

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

March 27, 2017

1:34 p.m.

**MEMBERS PRESENT**

Senator John Coghill, Chair  
Senator Mia Costello  
Senator Kevin Meyer  
Senator Pete Kelly  
Senator Bill Wielechowski

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 69

"An Act relating to misconduct involving weapons in the fifth degree; and providing for an effective date."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 24(FIN)

"An Act classifying U-47700 as a schedule IA controlled substance; and providing for an effective date."

- MOVED SCS CSHB 24(JUD) OUT OF COMMITTEE

SENATE BILL NO. 15

"An Act relating to possession of an electronic smoking product or a product containing nicotine by a minor and to selling or giving an electronic smoking product to a minor; relating to business license endorsements to sell cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine; and relating to citations for certain offenses concerning tobacco or nicotine products."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 69

SHORT TITLE: MISCONDUCT INVOLVING WEAPONS 5TH DEGREE

SPONSOR(S): SENATOR(S) EGAN

02/24/17 (S) READ THE FIRST TIME - REFERRALS  
02/24/17 (S) JUD, FIN  
03/15/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/15/17 (S) -- MEETING CANCELED --  
03/17/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/17/17 (S) Heard & Held  
03/17/17 (S) MINUTE(JUD)  
03/22/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/22/17 (S) <Bill Hearing Canceled>  
03/27/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 24

SHORT TITLE: LIST U-47700 AS A CONTROLLED SUBSTANCE

SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/18/17 (H) PREFILE RELEASED 1/9/17  
01/18/17 (H) READ THE FIRST TIME - REFERRALS  
01/18/17 (H) JUD, FIN  
02/01/17 (H) JUD AT 2:15 PM GRUENBERG 120  
02/01/17 (H) Moved HB 24 Out of Committee  
02/01/17 (H) MINUTE(JUD)  
02/03/17 (H) JUD RPT 5DP 2NR  
02/03/17 (H) DP: KOPP, KREISS-TOMKINS, FANSLER,  
REINBOLD, CLAMAN  
02/03/17 (H) NR: EASTMAN, LEDOUX  
02/22/17 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
02/22/17 (H) Moved CSHB 24(FIN) Out of Committee  
02/22/17 (H) MINUTE(FIN)  
02/24/17 (H) FIN RPT CS(FIN) 9DP 1AM  
02/24/17 (H) DP: GARA, WILSON, PRUITT, ORTIZ,  
THOMPSON, GUTTENBERG, TILTON, SEATON,  
FOSTER  
02/24/17 (H) AM: KAWASAKI  
03/06/17 (H) TRANSMITTED TO (S)  
03/06/17 (H) VERSION: CSHB 24(FIN)  
03/08/17 (S) READ THE FIRST TIME - REFERRALS  
03/08/17 (S) JUD  
03/24/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
03/24/17 (S) -- MEETING CANCELED --  
03/27/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 15

SHORT TITLE: E-CIGS: SALE TO AND POSSESSION BY MINOR

SPONSOR(s): SENATOR(s) STEVENS

01/13/17	(S)	PREFILE RELEASED 1/13/17
01/18/17	(S)	READ THE FIRST TIME - REFERRALS
01/18/17	(S)	L&C, JUD
02/14/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/14/17	(S)	Heard & Held
02/14/17	(S)	MINUTE(L&C)
02/21/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/21/17	(S)	Heard & Held
02/21/17	(S)	MINUTE(L&C)
02/28/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/28/17	(S)	<Bill Hearing Canceled>
03/02/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/02/17	(S)	Moved CSSB 15(L&C) Out of Committee
03/02/17	(S)	MINUTE(L&C)
03/06/17	(S)	L&C RPT CS 4DP NEW TITLE
03/06/17	(S)	DP: COSTELLO, HUGHES, MEYER, GARDNER
03/27/17	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

BRIAN JUDY, Senior State Lobbyist  
National Rifle Association (NRA)  
Sacramento, California

**POSITION STATEMENT:** Voiced concern with SB 69 on behalf of the NRA.

EARNST PRAX, representing himself  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 69.

