

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

March 10, 2020

8:05 a.m.

**MEMBERS PRESENT**

Representative Harriet Drummond, Co-Chair  
Representative Sara Hannan, Co-Chair  
Representative Matt Claman  
Representative Jonathan Kreiss-Tomkins  
Representative Steve Thompson  
Representative Sharon Jackson  
Representative DeLena Johnson

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 174

"An Act raising the minimum age to purchase, sell, exchange, or possess a product containing nicotine or an electronic smoking product; and providing for an effective date."

- MOVED CSHB 174 (CRA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 174

SHORT TITLE: MIN. AGE TO POSSESS NICOTINE/ECIG PRODUCT

SPONSOR(S): REPRESENTATIVE(S) KNOPP

05/15/19	(H)	READ THE FIRST TIME - REFERRALS
05/15/19	(H)	CRA, JUD
03/05/20	(H)	CRA AT 8:00 AM BARNES 124
03/05/20	(H)	Heard & Held
03/05/20	(H)	MINUTES (CRA)
03/10/20	(H)	CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

KERRY BOCKER, Staff  
Representative Gary Knopp  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Gave an overview of HB 174 on behalf of Representative Knopp, prime sponsor.

NOEL CROWLEY BELL  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 174.

JOSEPH YOURKOSKI, Volunteer  
American Cancer Society  
Cancer Action Network  
Nikiski, Alaska

**POSITION STATEMENT:** Had his testimony in support of HB 174 read by Heather Aronno.

TERRENCE ROBBINS  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 174.

CASSIE FROST, Volunteer  
American Cancer Society  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 174.

SHAUN D'SYLVA  
No address provided

**POSITION STATEMENT:** Testified in support of HB 174.

MICHAEL SCRIVEN  
King Salmon, Alaska

**POSITION STATEMENT:** Testified in support of HB 174.

ANN SIMONS  
Juul Labs  
Port Orchard, Washington

**POSITION STATEMENT:** Testified in support of HB 174.

MATT WAGGONER  
FatBoy Vapors  
Vancouver, Washington

**POSITION STATEMENT:** Testified in support of HB 174.

MIKE COONS  
Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 174.

EMILY NENON, Director  
Alaska Government Relations

American Cancer Society  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 174.

SARAH EATON, Owner  
Alaska Elixirs Vapes, LLC  
Wasilla, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 174.

CAMERON EATON  
Wasilla, Alaska

**POSITION STATEMENT:** Responded to questions during the hearing on HB 174.

#### **ACTION NARRATIVE**

[8:05:07 AM](#)

**CO-CHAIR SARA HANNAN** called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Claman, Thompson, Jackson, and Hannan were present at the call to order. Representatives Kreiss-Tomkins, Johnson, and Drummond arrived as the meeting was in progress.

#### **HB 174-MIN. AGE TO POSSESS NICOTINE/ECIG PRODUCT**

[8:05:49 AM](#)

CO-CHAIR HANNAN announced that the only order of business would be HOUSE BILL NO. 174, "An Act raising the minimum age to purchase, sell, exchange, or possess a product containing nicotine or an electronic smoking product; and providing for an effective date." [Before the committee, adopted as a working draft on 3/5/20, was the proposed committee substitute (CS) for HB 174, Version 31-LS0957\S, Caouette/Radford, 2/21/20, "Version S."]

[8:06:57 AM](#)

KERRY BOCKER, Staff, Representative Gary Knopp, Alaska State Legislature, offered an overview of HB 174 on behalf of Representative Knopp, prime sponsor. He said the proposed legislation would conform Alaska Statute with federal guidelines; it would raise the legal age [to purchase, sell, exchange, or possess a product containing nicotine or an electronic smoking product] from 19 to 21.

8:07:53 AM

CO-CHAIR HANNAN opened public testimony on HB 174.

8:08:08 AM

The committee took an at-ease from 8:08 a.m. to 8:09 a.m.

8:09:14 AM

NOEL CROWLEY BELL testified in support of HB 174. She opined that it makes sense to give children's brains time to develop before "introducing an addictive product like nicotine," clearly identify a standard age for all adult products known to alter brain operation when used, and have legislation in line with federal law. She urged passage of HB 174.

8:11:17 AM

JOSEPH YOURKOSKI, Volunteer, American Cancer Society, Cancer Action Network, had his testimony in support of HB 174 read by Heather Aronno, as follows:

Hello, I am testifying on behalf of the American Cancer Society Cancer Action Network in support of HB 174. I am from Nikiski, Alaska, and am a senior at Nikiski Middle/High School.

When I was four and a half years old, I was diagnosed with Acute Lymphoblastic Leukemia. This three and a half-year battle would result in more than 30 blood transfusions, numerous spinal taps, and what seemed like endless amounts of chemotherapy. This grueling battle would end for me with a positive outcome, but for others it would not. That's why I became involved with American Cancer Society Cancer Action Network five years ago to help others fight this terrible disease, to pay it forward for those children who lost their battle with cancer.

