



WHERE DO YOUTH GET THEIR E-CIGARETTES?

Where and how youth smokers get their e-cigarettes can vary considerably from state to state or city to city, depending on factors such as whether the jurisdiction strictly enforces the laws prohibiting tobacco sales to minors or requires retailers to keep all tobacco products behind the counter. Some youth buy the e-cigarettes they use, either directly from retailers or other kids, or by giving money to others to buy for them. Others get their cigarettes for free from social sources (usually other kids). According to the 2020 Monitoring the Future Survey, about 60% of 10th grade students say it is easy to get vaping devices and e-liquids.¹

In-Store Purchases of E-Cigarettes

While tremendous progress had been made in reducing youth access to cigarettes, research shows that e-cigarettes are significantly easier for underage youth to purchase than cigarettes. Underage purchase attempts of vaping products are 35% less likely to trigger an ID request and 42% more likely to result in a sales violation, compared to purchase attempts for cigarettes.²

- According to the 2018 National Youth Tobacco Survey (NYTS), 16.5% of middle and high school e-cigarette users under 18 report obtaining e-cigarettes from a vape shop in the past month and 9.8% from a gas station or convenience store.³ Among youth who have tried to buy tobacco products, only one quarter report that they were denied sale because of their age.⁴
- Another national study, the 2019 Youth Risk Behavior Surveillance (YRBS) survey of high school students in grades 9-12, found that 8.1% of current e-cigarette users aged <18 years had directly purchased their e-cigarettes from a store (including convenience stores, supermarkets, gas stations and vape shops).⁵
- A study in *JAMA Pediatrics* found that in California, e-cigarette sales to minors violations are significantly higher in tobacco and vape shops than any other type of retailer, with 44.7% selling to underage buyers.⁶

Online Purchases of E-Cigarettes

Studies have found that youth successfully purchased e-cigarettes over the internet in 94 to 97 percent of their online purchase attempts.⁷ Many online retailers do not have adequate age verification, with some retailers simply requiring purchasers to check a box affirming that they are over age 18 to enter the site.

- According to the 2018 NYTS, 5.7% of middle and high school e-cigarette users under 18 report buying e-cigarettes from the Internet.⁸
- According to the 2019 YRBS, 3.6% of middle and high school e-cigarette users under 18 report buying e-cigarettes from the Internet.⁹

In addition to purchasing through online tobacco retailers, many e-cigarettes are available through sites like ebay and Craigslist, which have no age verification whatsoever. Ebay policy prohibits sale of tobacco products; however, JUUL products have been found for sale on the website under other categories such as electronics, sometimes with product listings that neglect to use the terms “tobacco” and/or “nicotine.” In April 2018, FDA contacted ebay regarding these violations and ebay has worked to remove JUUL listings and implement measures to prevent new JUUL listings.¹⁰ Despite these efforts, some JUUL products continue to be listed for sale on ebay.¹¹

Social Sources of E-Cigarettes

Social sources, such as friends and classmates, are the most common source for accessing e-cigarettes among youth:

- According to the 2018 NYTS, 72.6% of middle and high school e-cigarette users under 18 report obtaining e-cigarettes from social sources—primarily friends.¹²

- According to the 2019 YRBS, 42.8% of high school e-cigarette users <18 years of age reported borrowing e-cigarettes from someone else and 21.3% reported giving someone else money to buy them.¹³
- A 2018 study found that among surveyed youth JUUL users (ages 12-17), half had gotten JUUL from a social source.¹⁴ While the up-front cost of some e-cigarettes, like JUUL, is high (a JUUL starter kit, which includes the device, charger and four JUULpods of various flavors, is \$29.99 on the JUUL website), there have been anecdotal reports of kids pooling together money to share a device and sell “hits” from the device to recoup the cost.

Social sources have to get the products they distribute from somewhere, so they likely purchased from the Internet or from a retail store before distributing to others.

Making it More Difficult for Kids to Buy E-Cigarettes Reduces Youth Smoking

Research shows that making obtaining tobacco products as inconvenient, difficult and expensive as possible for kids reduces both the number of kids who try or regularly use tobacco products.¹⁵ To the extent that these measures directly affect youth who buy their own e-cigarettes or be sources for other youth, then they can also reduce the supply to other kids.

On December 20, 2019, President Trump signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years, effective immediately. While raising the tobacco sale age to 21 is a significant milestone, age restrictions alone are insufficient to reduce youth access.

Restricting the sale of flavored tobacco products is an important strategy that can help reduce youth access to e-cigarettes. According to PATH data, 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month and 70.3% say they use e-cigarettes “because they come in flavors I like.”¹⁶ Restricting or prohibiting the sale of flavored e-cigarettes will therefore reduce the availability of the products most popular among youth. At least 300 localities and 5 states have passed restrictions or complete prohibitions on the sale of flavored e-cigarettes, along with other flavored tobacco products.¹⁷

Increasing the price of e-cigarettes is an effective way to discourage youth use because youth are particularly price sensitive.¹⁸ Price hikes may also make it less likely that parents and other adults will give e-cigarettes to kids.

