

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 19, 2020
TIME: 9:00 A.M.
PLACE: Room EW20
MEMBERS: Chairman Wood, Vice Chairman Wagoner, Representatives Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Lickley, Remington, Chew, Rubel, Davis
**ABSENT/
EXCUSED:** Representative(s) Zollinger
GUESTS: Erin Bennett, AHA/ASA; Corey Surber, Karilyn "KC" Crowley, and Rebecca Lemmons, Saint Alphonsus; Randy Johnson, American Cancer Society; Rebecca Coeigh, Luke Cavener, and Theresa Vawter, ACS CAN; Samantha Kenney, United Way of Treasure Valley; Jack Miller, Elizabeth Hoyt, and Alacia Handy, DHW; Susie Pouliot, Idaho Medical Assoc.; Liz Hatter, Veritas Advisors; Teresa Molitor, RAI; Chakoma Haidari, CDH; Heather Kimmel, American Lung Assoc.; Pam Eaton, ID Retailers Assn.; Taylor Jepson, American Heart Assn.; Rebecca Deleon, Planned Parenthood.

Chairman Wood called the meeting to order at 9:00 a.m.

MOTION: **Rep. Lickley** made a motion to approve the minutes of the February 5, 12, and 13, 2020, meetings. **Motion carried by voice vote.**

H 498: **Rep. Britt Raybould**, District 34, presented **H 498**, to amend the Prevention of Minors Access to Tobacco Act by including electronic smoking devices and products. This inclusion provides parity between traditional tobacco products and electronic smoking devices and products. The retail permitting process is expanded. There are no new retail taxes. Treating both traditional and electronic devices in a comparable fashion is in the best interest of individuals choosing to use the products.

Erin Bennet, Government Relations Director, American Heart Association, American Stroke Association, testified **in support of H 498**. This inclusion ensures under-age users do not have easy access to electronic smoking devices and provides a method to assess the impact of the devices. Outdated statistics have been removed. The tobacco products definition is updated to include electronic smoking devices and allow for medication delivery devices. Retail permitting is updated to include electronic smoking devices and the Department of Health and Welfare (DHW) is authorized to set a permit fee. All cigarette references have been updated to include electronic smoking devices. There are no new regulations and no impact to any current taxes defined in other statutes.

Corey Surber, Director of Advocacy, St. Alphonsus Health System, testified **in support of H 498**. The vaping youth epidemic is of great concern considering the appeal of these unregulated devices. She shared statistics and information regarding the devices, the health effects, and the targeted marketing techniques.

Samantha Kenney, Self, Parent, testified **in support of H 498**. She shared how her conversations with her daughter indicated the high number of students using vaping products and the impact to their school attendance. These products are gateways to life-long addiction and regulation is needed. Answering a question, she said some teens look or are old enough to purchase the products for their friends.

Rep. Rubel commented regarding her daughter's friends, who have been able to purchase smoking devices in retail outlets since they were 15 years of age.

Heather Kimmel, Director Health Promotion, Western Division, American Lung Association, testified **in support** of **H 498**. Research shows a 56% greater risk of heart attack, stroke, chronic asthma, and adult chronic obstructive pulmonary disease (COPD). Chronic bronchitis in high school juniors and seniors has doubled. Youth introduced to tobacco and nicotine through electronic devices are four times more likely to advance to using regular cigarettes. It is exciting to see progress to keep these products out of our youths' hands.

Teresa Vawter, Idaho Government Relations Director, American Cancer Society, Cancer Action Network, testified **in support** of **H 498**. This is a straight forward bill for parity among those selling tobacco products. These are not harmless products when approximately 30% of all cancer deaths are caused by tobacco use. This is of added concern as a new generation of youth become addicted to tobacco use.

Pam Eaton, Idaho Retailers Association, testified **in support** of the concept of **H 498**, although there are concerns. Idaho retailers follow the We Card Program, with a 95% compliance rate. Recent reports indicate 86% of the youth are getting the products somewhere other than at retail stores. Their concerns include maintaining uniformity and a level playing field with taxes, fees, and regulations. She requested the section giving local units of government the opportunity to pass more stringent legislation be amended and align with other statutes. Additionally, the instructions for rules promulgation by the DHW for permits and fees will impact retailers. Answering a committee question, she said retail shops selling only vape products are not members of the Idaho Retailers Association.

Alacia Handy, Human Services Program Specialist, DHW, Division of Behavioral Health, testified **in support** of **H 498**. The current statute has two definitions, one for tobacco products and one for electronic cigarettes. As such, current oversight and inspection is only stipulated for tobacco product retailers, not for vape shops or retailers selling only vape products.

Taylor Jepson, High School Student, American Heart Association, testified **in support** of **H 498**. Many of her friends, who are vaping, would not smoke cigarettes because they are neither cool nor taste good. The vaping flavors, colors, and hi-tech design make vaping products attractive to youth. Although tobacco advertising is barred, vaping products are directly marketed through social media, targeting her generation and younger middle school students. Answering a question, Ms. Jepson explained raising taxes and fees will transfer to the consumer, increase the product cost, and impact teen access.

For the record, no one else indicated their desire to testify.

MOTION: **Rep. Rubel** made a motion to send **H 498** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Zollinger** made a substitute motion to **HOLD H 498** in committee.

AMENDED SUBSTITUTE MOTION: **Rep. Vander Woude** made an amended substitute motion to send **H 498** to General Orders.

Committee discussion included agreement regarding the need for parity and inclusion of electronic smoking devices. Concern was raised regarding the fee rule promulgation without legislative review, possible competing statutes, the generality of the nicotine definition, non-inclusion of retailers in discussions, and the possibility of a new piece of legislation to address the issues.

UNANIMOUS CONSENT REQUEST: **Rep. Zollinger** made a unanimous consent request to vote on the substitute motion before voting on the amended substitute motion. **Chairman Wood** ruled the request out of order.

In closing remarks, **Rep. Raybould** stated her acknowledgement of the questions and concerns. She will come up with constructive resolutions to the feedback.

**ROLL CALL
VOTE:**

A roll call vote was requested. The amended substitute motion carried by a unanimous vote of **13 AYE. Voting in favor** of the motion: **Reps. Wood, Wagoner, Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Lickley, Remington, Chew, Rubel, Davis. Rep. Raybould** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 10:14 a.m.

Representative Wood
Chair

Irene Moore
Secretary