

HOUSE FINANCE COMMITTEE
May 5, 2021
9:02 a.m.

9:02:28 AM

CALL TO ORDER

Co-Chair Merrick called the House Finance Committee meeting to order at 9:02 a.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Kelly Merrick, Co-Chair
Representative Dan Ortiz, Vice-Chair
Representative Bryce Edgmon
Representative DeLena Johnson
Representative Andy Josephson
Representative Bart LeBon
Representative Steve Thompson
Representative Adam Wool

MEMBERS ABSENT

Representative Ben Carpenter
Representative Sara Rasmussen

ALSO PRESENT

Mike Mason, Staff, Representative Chris Tuck; Doug Wooliver, Deputy Administrative Director, Alaska Court System; Representative Sara Hannan, Sponsor; Stephanie Andrew, Staff, Representative Sara Hannan; Nancy Meade, General Counsel, Alaska Court System.

PRESENT VIA TELECONFERENCE

James Stinson, Director, Office of Public Advocacy; Katie Steffens, Deputy Program Manager, Tobacco Prevention and Control, Department of Health and Social Services; Joe Darnell, Investigator III, Tobacco Section, Division of Behavioral Health, Department of Health and Social Services.

SUMMARY

HB 110 AGE FOR NICOTINE/E-CIG; TAX E-CIG.

HB 110 was HEARD and HELD in committee for further consideration.

HB 155 COURT SYSTEM PROVIDE VISITORS & EXPERTS

HB 155 was HEARD and HELD in committee for further consideration.

Co-Chair Merrick reviewed the agenda for the meeting.

#hb155

HOUSE BILL NO. 155

"An Act relating to court-appointed visitors and experts; relating to the powers and duties of the office of public advocacy; relating to the powers and duties of the Alaska Court System; and providing for an effective date."

9:03:02 AM

MIKE MASON, STAFF, REPRESENTATIVE CHRIS TUCK, introduced himself. He read the prepared statement:

"Good morning. I'm Mike Mason, staff to Representative Chris Tuck. He apologizes for not being here this morning.

The development of House Bill 155 is the result of a meeting Rep. Tuck had scheduled with James Stinson, the Executive Director of the Office of Public Advocacy in early March of this year. Unfortunately, Rep. Tuck got called away at the last minute and I ended up taking the meeting. After a short conversation I was convinced to try and help, and Rep. Tuck agreed. We had the bill drafted and introduced.

Very simply, House Bill 155 transfers the Alaska Court Visitor Program from the Office of Public Advocacy to the Alaska Court System. This transfer would move a program from the executive branch of government to the judicial branch of government. However, it takes this branch of government to make it happen.

Rep. Tuck decided to sponsor House Bill 155 after learning two facts. There is no legislative history explaining why the Court Visitor Program was placed under the direction of the Office of Public Advocacy (OPA - part of the executive branch). The Alaska Court System and the Office of Public Advocacy support the transfer of the program. (Both sides will testify to that fact).

Currently, the Office of Public Advocacy is required by law to provide court visitor services. A court visitor is a neutral person with specialized training or experience. (Law, medical care, mental healthcare, pastoral care, social work) The individuals chosen to serve as court visitors conduct independent investigations and make recommendations to the court system about guardianships or conservatorships. Guardianships are used to protect individuals who cannot care for their well-being due to incapacity or disability. Conservatorships are used to manage an incapacitated person or minor's financial and personal affairs. Court visitors also participate in psychotropic medication proceedings during involuntary commitments to investigate whether the patient can give or withhold informed consent.

The Court Visitor Program was created in 1984, and in recent years it has become apparent that the program should be under the direction of the Alaska Court System. As its name implies, the Office of Public Advocacy does advocacy. Court visitors do not function in an advocacy position.

As you will hear in just a moment from the representatives of the Office of Public Advocacy and the Court System... there is a fundamental inefficiency within the Court Visitor Program. As currently written, state law gives the Office of Public Advocacy the responsibility of providing court visitors in guardianship and involuntary medication proceedings. (OPA pays the bills). The Alaska Court System contracts and pays for the court visitors that serve in conservatorship proceedings. (Court system pays the bills)

House Bill 155 solves this inefficiency by transferring the entire Alaska Court Visitor Program to the Alaska Court System.

As you will hear in just a moment, House Bill 155 is a collaborative effort between the executive branch and the judicial branch, asking the legislative branch to fix a flaw in state law that hampers a good program's effectiveness. Invited testimony includes James Stinson, the Director of the Office of Public Advocacy, and Doug Wooliver, the Deputy Administrative Director for the Alaska Court System.

