

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

April 3, 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

CONFIRMATION HEARINGS

Alaska Police Standards Council

Wendi Shackelford
Ronda Wallace
Luis Nieves

- CONFIRMATIONS ADVANCED

Violent Crimes Compensation Board

Jeffrey Stubblefield

- CONFIRMATION ADVANCED

SENATE BILL NO. 16

"An Act adopting and relating to the Revised Uniform Fiduciary Access to Digital Assets Act."

- HEARD & HELD

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 16

SHORT TITLE: FIDUCIARY ACCESS TO DIGITAL ASSETS

SPONSOR(s): SENATOR(s) HUGHES

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
03/07/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/07/17	(S)	Heard & Held
03/07/17	(S)	MINUTE(L&C)
03/14/17	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/14/17	(S)	Moved SB 16 Out of Committee
03/14/17	(S)	MINUTE(L&C)
03/15/17	(S)	L&C RPT 5DP
03/15/17	(S)	DP: COSTELLO, HUGHES, MEYER, STEVENS, GARDNER
04/03/17	(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)
 03/27/17 (S) Heard & Held
 03/27/17 (S) MINUTE(JUD)
 03/29/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/29/17 (S) <Bill Hearing Canceled>
 04/03/17 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

LUIS NIEVES, Appointee
 Alaska Police Standards Council
 Alaska State Troopers
 Dillingham, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

RHONDA WALLACE, Appointee
 Alaska Police Standards Council
 Alaska State Troopers
 Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

WENDI SHACKELFORD, Appointee
 Alaska Police Standard Council
 Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Police Standards Council.

JEFFREY STUBBLEFIELD, Appointee
 Violent Crimes Compensation Board
 Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Violent Crimes Compensation Board.

SENATOR SHELLY HUGHES
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 16

BUDDY WHIIT, Staff
 Senator Shelly Hughes
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Delivered a high-level sectional review of SB 16.

DEBORAH E BEHR, Member
Alaska Delegation
Uniform Law Commission
Juneau, Alaska

POSITION STATEMENT: Provided supporting information for SB 16.

TERRENCE ROBBINS, representing himself
Ketchikan, Alaska

POSITION STATEMENT: Testified in strong support of SB 15.

ALYSSA KEILL, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 15.

BETTY MACTAVISH
American Lung Association of AK/ACSCAN
Kodiak, Alaska

POSITION STATEMENT: Testified in support of SB 15.

KRISTIN COX, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 15.

NOEL CROWLEY BELL, representing herself
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 15.

LOGAN DANIELS-ENGEVOLD, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 15.

STEVEN MAPES, representing himself
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to SB 15.

ALEX MCDONALD, representing himself
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 15.

BEVERLY LARSON, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 15.

EMILY NENON, Alaska Government Relations Director
American Cancer Society Cancer Action Network
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 15.

ACTION NARRATIVE

[1:34:31 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 Wielechowski, Costello, Kelly, and Chair Coghill. He reviewed the agenda.

CONFIRMATION HEARINGS

Alaska Police Standards Council
Violent Crimes Compensation Board

[1:35:46 PM](#)

CHAIR COGHILL announced the first order of business would be confirmation hearings. He asked Luis Nieves to tell the committee about his interest in serving on the Alaska Police Standards Council.

[1:36:14 PM](#)

LUIS NIEVES, Appointee, Alaska Police Standards Council, Dillingham, Alaska, said he has been on the Council since 2013 and has served as a member, chair and vice chair. He said the council fulfills an important role in maintaining the public trust and confidence that law enforcement officers will be held to the highest standards. He expressed hope that he would be confirmed to serve another term.

CHAIR COGHILL asked him to comment on the potential conflict of having worked on the police force and making judgment calls about police behavior.

MR. NIEVES said the rules are very clear and he believes his fellow officers ought to be held to the highest standards. He believes all 13 members of the council feel likewise.

[1:40:14 PM](#)

SENATOR WIELECHOWSKI asked if he was disciplined as a result of the lawsuit that was filed related to an incident at Arctic Man.