REPRESENTATIVE CHARISSE MILLETT  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 24.

CHARLES FOSTER, Forensic Scientist and Chemistry Supervisor  
State Crime Laboratory  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information related to HB 24.

SENATOR GARY STEVENS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 15.

TIM LAMKIN, Staff  
Senator Gary Stevens  
Alaska State Legislature

**POSITION STATEMENT:** Introduced SB 15 on behalf of the sponsor.

ELIZA MUSE, Deputy Program Manager  
Tobacco Program  
Division of Public Health  
Department of Health and Social Services (DHSS)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to SB 15.

MARGE STONEKING, Executive Director  
American Lung Association in Alaska

**POSITION STATEMENT:** Testified in support of SB 15.

JOE DARNELL, Investigator  
Tobacco Section  
Division of Behavioral Health  
Department of Health and Social Services (DHSS)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to SB 15.

ANGELA BIRT, Chief Investigator  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to SB 15.

## **ACTION NARRATIVE**

[1:34:53 PM](#)

**CHAIR JOHN COGHILL** called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Costello, Meyer, Wielechowski, Kelly, and Chair Coghill.

### **SB 69-MISCONDUCT INVOLVING WEAPONS 5TH DEGREE**

[1:35:54 PM](#)

**CHAIR COGHILL** announced the consideration of SB 69.

[1:37:31 PM](#)

**BRIAN JUDY**, Senior State Lobbyist, National Rifle Association (NRA), voiced concern with SB 69. He discussed the NRA's view

that the existing language in AS 11.61.220 regarding misconduct involving weapons in the fifth degree is problematic. Specifically, it is the language dealing with the possession of concealed weapons. The bill doesn't resolve those concerns, it simply takes the existing language regarding carrying a concealed deadly weapon and extends it to inside a vehicle.

He said it is the view of the NRA that the notification and seizure provision in the bill basically requires a person to surrender their Fourth Amendment rights by exercising their Second Amendment rights. He maintained that the existing statutory language "when contacted by a peace officer" is very broad and doesn't require the officer to have a lawful reason to detain the person. The NRA's view is that there should be reasonable suspicion or probable cause of unlawful activity before the process is triggered. Regarding immediately informing the peace officer of a firearm in a vehicle, the NRA's view is that it requires an individual to disregard a peace officer's initial request or command in order to first state that they have a firearm in the vehicle. "That's a recipe for escalating an otherwise peaceful encounter," he said. Regarding securing or seizing the firearm, it is the NRA's view that it inappropriately encourages the handling of the firearm and makes the situation more dangerous.

MR. JUDY said there are also due process concerns with SB 69. A person may not be aware that they are required to inform, and they may not be aware that a firearm is in the vehicle. The bill also raises the question of what happens when a passenger has a firearm in a vehicle. He posited that people who aren't law abiding aren't going to comply with the notification requirement even if they're aware of the law. He cited the US v. Haynes ruling to support the position that those individuals could not be prosecuted under the provisions of the bill.

MR. JUDY advised that he is working with counsel at the NRA headquarters on language to narrow the contacted by a peace officer language, the immediately inform, and to do away with the seizure requirement.

[1:46:07 PM](#)

EARNST PRAX, representing himself, Fairbanks, Alaska, testified in opposition to SB 69. He said the bill is needless policy for the following reasons: 1) it entraps otherwise innocent Alaskans by criminalizing their failure to disclose legal behavior to a police officer; 2) it has the potential of reducing officer safety by escalating traffic stops; and 3) it furthers the law

enforcement bias that the public is to be feared rather than trusted which does not engender good will among the public.

He agreed with Mr. Judy's testimony and discussed those points. He questioned how the new language would affect law enforcement's search and seizure powers. He emphasized that the legislation isn't needed because police officers can already ask if there is a firearm in the car. He concluded that the data does not support the notion that SB 69 is needed to ensure police officer safety.

