

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 3, 2020

1:31 p.m.

MEMBERS PRESENT

Senator Click Bishop, Chair
Senator Gary Stevens, Vice Chair
Senator Joshua Revak
Senator Elvi Gray-Jackson

MEMBERS ABSENT

Senator Mia Costello

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Board of Veterinary Examiners

Denise Albert - Denali Park
Harold J. Geiger - Juneau
Rachael K. Bergartt - Juneau
Scott Flamme - Fairbanks

- CONFIRMATIONS ADVANCED

Board of Chiropractic Examiners

John C. Lloyd - Anchorage

- CONFIRMATION ADVANCED

Board of Certified Direct-Entry Midwives

Hannah St. George - Fairbanks

- CONFIRMATION ADVANCED

Board of Nursing

Emily Schubert - Anchorage
Wendy Lynn Monrad - Anchorage

- CONFIRMATIONS ADVANCED

Board of Social Work Examiners

Brandon Ercanbrack - Seward

- CONFIRMATION ADVANCED

SENATE BILL NO. 172

"An Act extending the termination date of the State Medical Board; and providing for an effective date."

- MOVED CSSB 172(L&C) OUT OF COMMITTEE

SENATE BILL NO. 182

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 172

SHORT TITLE: EXTENDING THE STATE MEDICAL BOARD

SPONSOR(s): SENATOR(s) OLSON

02/03/20	(S)	READ THE FIRST TIME - REFERRALS
02/03/20	(S)	L&C, FIN
02/18/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/18/20	(S)	Heard & Held
02/18/20	(S)	MINUTE(L&C)
03/03/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 182

SHORT TITLE: AGE FOR NICOTINE/E-CIG; TAX E-CIG.

SPONSOR(s): SENATOR(s) STEVENS

02/10/20	(S)	READ THE FIRST TIME - REFERRALS
02/10/20	(S)	L&C, FIN
02/27/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/27/20	(S)	Heard & Held
02/27/20	(S)	MINUTE(L&C)
03/03/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

DENISE ALBERT, D.V.M., Appointee
Board of Veterinary Examiners
Department of Commerce, Community and Economic Development

Denali, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Veterinary Examiners.

RACHEL BERNGARTT, D.V.M., Appointee

Board of Veterinary Examiners

Department of Commerce, Community and Economic Development

Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Veterinary Examiners.

SCOTT FLAMME, D.V.M., Appointee

Board of Veterinary Examiners

Department of Commerce, Community and Economic Development

Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Veterinary Examiners.

HAL GEIGER, Ph.D., Appointee

Board of Veterinary Examiners

Department of Commerce, Community and Economic Development

Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Veterinary Examiners.

JOHN LLOYD, D.C., Appointee

Board of Chiropractic Examiners

Department of Commerce, Community and Economic Development

Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Chiropractic Examiners.

HANNAH ST. GEORGE, Appointee

Board of Direct-Entry Midwives

Department of Commerce, Community and Economic Development

Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Board Direct-Entry Midwives.

EMILY SCHUBERT, LPN, Appointee

Board of Nursing

Department of Commerce, Community and Economic Development

Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

WENDY MONRAD, ACRN, Appointee

Board of Nursing
Department of Commerce, Community and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Nursing.

BRANDON ERCANBRACK, LCSW, Appointee
Board of Social Work Examiners
Department of Commerce, Community and Economic Development
Kotzebue, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Social Work Examiners.

CODY GRUSSENDORF, Staff
Senator Click Bishop
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained Amendment 1 to SB 172 on behalf of the committee.

MICHAEL SCRIVEN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 182.

CASSIE FROST, Volunteer
American Cancer Society Cancer Action Network (ACSCAN)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of support of SB 182.

JOSHUA FILAF, representing self
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to SB 182.

KELLY MARRE, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 182.

VALERIA DELGADO, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 182.

ALYSSA KEILL, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 182.

JENNIFER BRANDT, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 182.

HEATHER ARONNO, Grassroots Manager
American Cancer Society Cancer Action Network (ACSCAN)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 182.

