

**ALASKA STATE LEGISLATURE**  
**HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

April 2, 2015

3:08 p.m.

**MEMBERS PRESENT**

Representative Paul Seaton, Chair  
Representative Neal Foster  
Representative Geran Tarr  
Representative Adam Wool

**MEMBERS ABSENT**

Representative Liz Vazquez, Vice Chair  
Representative Louise Stutes  
Representative David Talerico

**COMMITTEE CALENDAR**

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27**

"An Act relating to the duties of the Department of Health and Social Services; relating to hearings on and plans for permanent placement of a child in need of aid; relating to school placement and transportation for children in foster care; relating to foster care transition programs; relating to emergency and temporary placement of a child in need of aid; relating to the confidentiality of information regarding child protection; and amending Rule 17.2, Alaska Child in Need of Aid Rules of Procedure."

- MOVED SSHB 27 OUT OF COMMITTEE

**HOUSE BILL NO. 40**

"An Act relating to the use of electronic cigarettes; and providing for an effective date."

- MOVED CSHB 40(HSS) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 27

SHORT TITLE: DHSS DUTIES;CINA; FOSTER CARE; ADOPTION

SPONSOR(S): REPRESENTATIVE(S) GARA

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS

01/21/15 (H) HSS, JUD  
 02/11/15 (H) SPONSOR SUBSTITUTE INTRODUCED  
 02/11/15 (H) READ THE FIRST TIME - REFERRALS  
 02/11/15 (H) HSS, JUD  
 02/12/15 (H) HSS AT 3:00 PM CAPITOL 106  
 02/12/15 (H) Heard & Held  
 02/12/15 (H) MINUTE(HSS)  
 02/24/15 (H) HSS AT 3:00 PM CAPITOL 106  
 02/24/15 (H) Heard & Held  
 02/24/15 (H) MINUTE(HSS)  
 04/02/15 (H) HSS AT 3:00 PM CAPITOL 106

BILL: HB 40

SHORT TITLE: USE OF ELECTRONIC CIGARETTES AS SMOKING  
 SPONSOR(S): REPRESENTATIVE(S) HERRON

01/21/15 (H) PREFILE RELEASED 1/9/15  
 01/21/15 (H) READ THE FIRST TIME - REFERRALS  
 01/21/15 (H) HSS, JUD  
 03/10/15 (H) HSS AT 3:00 PM CAPITOL 106  
 03/10/15 (H) Heard & Held  
 03/10/15 (H) MINUTE(HSS)  
 03/12/15 (H) HSS AT 3:00 PM CAPITOL 106  
 03/12/15 (H) Heard & Held  
 03/12/15 (H) MINUTE(HSS)  
 04/02/15 (H) HSS AT 3:00 PM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE LES GARA  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, answered questions regarding HB 27.

REPRESENTATIVE BOB HERRON  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, answered questions regarding HB 40.

SHEB GARFIELD  
 Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 40.

CLAUDIA EAVES  
 Café de Vapor

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB40.

BENJAMIN NGUYEN, Co-owner

Cloud 49

Eagle River, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 40.

AMANDA LENHARD

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

LUAN JENSEN

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

BEVERLY LARSON

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

MARGE STONEKING, Executive Director

American Lung Association in Alaska

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

MARGEUX BAILEY

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

GRACE GOODYEAR

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

OCTAVIA HARRIS

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

ASHLEE FITCH

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

MELISSA MUDD

Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

BECKY STOPPA

Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

BETTY MACTAVISH  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HB 40.

**ACTION NARRATIVE**

3:08:39 PM

**CHAIR PAUL SEATON** called the House Health and Social Services Standing Committee meeting to order at 3:08 p.m. Representatives Seaton, Wool, Tarr, and Foster were present at the call to order.

**HB 27-DHSS DUTIES;CINA; FOSTER CARE; ADOPTION**

3:09:01 PM

CHAIR SEATON announced that the first order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27, "An Act relating to the duties of the Department of Health and Social Services; relating to hearings on and plans for permanent placement of a child in need of aid; relating to school placement and transportation for children in foster care; relating to foster care transition programs; relating to emergency and temporary placement of a child in need of aid; relating to the confidentiality of information regarding child protection; and amending Rule 17.2, Alaska Child in Need of Aid Rules of Procedure." He clarified that public testimony was still open.

3:09:50 PM

REPRESENTATIVE LES GARA, Alaska State Legislature, offered to answer any questions as prime sponsor and provide information.

CHAIR SEATON referenced public testimony from a prior meeting, and relayed that the purpose of the proposed bill was to have this in statute, as it would give more impetus for it all to be addressed. He pointed out that there was a zero fiscal note.

3:11:22 PM

CHAIR SEATON closed public testimony after ascertaining no one wished to testify.

3:11:33 PM

REPRESENTATIVE FOSTER moved to report SSHB 27, Version 29-LS0176\P, Glover, 2/9/15, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, SSHB 27 was moved from the House Health and Social Services Standing Committee.

