

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

House Committee on Human Services and Housing

REVENUE: May have revenue impact, statement not yet issued**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 2/5, 2/10

WHAT THE MEASURE DOES: Expands applicability of laws governing minors' access to, possession, and use of tobacco products to include vapor products.

ISSUES DISCUSSED:

- Distinguishing between HB 4073 and HB 4115; HB 4115 broader of the two
- Universal support of prohibitions applicable to minors
- Businesses already voluntarily restrict sales to adults only
- Strong preference for HB 4073 among adult consumers and businesses
- Electronic cigarettes as an alternative to “step-down”/away from traditional cigarettes
- Electronic cigarettes as a smoking cessation tool
- Sub-culture of consumers
- No scientific certainty with regard to health effects
- Some electronic cigarette devices may not reasonably be confused with traditional cigarettes; however, the look and experience of using the device mimics smoking
- Split-second demonstration of ignition had distinctive sound, vapor (visually indistinguishable from smoke) and obvious/detectable odor, even from 10 feet away
- If electronic cigarettes are banned, consumers will return to cigarettes and no alternative will exist for new users
- Whether labeling/nicotine content is accurate

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: Electronic cigarettes are battery-operated handheld devices that simulate smoking. They contain a heating element to convert liquid inside a replaceable cartridge, which may include nicotine, into a water-based mist or vapor for inhalation. The liquid may also contain other chemicals and/or be “flavored.” They do not produce smoke or other byproducts of burning tobacco that conventional cigarettes do. The primary design is rod-shaped: some designs may be confused with conventional cigarettes while others may not. Research into a wide range of surrounding concerns is generally inconclusive, including first and second-hand health effects for adults; children; the possibility of enabling new nicotine addicts; the potential as a smoking reduction or cessation tool for existing nicotine addicts; and the potential for misuse for delivery of controlled substances. About 27 states have at least prohibited the sale of electronic cigarettes to minors.

When it comes to minors, House Bill 4073 treats vapor products the same as tobacco products.

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This summary has not been adopted or officially endorsed by action of the committee.

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