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## How to Identify Vapor Products and E-liquid Products Required to be on the Manufacturer’s Directory for Vapor Products and E-liquid Products

### Definitions

**E-liquid Product.** An e-liquid product is “a liquid product, which may or may not contain nicotine, that is inhaled when using a vapor product and that may or may not include without limitation propylene glycol, vegetable glycerin, nicotine from any source, and flavorings.” Ark. Code Ann. § 20-65-101(7).

**Vapor Product.** A vapor product is “an electronic oral device of any size or shape that contains a vapor of nicotine, e-liquid, or any other substance that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that:

- (A) Is composed of a heating element, battery, electronic circuit, chemical process, mechanical device, or a combination of heating element, battery, electronic circuit, chemical process, or mechanical device;
- (B) Works in combination with a cartridge, other container, or liquid delivery device containing nicotine, e-liquid, or any other substance and manufactured for use with vapor products;
- (C) Is manufactured, distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor; and
- (D) Does not include a product regulated as a drug or device by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 *et seq.*, as it existed on January 1, 2015.” Ark. Code Ann. § 20-65-101(13).

**Atomizer.** Merriam-Webster defines an “atomizer” as a device that converts a liquid into a fine spray or mist.

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### Checklist

1. Is the vapor product or e-liquid product listed on the Manufacturer Directory for Vapor Products and E-liquid Products (hereinafter, “Directory”) posted to Arkansas Tobacco Control’s website?

Yes       No

*If Yes, then the vapor product may be sold in the State of Arkansas.*

*If No, please refer to Question 2 for vapor products or Question 6 for e-liquid products.*

2. If the product is a vapor product, does it contain any amount of nicotine?

Yes       No

*If Yes, move to Question 3.*

*If No, then the vapor product is not required to appear on the Directory to be sold in the State of Arkansas.*

3. Is the vapor product powered by removable batteries?

Yes       No

*If Yes, move to Question 4.*

*If No, the vapor product is required to appear on the Directory before being sold in the State of Arkansas.*

4. Is the vapor product sold without e-liquid?

Yes       No

*If Yes, move to Question 5.*

*If No, the vapor product is required to appear on the Directory before being sold in the State of Arkansas.*

5. Is the vapor product designed to use e-liquid in a refillable container?

Yes       No

*If Yes, the vapor product is not required to appear on the Directory before being sold in the State of Arkansas.*

*If No, the vapor product is required to appear on the Directory before being sold in the State of Arkansas.*

6. If the product is an e-liquid product, does it contain any amount of nicotine?

Yes       No

*If Yes, move to Question 7.*

*If No, then the e-liquid product is not required to appear on the Directory.*

7. Is the e-liquid product sold in a container without a battery or atomizer?

Yes       No

*If Yes, move to Question 8.*

*If No, the e-liquid product is required to appear on the Directory before being sold in the State of Arkansas.*

8. Is the e-liquid product intended to be refillable or otherwise makes the nicotine solution accessible to the consumer through reasonably foreseeable handling or use (i.e., twisting off a cap or opening a compartment to access the nicotine solution)?

Yes       No

*If Yes, the e-liquid product is not required to appear on the Directory before being sold in the State of Arkansas.*

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