This bill is a simple and easy way to prevent cancer in Alaskans. It has been proven time and time again that the longer it takes for someone to start using tobacco the less likely they'll start in the first place. By increasing the age of sale of tobacco products in Alaska to 21, we are protecting the youth of Alaska from a fatal habit. Furthermore this bill

simply brings Alaska law into compliance with the new federal law, allowing the state to enforce compliance rather than waiting for the federal government to.

I'm asking you as not only a volunteer ..., [but also as] a cancer survivor, and a concerned Alaskan to support HB 174. Thank you.

Sincerely,  
Joseph Yourkoski

[8:13:41 AM](#)

TERRENCE ROBBINS, testifying in support of HB 174, noted that he had worked several years in the area of tobacco and drug prevention. He said he teaches Not On Tobacco (NOT) clinics through the American Lung Association for youth addicted to tobacco. He surveys his students and has found that 100 percent of them acquire their tobacco from older friends and family. He said raising the age to 21 would decrease the circle of friends and family who could purchase for them, making it less likely for addiction to occur. Mr. Robbins emphasized that this is important, because 95 percent of smokers become addicted before the age of 21. The [federal] law is predicted to reduce the use of tobacco by youth by 25 percent. This would result in fewer young tobacco users, who turn into adult smokers, which in turn saves communities from "the burdens of the cost of smoking." He related that he has lost many aunts and uncles to smoking and secondhand smoke.

MR. ROBBINS said Stanton Glantz, PhD, a professor at the University of California, San Francisco, and a leading tobacco researcher in the country, just sent out an e-mail stating that in terms of the coronavirus, smokers are 14 times more likely to have "an escalation," up to and including death, than nonsmokers.

[8:16:58 AM](#)

CASSIE FROST, Volunteer, American Cancer Society, testified in support of HB 174. She related that she is in a master's program for social work, and as part of that she is doing her practicum at the American Cancer Society. As a mother and an individual who has worked in the area of youth and family services for over 10 years, she is concerned about the health and wellbeing of youth. She said tobacco use has had a significant impact on her own family; her grandmother died from

lung disease related to tobacco use, and both her mother and her youngest sister are experiencing health complications resulting from tobacco use. All three began using tobacco when they were teenagers. She emphasized that it is important to her to ensure long life and good health for everyone in Alaska. She asked the committee to move HB 174 to match federal guidelines.

[8:18:59 AM](#)

SHAUN D'SYLVA testified in support of HB 174. He noted that he owns three "vaper" stores: one in Fairbanks, one in Wasilla, and one in Anchorage. He said when the federal law was passed, he called "the tobacco control" in Alaska and was told that that entity was not planning to enforce the federal law until the state "put something forward." He said he is pleased to support that. He said the responsibility of his business is to ensure that underage youths are not given access to tobacco products. He echoed previous testimony that with a lower age limit, there are more people "in a cohort" that can get access to the products and provide them to youth. He said he believes that HB 174 would help ensure that these products are only in the hands of responsible adults.

[8:20:35 AM](#)

MICHAEL SCRIVEN testified in support of HB 174. He said he is involved with Parents Against Vaping and E-Cigarettes (PAVE). He thanked the bill sponsor and staff, as well as Co-Chair Hannan for a letter of support she had sent his daughter. He said he would like to see "a complete flavor ban" on e-cigarette products. He said he could not tell whether the bill included devices. He shared that his involvement in the issue is in part a result of having found vaping products in his son's vehicle. He said he believes the proposed legislation would reduce the ability of teenagers to acquire these products.

[8:24:14 AM](#)

ANN SIMONS, Juul Labs, testified in support of HB 174. She stated that increasing the age to 21 would be the single most impactful policy the legislature could pass. She said over 70 percent of children access tobacco products from a friend, perhaps an 18-year-old friend. She said Juul Labs supports "Tobacco 21," because it believes that no child should be accessing its product.

[8:25:15 AM](#)

MATT WAGGONER, FatBoy Vapors, testified in support of HB 174. He said FatBoy Vapors is in Fairbanks, Wasilla, and Anchorage. He said response from customers has been that e-cigarettes have changed their lives by helping them discontinue use of combustible cigarettes. He said he believes the State of Alaska should change its law to be in compliance with the federal law. Further, he said he believes HB 174 would prevent access by youth to e-products, as well as traditional tobacco products. He said the goal of FatBoy Vapors is to wean people off nicotine use altogether, and the proposed legislation "encourages that projection by preventing access at an early age."