**HB 40-USE OF ELECTRONIC CIGARETTES AS SMOKING**

[3:12:26 PM](#)

CHAIR SEATON announced that the next order of business would be HOUSE BILL NO. 40, "An Act relating to the use of electronic cigarettes; and providing for an effective date." [In front of the committee was CSHB 40, labeled 29-LS0232\W, Martin, 3/7/15, which had been adopted as the work draft.]

[3:12:53 PM](#)

REPRESENTATIVE BOB HERRON, Alaska State Legislature, explained that the proposed bill would classify e-cigarettes similar to cigars and cigarettes for use in enclosed environments. He noted that the proposed bill only addressed the issue of second hand aerosol, and directed attention to an advertisement which declared, "no smoke, no ash, no smell." He pointed out that, until technology allowed that the second hand aerosol to be captured so as to not affect others in enclosed environments, the legislation was necessary to classify e-cigarettes with other smoke products.

CHAIR SEATON clarified that it was illegal in Alaska to sell or give nicotine delivery devices to minors, without a doctor's prescription or parental permission, no matter whether it was in a smoking or non-smoking form.

[3:15:13 PM](#)

CHAIR SEATON opened public testimony.

[3:15:27 PM](#)

SHEB GARFIELD said that he was representing himself, although he did manage a vape shop in Anchorage. He stated that the proposed bill was backed by several groups, including the Alaska Tobacco Control Alliance, the Alaska Tobacco Quit Line, and the Department of Health and Social Services. He declared that he had often been in opposition to these groups. He had been smoke

free for 14 months. While other methods of quitting smoking had not been successful for him, vaping had allowed him to cut his nicotine intake and break his hand to mouth routine. He offered his belief that the results shared by these organizations were not peer reviewed studies, but merely results chosen to show a benefit, and he offered an example of recent formaldehyde and particle studies. He stated that all of these studies show there was not any evidence to back up the opposition theories. He shared that most of the arguments against vaping were opinion pieces or junk science. He reported that these aforementioned groups were also using scare tactics. He stated that the usage of any product would have a certain amount of exposure to teens and children. He stated that kids do try things, "it's what kids do, they try to get things they're not supposed to have." He declared that it had nothing to do with marketing toward children or teens. He decried that vaping was not a gateway to smoking, offering as an example that marijuana had also been declared to be a gateway drug. He allowed that, although nicotine was deadly in large doses, it had never been classified as a carcinogen. He reported that it was no more addictive than caffeine, chocolate, or sex, noting that there was not a movement to ban any of these.

[3:19:42 PM](#)

REPRESENTATIVE TARR pointed out that the legislation was not supporting a ban, but rather proposing limitations on the locations for use. She asked whether this changed his opinion.

MR. GARFIELD said that it did not change his opinion, pointing out that any limitation for testing out the flavors and equipment in a vape shop would discourage people from making the change from tobacco products. He stated that people wanted an easy way to quit smoking.

REPRESENTATIVE WOOL asked whether people came into the shop who enjoyed vaping as well as smoking cigarettes.

MR. GARFIELD said that he did have some friends who partake in both, and he pointed out that their cigarette consumption had dropped dramatically. He stated that there was not any smoking in his store.

REPRESENTATIVE WOOL pointed out that the proposed bill was not a ban, but was only making enforcement similar to cigarette laws. He asked whether it would be okay for people to vape on an airplane.

MR. GARFIELD replied that an airplane was a closed environment which was recycling the same air, and that the (FAA) Federal Aviation Administration had already banned this.

3:22:30 PM

CLAUDIA EAVES, Café de Vapor, stated that she was the part owner of several vapor stores in Washington, Idaho, and Alaska. She relayed that she had invested in these businesses because her son used to smoke a pack of cigarettes a day and he used chewing tobacco, for more than 20 years. She reported that his attempts to quit by other means had not worked but that vaping had allowed him to quit smoking. She said that this had lead him to open a vaping store in Boise, Idaho, and that when he had subsequently suggested that she open a vapor store in Anchorage, she had agreed as she had been so impressed with how vaping had allowed him to quit tobacco products. She declared that vaping worked, and she shared that many of her customers had expressed their gratitude to her. She stated that vaping will save countless lives, while cigarettes will continue to kill. She asked the committee to not make it difficult to vape for those people who wanted to quit tobacco. She pointed out that making it difficult for people to sample the product would often lead to a return to tobacco use.

REPRESENTATIVE TARR asked whether she would be comfortable with a prohibition on indoor use of e-cigarettes, other than an exception for the vaping store to allow testing of the product.

MS. EAVES acknowledged the concern for use in restaurants but she expressed her concern that a customer was not allowed to sample the different products. She declared that this could lead to an attitude by the customer that it was too much trouble and the person would go back to the use of cigarettes. She suggested that people be allowed to continue to sample in a vapor store.

3:25:31 PM

BENJAMIN NGUYEN, Co-owner, Cloud 49, stated his opposition to HB 40, expressing his belief that the proposed bill was premature, as it would diminish the hard work and energy that had gone into opposition to proposed SB 1. He said that including the definition of electronic cigarettes with smoking would undermine the efforts to help people quit smoking.

