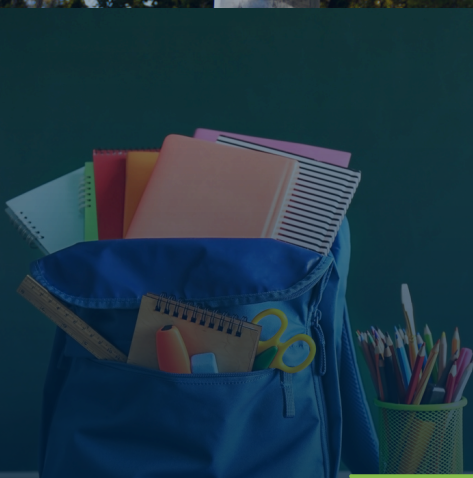




KENTUCKY DEPARTMENT FOR PUBLIC HEALTH



# 2025 Tobacco-Free Schools Policy Playbook



**KentuckyPublicHealth**  
Prevent. Promote. Protect.

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## Introduction: Youth Tobacco Use

E-cigarettes have been the most used tobacco product among youth in the U.S. since 2014.<sup>1</sup> According to the U.S. surgeon general, e-cigarettes do not create a harmless water vapor; contrary to popular belief, they emit an aerosol containing harmful chemicals. Those chemicals include highly addictive nicotine.<sup>2</sup>

Nicotine exposure has been shown to affect key receptors in the developing brain, making young people more susceptible to nicotine addiction and potentially “priming” the brain for future addictions.<sup>3</sup> There is strong evidence that kids who try vaping are at an increased risk of smoking cigarettes in the future.<sup>4</sup>



The use of e-cigarettes, commonly known as “vaping,” has reached critical levels among youth, with a 2023 report finding that 7.7% of middle school and high school students across the nation reported current use of e-cigarettes.<sup>5</sup> While national youth vaping rates have decreased in the past year, rates in Kentucky remain higher than the national average.<sup>6</sup>

Concerns about the safety of e-cigarettes intensified following the nationwide outbreak of E-cigarette or Vaping-Related Severe Lung Injury (EVALI). EVALI is strongly linked to vitamin E acetate, a chemical found in some e-cigarette liquids. Between the first official identification of EVALI in 2019 and the beginning of the COVID pandemic in 2020, 2,807 people were hospitalized. Of those hospitalized, 68 people died, primarily affecting youth and young adults.<sup>7</sup>

Vaping among youth is influenced by several factors, including targeted marketing by the tobacco industry, the appeal of flavored products, nicotine addiction and a reduced perception of risk.<sup>8</sup> Additionally, vaping is associated with negative impacts on youth mental health. Studies show that teens and young adults who vape are more likely to report symptoms of depression and anxiety. Of those that vape, many youths say they turn to these products to help cope with stressors. This pattern creates a concerning cycle that fails to address core underlying mental health struggles and exacerbates symptoms over time.<sup>9</sup> By fostering honest conversations about tobacco use, providing resources and raising awareness, schools and families can play a crucial role in addressing the root causes that lead young people to vape in the first place.



E-cigarettes can look like traditional cigarettes, but may also resemble ink pens, USB drives or non-tobacco products. Despite legislation outlawing the sale of tobacco products to minors, companies strategically market their products to youth, including sleek and high-tech designs or youthful flavors such as “blue razz lemonade” or cotton candy.<sup>10</sup>



## Federal E-Cigarette Legislation

In March 2019, the FDA took steps to restrict flavored e-cigarettes, but the regulations did not include popular mint and menthol flavors, which remain widely available.<sup>11</sup> Youth menthol use actually increased significantly after 2019.<sup>12</sup> To further protect young people, the federal government passed Tobacco 21 in December 2019, raising the minimum age to purchase tobacco products from 18 to 21.<sup>13</sup>

The tobacco industry responded by using synthetic nicotine instead of nicotine derived from the tobacco plant, which allowed flavored synthetic nicotine products to bypass regulations and remain on retail shelves. On April 14, 2022, synthetic nicotine products were officially classified as tobacco products and brought under FDA authority, requiring companies to submit applications to market their products.<sup>14</sup> As of April 2025, the FDA has authorized only 34 flavored e-cigarette products to be sold, under just three brands: Logic, Vuse and NJOY.<sup>15</sup>

