

# E-cigarettes & Marijuana

E-cigarettes are electronic devices that heat a liquid and produce an aerosol. E-cigarettes are most commonly used to deliver nicotine; however, the devices can also be used to deliver marijuana and other drugs. Recreational marijuana was legalized for sale in Montana January 1, 2021 and along with legalization came various restrictions to limit youth access and exposure to marijuana products. Many of the restrictions do not apply to e-cigarette devices and, therefore, leave a large gap in exposure.

## E-cigarettes

### Clean Indoor Air Act does not prohibit use in indoor public places and workplaces

The Montana Clean Indoor Air Act (CIAA) does not prohibit the use of e-cigarettes in indoor public places or workplaces. It is challenging to tell if an individual is vaping nicotine or vaping marijuana. Vaping nicotine is allowed under the CIAA, but vaping marijuana is not allowed under MCA § 16-12-108, which prohibits use of marijuana products in locations where smoking is prohibited. Eleven localities in Montana have expanded their local CIAA protocol to prohibit e-cigarette use of any form in indoor public places or workplaces.

### Can be sold in stores that allow minors

E-cigarette products can be found in convenience stores, grocery stores, pharmacies and other retail environments that are open to all ages. There is no federal or state law that restricts the sale of e-cigarettes products to adult-only facilities.

### Retailers have a nominal annual license fee of \$20

The Alternative Nicotine or Vapor Products Retail License is \$20 annually.

### E-cigarette products are not taxed at the state or federal level

While e-cigarettes are the most commonly used tobacco product among youth, they remain untaxed in Montana. Thirty states tax e-cigarettes. Increasing the price of tobacco products is one of the most effective methods to prevent youth initiation.

## Marijuana

### Use is prohibited in all places where smoking is prohibited

With the passage of recreational marijuana, the definition of "smoking" or "to smoke" under the Montana Clean Indoor Air Act (CIAA) was amended to include the use of marijuana. Additionally, MCA § 16-12-108 prohibits using marijuana or marijuana products in a location where smoking tobacco is prohibited.

### Individuals under 21 are not allowed in marijuana businesses

MCA § 16-12-207(b)(12) states, "A person under 21 years of age is not permitted inside a marijuana business unless the person is a registered cardholder."

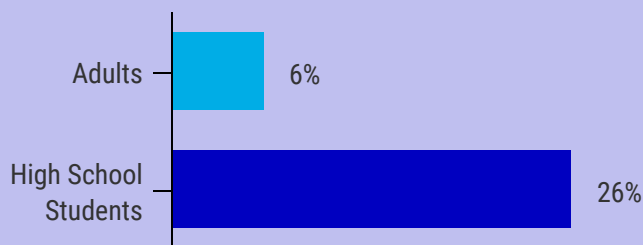
### Dispensaries have a substantial annual license fee of \$5,000

Annual marijuana dispensary fees are \$5,000 per location.

### Marijuana products are taxed at 20% of the retail price

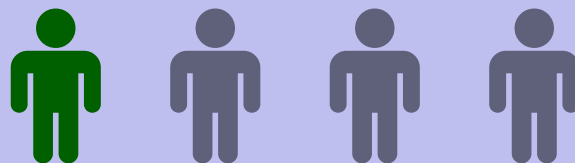
MCA § 15-64-102 sets a 20% tax on the retail price of marijuana, marijuana products, and live marijuana plants for adult-use dispensaries.

## Current e-cigarette use among Montana adults vs. Montana high school students



Source: Montana Behavioral Risk Factor Surveillance System, 2021; Montana Youth Risk Behavior Survey, 2021.

Among Montana high school students who vaped in the last 12 months, 25% used a vape product to deliver marijuana.



Source: Montana Prevention Needs Assessment, unweighted data estimates from 10th and 12th grade students, 2022.