

Testimony
House Bill 1265
House Judiciary Committee
February 2, 2015; 10:10 a.m.
North Dakota Department of Health

Good morning, Chairman Koppelman and members of the House 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 testify in support of House Bill 1265.

HB 1265 defines “electronic smoking device” and adds “electronic smoking devices” to the language regulating the sales of tobacco products to minors. Essentially, this bill allows the state to treat and regulate the sale to minors of so-called e-cigarettes and other electronic tobacco delivery devices the same way the state treats and regulates the sale to minors of other tobacco products, such as conventional cigarettes.

Section 1 of the bill proposes to amend Section 12.1-31-03 to add electronic smoking devices to the language regarding sales to minors. Subsections 1(a) through (g) on pages 1 and 2 of the bill add definitions for child-resistant packaging, electronic smoking devices, self-service merchandising, tobacco products, tobacco paraphernalia, tobacco retailer, and vending machines.

The NDDoH feels that it is essential to define electronic smoking devices as tobacco products because (1) the nicotine in them is extracted from tobacco plants and (2) electronic smoking devices have been proven to contain carcinogens and to cause airway inflammation. The definition of “tobacco product” is expanded to include all types of tobacco. The proposed definition of tobacco retailer assures that anyone selling electronic smoking devices carry a tobacco retail license, thereby preventing non-licensed retailers from selling these products. The definition of “tobacco product” is carefully worded to exclude products approved by the Food and Drug Administration (FDA) as tobacco cessation medications, such as nicotine gum.

HB 1265 would also eliminate self-service merchandising of electronic smoking devices, which would prevent youth from being exposed to the trendy and appealing marketing that is used by tobacco companies to sell these devices. Numerous studies show the causal relationship between tobacco marketing and youth smoking initiation.

The Department feels that the child-resistant packaging requirement included in this bill would prevent many nicotine-related poisonings. Electronic smoking devices are often filled with candy-like flavors of nicotine juice, which are appealing to young children. From 2012 to 2013, poison control centers in the United States reported a 219 percent increase in exposures to electronic smoking devices and liquid nicotine. More than half of the reported exposures occurred in children under age six.

The NDDoH is concerned about the rising use of e-cigarettes, 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.

HB 1265 proposes the adoption of a comprehensive public health policy on electronic smoking devices. The NDDoH feels that it is necessary for public health for these or similar provisions to be enacted for regulation of this new and dangerous product.

The Department feels that passage of HB 1265 would help reduce minors' access to these products and thereby reduce their likelihood of experimentation and addiction.

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