## Safe Disposal of Confiscated E-Cigarettes

E-cigarettes and their components, including e-liquids and lithium-ion batteries, are considered hazardous waste by the Resource Conservation Recovery Act (RCRA).<sup>16</sup> E-liquids containing nicotine are classified as hazardous due to toxicity, while lithium-ion batteries pose risks of fire or explosion.<sup>17</sup> Under [Kentucky Regulatory Statute \(KRS\) 438.313](#), youth cannot be cited or fined for possession of tobacco products, including e-cigarettes. However, school districts should confiscate these products when students violate tobacco-free policies. It is imperative that school districts dispose of these products safely.

To learn more about safe disposal of confiscated e-cigarettes, review the following resources:

- [Disposing of E-Cigarette Waste: FAQ for Schools and Other Institutions](#)
- [KY Environmental Compliance Assistance Program: Best Practices for Handling and Disposal of Vaping Wastes](#)

## Nicotine Pouches

While e-cigarettes are the most commonly used tobacco product among U.S. middle and high school students, oral nicotine pouches are rapidly growing in popularity. As of 2024, oral nicotine pouches are the second most popular tobacco product among middle and high school students.<sup>18</sup> Conventional tobacco pouches contain shredded tobacco and are kept under the lip where nicotine enters the body through the gums. Oral nicotine pouches, on the other hand, have evolved to contain flavored nicotine powder, with popular brands such as Zyn, On! and Rogue moving to the forefront. Marketed as a cleaner alternative to smoking or vaping, these pouches are often flavored and packaged in ways that appeal to youth, making them difficult to detect and regulate.<sup>19</sup>

## Addressing THC in E-Cigarettes

E-cigarettes that contain tetrahydrocannabinol (THC) present a growing challenge in Kentucky schools. These devices are often identical in appearance to other e-cigarettes but deliver high concentrations of THC, which is the psychoactive component in cannabis.<sup>20</sup> THC is illegal for recreational use in Kentucky.<sup>21</sup> Students who use e-cigarettes containing THC are at risk for cognitive impairment, mental health struggles and exposure to harmful additives like vitamin E acetate, which has been linked to severe lung injuries.<sup>22</sup>

Schools can support compliance with [KRS 158.149](#) and [KRS 158.4416](#) by implementing trauma-informed and supportive approaches to student discipline, such as mental health/suicide risk screening tools, substance use assessments tools and alternative-to-suspension programs.

While the Kentucky Tobacco Prevention & Cessation Program does not provide expert guidance on THC products or specific trauma-informed approaches to discipline, those interested in learning more about these topics may reach out to the program at [Ky.TobaccoFree@ky.gov](mailto:Ky.TobaccoFree@ky.gov) for an introduction to the Prevention & Promotion Branch of the Kentucky Department for Behavioral Health, Developmental & Intellectual Disabilities' Division of Substance Use Disorder.

## Kentucky's 100% Tobacco-Free Schools

100% Tobacco-Free Schools is an evidence-based initiative, created to support school districts in developing policies that protect students, staff and visitors from the harms of tobacco use at school and at school-sponsored events.

The primary goal of the Tobacco-Free Schools initiative is to promote a healthy learning environment through comprehensive tobacco prohibition policies, counseling and education. These policies protect students by reducing exposure to secondhand smoke and vape aerosols and de-normalizing tobacco product use. They also decrease the likelihood of negative educational outcomes by establishing non-punitive, alternative responses to policy violations.

**100% Tobacco-Free School policies can reduce youth tobacco use by up to 30 percent!**

*\*when properly enforced*

For more information on 100% Tobacco-Free Schools best practices and recommendations, please refer to the [American Heart Association's Tobacco-Free Schools Toolkit](#).

### KRS 158.149 and 2024's HB 142

In 2024, Kentucky House Bill (HB) 142 amended [KRS 158.149](#) to require all Kentucky school districts to implement a comprehensive tobacco-free school policy. In order to qualify as comprehensive, a policy must explicitly prohibit use of any tobacco product by students, staff and visitors across any school property and any school sponsored events. Tobacco-free school policies are designed to protect and promote the health and well-being of the entire school community by promoting a tobacco-free lifestyle and supporting prevention and cessation efforts.