The Office of Public Advocacy's budget for the Court Visitor Program is \$854,400. (Included in the Governor's FY 22 budget request). The fiscal note from the Court System notes that cost plus 1 additional staff person to oversee the training, supervision, and scheduling of court visitors. (\$960,600 Included in the Court System's FY 22 budget request). If the bill passes, the funding would be reflected in the fiscal note section of the budget bill, HB 69."

Mr. Mason was available for questions.

[9:07:01 AM](#)

Representative Johnson asked if someone online would be available to review the fiscal note. Mr. Mason responded that the Alaska Court System and the Office of Public Advocacy could provide details of the fiscal note.

Representative Johnson asked if the bill was a transfer from one department to another with no additional costs. Mr. Mason stated that everyone worked together on the bill and the parties could explain what was reflected in the fiscal note. The court system would take over the current costs. He noted there was an additional position reflected in the note. The Office of Public Advocacy's budget for the Court Visitor Program was \$854,400 which was included in the governor's FY 22 budget request. The fiscal note from the Alaska Court System reflected that cost plus the cost of one additional staff person who would oversee the training, supervision, and the scheduling of court visitors. The amount was \$960,600 and was included in the Alaska Court System's FY 22 budget request. If the bill passed, the funding would be reflected in the fiscal note

section of the budget bill. Mr. Stinson and Mr. Wooliver could provide additional details. Representative Johnson thought she might have additional questions at a later time.

Co-Chair Merrick indicated the committee would be hearing invited testimony.

9:09:05 AM

AT EASE

9:09:34 AM

RECONVENED

DOUG WOOLIVER, DEPUTY ADMINISTRATIVE DIRECTOR, ALASKA COURT SYSTEM, agreed that the change had been overdue. The Alaska Court System had had several meetings over the years with OPA about transferring the Court Visitors Program from OPA to the Alaska Court System. The transfer made sense. He explained that when OPA was created, it was responsible for things related to guardianships and the Court Visitors Program was lumped into the office. However, the Court Visitors Program was really a court function. Court visitors served as experts for the court. They reported to the court and were neutral evaluators investigating cases to ensure that the request for guardianships or conservatorships were appropriate.

Mr. Wooliver continued that both entities had wanted to make the change for several years, but it fell off of the radar. Commissioner Dave Donley contacted him to try to get legislation passed in the current session. It had originally showed up as a budget item. There was a deficit in OPA's budget and an increment in the Alaska Court System Budget. However, it took legislation to make such a change which was reflected in the fiscal note. The request had been removed in the budget and into the present fiscal note. Should the bill pass, the transfer would take place. If not, he would address the bill again in the following year.

Mr. Wooliver informed the committee that the court system normally did not take positions on bills. However, HB 155 was an exception because it had been a joint effort between the Alaska Court System and OPA. He addressed the fiscal note. The difference in the note was that the Alaska Court System would add a staff person that would do the training,

scheduling, and hiring, of the court visitors. If the bill did not pass, OPA indicated it would hire a person which was reflected in the office's budget request.

Co-Chair Merrick noted Representative Wool had joined the meeting.

Representative Josephson asked if Mr. Wooliver would need space in the court house to house the employees. Mr. Wooliver replied that the court visitors were contractors who did not need to be housed.

Representative Johnson asked where the new employee would be housed. Mr. Wooliver replied that the position would likely be housed in the Anchorage Court House.

Co-Chair Merrick thanked Mr. Wooliver for being in the meeting. Mr. Wooliver thanked the committee for hearing the bill.

[9:14:26 AM](#)

JAMES STINSON, DIRECTOR, OFFICE OF PUBLIC ADVOCACY (via teleconference), echoed Mr. Wooliver's comments. When he became director of OPA about 3 years prior, the program struck him as an oddity. He spoke with people who had institutional knowledge and had been around OPA for several years. They shared the same opinion. There seemed to be a consensus and a legislative audit that agreed that it was a strange program to house in the executive branch under the Department of Administration (DOA). The only inference to OPA had to do with guardianships. Therefore, it was placed with OPA rather than the court system. He noted the court system did conservatorships which was the reason it never made much sense for an arm of the court system to be house in OPA. It did not matter how effectively OPA tried to communicate with an arm of the court system, ultimately, the court system would be able to communicate with its own arm more efficiently.