MR. NIEVES answered no; the troopers in general were cleared of any wrongdoing in federal court. He said the individual who was arrested made a false accusation.

SENATOR WIELECHOWSKI asked if the video that was on the news was incomplete. It looked as though Mr. Bartlett wasn't doing anything when an officer shoved him. Officer Nieves then took Mr. Bartlett to the ground and threatened to use a Taser on him.

MR. NIEVES confirmed that the news video was edited. It did not show what actually occurred on scene. He expressed hope that Mr. Bartlett learned that there are consequences for resisting and causing such a disturbance that you endanger the lives of people attending an event like Arctic Man. "He knows what he did wrong and we know what we did right there." He said he is a crisis negotiator who prides himself in being able to talk someone down.

SENATOR WIELECHOWSKI asked if there was an internal investigation.

MR. NIEVES said yes, and he was cleared. "My conscience is very clear on the matter." He added that he would have stepped down from the council if he had done anything wrong. "I certainly hold myself to the higher standard when it comes to things like that."

SENATOR WIELECHOWSKI asked if Mr. Bartlett was ultimately convicted of the offense police claimed he committed.

MR. NIEVES said no; the district attorney dismissed the charges based on the cost to prosecute what was a misdemeanor offense in Glennallen.

SENATOR WIELECHOWSKI noted that Officer Nieves drafted a police report that said Mr. Bartlett was hostile, aggressive and combative, and he attempted assault. He asked if the district attorney dismissed the charges after reading that.

MR. NIEVES said that's correct.

CHAIR COGHILL thanked Mr. Nieves for his forthright answers.

CHAIR COGHILL asked Rhonda Wallace to tell the committee about her interest in serving on the Police Standards Council.

[1:46:28 PM](#)

RHONDA WALLACE, Appointee, Alaska Police Standards Council, Kodiak, Alaska, said she feels she can provide advice, oversight, and direction for the executive director on issues brought before the board. She can use her experience in law

enforcement and expertise in conducting investigations to make informed decisions based on the facts that are presented. She takes charges of misconduct very seriously. The regulations and laws governing the training and conduct of law enforcement officers are clear and everyone must be held to the highest standards. She said she believes that she offers a high level of professionalism that would complement the council and its mission. She would be honored to serve the state in this capacity.

CHAIR COGHILL noted that she is the chief of police in Kodiak and has leadership in the realm of domestic violence. He asked if she had heard about or had to deal with police officers who have taken liberties when conducting sting operations.

CHIEF WALLACE said she hasn't seen or heard about that in Kodiak; "certainly not under my administration."

CHAIR COGHILL urged her to maintain vigilance because it has been brought to the legislature's attention.

SENATOR WIELECHOWSKI asked if she recalls the incident of a young man on the autism spectrum who was pepper sprayed by Kodiak law enforcement. One of the questions that came up was whether the officer knew the young man was special needs.

CHIEF WALLACE said she was familiar with the incident and the officer who used the spray was not aware of the young man's special needs.

SENATOR WIELECHOWSKI asked if the other officer who was involved was aware that the young man was special needs.

CHIEF WALLACE replied there was another officer who was aware of the young man, but she couldn't add detail because the case is in civil litigation. She advised that the department hired an outside agency to do an internal investigation, and the officers were cleared of wrongdoing with regard to violating policies. The FBI also investigated the department and the officers after a complaint was filed charging that the young man's civil liberties had been violated. The FBI found no wrongdoing by either the officers or the Kodiak Police Department.

SENATOR WIELECHOWSKI asked what kind of investigation she undertook.

CHIEF WALLACE said she didn't see that the officers violated policy, but she took the additional step of hiring the outside agency to look.

SENATOR WIELECHOWSKI said he saw a video and the news report that stated that Officer Kristman recognized the young man and acknowledged that he was special needs in the police report. He asked if she thinks the officers' actions were appropriate or if things need to change.