3:28:00 PM

AMANDA LENHARD said that she was testifying for herself, and that she was aware of the toxins in second hand smoke from both e-cigarettes and conventional cigarettes. It was important to protect the vulnerable population, including pregnant women, children, elders and asthma sufferers. She declared that, as the aerosol, ultrafine particles, volatile organic compounds, and other toxins present in e-cigarette second hand smoke were just as dangerous as chemicals from conventional cigarettes, they should also be included [in the same enforcement].

3:29:08 PM

LUAN JENSEN said that she was testifying on behalf of herself and her children. She directed attention to a study by Johns Hopkins which had recently reported that exposure to e-cigarette vapor resulted in the decreased ability to withstand bacterial and viral infections in mice. She acknowledged that, although the study was on mice, this was the precursor to all laboratory studies. She offered to forward a copy of the study to the House Health and Social Services Standing Committee.

3:30:30 PM

BEVERLY LARSON said that she was a high school freshman with asthma and was testifying for herself. She said that, as an asthmatic, it was unfair to have to breathe in chemicals which could trigger an asthma attack, which made athletics even more difficult. She declared that she did not want to breathe in benzene, formaldehyde, nicotine, or other harmful chemicals which were part of second hand smoke. She asked that others make the decision only for themselves to breathe these chemicals, and do it at their own risk. She testified in support of HB 40.

3:31:46 PM

MARGE STONEKING, Executive Director, American Lung Association in Alaska, declared that she was in support of HB 40. She acknowledged that although it was not the ultimate protection, adding e-cigarettes to the existing state smoking laws was an important opportunity for public discourse about the contents and health harms. She stated that there was not any evidence that showed the aerosol emitted by e-cigarettes was safe for non-users to inhale. She reported that studies had found formaldehyde, benzene, and tobacco nitrosamines were carcinogens

emitted from the e-cigarette. She said that the use of e-cigarettes in public and work places could complicate efforts to enforce and comply with smoke free laws. She shared that the American Lung Association supported inclusion of e-cigarettes under smoke free laws for the protection of non-users. She declared that the nicotine content was potentially harmful for children, pregnant women, people with heart or lung disease, and the elderly. She said that the bystanders inhaling second hand aerosol had the same amount of nicotine in their systems as bystanders of second hand smoke. She stated that there was no difference for the nicotine, even with the cloudless aerosol. She stated support for HB 40.

[3:34:03 PM](#)

MARGEUX BAILEY said that she was a student at East Anchorage High School and that she was representing herself. She expressed her concern for the use of e-cigarettes or vapor by youth, as it was difficult to find a student who had not tried e-cigarettes. Most people were under the assumption that these were completely safe. She declared that many studies showed that there were trace levels of nicotine in cartridges that were labelled as nicotine free. She expressed concern for future nicotine addiction and an increase of cigarette use.

[3:35:30 PM](#)

GRACE GOODYEAR shared that she was a freshman at East High School and was representing herself. She expressed her concern for the e-cigarette smokers and the bystanders surrounding them. She declared that the small traces of nicotine in e-cigarettes could still lead to nicotine addiction and the use of tobacco products.

CHAIR SEATON pointed out that vape shops were exempt in proposed SB 1.

[3:36:58 PM](#)

OCTAVIA HARRIS said that she was representing herself and was in support of HB 40 because e-cigarettes were dangerous due to second hand aerosol exposure and should be treated the same as traditional cigarettes under state law.

[3:37:35 PM](#)

ASHLEE FITCH said that she was representing herself and that she supported HB 40 because of the dangers posed by e-cigarettes and the left over residue.

[3:38:24 PM](#)

MELISSA MUDD said that she was representing herself and that she had submitted a written testimony in support of HB 40.

[3:38:47 PM](#)

BECKY STOPPA shared that she was representing herself and that she was in support of HB 40. She stated that an exemption on e-cigarettes would place an undue burden on businesses to have to differentiate between the substances. She shared that, given the recent legalization of marijuana, the refillable e-cigarette cartridges could be filled with anything, including hash oil or THC.

[3:40:17 PM](#)

BETTY MACTAVISH said that she was representing herself. She stated that she was in support of HB 40 to add e-cigarettes to the definition of smoking, as the health dangers of aerosol smoke were not yet known. She expressed concern for public use of electronic cigarettes and the ingestion of an unknown product. She shared that there had been complaints in her community for its use in airports. She said that the increase of use by youth had been growing at an alarming rate, especially with the candy flavors and the ability "to blow big giant smoke rings has proved to be enough incentive for our youth to try them."

[3:41:56 PM](#)

CHAIR SEATON closed public testimony after ascertaining no one further wished to testify.

CHAIR SEATON reiterated that proposed SB 1 did exempt vape shops.

[3:42:32 PM](#)

REPRESENTATIVE FOSTER moved to report CSHB 40, Version 29-LS0232\W, Martin, 3/7/15, out of committee with individual recommendations and the accompanying zero fiscal note. There

being no objection, CSHB 40(HSS) was moved from the House Health and Social Services Standing Committee.

[3:43:08 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 3:43 p.m.