

Heated Tobacco Products Need to Be Included in Tobacco Control Laws

All tobacco¹ products, including heated tobacco products, are unsafe. Heated tobacco products (HTPs) should be fully included in tobacco control laws to reduce tobacco use and protect the public from exposure to secondhand smoke. Exemptions for specific products, such as heated tobacco products, undermine public health protections, risk worsening health outcomes, and can exacerbate disparities in tobacco use. A comprehensive approach to reducing tobacco use and secondhand smoke exposure requires that heated tobacco products be taxed at the same rate as cigarettes, prohibited wherever smoking and tobacco use are prohibited, and subject to prohibitions on flavored tobacco products.

Health Effects of Heated Tobacco Products

Heated tobacco products are unsafe and have demonstrated negative health impacts for users, particularly youth, young adults, and pregnant women. These products contain more than 20 toxic chemicals, including nicotine, which is highly addictive, can damage the developing adolescent brain, and is toxic to developing fetuses.²

While research on both the short- and long-term health effects of heated tobacco products is still emerging, existing evidence shows that these products emit a wide range of dangerous substances. Heated tobacco product aerosols contain polycyclic aromatic hydrocarbons, metals, aromatic amines, alkanes, organic acids, volatile organic compounds, and particulate matter, many of which are known to pose risks to human health.^{3,7} In addition, emissions from heated tobacco products has been shown to contain toxic compounds of nicotine, tar, carbon monoxide, and tobacco-specific nitrosamines, all of which have been shown to cause damage.⁸

Heated tobacco products emit many of the same dangerous chemicals as cigarettes, along with additional toxic substances.¹²

Studies have identified short-term health effects associated with heated tobacco product use, including increased heart rate and blood pressure, arterial stiffness, cardiovascular stress, and lung inflammation.⁴ In addition, secondhand aerosol exposure from heated tobacco products has been associated with asthma attacks or asthma-like symptoms and persistent cough among people who don't smoke.⁵

Heated Tobacco Products Are Not Safe or Proven to Help People Quit

- **Heated tobacco products, like all tobacco products, are unsafe and have negative health impacts.**
- Heated tobacco products are **not an FDA-approved method** for quitting smoking. No manufacturer of a heated tobacco product may advertise or market their product as a cessation aid.⁶
- **Heated tobacco products have not** been scientifically shown to **help people who smoke cigarettes to quit.**⁶
- Evidence on secondhand exposure to heated tobacco product aerosols is still emerging; however, studies indicate that **exposure may pose health risks to people who do not smoke.**⁵

What are Heated Tobacco Products (HTPs)?

Heated tobacco products are tobacco products that use an electronic device to heat tobacco leaf to produce an inhalable aerosol. Unlike e-cigarettes, which heat a liquid containing nicotine, heated tobacco products contain tobacco, nicotine, and often flavorings. The tobacco is heated to a high temperature without being burned. These products come in a variety of shapes and sizes and may resemble conventional cigarettes.

Under federal law, heated tobacco products meet the definition of a cigarette and, as a result, are subject to the same regulatory requirements. This includes taxation at the cigarette rate, the use of cigarette-specific health warning statements, and restrictions on flavors, limiting sales to tobacco or menthol varieties.

Heated Tobacco Product Use

Heated tobacco products remain relatively new to the U.S. market, and data on awareness, beliefs, and use among U.S. adults are limited. A 2021 study of U.S. adults found that 23.6% were aware of heated tobacco products, 8.9% had ever used them, and 3.0% were current users. Awareness and use were more common among younger adults and among those who currently use electronic vaping devices.¹⁰

Youth use, while lower than other tobacco products, is measurable. In 2024, approximately 1 in 143 (80,000) middle school students and 1 in 111 (120,000) high school students reported using heated tobacco products in the past 30 days.¹¹

ACS CAN's Position

ACS CAN advocates for evidence-based tobacco control policies that are comprehensive and include all tobacco products, including heated tobacco products, to reduce tobacco use and exposure to secondhand smoke. The exemptions for specific products in tobacco control laws in a locality or state can contribute to disparities in tobacco use. State and local governments should not exempt tobacco products, including heated tobacco products, that the FDA has granted a premarket tobacco product marketing order or modified risk order. Any tobacco products on the market without a premarket tobacco product marketing order issued by the FDA is illegally on the market.

Heated tobacco products should be defined as tobacco products and regulated as such as part of a comprehensive approach to reducing tobacco use and exposure to secondhand smoke in the United States. This includes:

- **Taxing heated tobacco products at the same rate as cigarettes:** Under federal law, heated tobacco products meet the definition of cigarettes and therefore are subject to the same federal cigarette taxation requirements. To reduce the deadly and costly burden of tobacco use, all heated tobacco products must be taxed at rates equivalent to cigarettes.
- **Prohibiting heated tobacco product use where smoking and tobacco use is prohibited:** Secondhand smoke and emissions from heated tobacco products poses significant health risks to people who use them and those around them and should be included as part of any smoke-free or tobacco-free law. This includes prohibiting heated tobacco product use in tobacco retailers, restaurants, bars, gaming facilities and wherever else smoking or tobacco use is prohibited.
- **Prohibiting flavored heated tobacco products:** Under federal law, heated tobacco products meet the definition of cigarettes and therefore can only be sold in menthol or tobacco flavors. The sale of all flavored tobacco products should be prohibited.

FDA Action on Heated Tobacco Products

The Food and Drug Administration (FDA) does not approve tobacco products as safe. Instead, FDA issues or denies marketing orders based on a net public health benefit. Although, FDA has issued premarket and modified risk tobacco product marketing orders for some heated tobacco products⁹, these products are not safe or without risk.

ACS CAN has opposed modified risk marketing orders for heated tobacco products based on the applications being insufficient in proving the public health benefit of the claims.

1. ACS CAN recognizes the important role of ceremonial tobacco for many indigenous communities. This term is intended to address commercial tobacco, not the provision, possession, or use of tobacco products as part of an indigenous practice or other recognized religious or spiritual ceremony or practice. All references to tobacco and tobacco products in this fact sheet refer to commercial tobacco.
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8. Bekki, Kanae, et al. Comparison of Chemicals in Mainstream Smoke in Heat-Not-Burn Tobacco and Combustion Cigarettes. Journal of UOEH. 2017, Vol. 39, 3, pp. 201-207.
9. A Premarket Tobacco Product Marketing Order allows a tobacco product to be sold after FDA review but does not indicate that the product is safe, less harmful, or approved for smoking cessation.
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12. Centers for Disease Control and Prevention. (2024, May 15). Heated tobacco products. U.S. Department of Health and Human Services.