

Vape store operators' take on vaping policies — Qualitative study

Tobacco Center
of Regulatory Science

Pratibha Nayak, PhD¹, Dianne C. Barker, MHS², Jidong Huang, PhD³, Christine Mineart, MPH², Eleanor Leavens, MS⁴, Farhia M. Omar, MPH⁵, Megan C. Diaz MA³, Frank Chaloupka, PhD³



¹Tobacco Center of Regulatory Science (TCORS), Georgia State University, Atlanta, Georgia; ²Barker Bi-Coastal Health Consultants, Inc.; ³University of Illinois at Chicago; ⁴Oklahoma Tobacco Research Center, OUHSC; ⁵Mayo Clinic, Arizona

Introduction

- Electronic nicotine delivery systems (ENDS) entered the United States (US) market a little less than a decade ago, and sales were projected to reach \$3.5 billion by the end of 2015.
- Sales at the vape shops accounted for \$1.2 million of the estimated \$2 billion sales from vapors/tanks/mods and personal vaporizers in the US.
- Vape shops are specialized retail shops devoted to the sale of EVPs and to helping customers select and sample flavors, select nicotine levels, and learn about the available devices.
- Currently, this industry is largely unregulated; there are no regulations on the flavors, e-liquid constituents, or nicotine levels used in the mixtures.
- In 2014, the FDA announced the intention to extend their authority to include additional tobacco products such as ENDS.
- The anticipated FDA deeming rule has the potential to impact ENDS products as well as vape shop operations.

Study Aims

The present study sought to (a) provide insights into barriers to implementation of current and future proposed FDA regulations on ENDS and, (b) how it might affect vape shop marketing practices.

Methods

Vape Store Selection

- Vape stores were selected using a convenience sample from nine cities: Atlanta, Chicago, Henderson, Oklahoma City, Phoenix, Seattle, San Jose, Thousand Oaks, and Ventura
- Vape stores were defined as retail outlets primarily engaged in the retail sale of electronic nicotine delivery devices (ENDS) and their associated products (e.g., e-cigarettes, e-cigars e-juices) to the public. At least 50% of the store's merchandise must be ENDS-related. Private vape shops, and stand-alone public vape shop lounges without attached public vape retail stores were excluded.
- Five vape stores per city were identified using extensive internet searches and were telephoned in advance to arrange a meeting on-site
- Once on-site, if the operator consented to an interview, in-person interviews were conducted by a trained interviewer using an interview guide
- Interviews of approximately 45-60 minutes were conducted with 37 vape store owners
- Participants were provided with \$50 gift cards to compensate them for their time

Inclusion Criteria:

- Participants were the owner or manager of the vape shop, ≥ 18 years of age, and spoke English

Data Analysis

- Recorded interviews were transcribed, and the data were analyzed using NVIVO analytical software.
- All relevant codes were identified independently by the authors using three transcripts. A master list was designed using all the identified codes.
- Transcripts were coded independently by the authors using the master list.
- The master list was refined iteratively when a new theme emerged.
- Inter-rater reliability was assessed to examine coding agreement. Any discrepancies were resolved through consensus among the authors.

Results

Table 1. Sociodemographic Characteristics of the Vape Store Operators

Characteristic	(n=37)	%
Gender		
Male	30	81.1
Female	7	18.9
Mean age	37	Range: 22-65
Ethnicity		
Non-Hispanic White	28	75.7
Other	9	24.3
Ownership		
Single store	31	83.8
Multiple locations	5	13.5
Unknown	1	2.7
Location		
Urban	37	100
Other	0	0
Length of time open		
< 12 months	10	27.0
12-23 months	13	35.2
≥ 2 years	14	37.8
Shop type		
Retail Store Only	11	29.7
Retail Store & Lounge	24	64.9
Unknown	2	5.4