In August of 2024, the Kentucky Department for Public Health's Tobacco Prevention & Cessation Program and Kentucky Department for Behavioral Health, Developmental & Intellectual Disabilities' Division of Substance Use Disorder, Prevention & Promotion Branch published a document highlighting [HB 142 Recommendations & Resources](#). Created in consultation with the Kentucky Department of Education, the HB 142 Recommendations & Resources document includes evidence-based resources that are compliant with KRS 158.149, as well as a link to the [Kentucky Tobacco Prevention & Cessation Program's Print Materials Request Form](#) where districts may order 100% Tobacco-Free Schools print materials at no cost.

As of May 2025, the HB 142 Recommendations & Resources document is up-to-date and current with all state regulations. The Kentucky Tobacco Prevention & Cessation Program encourages schools to reference this document when considering prevention and intervention curricula and methods to address youth tobacco-use.

## Progressive Discipline & Alternatives to Suspension

KRS 158.149 requires schools to include tobacco education and cessation opportunities in each step of the policy-violation discipline plan. Progressive discipline means that disciplinary procedures start with less punitive consequences and become more punitive with each violation. Progressive discipline is important because tobacco use is more than simply a case of someone choosing to break the rules; it's often a case of someone having an active addiction to nicotine. Research shows that because adolescents' brains are still developing, they can quickly become addicted to nicotine even if they are not daily users of tobacco products.<sup>23</sup> Additionally, studies indicate that smoking policies that prohibit tobacco use and assist smokers in overcoming addiction are associated with lower smoking rates.<sup>24</sup>

**A progressive discipline policy can use a variety of strategies, each of which is included in our HB 142 Resources and Recommendations document.**

**When building your policy, choose the combination of resources and programming that reflects your school's philosophy, climate and unique needs.**

Although HB 142 allows for either in-school or out-of-school suspension, Kentucky Tobacco Prevention & Cessation Program does not recommend suspensions in response to policy violations. The HB 142 Recommendations document includes evidence-based alternative-to-suspension programming, such as INDEPTH. Programs such as this provide intensive, comprehensive prevention education while mitigating the negative educational outcomes associated with traditional suspension. To learn more about alternative-to-suspension and how you can use your policy to create a positive and supportive environment, visit the following guide from the CDC: [Schools Supporting Students to Quit Tobacco Use as an Alternative to Suspension: Lessons from the Field](#).

## Building Your 100% Tobacco-Free Schools Policy

A supportive and comprehensive Tobacco-Free School policy should encourage and foster a positive environment for all members of the school community while covering all aspects of tobacco use and exposure. If you currently have a policy in place, take the time to review and potentially revise it. The Alliance for a Healthier Generation offers a [Tobacco-Free District Policy Builder](#) to help you get started. Additionally, the Kentucky Tobacco Prevention & Cessation Program has developed a Policy Implementation Checklist that may be used to improve your policies once they are developed. (See pages 8 through 11.)

While developing your policy, think about engaging your community – including parents, students, school nurses and other partners – who can help ensure the policy is widely supported and understood. As you refine your policy, consider identifying individuals who can take on key roles in implementation and enforcement to ensure the policy remains sustainable over time.

Please reach out to the Kentucky Tobacco Prevention & Cessation Program at [Ky.TobaccoFree@ky.gov](mailto:Ky.TobaccoFree@ky.gov) with any questions you may have about this process.

## Policy Implementation Checklist

The Kentucky Tobacco Prevention & Cessation Program's tobacco-free schools policy implementation checklist is designed to guide school districts through the process of aligning their tobacco policies with the requirements of [KRS 158.149](#). This checklist ensures that all essential steps are covered, from initial policy review to full implementation and ongoing enforcement.

School administrators, educators, school board members, etc. can use this checklist to conduct an internal assessment of where their policy aligns with best practices and where it can be strengthened. For each question, mark Yes, No or Not Applicable (N/A). You may wish to use the comments column to note who is responsible for enforcing a specific policy, when it was implemented or anything else that may be helpful in your review.

After you have completed the checklist, review it, paying special attention to any questions to which the answer was 'No.' These areas indicate an area where the school's policy may not be in compliance with KRS 158.149 or where the policy is compliant but may still have room for improvement.