CHAIR COGHILL requested he submit his testimony in writing.

MR. PRAX agreed.

[1:53:45 PM](#)

CHAIR COGHILL stated that he would hold SB 69 in committee.

**HB 24-LIST U-47700 AS A CONTROLLED SUBSTANCE**

[1:54:17 PM](#)

CHAIR COGHILL announced the consideration of HB 24 and solicited a motion to adopt the proposed Senate committee substitute (CS).

[1:54:36 PM](#)

SENATOR COSTELLO moved to adopt the Senate CS for CS for HB 24, version 30-LS0260\J, as the working document.

CHAIR COGHILL objected for an explanation and the introduction of the bill.

[1:55:29 PM](#)

REPRESENTATIVE CHARISSE MILLETT, sponsor of HB 24, said she understands that the new CS adds language to add tramadol to the list of schedule IVA controlled substances. This was recommended in the report from the Controlled Substance Advisory Committee (CSAC) that directed including U-47700 in the schedule I category. This aligns the intent of the CSAC recommendations and the intent of the legislature in establishing the CSAC.

She continued to introduce HB 24 speaking to the following sponsor statement:

U-47700, also known by the street name "Pink" is a synthetic opioid responsible for the overdose deaths of at least 46 people nationwide since 2015. The Alaska Department of Health and Social Services

reports the drug is linked to three deaths here in Alaska. U-47700 can come in either powder form or tablets and is abused in the same manner as heroin and prescription opioids.

The US Drug Enforcement Division decided late last year that the substance was so dangerous it posed an immediate threat to public safety and classified U-47700 as a schedule 1 substance, a category of drugs that have no accepted medical use and pose an extremely high risk of abuse. Examples of other schedule 1 drugs include heroin and LSD. The DEA believes the drug is manufactured in illegal laboratories overseas, meaning its purity and quality are unknown and extremely dangerous to anyone that decides to use it. Samples of U-47700 have been found to be up to 800 percent more potent than heroin.

House Bill 24 lists U-47700 as a schedule 1 controlled substance in Alaska statutes (AS 11.71.140(c)). This will be an important tool for Alaska law enforcement officers and prosecutors to arrest and prosecute individuals using or distributing this dangerous drug and protect Alaskans from the latest form of highly addictive and potentially fatal synthetic heroin.

CHAIR COGHILL advised that in Section 2 starting on page 4, line 31, the Senate CS adds a new subsection that includes tramadol in the list of schedule IVA controlled substances. He noted that Senator Meyer introduced a similar bill but it's not as far along in the process. He asked Senator Meyer if he supports this version of HB 24 or if additions are needed.

1:58:40 PM

SENATOR MEYER said version J aligns with the Senate bill the committee heard. He asked the sponsor why she didn't include tramadol in the initial version of HB 24.

REPRESENTATIVE MILLETT said some House members were hesitant to put tramadol on the schedule of controlled substances because it is so highly prescribed as a pain medication. After she and her staff had additional conversations with House members about over prescribing and the dangers of tramadol, there seems to be a greater level of comfort having it on the schedule.

CHAIR COGHILL asked if she agrees with the Senate CS.

REPRESENTATIVE MILLETT answered yes.

2:00:06 PM

CHAIR COGHILL removed his objection and version J was adopted.

SENATOR WIELECHOWSKI asked if the broad language in Section 2 could unintentionally sweep in other legal substances that contain trace amounts of the chemical compounds mentioned.

REPRESENTATIVE MILLETT explained that the language is intended to encompass any molecular formula changes within Pink or tramadol.

SENATOR WIELECHOWSKI asked if legislative legal counsel was available.

CHAIR COGHILL asked Mr. Foster from the Crime Lab to address the question.

