



Washington State Board of Health

Chapter 246-80 WAC – Prohibition – Vitamin E Acetate

October 13, 2020

Overview

- Rulemaking Timeline
- Proposed Rule
- Staff Recommendation
- Next Steps

Rulemaking Progress

- In July 2019, federal and local clinical and public health partners began investigating outbreaks of e-cigarette or vaping associated lung injury (EVALI). 27 cases have since been identified in Washington state.
- The U.S. Centers for Disease Control and Prevention and U.S. Food and Drug Administration identified vitamin E acetate as a likely culprit causing EVALI.
- The Board initially adopted an emergency rule prohibiting vitamin E acetate in vapor products in November 2019. Two subsequent emergency rules were adopted in March and July 2020, with the current rule expiring November 14, 2020.
- In March, the Board directed staff to initiate permanent rulemaking and a CR-101 was filed in May 2020.
- A CR-102 was filed August 21, 2020 and the Board received 1 written comment on the rule.

Proposed Rule: WAC 246-80-021 Prohibition – Vitamin E Acetate

- No person including, but not limited to, a person licensed under chapter 69.50 or 70.345 RCW, may sell, offer for sale, or possess with intent to sell, or offer for sale vapor products containing vitamin E acetate. The foregoing prohibition applies to the sale, offer for sale, or possession with intent to sell, or offer for sale vapor products containing vitamin E acetate at any location or by any means in this state including, but not limited to, by means of a telephonic or other method of voice transmission, the mail or any other delivery service, or the internet or other online service.

Public Comments

- One comment in support of the proposed rule was received
- No other comment received

Estimated Timeline



CR-101	CR-102	Public Comment Period	Rules Hearing and Possible Adoption	File CR-103	Rule Effective
May 2020	August 2020	August – September 2020	October 13, 2020	October 2020	November 2020



Rules Hearing

October 13, 2020

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| THANK YOU