

Overview of Amendments to New Hampshire Law RSA 126-K

Overview

On July 19, 2019, [House Bill 511](#) (HB511) became law to help communities across the state strengthen approaches in preventing adolescent use of all tobacco products. HB511 amends New Hampshire Statute Chapter 126-K, *Youth Access to and Use of Tobacco Products* by expanding definitions of device, e-cigarette and e-liquid to align with definitions developed by the U.S. Food and Drug Administration.

RSA 126-K – New Definitions

- “**Device**” means any product composed of a mouthpiece, heating element, battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis.
- “**E-cigarette**” means any electronic smoking device composed of a mouthpiece, heating element, battery, and electronic circuits that may or may not contain nicotine or e-liquid.
- “**E-liquid**” means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation.

Images to help Understand RSA 126-K Definitions



E-cigar, E-pipe,
Vape Pen, Juul,
and Other
Rechargeable
E-cigarettes



E-liquids



Hookah and
E-hookah

Additional Information

Possession and Use of Tobacco Products, E-cigarettes, or E-liquid by Minors, RSA 126-K:6-I, was modified as follows:

No minor shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, device, or e-liquid except that a minor who has been issued a registry identification card under [RSA 126-](#)

[X:4](#) may possess e-liquids containing cannabis and applicable devices.

The public should be aware that US Drug Enforcement Administration classifies cannabis as a [Schedule 1 drug](#), which means it has no currently accepted medical use and has a high potential for abuse. Use of cannabis and the applicable devices remains prohibited on school grounds.

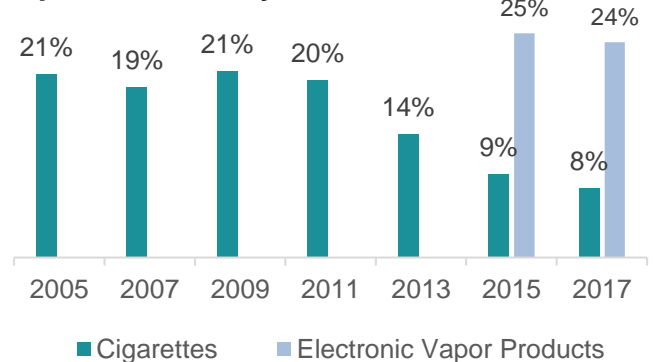
Use of Tobacco Products on Public Educational Facility Grounds Prohibited

RSA 126-K:7 was amended to include devices and e-liquids and by doing so provides communities, schools, and law enforcement the tools they need to restrict access to tobacco and electronic devices that can harm adolescent development.

Health in All Policies: Youth Access to and Use of Tobacco Products

The graph (next column) shows that New Hampshire has achieved a collective impact to reduce smoking by adolescents to 8% in 2017. Electronic vapor products are now the most commonly used tobacco product in New Hampshire by adolescents. Twenty-four percent of high school-aged youth reported using these products (including e-cigarettes, e-cigars, e-pipes, vape pipes, vaping pens, e-hookahs, and hookah pens) in the past 30 days, while the national average is 13%, according to the 2017, NH Youth Risk Behavior Survey (YRBS). As a result, New Hampshire has a growing epidemic of adolescent electronic vapor product use, which threatens a new generation with nicotine addiction.

Percentage of High School-Aged Youth Who Reported Using Cigarettes or an Electronic Vapor Product* by Year, 2005-2017



Source: Youth Risk Behavior Survey (YRBS)

*Electronic Vapor Product questions were added in 2015

Students who reported using cigarettes:

- In 2005 - 21%
- In 2007 - 19%
- In 2009 - 21%
- In 2011 - 20%
- In 2013 - 14%
- In 2015 - 9%; 25% reported using an electronic vapor product.
- In 2017, 8%; 24% reported using an electronic vapor product.

Most teens do not use tobacco products, but the changes to RSA 126-K in HB511 sends a clear message that keeping all tobacco products, including electronic vapor products, out of the hands of youth is sound public health policy.

For more Information

NH Department of Health
and Human Services

Division of Public Health Services

Tobacco Prevention and Cessation Program

29 Hazen Drive, Concord, NH 03301

TPCP@dhhs.nh.gov