Table 2. Vape Shop Operators' Support for Proposed Federal ENDS Regulations

Quotation Excerpts by Theme: Proposed Federal ENDS Regulations
<p>To list ingredients contained in the e-juice on the bottle label? I think customers should know what's inside, so that's good. I am all for it. At least at our shop, full disclosure is something that we pride ourselves on... I'd rather you know what's inside the bottle rather than not know because of maybe allergies or so on and so forth. I'm all for putting ingredients on bottles Can you get all that information on a tiny little label? No. That's where you need packaging.</p>
<p>To register ingredients contained in e-juices? Yes. I think the flavor companies either have to have it registered in order to sell to us, I think that's the way it ought to be gone through if they want to stay in the game. If it's every manufacturer has to register every formula that they come up with, it will pretty much kill everyone but the tobacco industry.</p>
<p>To restrict the distribution of free e-juice samples? No, that would not be a good thing. It's like buying a car without test riding it. Yeah, I don't like that. If you're 18 years old, you should be able to do whatever is legal.</p>
<p>To ban some or all flavored e-juices? Absolutely not. We're targeting people's taste buds, not kids with bubble gum flavoring. If that was the deal, then flavored condoms and flavored alcohol shouldn't be sold either. They might, or they'd have less incentive to switch from cigarettes.</p>
<p>To require pre-market review of new product lines? The beauty of this industry is that it's not as complex as making medicine or something like that. That's why it's grown up so much in this country, is because it's like the American dream of making your own business... But to say that the FDA wants to step in and preview every single line, most of these companies can't afford to get FDA approval the way they're proposing it now. ... I think regulations like that are intended to just shut down these companies because, let's face it, who benefits by shutting down these companies? Big tobacco and big pharmaceutical.</p>

Results

Table 3. Vape Shop Operators' Support for Proposed State ENDS Regulations

Quotation Excerpts by Theme: Proposed Federal ENDS Regulations
<p>To require child-resistant bottles? I'm in favor if child-resistant bottles. We don't let children in our store, but people are taking this home where they have kids and they have pets and everything else.</p>
<p>To restrict vaping in public places, such as restaurants and bars? I think that's stupid because vapor is not the same as that, they're saying it's smoke. I think it should be up to the private businesses as to what they want to.</p>
<p>Add excise taxes? I disagree that they should be there, but if they're going to be, it shouldn't be any more taxed than is put on cigarettes because it's clearly healthier than smoking cigarettes.</p>
<p>To allow on-site inspections of your juice mixing facilities? Bring it on. As long as they tell me what they're checking for because I should know.</p>
<p>To fine store owners if minors are present inside vape shops? That's a tricky thing. We don't sell to anyone under 18 and we card people. But we have parents coming in with their children, and currently it's not the law that you can't be in a vape store unless you're 18. For us, if people are coming in with their children because they're out doing errands and this is just another errand for some people, they have to go pick up juice and coils, and we don't want them to leave their kids out in the car.</p>

Conclusions

- Vape store operators showed acceptance for requirements to list ingredients, use childproof caps and prohibit sales to minors.
- They were opposed to additional taxation, banning of flavors, restriction on distribution of free samples and issuing fines to storeowners if minors were present in the store.
- They had mixed opinions about registering products and undergoing pre-market reviews, primarily due to anticipated implementation costs. They felt that ENDS should not be used in restaurants and bars, but that the owner of each establishment should make that decision and the government should not intervene.
- Limitations:
 - This pilot study used a convenience sample and selected vape store operators from nine cities in the United States. Its intention was to explore differences in attitudes and opinions that may result from differences across states based on each state's existing tobacco control policies and influences from both the tobacco and vaping industry.
 - The interviews were audio recorded and interviewers also made handwritten notes to capture information for those who did not give consent for audio recording; hence, some details of their responses might not have been captured.
- The findings in this study will help the FDA to seek alliance with vape shop operators to build public policy regarding ENDS and thereby accelerate the decline of combustible cigarette use.

Acknowledgments

This research was funded by grant number P50DA036128 from the NIH/NIDA and FDA Center for Tobacco Products via GSU R03 funding to PI- Dr. Jidong Huang and Ms. Dianne Barker. The content is solely the responsibility of the authors and does not necessarily represent the official views of the NIH or the Food and Drug Administration. The authors have no financial disclosures or conflicts of interest to report.

For questions, contact pnayak@gsu.edu