CHIEF WALLACE clarified that a lot happened on the front end that was edited from the video. Regarding whether more could be done, she said law enforcement could receive a lot more training to deal with persons with disabilities. Since that incident, the department has implemented additional training and developed a program called Kodiak Cares to identify and gain upfront information about an individual or community that may be nonverbal or communicates in a different manner.

[1:54:10 PM](#)

SENATOR WIELECHOWSKI again noted that according to the police report one of the officers knew the young man was special needs.

MR. WALLACE explained that the officer went to high school at the same time as the young man, but they did not have classes together and the officer did not know the level of the young man's disability.

SENATOR WIELECHOWSKI asked if in retrospect she thinks things should have been handled differently.

CHAIR COGHILL cautioned that the matter was in civil litigation.

CHIEF WALLACE said hindsight always offers a good perspective.

SENATOR WIELECHOWSKI asked if she was taking the Fifth Amendment.

CHIEF WALLACE replied the case is in civil litigation.

SENATOR WIELECHOWSKI asked if she thinks it is appropriate for officers to use force differently on people with special needs than the nonspecial-needs population.

CHIEF WALLACE said use of force is appropriate in a situation that escalates regardless of who it is.

CHAIR COGHILL asked if the civil litigation creates conflict for her in serving on the Police Standards Council.

CHIEF WALLACE said she would recuse herself if she had intimate knowledge or was involved in a particular case but not if it was a similar case.

[1:57:38 PM](#)

SENATOR WIELECHOWSKI asked her thoughts on Senate Bill 91 and if changes are needed.

CHIEF WALLACE said she believes that changes could be made, and she understands that they have been proposed. She is willing to discuss law enforcement's perspective of how to make things better. She noted that there was some community pushback when the bill was enacted and that the changes in the bail schedule exacerbated the difficulties.

CHAIR COGHILL listed the issues in Senate Bill 91 that the Senate Finance committee dealt with today: whether class C felonies ought to have active jail time of up to one year; escalating for theft in the fourth degree; and violations of conditions of release.

CHIEF WALLACE said violations of conditions of release has been tough for the Kodiak Police Department to work through.

CHAIR COGHILL thanked Chief Wallace for being willing to serve on the Police Standards Council.

[2:00:23 PM](#)

CHAIR COGHILL asked Wendy Shackelford to tell the committee about her interest in serving on the Police Standards Council.

WENDI SHACKELFORD, Appointee, Alaska Police Standard Council, Anchorage, Alaska, said she served for 20 years on the Anchorage Police Department. She was a hostage negotiator for six years and the lead crisis intervention officer for 15 years. That gave her ample opportunity to help officers hone their skills of crisis intervention and de-escalation, particularly with people who experience mental health crises or other brain-related disabilities. She also served as a school police officer for 10 years. Since retirement two years ago she has working at UAA as the lead trainer and trainer for youth mental health first aid.

She was appointed to the council in July 2016 and she looks forward to continuing that service.

CHAIR COGHILL asked if the council considers the impact that trauma has on officers.

MS. SHACKELFORD said that is one of her passions and has been a topic of discussion. She looks forward to future conversations and looking at training and education standards the APSC is advocating for to help officers take better care of themselves.

CHAIR COGHILL asked her to discuss the different sanctions the council can impose.

MS. SHACKELFORD said she doesn't believe the council has a spectrum of sanctions like a department might have.

CHAIR COGHILL thanked Ms. Shackelford for being willing to serve.

[2:12:05 PM](#)

CHAIR COGHILL asked Jeffery Stubblefield to tell the committee about his interest in serving on the Violent Crimes Compensation Board.

[2:12:37 PM](#)

JEFFREY STUBBLEFIELD, Appointee, Violent Crimes Compensation Board, Anchorage, Alaska, said he has been a physician assistant in the Alaska Native Medical Center Department of Neurosurgery for five years. Prior to that he served in the military for 21 years. He submitted his name for this board position to give back to the state.

SENATOR MEYER commented on his impressive resume including a masters from TUI. He asked what that stands for.

MR. STUBBLEFIELD replied it stands for Touro University International, which is in California. He said he received his degree while he was in the military.

CHAIR COGHILL asked if he had been briefed on the board's workload.

