San Francisco is set to ban Juul and other e-cigarette sales in 2020

San Francisco officials just banned the sale or distribution of e-cigarettes in the city unless they have FDA approval. The ban, which also affects some flavored tobacco products, adds to restrictions that the city put in place on flavored e-cigarettes last year — already considered to be the strictest in the country according to *The New York Times*. Cigarettes remain legal.

Once it goes into effect in early 2020, the new San Francisco ordinance will forbid tobacco shops in the city from selling e-cigarettes that haven't been approved by the FDA. It also bans "the sale and distribution to any person in San Francisco of flavored tobacco products and electronic cigarettes that require, but have not received, an FDA order approving their marketing."

There are no authorized e-cigarettes currently on the market
At the moment, this ordinance essentially bans *all* e-cigarettes from being sold in or shipped to people in the city, because, as acting FDA commissioner Ned Sharpless noted earlier this month: "There are no authorized e-cigarettes currently on the market." E-cigarette companies, including the San Francisco-based Juul, currently have until 2022 to submit applications for FDA approval. And until they get that approval, they can't be sold in the city. Unsurprisingly, Juul is not happy about the ban, protesting that it still allows cigarettes to be sold in the city. *Bloomberg* reports that the company has been behind a push to put the issue on the ballot

in November, potentially allowing voters to decide if e-cigarettes should be sold in the city to people over the age of 21.

Of course, the FDA could potentially approve some e-cigarettes at some point in the future. The agency sent out guidelines to e-cigarette companies earlier this month detailing what the companies should put in their applications to the FDA. Among other factors, the FDA will consider an e-cigarette's marketing, ingredients, and how it could potentially change people's behavior as it makes the decision of whether to approve e-cigarettes.

San Francisco is among the first cities to ban the sale of these items in the United States – it joins Beverley Hills, California, which passed a similar law earlier this month. While the Beverly Hills ban will be enacted in 2021, the San Francisco legislation could go into effect as early as next year. California as a whole has a history of leading the way on tobacco-related bans. In 1998, it became the first state in the country to severely restrict indoor smoking in public places, though the law was initially met with resistance from smokers.

The current San Francisco ban was proposed back in March by six San Francisco supervisors, who were concerned by the spike in underage vaping reported by the FDA and CDC last year. Soon after the CDC's findings were announced, the surgeon general declared youth vaping an epidemic.

"We have people addicted to nicotine who would have never smoked a cigarette had it not been for the attractive products that target our young people," San Francisco Supervisor Shamann Walton told the *Associated Press* when he proposed the ban.

The legislation now goes before San Francisco Mayor London Breed, who has 10 days to decide whether to sign it, though

early reports from KQED indicate that she does plan to sign. If she does, the law would go into effect seven months later, sometime early next year.

https://www.theverge.com/2019/6/25/18758505/san-francisco-juul-ban-fda-e-cigarettes-sf