

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-18-19

WHEREAS vaping devices are the most commonly used tobacco product in California; and

WHEREAS more than 80 percent of high school students who consume tobacco use a vaping device; and

WHEREAS from 2016 to 2018, vaping among California high school students rose 27 percent; and

WHEREAS in 2018, 10.9 percent of California high school students reported using e-cigarettes and 14.7 percent reported using cannabis; and

WHEREAS 86.4 percent of California teenagers who consume tobacco products report using a flavored tobacco product; and

WHEREAS dramatic increases in youth vaping have been attributed to the appeal of flavored vapor and alternative nicotine products as well as advertising and promotional activities by companies targeted at youth; and

WHEREAS there are no manufacturing standards for non-cannabis vape products; and

WHEREAS there are over 15,500 e-liquid flavors for vaping devices, some of which create an inflammatory response, some of which are cytotoxic to lung cells, and some of which may play a role in addiction; and

WHEREAS since August 2019, a clinical syndrome has emerged of respiratory failure in previously healthy individuals who had recently vaped illegally-obtained and produced cannabis products, and the cause of this syndrome is not yet known; and

WHEREAS as of September 10, 2019, 63 cases of this syndrome have been reported in California, in patients aged 14-70; and

WHEREAS Californians suffering from this syndrome have experienced grievous harms to their health, including 28 patients requiring admission to an Intensive Care Unit, 19 patients requiring mechanical ventilation, and one death.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this Order to become effective immediately.

IT IS HEREBY ORDERED that the California Department of Public Health (CDPH) shall develop recommendations to reduce the availability of vaping devices to persons under 21 years of age, which shall include, to the extent permissible by law, establishment of warning signs about the health risks of vaping at retailers where any vaping product is sold and in any vaping advertisements, and increased enforcement regarding illegal sales of vaping products and specifically e-liquid flavors, to youth. In addition, for nicotine-based products, the CDPH shall make recommendations regarding the establishment of standards for nicotine content and uniform packaging for purposes of including nicotine content in the calculation of the existing tax on

electronic cigarettes. The CDPH shall submit its recommendations to the Governor's Office by October 14, 2019.

IT IS FURTHER ORDERED that the CDPH immediately allocate a total of at least \$20 million in tobacco and cannabis program funds for a vaping awareness campaign, including digital and social media messaging focused on youth, young adults, and parents. This will build upon the award-winning and longest running anti-tobacco program in the nation.

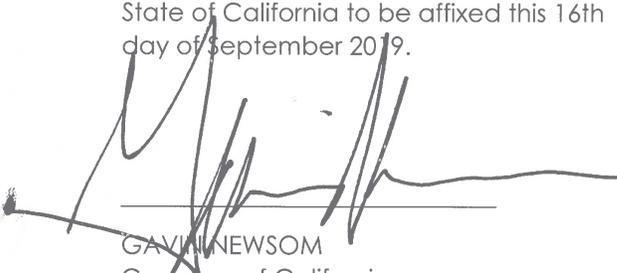
IT IS FURTHER ORDERED that the California Department of Tax and Fee Administration (CDTFA), develop recommendations to remove illegal or counterfeit vaping products from stores and to reduce youth vaping consumption through, (1) increased enforcement, and (2) including nicotine content in the calculation of the existing tax on electronic cigarettes. The CDTFA shall consider revenues currently derived from taxation of electronic cigarettes and the revenues that may be collected from a nicotine-based tax, the potential for evasion, and the feasibility of instituting a stamping requirement to maximize compliance. The CDTFA shall submit its recommendations to the Governor's Office by October 29, 2019.

IT IS FURTHER ORDERED that the CDTFA pursuant to its authority under Revenue and Taxation Code section 30454, require all distributors of tobacco products to report all distributions of such items within the State to the CDTFA as prescribed by the CDTFA.

IT IS FURTHER ORDERED that as soon hereafter as possible, this Order shall be filed with the Office of the Secretary of State and that widespread publicity and notice shall be given to this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its departments, agencies, or other entities, its officers or employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of September 2019.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State