If you have any questions about this checklist or would like assistance interpreting or remedying any 'No' responses, please contact the Kentucky Tobacco Prevention & Cessation Program at [Ky.TobaccoFree@ky.gov](mailto:Ky.TobaccoFree@ky.gov).

To download this checklist as a separate document, please visit: <https://tinyurl.com/mrcfevav>

Does your policy prohibit students, staff and visitors from:	Yes	No	N/A	Comments
Smoking				
Using e-cigarettes				
Using smokeless tobacco				
Using tobacco on school grounds				
Using tobacco in school vehicles				
Using tobacco at school events not on school property				
Promotion of tobacco industry brands, products, shops or related devices*				

*\*While [KRS 158.149](#) does not require that school policies explicitly address tobacco-related branding and personal items, including this provision helps create a more comprehensive policy. Limiting exposure to tobacco logos and imagery can reduce normalization and prevent subtle forms of tobacco-promotion among youth.*



Does your disciplinary policy include:	Yes	No	N/A	Comments
Specific written enforcement procedures and consequences for students				
Specific written enforcement procedures and consequences for staff				
Specific written enforcement procedures and consequences for visitors				
Meetings/conversations with students who violate the policy				
Notification of parents or caregivers of students who violate the policy				
Cessation opportunities for students who violate the policy				
Behavior-modification education for student who violate the policy				

Is the tobacco-free school policy located in:	Yes	No	N/A	Comments
The student handbook				
The staff/personnel handbook				
The parent/caregiver handbook				
Orientation materials for students				
Orientation materials for staff				
Materials/instructions for vendors and contractors				

Is tobacco-free school signage posted:	Yes	No	N/A	Comments
At all entrances to school grounds				
At all entrances to school buildings				
At athletic facilities				
In parking lots and bus garages				
On/in school-owned vehicles				
At administrative buildings				

Is tobacco-free school policy information shared with the community through:	Yes	No	N/A	Comments
Notices sent home with students				
School newsletters				
School websites				
Announcements made at athletic, extracurricular and/or evening events				
Earned media (e.g., free PSAs on local radio stations)				
Paid media (e.g., advertisements, commercials)				

Is tobacco-free school policy information shared with staff, including vendors and contractors through:	Yes	No	N/A	Comments
In-service trainings				
Discussion(s) at staff meetings				
Posters or similar materials in staff lounges and/or offices				
Staff newsletters				
Job applications and interviews				
New staff orientation				

Has your school's administration identified the following:	Yes	No	N/A	Comments
Individuals within the school district who can provide intervention services				
A substance-use assessment tool				
A mental health/suicide risk screening tool				
Tobacco education class(es)				
Other cessation services for students				
Cessation information for parents				
Cessation information for staff				
Alternative-to-suspension program(s)				
Grant opportunities related to nicotine use				
An incident-reporting tool				

Specific program and tool options for alternative-to-suspension, cessation, education and risk screening components are listed in the [HB 142 Recommendations and Resources Document](#). When selecting a program, be sure it is age-appropriate and that it aligns with evidence-based standards as defined by Substance Abuse & Mental Health Services Administration (SAMHSA) to ensure effectiveness and compliance with best practices.

## Sample Resources

These documents can be adapted to meet schools' communication needs regarding tobacco-free school policies.

### Sample Letters

To satisfy [KRS 158.149](#) Section 1(3)(a)<sup>1</sup> and 1(3)(e)<sup>2</sup>, send a letter to parents, guardians and school staff explaining the revised school policy. Your letter should include an overview of KRS 158.149 and tailored, evidence-based resources, as well as a copy of the new policy.

The following sample letters can serve as a template for effective communication of the policy. To use these templates, follow the link and copy the document. Please customize the letters to suit your district's specific needs.

- [Letter to Families](#)
- [Letter to Staff](#)

### Sample Announcements

- “For the safety of our students, staff and guests, [name of school district] is proud to have a 100% tobacco-free policy. At this time, we would like to remind our home fans and visitors that the use of tobacco products and e-cigarettes during tonight’s event is strictly prohibited. We appreciate your support and would like to thank you for keeping our school and stadium tobacco-free. Enjoy the game.”
- “As we prepare for today’s event, we want to remind you that [School Name] is a tobacco-free zone. Please refrain from using any tobacco products, including cigarettes, nicotine pouches or vapes while on school property. Thank you for helping us maintain a healthy and safe environment for our community.”
- “Thank you for attending tonight’s performance. As a reminder, [school name] is a 100% tobacco-free campus. The use of any tobacco products, including e-cigarettes, is prohibited on school property. We appreciate your cooperation in helping us maintain a healthy and safe environment for all of our guests. Thank you and enjoy the show!”