TERRENCE ROBBINS, Managing Director
Southeast Prevention Services
Ketchikan, Alaska

POSITION STATEMENT: Testified in support of SB 182.

ALEX MCDONALD, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 182.

NOEL CROWLEY-BELL, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 182.

SHAUN D'SYLVA, Co-Founder
Clear the Air Alaska
Juneau, Alaska

POSITION STATEMENT: Raised concerns about SB 182.

ACTION NARRATIVE

[1:31:59 PM](#)

CHAIR CLICK BISHOP called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Stevens, Gray-Jackson, Revak, and Chair Bishop. He presumed that Senator Costello was listening to the meeting.

Confirmation Hearing(s)
Board of Veterinary Examiners
Board of Chiropractic Examiners
Board of Certified Direct-Entry Midwives
Board of Nursing
Board of Social Work Examiners

[1:33:04 PM](#)

CHAIR BISHOP announced the first order of business would be consideration of governor appointees to boards and commissions. He asked each appointee to place their name and affiliation on the record, give a brief introduction, and discuss the reason

they want to serve on the board or commission. He advised that public testimony would be taken after all appointees had testified and their names would be forwarded to the full body for consideration. He emphasized that the hearing was not a recommendation on any subsequent vote.

1:34:08 PM

DENISE ALBERT, DVM; Appointee, Board of Veterinary Examiners, Department of Commerce, Community and Economic Development, Denali, Alaska, stated that she has practiced veterinary medicine for 34 years. She came to Alaska 25 years ago to volunteer as a trail veterinarian on the Iditarod and continued to do so for next 15 years. Meanwhile, she moved to the state and has practiced small animal medicine in Alaska for 20 years. Now that she is semi-retired, she is searching for a way to help the public and the veterinarian community.

DR. ALBERT said a colleague suggested she apply for the open seat on the board and she spoke to two prior members to understand the scope of the work involved. She said she has served in the veterinary profession in multiple capacities and in numerous locations across the U.S. This has given her a broad view of the field, which may be helpful when considering issues. She said attention to detail and a comprehensive view has always been her approach. She typically acquires all available facts before creating an optimal plan of action. She offered that her decision-making skills could assist the board and the profession and that this will be a good opportunity to expand her veterinary experience. She thanked members for considering her appointment.

1:37:09 PM

SENATOR STEVENS remarked that she clearly is not successful in retiring. He thanked her for her service.

CHAIR BISHOP thanked her for her service and support to the Iditarod. He noted that the Iditarod Trail Sled Dog Finishers awarded her with the Golden Stethoscope Award.

1:38:01 PM

RACHEL BERNGARTT, D.V.M., Appointee, Board of Veterinary Examiners, Department of Commerce, Community and Economic Development, Juneau, Alaska, said she was appointed to the board in 2016. She related that she graduated from Ohio State University in 2001, practiced for one year in Ohio, took a three-month job in Fairbanks, and ended up staying. She has worked in a variety of practices, including working in general

practice for dogs and cats, as a business owner, and as an equine veterinarian. She has participated in scientific research on marine mammals for the Alaska Department of Fish and Game and at the Alaska SeaLife Center and she also worked on the University of Alaska Anchorage Antarctic program conducting Weddell Seal research. She noted that she also volunteered as a veterinarian for the Iditarod in 2015 and 2017.

She explained that her interest in serving on the board is to help improve veterinary medicine with proactive regulation. This will protect public safety. She expressed interest in focusing on telemedicine, which is generally accepted in human medicine, but is just beginning to be used in veterinary medicine. It presents challenges because animals cannot speak, and owners sometimes misinterpret what is going on with their pets. Further, since Alaska has legalized cannabis, it is important to be proactive with regulations for its use in veterinary medicine.

DR. BERNGARTT said she brings 20 years of veterinary experience in Alaska to the board. She participates in national organizations, including serving on the Regulatory Policy Task Force for the American Association of State Veterinary Boards. She views this as an opportunity to bring information on national issues back to the board. Although veterinarians in Alaska have some unique challenges, many issues are ones that veterinarians in other states also face.

