediately notify its members of the emergency declaration so stores can remove the products from their shelves.

Public health advocates cheered the move.

Massachusetts Medical Society President Dr. Maryanne Bombaugh said, “Until we know what’s causing this (illness) and why, it’s really important that we put a temporary hold on this to be able to get information and data and better know what we’re dealing with.”