

**Conference for Food Protection  
2020 Issue Form**

**Issue: 2020 I-034**

**Council Recommendation:** Accepted as Submitted \_\_\_\_\_ Accepted as Amended \_\_\_\_\_ No Action \_\_\_\_\_

**Delegate Action:** Accepted \_\_\_\_\_ Rejected \_\_\_\_\_

*All information above the line is for conference use only.*

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**Issue History:**

This is a brand new Issue.

**Title:**

Eating, Drinking, or Using Tobacco to Include Vaping

**Issue you would like the Conference to consider:**

2-401.11 Eating, Drinking or Using Tobacco does not include vaping. We would like vaping to be included in the current version of the FDA Food Code.

**Public Health Significance:**

Vaping is becoming increasingly popular and is the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device. The term is used because e-cigarettes do not produce tobacco smoke, but rather an aerosol, often mistaken for water vapor, that actually consists of fine particles. Not all vaping includes tobacco and therefore it has been difficult to enforce separation.

**Recommended Solution: The Conference recommends...:**

*The Conference recommends....*

That a letter be sent to the FDA requesting that Section 2-401.11 (A) of the most current edition of the Food Code be amended as follows:

(A) Except as specified in ¶ (B) of this section, an EMPLOYEE shall eat, drink, vape or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection can not result.

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