She noted that she is scheduled to graduate from Seattle University School of Law in May 2020. She plans on using her legal education to work with licensees, for public advocacy and outreach, and on proactive regulations to protect the public in all facets of animal care. She said she has a collaborative outlook and looks forward to working with DCCED and stakeholders who need veterinary services.

[1:42:37 PM](#)

SENATOR STEVENS remarked that Alaska needs veterinarians more than it needs lawyers.

DR. BERNGARTT replied she is a veterinarian first.

SENATOR REVAK asked about the Drug Enforcement Administration (DEA) license listed on her resume.

DR. BERNGARTT answered that the DEA license is one veterinarians can hold if they are prescribers, which typically is needed for

sole practices. She explained that veterinarians may need to purchase controlled substances and the DEA has authority over controlled substances.

[1:44:48 PM](#)}

SCOTT FLAMME, D.V.M., Appointee, Board of Veterinary Examiners, Department of Commerce, Community and Economic Development, Fairbanks, Alaska, stated that he has practiced veterinary medicine in Alaska for the past 17 years and has watched modern technology transform the profession. He said he would like to serve on the board to further the advances. He brings a common-sense approach to the board and an interest in safeguarding veterinary clients' information. He noted that the board has been working on HB 184 for the last 10 months and it has been an amazing experience.

CHAIR BISHOP said he appreciated the information he received on HB 184.

[1:47:24 PM](#)

HAL GEIGER, Ph.D., Appointee, Board of Veterinary Examiners, Department of Commerce, Community and Economic Development, Juneau, Alaska, advised that he is serving the third year as the public member of the board. He stated that he spent his career working as the chief biometrician for the Commercial Fisheries Division of the Alaska Department of Fish and Game (ADF&G). During that time, he worked closely with the Board of Fisheries and gained appreciation for the public regulatory process and the importance of volunteers. He related that he earned a Ph.D. from the University of Alaska Fairbanks, College of Fisheries and Ocean Sciences, and has run a small consulting firm.

DR. GEIGER explained his interest in serving on the Board of Veterinary Examiners is to give back to the state since the state invested a lot in him. The Boards and Commissions office thought he might want a position on the Board of Fisheries, but he was more interested in serving on a technical board in some other area. He worked for a veterinarian in high school and was drawn to serve on this board since veterinary medicine is a technical field that will mesh well with his scientific background.

DR. GIEGER said he strives to provide a voice for the public and would like to use his background to continue to work on unfinished board business.

CHAIR BISHOP commented that he would like to have a conversation with him about his work as the convenor of the 1997 Yukon River Sonar Project.

DR. GEIGER responded that was a high point in his ADF&G career.

[1:50:17 PM](#)

JOHN LLOYD, D.C., Appointee, Board of Chiropractic Examiners, Department of Commerce, Community and Economic Development, Anchorage, Alaska, stated that he received his undergraduate degree in biology from Gonzaga University and his degree in chiropractic medicine from Logan University.

DR. LLOYD said his goal for the last 22 years has been to help patients become pain free and transition to a life of wellness through chiropractic massage, physical therapy, and regenerative medicine. He said his interest in serving on the board is to give back to the profession, help the board navigate the regulation process, and provide the public with excellent health care.

CHAIR BISHOP found no questions.

[1:51:26 PM](#)

HANNAH ST. GEORGE, Appointee, Board of Direct-Entry Midwives, Department of Commerce, Community and Economic Development, Fairbanks, Alaska, stated that she currently serves as a public member of the board. She is the mother of nine and has attended over 30 births as a support figure. She said her interest in serving stems from a longstanding interest in medicine and a desire to learn more about the statutes and regulations. She looks forward to continuing to work with the team that ensures that the birth process is safe for mothers and babies.

[1:52:51 PM](#)

SENATOR STEVENS noted that her resume states that she is not an official doula. He asked for the definition of a doula.

MS. ST. GEORGE answered that an official doula is someone who is certified but it does not require any medical background. A doula is solely present to help the mother during birth and she has served in that role for family and friends and whoever may need her. She enjoys helping during the birth process but has no specific certification.

