

Resolution YPS 01-09 **TITLE:** FDA REGULATION OF ELECTRONIC CIGARETTES

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Introduced by: CMA Young Physicians Section

Endorsed by: Reference Committee

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This resolution constitutes a proposal for consideration by the California Medical Association House of Delegates and does not represent official CMA policy.

1 **WHEREAS**, electronic cigarettes are rechargeable, battery-operated drug delivery devices that
2 look similar to cigarettes and allow the user to inhale a smokeless nicotine-containing vapor;
3 and
4

5 **WHEREAS**, more than 90 percent of smokers who seek to quit their addiction to nicotine fail,
6 most relapsing within one week; and
7

8 **WHEREAS**, electronic cigarettes can serve as a “gateway” to traditional tobacco smoking; and
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10 **WHEREAS**, electronic cigarettes are not covered by federal tobacco laws and are being
11 marketed as a smokeless alternative to traditional cigarettes in a variety of fruit and candy
12 flavors; and
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14 **WHEREAS**, CMA policy supports protecting the public and especially children from exposure
15 to tobacco and cigarette smoke and should be expanded to include new types of tobacco and
16 nicotine products; and
17

18 **WHEREAS**, the World Health Organization determined in September 2008 that there was “no
19 scientific evidence to confirm the product's safety and efficacy” as a smoking cessation aid;
20 therefore be it
21

22 **RESOLVED:** That CMA officially oppose the importation or sale of electronic
23 cigarettes until and unless they are shown to be a safe and effective
24 smoking cessation aid; and be it further
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26 **RESOLVED:** That CMA inform the FDA of this opposition; and be it further
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28 **RESOLVED:** That CMA support legislation to label electronic cigarettes as a “tobacco
29 product” for purposes of the Stop Tobacco Access to Kids Enforcement
30 (STAKE) Act which enforces minors’ access to tobacco products as well
31 as for retailer licensing requirements for the sale of tobacco products; and
32 be it further
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34 **RESOLVED:** That this matter be referred for national action.
35

36 **Current CMA Policy:**

1 CMA has extensive and longstanding policy warning about the dangers of smoking and discouraging patients from
2 smoking (HOD 116a-89, HOD 117-89, HOD 126-87, HOD 105-98). Further, the House of Delegates specifically
3 directed CMA to advocate for a public awareness program to target the dangers of smokeless tobacco products
4 (HOD 103-85). CMA also has extensive policy opposing seductive advertising by the tobacco industry, especially
5 those that target children (HOD 144-73, HOD 103a-86, HOD 105a-88, HOD 124-93, HOD 118-95, HOD 121-95).
6

7 **Fiscal Impact:**

8 The cost of CMA sponsoring or opposing a federal bill could be \$125,000 or more and is dependent on many
9 factors over which CMA has no control, such as the extent of external opposition or support for the proposal,
10 communications, and commitment of resources by opponents and proponents. Within budget to refer for national
11 action.