Campaign for Tobacco-Free Kids, December 21, 2020 / Laura Bach

¹ University of Michigan, 2020 Monitoring the Future Study, *Trends in Availability of Drugs as Perceived by 10th Graders*, <http://monitoringthefuture.org/data/20data/table16.pdf>.

² Levinson, AH, et al., “Asking for Identification and Retail Tobacco Sales to Minors,” *American Journal of Public Health*, 145(5), 2020.

³ Liu, ST, et al., “Youth Access to Tobacco Products in the United States, 2016-2018,” *Tobacco Regulatory Science*, 5(6): 491-501, 2019.

⁴ Liu, ST, et al., “Youth Access to Tobacco Products in the United States, 2016-2018,” *Tobacco Regulatory Science*, 5(6): 491-501, 2019.

⁵ Creamer, M., et al., “Tobacco Product Use Among High School Students—Youth Risk Behavior Survey, United States, 2019,” *MMWR*, 69(1): 56-63, August 21, 2020, <https://www.cdc.gov/mmwr/volumes/69/su/pdfs/su6901a7-H.pdf>.

⁶ Roeseler, A, et al., “Assessment of Underage Sales Violations in Tobacco Stores and Vape Shops,” *JAMA Pediatrics*, published online June 24, 2019.

⁷ Williams, RT, Derrick J, & Ribisl, KM, “Electronic cigarette sales to minors via the internet.” *JAMA Pediatrics* 169(3):e1563, doi: 10.1001/jamapediatrics.2015.63, Epub March 2, 2015. Nikitin, D, Timberlake, DS, & Williams, RS, “Is the E-Liquid Industry Regulating Itself? A Look at E-Liquid Internet Vendors in the United States,” *Nicotine & Tobacco Research* 18(10):1967-72, 2016.

⁸ Liu, ST, et al., “Youth Access to Tobacco Products in the United States, 2016-2018,” *Tobacco Regulatory Science*, 5(6): 491-501, 2019.

⁹ Creamer, M., et al., “Tobacco Product Use Among High School Students—Youth Risk Behavior Survey, United States, 2019,” *MMWR*, 69(1): 56-63, August 21, 2020, <https://www.cdc.gov/mmwr/volumes/69/su/pdfs/su6901a7-H.pdf>.

¹⁰ FDA, “Statement from FDA Commissioner Scott Gottlieb, M.D., on new enforcement actions and a Youth Tobacco Prevention Plan to stop youth use of, and access to, JUUL and other e-cigarettes,” April 24, 2018, <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-enforcement-actions-and-youth-tobacco-prevention>.

¹¹ Laestadius, L and Wang, Y, “Youth access to JUUL online: eBay sales of JUUL prior to and following FDA action,” *Tobacco Control*, published online September 5, 2018. Kelly, M, “Teen vapers are using eBay to dodge age restrictions,” *The Verge*, June 5, 2019, <https://www.theverge.com/2019/6/5/18652706/teen-vapers-ebay-purchase-age-restrictions-vaping-cigarettes-juul>.

¹² Liu, ST, et al., “Youth Access to Tobacco Products in the United States, 2016-2018,” *Tobacco Regulatory Science*, 5(6): 491-501, 2019.

¹³ Creamer, M., et al., "Tobacco Product Use Among High School Students—Youth Risk Behavior Survey, United States, 2019," *MMWR*, 69(1): 56-63, August 21, 2020, <https://www.cdc.gov/mmwr/volumes/69/su/pdfs/su6901a7-H.pdf>.

¹⁴ Truth Initiative, "Where are kids getting JUUL?" May 29, 2018, <https://truthinitiative.org/news/where-are-kids-getting-juul>.

¹⁵ See related Campaign fact sheets, *Raising Cigarette Taxes Reduces Smoking, Especially Among Kids (and the Cigarette Companies Know It)*, <http://www.tobaccofreekids.org/research/factsheets/pdf/0146.pdf> and *Enforcing Laws Prohibiting Cigarette Sales to Kids Reduces Youth Smoking*, <http://www.tobaccofreekids.org/research/factsheets/pdf/0049.pdf>.

¹⁶ FDA, "Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance," March 13, 2019, <https://www.fda.gov/media/121384/download>.

¹⁷ Campaign for Tobacco-Free Kids, *States & Localities That Have Restricted the Sale of Flavored Tobacco Products*, <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.

¹⁸ Pesko, MF, et al., "E-cigarette price sensitivity among middle- and high-school students: evidence from Monitoring the Future," *Addiction* 113(5):896-906, May 2018.