[1:53:44 PM](#)

EMILY SCHUBERT, LPN; Appointee, Board of Nursing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, advised that before her marriage she served on the board as Emily Nicole Henry. She graduated from the Delaware Technical Community College and received her licensed practical nursing certificate in 2011. She initially worked as a home care nurse, primarily with special needs children, which gave her a broad range of skills. She moved to Alaska three years ago and works in the employee health department and human resources for the Alaska Native Tribal Health Consortium. In that capacity, she works to ensure that all employees have current immunizations and education on infection control practices.

She related that she has served in the LPN position on the board since 2019 and currently serves as secretary. She hopes to help the board create an LPN program in Alaska and recently obtained provisional approval to start the accreditation process in Anchorage. She opined that she brings her leadership skills to the board. Further, her home care experience will provide insight for nurses in solo practices on how to care for patients in the safest manner.

[1:56:05 PM](#)

CHAIR BISHOP asked if her experience with the Future Farmers of America (FFA) has helped prepare her for today.

MS. SCHUBERT answered yes; the organization focuses on leadership skills and helped her with public speaking. She said she enjoyed being part of that organization.

[1:57:35 PM](#)

WENDY MONRAD, RN; ACRN, Appointee, Board of Nursing, Department of Commerce, Community and Economic Development, Anchorage, Alaska, stated that she currently works at the Alaska Native Medical Center as a Certified Registered Nurse Anesthetist, which is one of the four advanced practices for registered nurses. She was appointed to serve on the board in January 2019 to fill a vacant term and was reappointed to the next term ending in March 2024. She has enjoyed serving on the board and learning the regulatory side of nursing. She said she brings her years of experience and leadership to the board. She noted her resume outlines her complete educational background.

CHAIR BISHOP thanked her for 13 years of service in the United States Air Force.

[1:59:26 PM](#)

At ease

[1:59:37 PM](#)

CHAIR BISHOP reconvened the meeting.

[1:59:48 PM](#)

BRANDON ERCANBRACK, LCSW, Appointee, Board of Social Work Examiners, Department of Commerce, Community and Economic Development, Kotzebue, Alaska, stated that he is a licensed clinical social worker. He was appointed to the Board of Social Work Examiners in July 2019 and reappointed in March 2020. He related that he completed his bachelor's degree and master's degree in social work at Utah State University and has lived in Alaska for about three years, working in rural community behavioral health settings. He would like to continue to serve on the board because he finds the work enjoyable and feels as though he barely got his feet wet. His motto has always been to work smarter, not harder and he would like to apply that philosophy to his work on the board. He likes clinical work because he likes to help people improve their lives.

CHAIR BISHOP thanked him for being willing to serve.

[2:02:11 PM](#)

CHAIR BISHOP discerned that no one wished to comment on the appointees and closed public testimony on the confirmation hearings.

[2:02:23 PM](#)

CHAIR BISHOP stated that in accordance with AS 39.05.080, the Senate Labor and Commerce Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Veterinary Examiners

Denise Albert - Denali Park
Harold J. Geiger - Juneau
Rachael K. Bergartt - Juneau
Scott Flamme - Fairbanks

Board of Chiropractic Examiners

John C. Lloyd - Anchorage

Board of Certified Direct-Entry Midwives

Hannah St. George - Fairbanks

Board of Nursing

Emily Schubert - Anchorage

Wendy Lynn Monrad - Anchorage

Board of Social Work Examiners

Brandon Ercanbrack - Seward

[Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection].

[2:03:17 PM](#)

At ease

SB 172-EXTENDING THE STATE MEDICAL BOARD

[2:04:02 PM](#)

CHAIR BISHOP announced the consideration of SENATE BILL NO. 172, "An Act extending the termination date of the State Medical Board; and providing for an effective date."

He noted that this is the second hearing, public testimony is open, and there is an amendment to consider.

[2:04:32 PM](#)

SENATOR BISHOP moved to adopt Amendment 1, work order 31-LS1479\A.2.