Mr. Stinson conveyed that OPA provided respondent counsel in proceedings often arguing against a court visitor's opinion. Conservatorship was a serious restriction to a person's financial liberty, and guardianship was the highest form of a person's liberty restriction. In such cases, a person had the right to an attorney. The Office of Public Advocacy provided that attorney which created

additional tension. He was not sure if it created an actual conflict but certainly the perception of a conflict. The Alaska statutes outlined that OPA could not exercise undue influence over court visitors. The boundaries were clear in statute. However, they were murkier around OPA's oversight of court visitors. Several issues had allowed the program to stumble along without much meaningful oversight or training.

Mr. Stinson suggested that by placing the program within the court system judges and court visitors could be trained together. The court system could cater the program to regions that had different challenges outside of urban areas. He thought the legislation was a win for all parties and would result in better outcomes. He believed there would be a more efficient administration of the program as a court function saving the state money.

Co-Chair Merrick commented that the committee loved saving money. She directed Mr. Stinson to review the fiscal note.

[9:18:07 AM](#)

Mr. Stinson indicated the Office of Public Advocacy would be transferring contract dollars to the Alaska Court System, as there were no dedicated PCNs. The work was performed by independent contractors rather than State of Alaska employees. The program had grown substantially primarily due to an aging population. He conveyed when someone was under guardianship there was a 3-year review in which a court visitor provided an update to the court system as to whether the person still needed guardianship. There was an important liberty interest at stake. It ultimately stacked costs because guardianships had the potential to last a long time. A person could require guardianship or conservatorship for their natural life. The court system wanted to have a sufficient amount of money to fund paying court visitors, but they also needed some sort of administrative oversight position to make the program function well and to ensure training. He reported that OPA did not have such a position. He thought it was reasonable for the Court System to request an added position. If OPA were to continue administrating the program, it would want to add a position to provide the best possible service despite the challenges.

Representative Johnson asked Mr. Stinson to identify some of the savings. Mr. Stinson responded that savings would be attained through increasing efficiencies. He thought the program would grow, as it was a a mandated service. He suggested that the Alaska Court System would be a better steward of funding because they would be able to set standards of practice, directly supervise its own arm, get rid of problem contractors, help improve problem contractors, set minimum standards, and set reporting requirements. It was a direct court function. He thought the result would be less waste and more efficiency.

Representative Johnson disagreed. She thought it might work better within the court system and be a better program overall. She wanted to be clear that if the legislature was increasing costs, the program should improve.

[9:22:30 AM](#)

Co-Chair Merrick OPENED public testimony.

[9:22:40 AM](#)

Co-Chair Merrick CLOSED public testimony.

Co-Chair Merrick indicated amendments were due in the current day by 6:00 p.m.

HB 155 was HEARD and HELD in committee for further consideration.

#hb110

HOUSE BILL NO. 110

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

[9:23:06 AM](#)

REPRESENTATIVE SARA HANNAN, SPONSOR, explained HB 110 taxed vaping products or electronic smoking devices. There was a section included in the bill that defined electronic

smoking devices. The bill raised the minimum age for purchasing tobacco in Alaska to 21. It also prohibited the sales of tobacco products over the internet and required a third party verification for a delivery. If a person were to order tobacco products from a shop in Anchorage to be delivered to Nome, they would have to verify their age with the delivery person upon arrival. It would not be considered an internet sale.

Representative Hannan relayed that the bill also placed vaping products into Alaska's tobacco taxation structure. In Alaska, tobacco taxes were uniform by type. However, the statutes distinguished cigarettes, cigars, and chewing tobacco by type. Vaping was not taxed, as it was not a thing the last time tobacco taxes were modified. Vaping was not mentioned in the statute and therefore not taxed. She thought vaping was similar to all of Alaska's nicotine products, and currently vaping was extremely popular among underage smokers. Between 2017 and 2018 the Centers for Disease Control's National Youth Tobacco Survey saw a 78 percent increase in the use of e-cigarettes by high school students. Many people knew, and she knew as a high school teacher, that the United States had done a really good job in its campaign to reduce smoking. Several kids would be aghast if they were accused of smoking a cigarette, as they would never consider it. However, kids did not view vaping in the same tone or tenor or with the same risk-level or concern.

Representative Hannan continued that young people were price-sensitive in everything they did, and tobacco taxes had always been part of a regime to reduce youth participation in smoking. She reported that 80 percent of high schoolers that smoked e-cigarettes did not perceive it as a risky behavior. She asserted that vaping was just as risky to a person's long-term health as other smoking. The time to stop a person's addiction was prior to starting the habit. She thought price sensitivity was good if it kept a person from becoming a participant.