<sup>1</sup> KRS 158.149 Section 1(3)(a): “The distribution of evidence-based, age-appropriate nicotine prevention and cessation material to all students of the district at the beginning of each school year.”

<sup>2</sup> Section 1(3)(e): “A requirement that school employees enforce the policies.”

## Model Language from KSBA

This section provides model language from the [Kentucky School Boards Association](#) (KSBA), which provides legal and policy guidance to school districts across the state. It includes sample policy language organized by specific KSBA policy codes covering certified personnel, classified personnel, school facilities, transportation, students and communications.

Adopting the language in these key sections will support compliance with KRS 158.149.

### Certified Personnel

(KSBA Policy Code 03.12327)

The use of any tobacco product, alternative nicotine product or vapor product as defined in [KRS 438.305](#)<sup>3</sup> is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Adequate notice shall be provided to students, parents and guardians, school employees and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. A person in violation of this policy shall be subject to discipline or penalties as set forth by the Board. The administration shall consult with appropriate health organizations to provide employees with information and access to support systems, programs and services to encourage abstaining from use of tobacco products.

### Classified Personnel

(KSBA Policy Code 03.2327)

The use of any tobacco product, alternative nicotine product or vapor product as defined in KRS 438.305 is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Adequate notice shall be provided to students, parents and guardians, school employees and the general public.

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<sup>3</sup> KRS 438.305 specifies that “alternative nicotine product” does not include any product regulated as a drug or device by the United States Food & Drug Administration. This means nicotine replacement therapy is not prohibited by a 100% tobacco free school model policy.



Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. A person in violation of this policy shall be subject to discipline or penalties as set forth by the Board.

### **School Facilities**

**(KSBA Policy Code 5.31)**

#### **Application for Use & Contract**

##### *Conditions of Usage (abbreviated)*

All use of school facilities is subject to the following conditions:

1. An official application shall be made to the principal or other person designated by the Superintendent.
2. Conditions of that contract shall include:
  - Agreement that the use of any tobacco product, alternative nicotine product or vapor product shall not occur on or in all property.

### **Transportation**

**(KSBA Policy Code 6.221)**

#### **School Bus Driver's Use of Tobacco, Drugs & Alcohol**

The use of any tobacco product, alternative nicotine product or vapor product as defined in KRS 438.305 is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Adequate notice shall be provided to students, parents and guardians, school employees and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property. School employees shall enforce the policy.

### **Students**

**(KSBA Policy Code 09.4232)**

Students shall not be permitted to use or possess any tobacco product, alternative nicotine product or vapor product as defined in KRS 438.305 on or in all Board property at all times, including any vehicle, owned, operated, leased or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Evidence-based, age-appropriate nicotine prevention and cessation material shall be distributed to all students at the beginning of each school year and students shall have access to the material throughout the school year.

Adequate notice shall be provided to students, parents and guardians, school employees and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the Code of Acceptable Behavior and Discipline. The Superintendent/designee shall develop procedures for the implementation of this policy.

If a student under the age of twenty-one violates this policy, then the District will confiscate the alternative nicotine products, tobacco products or vapor products and:

- For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs and referrals for treatment;
- A second incident shall result in providing information listed above and disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline; and
- Third and subsequent incidents may result in an in-school or out-of-school suspension. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.

## **Communications**

**(KSBA Policy Code 10.5)**

### **Visitors to Schools**

The use of any tobacco product, alternative nicotine product or vapor product, as defined in KRS 438.305, is prohibited for all persons and at all times on or in all property, including any vehicle, that is owned, operated, leased or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Adequate notice shall be provided to students, parents and guardians, school employees and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Persons in violation of this policy, in addition to fines which may be imposed by law, are subject to verbal warnings to refrain from use of the subject product. Refusal to refrain from such use or repeated instances of prohibited use after prior warnings may subject the individual to a ban from school property as permitted by law and corresponding civil and criminal penalties.

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