31-LS1479\A.2

Fisher

2/21/20

A M E N D M E N T 1

OFFERED IN THE SENATE BY SENATORS BISHOP AND COSTELLO

Page 1, line 1, following "**Board;**":

Insert "**requiring a report on the State Medical Board's audit compliance;**"

Page 1, line 5:

Delete "June 30, 2025"

Insert "June 30, 2023"

Page 1, following line 5:

Insert a new bill section to read:

"* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

AUDIT COMPLIANCE: LEGISLATIVE AUDIT DIVISION REPORT. Within one year after the effective date of this Act, the legislative audit division shall submit a report concerning compliance by the State Medical Board with the recommendations of the April 26, 2019, audit of the board conducted under AS 44.66 to the Legislative Budget and Audit Committee."

Renumber the following bill section accordingly.

SENATOR STEVENS objected for an explanation.

[2:04:46 PM](#)

CODY GRUSSENDORF, Staff, Senator Click Bishop, Alaska State Legislature, Juneau, Alaska, on behalf of the committee, stated that Amendment [1], will change the sunset date from 2025 to 2023. It will also insert a new section of uncodified law to require the Division of Legislative Audit to do a compliance check on the recommendations of the audit within the next year. The title will change to reflect the required report on the State Medical Board's compliance with the audit.

SENATOR STEVENS asked if this follows the audit recommendations.

MR. GRUSSENDORF answered yes, although the audit did recommend a five-year sunset.

CHAIR BISHOP reminded the committee of the concerns they had about the implementation of the Prescription Drug Monitoring Program (PDMP) and communications with the Pharmacy Board. The committee concurred that this would be the best path forward to help gain compliance.

[2:06:28 PM](#)

SENATOR STEVENS removed his objection and Amendment 1 was adopted.

[2:06:47 PM](#)

SENATOR OLSON stated support for Amendment 1.

[2:07:11 PM](#)

CHAIR BISHOP closed public testimony on SB 172.

[2:07:21 PM](#)

SENATOR STEVENS moved to report SB 172, as amended, from committee with individual recommendations and attached fiscal notes.

CHAIR BISHOP found no objection and the CSSB 172(L&C) was reported from the Senate Labor and Commerce Standing Committee.

[2:07:40 PM](#)

At ease

SB 182-AGE FOR NICOTINE/E-CIG; TAX E-CIG.

[2:09:22 PM](#)

CHAIR BISHOP announced the consideration of SENATE BILL NO. 182, "An Act raising the minimum age to purchase, sell, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to the taxation of electronic smoking products; and providing for an effective date."

He noted that this was the second hearing and the committee would hear public testimony on SB 182.

[2:10:23 PM](#)

MICHAEL SCRIVEN, representing self, Anchorage, Alaska, spoke in support of SB 182. He said that he and his 13-year-old daughter talked to legislators last summer about passing a bill like this one. He thanked Senator Stevens for introducing the bill. He expressed concern about vaping, e-cigarettes, and marketing these items to kids. He supports increasing the age for tobacco use to 21. He has been working on this since last spring and since then the deaths and illnesses from vaping have increased tenfold. He urged members to support SB 182 and pass it from committee.

[2:12:56 PM](#)

CASSIE FROST, Volunteer, American Cancer Society Cancer Action Network (ACSCAN), Anchorage, Alaska, spoke in support of SB 182. She said she is a graduate student in a master's program at the University of Alaska Anchorage. She expressed concern about the e-cigarette epidemic and its effect on young people. Long-term tobacco use has affected her family, including that she lost her grandmother to lung disease three years ago.

MS. FROST highlighted that schools in Alaska report finding a surprising number of these devices on students in elementary and high schools. She asked the committee to support SB 182 which aims to reduce youth access to e-products by raising the

existing tobacco control policies from age 19 to 21. This will help keep these products out of the hands of youth. Also, it will allow e-cigarettes to be taxed and treated like tobacco. This will help reduce sales to youth because they are most sensitive to price increases.