Representative Hannan concluded that HB 110 would have the effect of keeping someone from starting to vape. It would reduce youth entering the smoking arena. As a side effect it would also improve the revenue picture for Alaska. It would not be a huge revenue producer but would be expected to produce about \$2.5 million in revenues. She was available for questions.

[9:28:29 AM](#)

Representative Thompson asked whether a military exemption could apply. Representative Hannan replied that the federal government had already changed the legal smoking age to 21 through an initiative, T-21, by President Trump. As of December 2019, the federal smoking age was 21, and the Department of Defense was required to restrict smoking on bases to anyone under 21 and restrict the sale of products to 21 years of age or older.

Representative Thompson clarified that a person under 21 would be breaking the law if they were in possession of smoking products or caught smoking. He asked if he was correct. Representative Hannan responded in the affirmative. The federal law was currently 21. The bill would bring Alaska statutes into compliance and alignment with the federal government's actions in 2019.

Representative Thompson wondered whether the state should also change its law for smoking Marijuana, as it did not conform with federal law. Representative Hannan responded that Alaska did not have to change the law around the smoking age. Alaska sometimes blatantly disregarded federal law. It was a policy question. She asserted it was a good thing to do in order to discourage young people from smoking. She indicated, when she first introduced a vape tax bill a couple of years ago, she did not include an age change. The age change came about from the federal government. It seemed appropriate to be aligned with the federal government. It also created a larger age gap between high schoolers and adults. By the time a person turned 21 they were in a different population setting. She thought the bill was constructive in discouraging smoking.

Representative Thompson did not disagree. He planned on introducing an amendment.

[9:32:11 AM](#)

Co-Chair Merrick noted Vice-Chair Ortiz had joined the meeting.

Representative Wool shared some of the same concerns of Representative Thompson. He had more of a Libertarian approach to the issues. He grew up in an era where at 18 a

person could vote, drink, smoke, join the army, or carry a gun. At 18 a person could go to war and kill people. He was of the mindset of someone being an adult at age 18. He stated that currently a person could smoke at age 18 and could purchase cigarettes at age 19 (to avoid tobacco products being brought into school). At his high school he could smoke outside. He came from a different generation. His problem was that if a person had to be 21 in order to buy or smoke tobacco or vape products, a 20-year old would be breaking the law.

Representative Wool continued that the other problem he had was that if a person got caught, they would enter the criminal justice system. He did not think Alaska needed more kids in the criminal justice system. He also asked about enforcement and whether it would be selective. He suggested that minorities would more likely be charged with infractions. He was glad the fine was removed from the bill. However, an offender would be required to attend cessation classes. He did not have a problem with taxing vaping products. However, he did have a problem with a young person having to attend a class or entering the criminal justice system. He asked the bill sponsor to comment.

[9:36:16 AM](#)

Representative Hannan thought most teenagers in Alaska first entered into the court system through parking infractions. Smoking infractions would be treated similarly as a civil penalty rather than a criminal penalty. a smoking infraction would be a ticketed offense much like parking violations unless they reached a criminal level. A violation for drunk driving was different than a parking violation. Traffic citations were part of the civil system. Ms. Mead from the Alaska Court System was available for questions.

Representative Hannan noted Katie Steffens, a tobacco expert from the the Department of Health and Social Services (DHSS), was available online who might be able to address the comments made about the under 18 population receiving citations for tobacco violations.

Representative Wool would be happy to hear from Ms. Stephens and wanted to hear from Ms. Mead as well. He disagreed that the infraction was like a parking ticket.

Co-Chair Merrick indicated Ms. Mead was an invited testifier who would be presenting to the committee momentarily.

[9:38:52 AM](#)

KATIE STEFFENS, DEPUTY PROGRAM MANAGER, TOBACCO PREVENTION AND CONTROL, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), deferred to Joe Darnell who could better address the question.

Representative Wool did not know the numbers. He wondered who would pay for cessation classes. He suggested that if he were a kid, he would not want to have to pay for them.

[9:40:28 AM](#)

STEPHANIE ANDREW, STAFF, REPRESENTATIVE SARA HANNAN, thought Ms. Steffens spoke more to public health concerns. She suggested she speak to the question the representative had about the health impacts of an 18 year old versus a 21 year old. She suggested Ms. Mead could speak to the court implications.

