



**Date:** October 9, 2019

**To:** Washington State Board of Health Members

**From:** John Wiesman, DrPH, MPH, Secretary of Health

**Subject:** Executive Order 19-03 Addressing the Vaping Use Public Health Crisis

**Background and Summary:**

In July 2019, the U.S. Centers for Disease Control and Prevention (CDC), U.S. Food and Drug Administration, state and local health departments, and other clinical and public health partners began investigating outbreaks of lung injury associated with e-cigarette product use, or vaping. In September 2019, the CDC activated its Emergency Operations Center to aid in the investigation of the multi-state outbreak. To date there have been over 1,000 cases reported across the United States, including 18 deaths. Seven cases of lung injury have been reported in Washington State and the number of cases is expected to grow.

On September 27, 2019 Governor Jay Inslee issued Executive Order 19-03, Addressing the Vaping Use Public Health Crisis. As a part of the Executive Order, Governor Inslee directed the Washington State Department of Health (Department) to, "Request that the State Board of Health use its emergency rulemaking authority to impose a ban on all flavored vapor products, including flavored THC vapor products, at the Board's next meeting on October 9". The Washington State Board of Health (Board) has the authority under RCW 43.20.050(2)(f) to adopt rules for the prevention and control of infectious and noninfectious diseases.

I have invited staff from the Department of Health, State Board of Health, and the Liquor and Cannabis Board to present information about the executive order, the current outbreak of vapor-related illnesses, draft emergency rule language, and the findings of the Board's Health Impact Review of HB 1932 Concerning Vapor Products.

**Recommended Board Action:**

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board adopts the emergency rule-making order to ban the sale of flavored vapor products, including flavored THC vapor products, and to require reporting of cases of lung injury associated with e-cigarettes or vaping from health care providers and health care facilities. The Board directs staff to file the CR-103E to create chapter 246-080 WAC, which will become effective immediately upon filing with the code reviser.

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**Staff**

Alexandra Montaña

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