[2:15:13 PM](#)

JOSHUA FILAF, representing self, Soldotna, Alaska, said he works in a vape shop and disagrees with SB 182 because a 25 percent increase in taxes on these products will likely force many shops to close. When adult consumers are unable to purchase these safe products in a shop, they will purchase them online. He reported that studies have shown that Medicare costs are reduced when people are vaping rather than smoking tobacco products. He said this bill is a waste of taxpayers' money.

[2:16:28 PM](#)

KELLY MARRE, representing self, Wasilla, Alaska, said cancer has greatly affected her family. Nearly every member on her mother's side of the family has had cancer and both she and her son were diagnosed with leukemia. Research shows that 50 percent of cancers can be prevented. She offered her view that protecting youth from tobacco use can lower risks for cancer. She said supporting SB 182 will make e-cigarettes less accessible to youth. Changing Alaska's law to conform to federal law by increasing the age for purchasing tobacco products to those 21 years of age will provide further help in protecting Alaska's youth.

[2:17:36 PM](#)

VALERIA DELGADO, representing self, Anchorage, Alaska, spoke in support of SB 182. She said she works with Alaska's youth and has seen the impact of electronic cigarettes and vapes. Young adults are struggling to quit using e-cigarettes due to the high amount of nicotine they contain. Studies have shown that teens who use e-cigarettes are twice as likely to smoke regular cigarettes. She offered her view that increasing the age to 21 for purchasing tobacco products will help counter the tobacco industry's efforts to get teens and young adults hooked on nicotine.

[2:18:24 PM](#)

ALYSSA KEILL, representing self, Fairbanks, Alaska, spoke in support of SB 182. She said that she is a swim coach for a local swim team and she often discusses ways to stay with her students. The swim team members often mention that they see vaping in their schools and that students are selling vaping

products to one another. She has held discussions with her students on the impact that nicotine would have on their performance in sports and in school. She said studies have shown that price increases of 10 percent for tobacco products leads to a decrease in youth use by 7 percent so raising the price of vaping products could help prevent youths from picking up e-cigarette habits.

2:20:16 PM

JENNIFER BRANDT, representing self, Wasilla, Alaska, said SB 182 will put the state in compliance with federal law and reduce enticement of Alaska's youth to try and buy vaping products. She pointed out that adults who use nicotine products typically want to quit and e-cigarettes are nicotine products. She further pointed out that taxes on tobacco products encourage people to quit, so an increase in taxes on e-cigarettes will give people an additional reason to be nicotine free and healthier. She urged members to pass SB 182.

2:21:18 PM

HEATHER ARONNO, Grassroots Manager, American Cancer Society Cancer Action Network (ACSCAN), Anchorage, Alaska, spoke in support of SB 182. She offered her view that this bill provides a practical solution to problems that are seen across the country. In her role at ACSCAN, she has observed and heard about the numerous people who have been impacted by vaping products.

2:22:28 PM

TERRENCE ROBBINS, Managing Director, Southeast Prevention Services, Ketchikan, Alaska, spoke in support of SB 182. He reported that 95 percent of adult smokers became addicted to tobacco before the age of 21. Surveys show that most youth obtain tobacco from older friends and relatives. Limiting vaping products to those 21 years of age will drastically shrink youth access to tobacco products. He said he offers 10-week tobacco cessation clinics to Ketchikan youth who report that their access to tobacco is almost always through friends.

He related that after Ketchikan voters approved an excise tax that included e-cigarettes starting January 2017, a survey found that adult cigarette usage decreased 21.4 percent in the first year. He agreed with previous testifiers on the effect of tax increases for vaping and tobacco products. He reported that when Ketchikan increased the cost of cigarettes by 50 percent, there was a 21.4 percent decrease in purchases. Youth Risk Behavior Surveillance System data is not yet available for that timeframe, but he anticipated a greater decrease in youth

cigarette use. However, because of the increase in e-cigarette use, an overall decrease in tobacco use is not anticipated.

[2:25:14 PM](#)

SENATOR STEVENS related his understanding that Ketchikan increased the tax on tobacco products, but not on e-cigarettes.

