

SB15

Chair Coghill and members of the Senate Judiciary Committee,

Hello,

For the record, my name is Alex McDonald owner of Ice Fog Vapor in Fairbanks and a member of the Smoke Free Alternative Trade Association. (SFATA). I am testifying today in opposition to the passage of SB15 as it is drafted.

Under Alaska State law it is currently illegal for anyone to buy, sell, or give a nicotine containing product to anyone under the age of 19. One of the first documents submitted for the record from the National Conference of State Legislatures July 2014, clearly shows on the map that Alaska is one of the states that bans e cigarette sales to minors.

SB15 would actually open up sales for parents and guardians to give these products to minors. My concern is - How would this be enforced? Would the minor and the parent have to go to court to show that the product was given to the minor by the parent or guardian? Would the minor just be able to say his parents gave it to them? How would the employee know that the person is actually the parent or guardian of the minor? It is our recommendation that if you are going to pass SB 15 that this provision be removed.

Our bigger concern is new federal laws dealing with vaping. This past August the Federal government enacted the Deeming regulations that made all vapor products and components, tobacco products. This includes everyday things like cotton, wire and batteries. The local battery store quit carrying 18650 size batteries because under these new regulations, just like vape shops, the battery store would have to card anyone one under the age of 26 as the batteries are now considered a tobacco product. The regulations make it illegal to sell tobacco products, including vapor products, to minors. Why do we need to repeat that federal law with SB 15?

The FDA also signed a \$450,000 contract this year with a third party vendor here in Alaska to conduct compliance checks for retailers across the state, including vapor shops. Under federal law, they have the authority to take action against retailers, both brick and mortar and online, for violations of these new federal regulations.

I would also like to touch on the December 2016 memo to Deputy Director, Stacy Toner submitted in Documents accompanying SB 15. I would point out in the memo it states that

"...Because the pilot ENDS investigation sample size was relatively small, it may be difficult to extrapolate investigation results for a larger population of ENDS vendors." (Toner Memo at Page 1)

This means that the sample size of the study for compliance was too small to be statistically accurate and should be disregarded. The memo also states that Alaska would need more regulation contained in SB 15 to comply with the SYNAR block grants. That is not the case. There is no indication at this time, that requirements for the block grant will change to include vapor products.

Given the current administrations cornerstone policy of deregulation and simplification of current regulations, we believe this would be highly unlikely. We recommend that the state wait to see if Vaping is included in the SYNAR block grant requirements before you move forward with this legislation.

For these reasons SFATA asks that you postpone moving this legislation foreword until we have answers to these concerns.

Thank you for your time.