2:01:44 PM

CHARLES FOSTER, Forensic Scientist and Chemistry Supervisor, State Crime Laboratory, Department of Public Safety, Anchorage, Alaska, advised that that wording is fairly like what the Drug Enforcement Agency uses. He said his interpretation is that it only covers tramadol, not other analogs.

SENATOR WIELECHOWSKI said he wants to be certain that the language doesn't make an otherwise legal substance illegal. He read the language in subsection (g) on page 5 and asked if he is aware of any legal substances that might contain trace amounts of the substance mentioned.

MR. FOSTER answered no; that language is used in a lot of the legal wording of controlled substances. It is addressing the same chemical in its different forms. "It's addressing tramadol only in this case. It's not going to be addressing some other chemical that is currently not tramadol," he said.

CHAIR COGHILL found no further questions and asked the will of the committee.

2:04:02 PM

SENATOR MEYER stated support for moving the bill.

SENATOR COSTELLO moved to report the SCS for CSHB 24, version 30-LS0260\J, from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL announced that without objection, SCS CSHB 24(JUD) is reported from the Senate Judiciary Standing Committee.

[2:04:51 PM](#)

At ease

**SB 15-E-CIGS: SALE TO AND POSSESSION BY MINOR**

[2:06:57 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of CSSB 15(L&C). He welcomed Senator Stevens.

[2:07:20 PM](#)

SENATOR STEVENS, Alaska State Legislature, sponsor of SB 15, stated that this legislation seeks to prohibit the possession, sale, and exchange of electronic smoking devices to persons under age 19.

[2:08:00 PM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, introduced SB 15 on behalf of the sponsor. He gave a slide show of the origins of e-cigarettes as well as the styles, brands, flavorings, and components. He said the bill is about protecting youth from the burgeoning fad of smoking electronic cigarettes, also called vaping. There are over 500 varieties of this product on the market in the U.S. and they are replacing traditional cigarettes. They are sleek, clean, discrete, and relatively inexpensive. He said you'll hear testimony that everyone wants to keep these products out of the hands of youth, but they are already in their hands. He said you will hear that some people have found e-cigarettes to be a miracle in helping them quit smoking traditional cigarettes. That may be true, but youths are the target of this bill and whether they ought to have access to these products.

MR. LAMKIN said you'll hear that e-cigarettes are harmless, but there is little conclusive evidence as to their long-term effects on health. Some people maintain that e-cigarettes do not contain nicotine. While that may or may not be true, the Food and Drug Administration (FDA) has said these products should be treated as a tobacco product for regulatory purposes. They function and mimic traditional smoking. Some people maintain that e-cigarettes do not contain nicotine, but that has not been proven. There is no current mechanism to regulate how they are labeled, marketed, or what they contain.

MR. LAMKIN said SB 15 is about closing a loophole. Right now, it is illegal for a minor to purchase e-products, but it is not illegal to possess them. The question is that if you agree that tobacco products are appropriately restricted from youth, should e-products be similarly restricted, so we can take them out of students' hands.

CHAIR COGHILL listed the individuals available to answer questions.

[2:13:33 PM](#)

SENATOR COSTELLO asked if the behavioral risk factor survey asks if young people are using e-cigarettes. If so, is the research available and if not, will it be added to the survey.

MR. LAMKIN said he is waiting to receive that data.

CHAIR COGHILL asked Ms. Muse to address the question.

[2:14:22 PM](#)

ELIZA MUSE, Deputy Program Manager, Tobacco Program, Division of Public Health, Department of Health and Social Services (DHSS) explained that high school students participate in the Youth Risk Behavioral Survey every two years. The first time the survey included a question about electronic cigarette use in Alaska was in 2015. The survey showed that 36 percent of high school students had tried electronic cigarettes and 18 percent were currently using them. The 2017 survey is in process, so the results are not available.

SENATOR COSTELLO asked how that compares to the use of traditional cigarettes.

MS. MUSE said 11 percent of high school students smoke traditional cigarettes; the difference between the two is statistically significant.