MR. STUBBLEFIELD answered yes; he attended the meeting last Friday and reviewed the current cases.

CHAIR COGHILL thanked Mr. Stubblefield for being willing to serve.

[2:16:23 PM](#)

At ease

[2:18:29 PM](#)

CHAIR COGHILL reconvened the meeting and stated that in accordance with AS 39.05.080 the Senate Judiciary Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration: Alaska Police Standards Council - [Luis Nieves, Ronda Wallace, and Wendi Shackelford]; and Violent Crimes Compensation Board - [Jeffrey Stubblefield].

He reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

SB 16-FIDUCIARY ACCESS TO DIGITAL ASSETS

[2:18:59 PM](#)

CHAIR COGHILL announced the consideration of SB 16.

[2:19:08 PM](#)

SENATOR SHELLY HUGHES, Alaska State Legislature, sponsor of SB 16, stated that this legislation provides guidance for the disposition of an individual's personal digital assets when they pass away. This is missing from current law. SB 16 offers digital users the opportunity to specify whether their digital assets should be preserved, distributed to heirs, or destroyed. She explained the need for an overarching law to provide access to digital assets to loved ones in other states. She provided an example of Yahoo denying a father access to his deceased son's account. It took a lawsuit for the father to gain access to the account to see if there were outstanding financial matters to settle. If SB 16 were to pass, fiduciaries would have easier access to digital assets of the deceased. The bill models the Uniform Law Commission recommendations, so it would apply across state lines.

She listed the entities that support the bill including: National Academy of Elder Law Attorneys, Facebook, Google, Center for Democracy and Technology, and AARP.

[2:22:30 PM](#)

CHAIR COGHILL asked for a review of the uniform code and a high level overview of the sections.

[2:23:15 PM](#)

BUDDY WHITT, Staff, Senator Shelly Hughes, Alaska State Legislature, provided a high level overview of SB 16. He described Sec. 13.63.010 as the most important section. It sets out user direction for disclosure of digital assets. He read the following:

Sec. 13.63.010 sets out user direction for disclosure of digital assets. This proposed section addresses the relationship of online tools, other records documenting the user's intent, and terms of service agreements. The section establishes a three-tier priority system for determining the user's intent with respect to a digital assets. Subsection (a) gives top priority to the user's wishes as expressed using an online tool. Subsection (b) gives next tier priority to user's direction in will, trust, power of attorney, or other record. Subsection (c) recognizes the terms-of-service agreement if the user left no other direction.

MR. WHITT explained that Google provides an example of an online tool. An individual who has a Gmail or other Google account can find the tool in the user's guide. It is called the "inactive account manager." Facebook also uses an online tool called "legacy contact." It too can be found in the user's account preferences. He said everything else in the bill hinges off this section.

He noted that the chair in a previous committee asked about forms and was told that the bill does not address forms. Upon further review, it became clear that power of attorney forms needed to be addressed because they are part of state statute. The sponsor therefore suggests including a provision for digital assets under that form as prescribed in statute.

CHAIR COGHILL invited Ms. Behr to talk about her position on the Uniform Law Commission and her perspective of SB 16.

[2:27:02 PM](#)

DEBORAH E BEHR, Member, Alaska Delegation, Uniform Law Commission, Juneau, Alaska, stated that Alaska has been a member of the Uniform Law Commission since 1912. The commission meets annually to discuss problems for which an interstate solution is appropriate and desirable. She said senior groups and probate attorneys brought the issue of access to a decedent's digital

assets to the commission's attention. Probate laws have not kept pace with advances in technology such as this. She provided an account of what happens when a spouse is unable to access stored digital photos because they do not have a contract with the service provider (custodian); the deceased spouse has the contract. The typical will does not work, nor does the business partnership. The information is treated as confidential and the service provider generally requires a court order for the spouse or fiduciary to gain access.

She reported that 24 states have enacted this model law, it is sitting on the governor's desk in 2 states, and 16 other states have introduced the legislation. A major trust company in Alaska has endorsed the bill and Google, Facebook and other major players have stated support for a standard, nationwide solution.