MR. ROBBINS answered that the Ketchikan Gateway Borough did include e-cigarettes. He explained that the borough collects a \$2 tax per pack of cigarettes, and it taxes 50 percent of the wholesale rate on other tobacco products.

[2:26:19 PM](#)

ALEX MCDONALD, representing self, Fairbanks, Alaska, stated that SB 182 is bad public policy. He reported that prior to the Medicaid expansion, the state received \$97 million in revenue from tobacco taxes but spent \$220 million on Medicaid smoking-related illnesses. He offered his view that taxing products to get people away from cigarettes costs the state money. An article from the National Bureau of Economic Research showed that for every 10 percent increase in e-cigarette taxes has the effect of increasing cigarette sales by 11 percent. Thus, the result of this bill will be a significant increase in cigarette use in the state. He also pointed out that these products may not be on the market after May. He predicted that if the federal government does not address free market tobacco, the small businesses producing juice will go out of business. He recalled that when the Mat-Su Borough passed a tax increase a lot of the shops shut down and people ordered online. He expressed concern that the bill also makes people between the ages of 19-21 criminals for no good reason. At Fort Wainwright, soldiers who go to and from war zones would not be able to buy these vaping products, which does not seem fair.

[2:29:11 PM](#)

NOEL CROWLEY-BELL, representing self, Palmer, Alaska, spoke in support of SB 182. She offered her view that this bill will provide the safeguards Alaska youths need to avoid the trap that an addiction to nicotine brings. She said she has watched with alarm the increasing use of e-cigarettes. Her daughter reports that students use e-cigarettes in school and her son expresses concern that exposure to second-hand aerosol from vaping will cause his asthma to flare up. E-cigarette usage is a common topic among parents. She asked the committee to pass SB 182.

[2:30:44 PM](#)

SHAUN D'SYLVA, Co-Founder, Clear the Air Alaska, Anchorage, Alaska, stated that he owns three vapor stores in Anchorage, Fairbanks, and Wasilla. He said that he thinks that increasing the age for purchasing tobacco products to 21 is a great idea. It is a federal guideline. However, a 75 percent wholesale tax is a concern. He said his business has helped 80,000 people stop smoking. He said that he is in the business of harm reduction. He offered his view that kids should be held responsible when found with vaping products, but he does not support limiting adult access since vaping products are a safer option than tobacco. He referred to the United Kingdom's (UK) goal, which is no combustible cigarettes by 2025. Vaping is prescribed for adults to help them stop smoking. He offered his view that in the U.S. nicotine is demonized but smoking is not. However, it is smoking that kills, not nicotine. He objected to taxing e-products at the same level as cigarettes. If the intent is to limit youth access, a better approach would be to strengthen the penalties for retailers that sell to youth and to penalize youth in possession.

[2:33:42 PM](#)

SENATOR REVAK asked about studies and how vaping is treated differently than tobacco cigarettes in the UK.

MR. D'SYLVA explained that e-cigarettes became popular in the UK about 2008 and Public Health England (PHE) began analyzing the health implications of vaping. In 2015, PHE, the Royal College of Physicians, and UK's cancer society released a comprehensive study that definitively determined that e-cigarette use was at least 95 percent safer than combustible tobacco products. Those experts have revisited the issue every year since and have not changed their position. He said the UK allows vape stores in hospitals because they would rather have adults vape than smoke combustible cigarettes.

He offered his view that the lung issues mentioned earlier resulted from illegal THC cartridges tainted with vitamin E acetate, not e-cigarettes. He opined that if the state is worried about public health, it would be dangerous to tax vape products in the same manner as cigarettes. He said the taxation rules are detrimental.

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SENATOR STEVENS said there may be some confusion since the bill follows the federal law on age. He expressed a willingness to discuss the tax rate but pointed out that Ketchikan has a 50 percent tax rate that has been successful in decreasing use. He

said most people are in favor of the bill to safeguard the health of youth.

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CHAIR BISHOP closed public testimony and held SB 182 in committee for further consideration.

[2:39:40 PM](#)

There being no further business to come before the committee, Chair Bishop adjourned the Senate Labor and Commerce Standing Committee meeting at 2:39 p.m.