[2:16:11 PM](#)

SENATOR KELLY commented that the slide show demonstrates good marketing.

CHAIR COGHILL added that the marketing obviously targets the younger audience.

SENATOR WIELECHOWSKI observed that the definition of "electronic smoking product" in Section 10 is so broad it could potentially

include an inhaler for asthma. He suggested talking to legislative legal about tightening the language.

MR. LAMKIN said that definition was carefully crafted. It borrows language from programs in other states. These products are changing quickly, and the definition tries to encapsulate everything that could arguably have an adverse effect.

[2:18:55 PM](#)

SENATOR MEYER asked how tobacco is handled in prisons because Section 1 exempts prisoners in an adult correctional facility from the e-cigarette possession prohibition.

MR. LAMKIN clarified that AS 11.76.105 regarding possession of tobacco by a minor is existing law. He deferred to a corrections representative to discuss how tobacco use is handled in prisons.

SENATOR MEYER indicated he was satisfied.

SENATOR WIELECHOWSKI directed attention to the language in Section 6, paragraph (3), about maintaining a vending machine that dispenses electronic smoking products and the language in the new subsection (f) in Section 9 that talks about maintaining a vending machine. He asked if language should be added to paragraph (3) in Section 6 that says, "under circumstances not addressed in subsection (f)" in Section 9 of the bill.

MR. LAMKIN explained that AS 11.76.109(a), relating to selling or giving product containing nicotine to a minor, was initially intended to address nicotine gum and patches. SB 15 seeks to apply the same rules to electronic smoking products to any place in statute that references cigarettes sold in a vending machine. "It's attempting to close a loophole and be [as] inclusive as possible."

CHAIR COGHILL observed that the bill makes the delivery systems for electronic smoking products and the products themselves illegal for minors.

MR. LAMKIN confirmed that is correct. He drew an analogy to illegal fishing; the fish warden looks at the tackle and the bait separately and together when considering illegal activity.

CHAIR COGHILL asked if the delivery systems have any other legitimate purpose. He said he didn't want the penalty for possession of the hardware to be the same as the penalty for possession of both the product and the hardware.

[2:25:14 PM](#)

MR. LAMKIN responded that it was a challenge to develop a definition that encompassed both open and closed delivery systems. The former can be dismantled to replace the nicotine or other substance, whereas closed systems are a single, generally disposable, unit.

SENATOR WIELECHOWSKI asked if there has been any talk about establishing a threshold that is intended by the phrase "products containing nicotine."

MR. LAMKIN said that's an option but whether it will affect youth behavior in a meaningful way is another question.

SENATOR WIELECHOWSKI said he didn't want to ban smoking a substance that isn't intended because there are trace amounts of nicotine in any number of products, including tomatoes.

[2:28:34 PM](#)

CHAIR COGHILL said he is open to regulating the delivery system because he has yet to hear that they are beneficial.

MR. LAMKIN said there are people who smoked for decades who argue that e-cigarettes are an effective tobacco cessation product. He restated that the bill is not about older smokers, it only targets youth.

[2:30:17 PM](#)

MR. LAMKIN provided a sectional analysis for SB 15, version R, speaking to the following summary:

Section 1: AS 11.76.IOS(a) Adds to existing law that, as with prohibiting minors from possessing cigarettes or tobacco, to also prohibit possession of electronic cigarettes and any component thereof.

Section 2: AS 11.76.105(c) Extends an existing exception for possession by minor of a tobacco product, to include E cigarettes possession, provided the minor is using an e cigarette for an approved medical purpose, such as smoking cessation, and is provided by a parent or prescribed by a doctor.

Section 3: AS 11.76.106(a) Adds to existing law that, as with controlling access to and sale of tobacco products to

minors (that is, "behind the counter"), that E Cigarettes access also be controlled and restricted in a like manner.

Section 4: AS 11.76.106(b) Extends an existing exception to clerk-controlled access to tobacco or E Cigarette products sold through a vending machine, which are covered in the next section.