The model law provides an opt-in solution whereby an individual gives express consent for access to each digital account. For example, I want my music to go to my brother, my financial records to go to my wife, and I don't want anybody to look at certain other things, she said. When the individual opens an account, a separate screen will pop up asking what they want to do with their digital assets if they pass on or become incapacitated. If the individual does not sign the online tool and there is nothing in the will, the terms of service agreement will apply and the spouse or family or business partner will not have access to the digital material.

She advised that the bill provides immunity to the custodian for good-faith compliance if they act within 60 days. In the case of a guardianship, the bill has a provision for hearings to ascertain the extent of the disability. For example, someone who experiences a disability might be able to handle Facebook but not a financial account.

[2:36:02 PM](#)

SENATOR WIELECHOWSKI asked if there is an age limit for someone to be able to designate disposition of their digital assets.

MS. BEHR said she would do some follow-up research, but she understands that young children are able to open a Facebook account. She opined that doing things appropriately for young children would probably involve the court.

CHAIR COGHILL offered his understanding that the age limit is 16 to open an online account.

SENATOR WIELECHOWSKI asked how it would work if a minor didn't want their parents to have access to their digital assets.

MS. BEHR recounted a case in another state where a child committed suicide and the parents were never able to access the decedent's digital assets.

SENATOR WIELECHOWSKI asked how jurisdiction is determined.

MS. BEHR said a provision in the bill from the uniform law says that residency is the determining factor.

[2:38:52 PM](#)

CHAIR COGHILL held SB 16 in committee with public testimony open.

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

[2:39:30 PM](#)

CHAIR COGHILL announced the consideration of SB 15 and noted that the intent is to take public testimony. He listed the individuals who were available to answer questions.

[2:41:38 PM](#)

TERRENCE ROBBINS, representing himself, Ketchikan, Alaska, testified in strong support of SB 15. He said it will reduce youth access to nicotine by raising the age to purchase e-cigarettes to age 19. Youth are drawn to flavored nicotine products such as e-cigarettes making them susceptible to addiction. A 2015 youth survey by the American Medical Association showed that 81 percent of youth users of e-cigarettes started with a flavored tobacco product. He said that paring that with the Surgeon General report that states that 90 percent of current smokers became addicted before age 18, you can see why it is important to limit youth access to nicotine. He reported that he started using flavored chewing tobacco at age 13 and continued for the next 27 years.

[2:43:27 PM](#)

ALYSSA KEILL, representing herself, Fairbanks, Alaska, testified in support of SB 15. She is a swim coach of school age children and she doesn't believe that youth benefit from easy access to electronic smoking devices. Furthermore, they don't understand that these products are no less harmful than other tobacco products.

[2:44:10 PM](#)

BETTY MACTAVISH, American Lung Association of AK/ACSCAN, Kodiak, Alaska, testified in support of SB 15. She spoke of the Surgeon General report; the health effects of inhaling particles that contain nickel, tin, and lead; and the effects of nicotine on the developing brain. She said youth in her community are using e-products in increasing numbers. Reports from school police officers indicate that youth are mixing e-juice with marijuana. She stated that she has found no one in the community of Kodiak who is opposed to the bill. Even retailers do not believe that e-cigarettes should be sold to minors.

[2:46:20 PM](#)

KRISTIN COX, representing herself, Juneau, Alaska, testified in support of SB 15. She opined that it is appropriate to include e-cigarettes under the tobacco retail license. Allowing local control will help protect youth. She reported that in 1995 the Alaska youth smoking rate was 37 percent and the rate of stores selling tobacco to minors was 34 percent. Since the state implemented the statewide local enforcement program, the rate of stores selling to minors has decreased to 7 percent and the rate of youth smoking has decreased by 70 percent. She expressed great concern that the tobacco industry is targeting youth with its marketing and candy-flavored e-products.