[8:26:45 AM](#)

MIKE COONS testified in opposition to HB 174. He shared his history with smoking. He said a person at the age of 18 doesn't make a lot of good decisions, and yet he/she is an adult, who, for example, can vote and be drafted. He said the issue of who is a minor and who is an adult keeps shifting. He mentioned people vaping without a problem. He criticized the state's "cessation group" as "the most worthless organization" he had ever seen in terms of helping him quit smoking. He concluded that "this boils down to personal choice" as to whether to "choose to be smart or choose to be dumb." He reiterated his opposition to the proposed legislation.

[8:30:35 AM](#)

EMILY NENON, Director, Alaska Government Relations, American Cancer Society, testified in support of HB 174. She credited the work of the bill sponsor. She said Alaska is fortunate to have "a robust youth compliance check program" and good relationships with vendors. She said the proposed legislation is not a panacea, but is an important piece of legislation with which to align [Alaska statute] with federal [law].

[8:33:05 AM](#)

SARAH EATON, Owner, Alaska Elixirs Vapes, LLC, said she is on the fence regarding the proposed legislation. She said her son works for her and is age 19. She questioned what she would have to do if the age were raised to 21, because her son needs the job. Nevertheless, she said she agrees with keeping underage youth out of her store, and she offered an example of what she has done to ensure that. She opined that while it is not okay for young people to have these products, it is also not okay to

take away the rights of young adults. She emphasized the way to get these products out of the hands of children is to get it off the Internet. As an example, she related that she had asked her underage daughter to try to buy products online and in-store, and her daughter was able to do so by the former but not the latter method. She revisited the idea of young adults currently working in vape shops who would lose their jobs if the age limit were raised. She asked the committee to consider a grandfather clause for current employees ages 19 through 20.

[8:38:11 AM](#)

CO-CHAIR HANNAN asked whether Ms. Eaton currently complies with the federal 21 law and whether stores had been contacted regarding a compliance date.

MS. EATON answered that she called "tobacco enforcement" to find out what was going on and was told that it was her call, that it was "a suggestion." She said there was indication that if the federal law was not followed, then there would be a loss of funding; however, she noted that Idaho said "no" and is still receiving funding. She said her employees watch a video, called "We Card," which trains employees in how to check identification (ID) and know the right things to say to disgruntled customers. Further, she said her store displays highly visible signage.

[8:41:49 AM](#)

REPRESENTATIVE JACKSON asked whether Ms. Eaton's son smokes or vapes.

MS. EATON answered that he vapes.

REPRESENTATIVE JACKSON then asked Ms. Eaton whether her primary concern was that her son would not be able to [vape] or would be unable to "grow the family business."

MS. EATON replied, "He won't be able to grow the family business." She noted that her son was present in the room.

REPRESENTATIVE JACKSON expressed support for those supporting their families' businesses. She asked whether Ms. Eaton's son would be willing to sign a contract that he would not vape or smoke until he turned 21.

[8:44:20 AM](#)

CAMERON EATON said he would be "100 percent down to sign any type of contract." He shared that he has family members who are dying from lung-related illness; his grandfather is "on a respirator." He said he agrees there needs to be adjustment made to make it more difficult for underage youth to access [cigarettes and e-cigarettes]. He indicated that the issue of work is one that concerns him. In response to Co-Chair Hannan, he said he would turn 21 in August 2020.

[8:45:14 AM](#)

CO-CHAIR HANNAN pointed out that if passed, HB 174 would not go into effect until January 1, 2021.

[8:45:31 AM](#)

MS. EATON said she had heard it could go into effect this summer.

CO-CHAIR HANNAN explained effective dates and reiterated that as written, [Version S of] HB 174 would take effect January 1, 2021. She said sometimes effective dates change, but usually they are not moved up, because there needs to be sufficient time for agencies to prepare.

[8:46:23 AM](#)

REPRESENTATIVE JACKSON asked Mr. Eaton to confirm that he was saying he was willing to not smoke in order to keep his employment.

[8:46:42 AM](#)

MR. EATON answered, "Yes, 100 percent." He explained his impetus to smoke in the first place, and he said he has been able to get completely off nicotine through vaping. He indicated that the only reason he still vapes is to show customers how to do it.

[8:47:46 AM](#)

CO-CHAIR DRUMMOND asked whether there was a "step-down" system in vaping to help a person discontinue the use of e-cigarettes.

MR. EATON answered yes and offered further details.

CO-CHAIR DRUMMOND said she thought that was the case. She reiterated the information about the effective date to illustrate that Mr. Eaton need not worry about having to quit his job.

[8:50:14 AM](#)

CO-CHAIR HANNAN, after ascertaining that there was no one who wished to testify, closed public testimony on HB 174.

[8:50:35 AM](#)

CO-CHAIR DRUMMOND moved to report CSHB 174, Version 31-LS0957\S, Caouette/Radford, 2/21/20, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 174(CRA) was reported out of the House Community and Regional Affairs Standing Committee.

[8:51:32 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:51 a.m.