Representative Wool assumed the health impacts for an 18 year old and a 21 year old were similar.

Co-Chair Merrick indicated the committee would move to a question from Representative Josephson and then would have Ms. Mead come to the table.

Representative Josephson recalled Senator Stevens being involved in reform efforts. He noted two bills SB 15 [Legislation passed in 2018 - Short Title: E-Cigs/Tobacco/Nicotine and Minors; Sales] and SB 182 [Legislation introduced in 2020 - Short Title: Age for Nicotine/E-Cig; Tax E-Cig]. He recalled sitting in the Labor and Commerce Committee and looking at a PowerPoint about dismantling one of the vaping devices and what portion of the device could be sold. He asked for some context around other laws that have affected e-cigarettes.

Representative Hannan did not believe SB 15 became law, as she and Senator Stevens had companion legislation. The bills were not identical, as there were two definition changes. Senator Stevens' bill mentioned e-hookahs while

HB 110 referred to them as e-smoking devices. His bill changed the age and taxes and currently sat in the Senate Finance Committee. She asked if Representative Josephson wanted to know more about the devices.

Representative Josephson would look to see what other recent bills became law and impacted the industry. He wanted to get an overall sense of the issue. Representative Hannan did not believe anything had been passed in the Alaska Legislature on the subject. She noted that when cannabis industry regulations and laws were put into place vaping of cannabis was taxed and vape products were defined in relation to cannabis taxation. She thought Representative Josephson's recollection might be from 6 years prior.

Vice-Chair Ortiz thought there was a reference made to Mr. Darnell who might be able to address enforcement. Co-Chair Merrick replied that the committee could hear from Mr. Darnell following Ms. Mead's testimony. The committee had been joined by Representative Edgmon.

[9:44:01 AM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, thought the concern was centered on AS.11.76.105 on page 2, starting at line 21 of the bill. The provision made possession of tobacco, electronic smoking products, or nicotine products by someone under 21 a violation. The provision was being changed from age 19 to age 21. Electronic smoking products were added to the provision 2 years prior. The section was enforced by local law enforcement officers and Alaska State Troopers who could issue a citation for a violation. The court system received such citations in some years but none in other years. Occasionally, the court system would receive a bubble of citations likely related to a sting operation. She could supply specific data to anyone interested. There was a contrasting provision in AS.11.76.100 through AS.11.76.109 giving authority to the Division of Behavioral Health within the Department of Health and Social Services to issue citations. She elaborated that DHSS could cite vendors and sellers and take license action if there was a conviction.

Ms. Mead continued that AS.11.76.105, the possession of a minor, was a violation which required a mandatory court

appearance. Some traffic citations allowed for a person to send in a payment for a fine and plead guilty to close their case. However, possession of a minor required a court appearance. The statute outlined that a person would be subject to a fine of between zero and \$500.

Ms. Mead pointed to page 15 of the bill which stated the court could refer the defendant to a tobacco education program in lieu of a fine. The court system had some concern with the provision, as it did not keep track of tobacco education programs. If the court ordered a minor or a 20 year old to participate in such a class, it would be lacking information about enforcing the provision and any necessary follow-up. The court was not in a position to provide information to a person ordered to take a class. The court was not sure if the programs were available statewide. She reiterated the provision was somewhat concerning for the court system. She was available for questions.

[9:48:13 AM](#)

Vice-Chair Ortiz responded to Ms. Mead's comment about the statute requiring a court appearance. He wondered if Representative Wool had a valid concern about a young person being entered into the legal system creating a permanent record.

Ms. Mead replied that anyone who was issued a ticket received a minor offence. A person under 21 who received a violation for possession of tobacco or electronic cigarette products would need to appear in court. Whereas, a person receiving a traffic violation would not necessarily be required to appear in court.

Representative Hannan relayed that the violation was already in statute; only the age would change from 19 to 21. The bill was not creating the violation.

Representative Josephson spoke of a bill by Senator Micciche offered in a prior legislative session. The bill would have softened the penalties for a minor consuming alcohol. He wondered if such penalties required court appearances. Ms. Mead replied in the affirmative.

Representative Josephson suggested the two violations paralleled each other in terms of court appearances. Ms.

Mead responded, "Somewhat." She explained that the processing of a minor consuming alcohol changed to a straight violation in 2016 with the passage of SB 165 [Short Title: Alcohol: Board; Minors; Marijuana Checks]. The underaged person received a citation. There was an accompanying oddity with the violation penalty that stated the penalty would be \$500. However, a young person had the option of taking an alcohol education course and having their fine reduced to \$50.