[2:48:15 PM](#)

NOEL CROWLEY BELL, representing herself, Palmer, Alaska, testified in support of SB 15. She expressed concern about the rising use of electronic cigarettes and the unrestricted marketing that resonates particularly to youth. Signage at retail shops barring the entrance of persons under age 19 does not seem to stem the use by youth. SB 15 will address the problem by dealing with how and where youth are accessing these devices. She noted the Surgeon General report that warns that youth are particularly vulnerable to the long-term consequences of brain exposure to nicotine. It concludes that the use of nicotine in any form is unsafe for youth.

[2:51:14 PM](#)

LOGAN DANIELS-ENGEVOLD, representing himself, Anchorage, Alaska, testified in support of SB 15. He stated that during high school he saw many classmates who missed a lot of great opportunities because they used e-products. "If there is no repercussion for sale, then there is no reason to stop," he said.

[2:52:09 PM](#)

STEVEN MAPES, representing himself, Kenai, Alaska, testified in opposition to SB 15. He said he owns Mapes Vapes and is a member

of SFATA (Smoke-Free Alternatives Trade Association). He described the bill as redundant, expensive for the state, and unnecessary. He maintained that the FDA regulations pertaining to personal vaporizers and electronic smoking devices and nicotine products address the age requirements for sales of nicotine devices and products in all states. He said he has helped 312 adults to stop using tobacco products. He asserted that electronic devices are a healthy alternative to smoking for adults. He expressed concern that the wording in the bill allows parents and guardians to purchase nicotine products for minors under their supervision. He warned that SB 15 will cost the state money.

[2:54:57 PM](#)

ALEX MCDONALD, representing himself, Fairbanks, Alaska, testified in opposition to SB 15. He owns Ice Fog Vapor and is a member of the Smoke Free Alternative Trade Association (SFATA). He expressed concern that the bill allows a parent or guardian to provide e-cigarettes to a minor under their supervision. He questioned how this would be enforced and recommended removing that provision. He also expressed concern that the federal regulations deeming all vapor products and components tobacco products includes such things as cotton, wire, and batteries. He also asserted that the federal regulations make this bill redundant. He discussed a 12/16/16 memo to Stacy Toner and recommended that the state wait to see if vaping is included in the SYNAR block grant requirements before moving forward with the legislation.

[2:58:16 PM](#)

BEVERLY LARSON, representing herself, Anchorage, Alaska, testified in support of SB 15. She is a high school student who sees many kids her age buy e-products. Access is quite easy. They are tobacco products and she believes they should be treated as such. She voiced support for weeding out retail shops that are breaking the law by selling to minors.

[2:59:36 PM](#)

EMILY NENON, Alaska Government Relations Director, American Cancer Society Cancer Action Network, Juneau, Alaska, testified in support of SB 15. She recounted the efforts starting in 2003 to prevent the sale of tobacco products to minors. The penalties were increased to suspend the sales license endorsement. In 2003 the rate of tobacco sales to youth was 30 percent. The next year when the penalties for noncompliance were in place the rate dropped to 10.2 percent. The current statewide rate of sales of tobacco products to youth is close to 6 percent.

She said the recent survey of vape shops around the state shows that over 26 percent of e-cigarette shops sold to minors. In Anchorage, half of the vape shops that were surveyed sold e-cigarettes to youth. Convenience stores and other tobacco retailers that are accustomed to compliance checks sold to youth at a rate of 2.3 percent. She said it has been demonstrated over the years that the low rate of sales to youth is the result of the penalties. She said, "It's the suspension of the sales license endorsement that really makes the difference." The civil penalties the FDA provides are comparatively light.

MS. NENON said the nicotine in electronic cigarettes is not the only concern. The CDC fact sheet states that in addition to nicotine, electronic nicotine delivery system (ENDS) aerosols contain heavy metals, ultra-fine particulate, and cancer-causing agents. They also contain propylene glycol, glycerin, or flavorings. Some of the manufacturers claim that the latter are safe because they meet the FDA definition of "generally recognized as safe." However, that designation does not apply to inhalation.

CHAIR COGHILL held SB 15 in committee with public testimony open.

[3:04:02 PM](#)

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 3:04 p.m.