Section 5: AS 11.76.107(a) Adds to existing law that, as with tobacco product vending machines, vending machines dispensing electronic cigarette or nicotine products must also be supervised.

Section 6: AS 11.76.109(a) Adds to existing law prohibiting the sale of nicotine products and electronic cigarettes, or any related component thereof, to a minor under 19 years old.

Section 7: AS 11.76.109(b) Extends an existing exception for minor possession of a nicotine product, to include E-cigarettes possession, provided the minor is using an E-cigarette for an approved medical purpose, such as smoking cessation, and is provided by a parent or prescribed by a doctor.

Section 8: AS 11.76.109(e) Extends the existing fine of at least \$300 for selling nicotine products to minors, to include selling E-cigarette products.

Section 9: AS 11.76.109(f) adds a new subsection that is consistent with existing law regarding placement of vending machines dispensing tobacco products; that the same requirements are applied to vending machines dispensing E-cigarette or nicotine products.

Section 10: AS 11.81.900(b) Establishes a definition for "electronic smoking product," summarized as follows:

- (67) (A) a device designed to aerosolize and inhale nicotine, a synthetic of nicotine, or another substance that "'may have an adverse effect" on the person inhaling from the device; [basically, the hardware] and

(B) the accompanying compounds, oils, vapor fluids, chemicals, or agents intended to be aerosolized and inhaled in conjunction with the device.

Section 11: AS 43.50.070(a) Adds enforcement provision for the state to suspend, revoke, or refuse to renew a business for violating provisions relating to selling E-cigarette products to minors.

Section 12: AS 43.50.105(b) is amended for conformity and consolidation, changing "tobacco" endorsement to "business license" endorsement, for purposes of shipping or transport of cigarettes. It also sets up conformity for the following Section 8 of the bill, relating to a required business license endorsement for selling E-cigarette or nicotine products. The effect is that existing tobacco license endorsement holders may also sell E-cigarette products, and eliminates a need for the state to establish a separate database for vendors only selling only E Cigarette products (and not tobacco), thus reducing fiscal costs of implementation.

Section 13: AS 43.70.075(a) amends existing law requiring a special business license endorsement in order to lawfully sell tobacco products for each location the products are sold, by including the same license endorsement requirements for lawfully selling E-cigarette or nicotine products, an endorsement for each location.

Section 14: AS 43.70.075(d) amends existing law relating to selling tobacco to minors, by adding the same penalty provisions, including graduated fines, for selling E-cigarette or nicotine products to minors. Following repeated convictions within a 2-year period, civil fines are structured as follows:

1st offense: a civil penalty of \$1,000 (from \$300)

2nd offense: a civil penalty of \$2,000 (from \$500)

3rd offense: a civil penalty of \$4,000 (from \$1,000)

After 3 convictions: suspend license indefinitely  
(from 1-year) and a civil penalty of \$10,000 (from  
\$2,500)

Section 15: AS 43.70.075(f) amends existing law requiring signage when selling tobacco products, to also require signage for selling E-cigarette or nicotine products. The signage must read "The sale of electronic smoking products or products containing nicotine to a person under the age of 19 without a prescription is illegal." Signage must be 8.5 inches by 11 inches, which is a change to make sign design and printing more efficient for both the state and vendors.

Section 16: AS 43.70.075(i) amends existing enforcement provisions that, as with tobacco sales, to allow the State to seize and destroy a vendor's inventory of E-cigarette or nicotine products in the event violating the law prohibiting sales of those products to minors.

Section 17: AS 43.70.075(l) is amended for conformity that, as with tobacco sales, to allow one business license endorsement to serve as an umbrella if a vendor has multiple locations they are selling E-cigarette or nicotine products, and to shut down only the offending vending machine or outlet location in the event of a violation.

