

**Research Plan: Public Chapter 937, Acts of 2024: Youth Vaping**

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Deputy Executive Director Approval: Initial:  Date: 5-22-2024

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**Purpose**

To study the effects of vaping and the use of all vapor products by individuals under the age of 21, including but not limited to how youths initiate vaping, how common vaping is, who is most likely to vape, the health effects of continued usage, laws and policies in place to prevent underage sales, prevention of youth vaping on school grounds, taxation on vaping devices, and available services for youth vaping cessation.

**Background**

Vaping went from being virtually non-existent in the last decade to 18% of high school students in Tennessee by 2023 versus 10% nationally. A national study found 5% of middle schoolers had used a vape, but there is no comparable data on middle schoolers for Tennessee. Studies show that initiating vaping at a young age can lead to increased vaping as an adult. Tennesseans vape more than people in most other states, with 5.7% of adults admitting to vaping every day versus 3.8% nationally. Vaping products involve the inhalation of nicotine, tetrahydrocannabinol (THC), or flavored products via an aerosol or vaporizing mechanism and do not contain tobacco, making them distinct from traditional tobacco products such as cigarettes and cigars.

Research finds harmful effects for users of vaping products, though these products are thought to be less harmful than traditional tobacco products—both deliver nicotine or other chemicals into the lungs. It is especially harmful to young people, who are more susceptible to nicotine addiction because of their still developing brains, increasing the risk of future addiction to drugs, alcohol, and other tobacco products. Labeling of the amount of nicotine in vaping products has not always been accurate. Aside from

nicotine, vaping products may also contain toxic chemicals like formaldehyde, acrolein, acetaldehyde, and toxic metals, which have been found to cause lung damage.

To curb youth vaping, Tennessee has banned vaping on school grounds and increased the legal age for selling, distributing, buying, or possessing vaping products from 18 to 21. Currently, underage vaping is not a criminal offense but is subject to a civil penalty of up to \$50. Past attempts to criminalize or tax vaping have failed, and Tennessee is one of 18 states without an additional tax on vaping products. The Tennessee Department of Health (TDOH) and the Tennessee Department of Education (TDOE) partnered to support awareness, prevention, and cessation efforts, though school districts can choose whether to participate. For example, school districts can choose whether to adopt TDOH's model vaping policy. Issues with student vaping have led some school systems to install vaping sensors, including Dickson County, and other school districts have approved their use as well.

Public Chapter 937, Acts of 2024, directs the Commission to study the effects of vaping and the use of all vapor products by persons under 21, including

- the initiation of vapor product usage,
- the prevalence of vaping,
- demographic and use trends,
- health outcomes,
- enforcement of underage sales,
- best practices to address usage on school grounds,
- taxation, and
- access to cessation products and services.

### **Define the Problem**

Youth vaping is widespread in Tennessee, and vaping is especially harmful to young people, who are more susceptible to nicotine addiction because of their still developing brains, but questions remain on whether Tennessee's existing regulations are working or whether change is warranted.

### **Assemble Some Evidence**

- Review referred legislation.
- Interview bill sponsors.

- Interview other stakeholders to determine what is driving this issue, including but not limited to
  - American Cancer Society
  - American Lung Association
  - Bureau of Alcohol, Tobacco, Firearms, and Explosives
  - Local Governments
  - School Districts
  - Tennessee County Services Association
  - Tennessee Department of Agriculture
  - Tennessee Department of Health
  - Tennessee Department of Education
  - Tennessee Department of Mental Health
  - Tennessee Department of Revenue
  - Tennessee Department of Finance and Administration
  - Tennessee Municipal League
  - Tennessee School Board Association
  - Tennessee Commission on Children and Youth
  - US Food and Drug Administration
- Review Tennessee’s statutes and regulations relevant to youth vaping or vaping products, and other topics germane to the study.
- Review relevant federal statutes and regulations.
- Review similar laws, regulations, and programs in other states.
- Review relevant literature.
- Gather relevant data sets, including statistics related to youth vaping.
- Review industry information – vaping (under the age of 21).

## Proposed Research Timeline



Senate Commerce and Labor 1

Amendment No. 1 to SB2278

Bailey  
Signature of Sponsor

AMEND Senate Bill No. 2278

House Bill No. 2433\*

by deleting all language after the enacting clause and substituting:

SECTION 1. The Tennessee advisory commission on intergovernmental relations (TACIR) is directed to conduct a study on the effects of vaping and the use of all vapor products by persons under twenty-one (21) years of age. TACIR shall include in the study, but is not limited to, initiation of vapor product usage, health outcomes, enforcement of underage sales, best practices to address usage on school grounds, taxation, and access to cessation products and services. The study must identify the prevalence of vaping among such persons, including demographic information and usage trends.

SECTION 2. TACIR shall submit a report disclosing the findings of the study to members of the general assembly no later than January 31, 2025.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

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