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Department of Finance
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DIRECTOR'S MEMORANDUM

TO: Permit Holders
FROM: Director Christy Bjornson, Arkansas Tobacco Control
DATE: November 14, 2025
RE: Clarification on Manufacturer Directory for Vapor Products and E-liquid Products and Advertising Restrictions

Dear Permit Holders:

This memorandum is being sent to clarify what types of products are required to appear on the Directory for Vapor Products and E-liquid Products ("Directory") before they can be possessed, imported, sold, or offered for sale in Arkansas. Additionally, this memorandum will address the advertising restrictions placed on all tobacco products, vapor products, alternative nicotine products, or e-liquid products offered for sale in this state.

Products Required to be Listed on the Directory

Act 590 of 2025 established that certain types of vapor products or e-liquid products must appear on the Directory before they can be possessed, imported, sold, or offered for sale in Arkansas. Ark. Code Ann. § 20-65-201 *et seq.* Any vapor product or e-liquid product that does not contain nicotine is not required to appear on the Directory. *Id.* Arkansas Tobacco Control ("ATC") will not certify any brand of vapor product or e-liquid product as not being required to appear on the Directory and this determination must be made by you.

For purposes of the Directory, a **vapor product** is "an electronic oral device of any size or shape that contains...nicotine or e-liquid that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that:

- (i) 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;
- (ii) Works in combination with a cartridge, other container, or liquid delivery device containing nicotine from any source or e-liquid and manufactured for use with vapor products; and
- (iii) Is manufactured, distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette containing nicotine from any source, e-cigar containing nicotine from any source, e-pipe containing nicotine from any source, or any other vapor product name or descriptor." Ark. Code Ann. § 20-65-201(2)(A).

A **vapor product** that (1) does not use removable batteries, (2) is sold with an e-liquid containing nicotine, or (3) does not utilize the e-liquid containing nicotine in a refillable container must appear on the Directory. *See* Ark. Code Ann. § 20-65-201(2)(B). **This means that if one or more of these three characteristics describes the vapor product in question, then it must appear on the Directory before it can be possessed, imported, sold, or offered for sale.**

Below is an example of a vapor product that is not required to appear on the Directory as well as an example of a vapor product that is required to appear on the Directory.

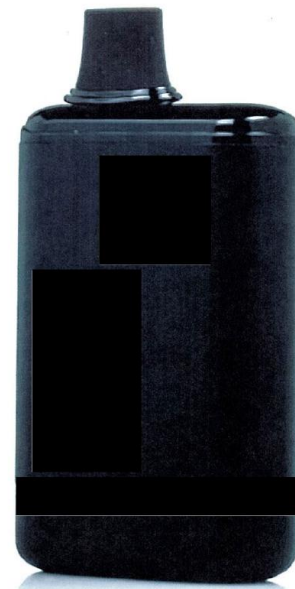
**Not Required to Appear on
the Directory**

Open systems similar to the example below



**Required to Appear on
the Directory**

Closed systems similar to the example below



For purposes of the Directory, an **e-liquid product** is “a liquid product containing nicotine from any source that is inhaled when using a vapor product, and that may or may not include without limitation propylene glycol, vegetable glycerin, and flavorings.” Ark. Code Ann. § 20-65-201(1)(A).

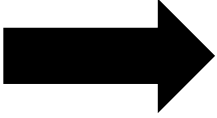
An **e-liquid product** that is a nicotine solution sold in a container without a battery or atomizer and is either (1) intended to be refillable or (2) makes the nicotine solution accessible to the consumer through foreseeable handling (i.e., twisting off a cap or opening a compartment to access the nicotine solution) is not required to appear on the Directory. Ark. Code Ann. § 20-65-201(1)(B). **This means that if an e-liquid product is sold in a container with a battery or atomizer, then it must be listed on the directory. If an e-liquid is sold in a container without a battery or atomizer, then option (1) and (2) must both be false for it to be required to appear on the Directory before it can be possessed, imported, sold, or offered for sale.**

Below is an example of an e-liquid product that is not required to appear on the Directory as well as an example of an e-liquid product that is required to appear on the Directory.

**Not Required to Appear on
the Directory**

**Required to Appear on
the Directory**

Twist-off
cap



If, after reviewing the vapor product or e-liquid product in question, you are unable to determine whether it must appear on the Directory, please contact your own legal counsel or our office for assistance with this determination. ATC will be available for guidance but will not preapprove any brand of vapor product or e-liquid product for sale that is not listed on the Directory.

Advertising Restrictions for all Tobacco Products, Vapor Products, Alternative Nicotine Products, and E-liquid Products

In addition to creating the Directory, Act 590 of 2025 also placed new advertising restrictions on all tobacco products, vapor products, alternative nicotine products, and e-liquid products, regardless of nicotine content. Ark. Code Ann. § 20-65-104. These products may not be advertised, marketed, or offered for sale if they use any imagery, including in their labeling or packaging, that:

- (1) Imitates or copies food brands commonly marketed to children or minors, including but not limited to breakfast cereals, cookies, juice drinks, soft drinks, frozen drinks, ice creams, sorbets, sherbets, and popsicles;
- (2) Depicts or signifies characters or symbols that appeal primarily to or are commonly associated with children or minors. This means no superheroes, cartoons, cartoon characters, anime characters, comic book characters, video game characters, television show characters, movie characters, mythical creatures, unicorns, or related imagery or scenery;
- (3) Uses any terms such as “candy”, “candies”, “cake”, “cakes”, “pies”, or “cupcakes” or any variant of these terms when that variant term is used in a manner to market to children or minors or known to a reasonable person to appeal primarily to children or minors, or any other term referencing a type or brand of candy, cakes, pastries, or pies, including types or brands of candies,

cakes, pastries, or pies that do not include the words “candy”, “candies”, “cake”, “cakes”, “pies”, or “cupcakes” in their names, labels, or slogans. *Id.*

Examples of terms that should be avoided due to commonly being used in a manner to market a type or brand of candies, cakes, pastries, or pies to children or minors include but are not limited to:

- (1) “Gummy” or “Gummies”;
- (2) “Rancher”;
- (3) “Pop”;
- (4) “Gush”, “Gusher”, or “Gushers”.

If you cannot determine whether a tobacco product, vapor product, alternative nicotine product, or e-liquid product is compliant with the above stated advertising restrictions please contact your own legal counsel or our office for assistance with this determination.



Christy Bjornson
Director
Arkansas Tobacco Control