Sections 18-23: AS 43.70.075(m), (r), (t), (v), (w), and (x) are amended for conformity that, as with tobacco sales, to allow an evidentiary and administrative hearing, appeal process, and penalties in the event of violations of these statutes, involving the sale of e-cigarette or nicotine products to minors.

Section 24: AS 43.70.105(b) is amended for conformity that, as with tobacco products, a vendor must have the appropriate business license endorsement in order to lawfully sell E cigarette or nicotine products.

Section 25: AS 43.70.110 is added for conformity, linking the definitions of "electronic smoking products," and distinguishing between traditional cigarette (tobacco) products and other modern nicotine alternatives.

Section 26: AS 44.29.092 is amended for conformity that, as with tobacco sales, providing the Dept. of Health and Social Services the authority to issue citations for violating state

law regarding minors buying, selling or possessing E cigarette or nicotine products.

Section 27: Is the applicability and effective date, applying to offenses committed only after the effective date of the bill, which would be 90 days after the bill is enacted

MR. LAMKIN noted that there is a request for an effective date on January 1, 2018.

[2:39:37 PM](#)

MARGE STONEKING, Executive Director, American Lung Association in Alaska, testified in support of SB 15. She said e-cigarettes represent the long evolution of tobacco products in the US. They are following the same patterns as conventional cigarettes, particularly relating to youths. Electronic smoking products have been in this country for about a decade and just three months ago the surgeon general issued a report that said there is no safe level of nicotine for youth and that all the same policies and effective programs that work to reduce the rates of youth tobacco use should be applied to e-cigarettes and vape products. That includes retail licensure and underage sales enforcement, both of which are addressed in this bill, she said.

SB 15 brings electronic vapor products under the very effective youth tobacco enforcement program. It is one of the most effective programs in the country with regards to retail licensure and underage sales enforcement. She clarified that the surgeon general report is a meta-analysis, which means that any research that has been done that is related to youth and e-cigarettes or nicotine use is referenced in the report.

CHAIR COGHILL summarized that the bill would move e-products behind the counter and provide the same enforcement and sting capacity as for traditional tobacco products.

MS. STONEKING said that's correct. She added that the underage tobacco enforcement team conducted a survey of vape shops regarding underage sales. The survey found that one-third of vapor retailers around the state are selling to youths and in Anchorage fifty percent are selling to youth.

CHAIR COGHILL observed that the difference is that someone could buy vaping products on the internet but not tobacco. He asked if other states have addressed that issue.

MS. STONEKING said she didn't have conclusive information but it makes sense to her to clean up what is within Alaska's jurisdiction first.

CHAIR COGHILL said it may be that having a stamp or endorsement would be the only management tool.

MS. STONEKING voiced support for taxing the products as a means of discouraging youth use.

[2:44:58 PM](#)

SENATOR COSTELLO asked what her preference is for an effective date.

MS. STONEKING deferred the question to Joe Darnell.

JOE DARNELL, Investigator, Tobacco Section, Division of Behavioral Health, Department of Health and Social Services (DHSS), Anchorage, Alaska, said it doesn't make a difference for the program he runs but commerce will need time to get the licensing parts in place. He suggested she ask Angela Birt.

[2:46:52 PM](#)

ANGELA BIRT, Chief Investigator, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, said it would be helpful if it were January 1, 2018 to align with the annual December 31 license renewal date.

[2:47:32 PM](#)

CHAIR COGHILL said he would talk to the sponsor about the effective date. He asked members to submit amendments by Wednesday next week.

SENATOR COSTELLO asked the sponsor to clarify that advertising is being addressed at the federal level.

MR. LAMKIN said he understands that the Food and Drug Administration is working on regulations regarding marketing, sales, and labeling and intends to align them with tobacco regulations.

[2:48:44 PM](#)

CHAIR COGHILL held SB 15 in committee for further consideration.

[2:50:29 PM](#)

There being no further business to come before the committee,  
Chair Coghill adjourned the Senate Judiciary Standing Committee  
meeting at