9:52:18 AM

Representative Wool asked if an alcohol violation would stay on a person's record. If so, he wondered if there was an option to get the violation removed from their record under certain conditions. Ms. Mead explained that everything stayed on a person's official criminal record in Alaska. Expungement was not an option. There was a special provision for minors consuming in SB 165 that specified the records could not appear on Court View. However, they would remain in a person's official record maintained by Department of Public Safety.

Representative Wool responded to Representative Hannan's comment. He understood the law was already in existence but did not support the bill or more kids going to court. He was skeptical about the costs of the mandated classes and wondered if a new industry would pop up. He was curious how classes would be offered and paid for. Representative Hannan would ask DHSS for a list of programs. She referred to page 15 regarding deferment to class. There was a member in another committee who did not want a fine imposed. Their approach to amending the bill was to do away with the violations completely and to simply impose a tobacco education program instead. She had heard tobacco education programs were available in some places in Alaska. She believed Katie Steffens could provide additional information.

Ms. Steffens spoke to how the program was currently structured. The program had 23 grant-funded organizations throughout the state who helped support the tobacco prevention and education efforts in Alaskan communities. She spoke of the grantees going into classrooms to talk with kids. The program also had statewide partners such as the American Lung Association who offered online courses such as its' In-Depth program. The program offered a youth

component and a component for parents or guardians to access information about certain products through the Alaska Tobacco Quit Line. She indicated that the community-based efforts helped in preventing kids from starting a bad habit.

[9:56:47 AM](#)

JOE DARNELL, INVESTIGATOR III, TOBACCO SECTION, DIVISION OF BEHAVIORAL HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), asked Vice-Chair Ortiz to repeat his question.

Vice-Chair Ortiz asked, under the current situation and absent the passage of the bill, what enforcement looked like in relation to enforcing the state's regulations around tobacco - specifically the possession of tobacco. He asked if it would change in any way with the adoption of the bill.

Mr. Darnell responded that the department did not administer enforcement citations. Rather, the Alaska State Troopers and local police officers issued citations. He spoke with several local police departments and found that sometimes there would be no citations and suddenly several citations. Typically, the increase was due to the school administration noticing a problem and requesting that the school resource officer start issuing tickets. He thought raising the age possession would help with issues at the school. It would create a greater age gap between high school students and 21-year-olds making it more difficult for kids to get tobacco products. He suggested that a 21-year-old was less likely to hang out with high school kids. The peer-to-peer aspect would go away. He also noted for retailers it would be much easier to be in line with federal law.

Representative Wool noted Ms. Mead reported up to 80 minors under 19 had been cited. He asked for the make-up of the kids that had been cited. He opined that minorities and lower income folks were more likely to have to go through the court system rather than be expelled in a non-criminal way. He asked if it was the same for tobacco citations. Ms. Mead deferred to Mr. Darnell.

[10:00:55 AM](#)

Mr. Darnell responded that some schools in Anchorage had requested that the school resource officers issue citations. One of the schools was South High School in the Hillside area - a wealthy neighborhood in Anchorage.

Representative Josephson had seen many national stories that e-cigarettes were more dangerous than regular cigarettes. He wondered if he was accurate.

Representative Hannan indicated Representative Josephson was correct. In 2018 or 2019 there had been a flurry across the United States of black market vape cartridges that resulted in some lung damage for young people. However, they were not commercially produced nicotine or cannabis. They were a hybrid garage-manufactured on a large scale. She did not want to engage in what she saw as issues on the periphery about taxation of vape products. There were certainly people who advocated that they were healthier than cigarettes. However, there was a significant amount of research that showed they were damaging. She noted that the Alaska statutes on taxing tobacco products exempted cessation products from that taxation such as nicotine gum and patches. If vaping was found to be a cessation strategy and devise by the FDA, they would be exempt from the taxes. She thought it was the reason why Alaska taxed the products and why it tried to defer young people from using them. She did not think vaping was a health-producing activity.

Co-Chair Merrick thanked the bill sponsor and the invited testifiers. She reviewed the agenda for the afternoon.

Representative Thompson asked if an amendment deadline had been set for HB 110. Co-Chair Merrick responded in the negative.

HB 110 was HEARD and HELD in committee for further consideration.

ADJOURNMENT

[10:04:38 AM](#)

The meeting was adjourned at 10:04 a.m.