

Testimony
House Bill 1186
Senate Judiciary Committee
March 18, 2015; 9:00 a.m.
North Dakota Department of Health

Good morning, Chairman Hogue and members of the Senate Judiciary Committee. My name is Krista (Headland) Fremming, and I am the Director of the Chronic Disease Division at the North Dakota Department of Health (NDDoH). I am here today to provide testimony on House Bill 1186.

House Bill 1186 addresses the sale and use of electronic smoking devices and alternative nicotine products by minors. The NDDoH is concerned about the rising use of electronic smoking devices, and particularly about the increase in use of these devices in children and teens. From 2011 to 2013, the rate of North Dakota high school students who reported trying electronic smoking devices nearly tripled, increasing from 4.5 percent to 13.4 percent. High school students who have tried electronic smoking devices are twice as likely to try conventional cigarettes.

Section 1 of the bill defines “electronic smoking devices” and “alternative nicotine products” and adds them to the list of nicotine items that cannot be sold to minors. The NDDoH feels that both electronic smoking devices and alternative nicotine products should be defined in this bill as tobacco products because the nicotine contained in them is derived from tobacco plants. The ingredients in electronic smoking devices have been found to contain carcinogens. Defining electronic smoking devices and alternative nicotine products as tobacco products would allow the state to treat and regulate the sale of these products to minors in the same way the state treats and regulates the sale to minors of other tobacco products, such as conventional cigarettes. This would include requiring stores to carry a tobacco retailer license to sell electronic smoking devices and alternative nicotine products. Currently, 23 cities in North Dakota use a tobacco definition to define nicotine devices/electronic smoking devices.

Section 1 of the bill also prohibits the sale of nicotine devices through self-service displays and specifies that a salesperson must control the dispensation of nicotine devices if they are sold in a store that allows minors. The department recommends adding the requirement that the electronic smoking devices and alternative nicotine products must be kept behind the counter. Requiring the products to be kept behind the counter is important because minors cannot readily see the trendy and

appealing marketing. These limitations on access and visual appeal have been shown in numerous studies to decrease youth tobacco use.

This concludes my testimony. I will be happy to answer any questions you may have.