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COMMITTEES

Local Government,
Business, and
Chairman of Environment, Energy, and
Technology

House of Representatives State of Idaho

Minority Report of the Interim Committee on Vape/E-Cigarette Regulatory System

Dear Esteemed Legislative Members:

The committee members for the Interim Committee were Co-chairs Harris and Raymond, Senators Guthrie, Bjerke and Ward-Engleking as well as Representatives VanderWoude, Barbieri and Burns.

The committee met in Boise on three separate occasions, September 25, October 22 and November 22 and received testimony from a variety of sources including local elected officials, tobacco company representatives, retailers, Idaho Public Television, Public Health Department, School Board Association, Department of Education, medical professionals, American Heart Association, tax analysts and more.

The primary issue presented to the committee was the use of these devices by minors, despite the age restriction already in place. Additionally, the committee heard testimony on the following:

1. Health risks:

Testimony left little doubt that Vape/E-Cig usage is coupled with the mental health crisis among our youth today. In addition to potential lung damage, it is evident that nicotine levels in these products are highly addictive. In some cases, black market products (not sold at retail) are being laced with deadly levels of illicit drugs. The testimony revealed that there is much that is suspected with respect to health risks and very little in formal studies.

2. Retail Store Permitting:

Idaho retailers have indicated that audits have confirmed a 98% compliance rate; they are simply not selling to minors. However, it was reported that permitting for Vape/E-Cig outlets is an "on your honor" system and there is a concern that some newly opened shops are not permitted and therefore not being audited.

3. Taxation:

There have been previous attempts to curb usage through taxation. The 2023 legislature did not have an appetite to tax vape products at the same level as tobacco products. Several attendees testified that they were not opposed to taxation if the cost did not push folks away from vape products and towards tobacco products, AND if the revenue derived from taxation was dedicated to prevention, education and cessation. There was, additionally, testimony that increasing the price, to the extent that it affected the use of vape products, drove users back to cigarettes.

4. On-line and “black market” sales:

It seemed to be common consent that access to Vape/E-Cig products via internet sales was the most common form of acquisition among minors. Another form of access is adult purchases and sharing with minors. Testimony indicated that enforcement continues to be a difficulty in this regard.

5. Identification:

Many Vape/E-Cig products are being camouflaged as innocuous devices, i.e. pens, sharpies, highlighters, etc. Some have suggested a means of identifying the devices so that parents, teachers, and other trusted adults know what minors have in their possession. This, however, appears to be impractical.

We appreciate the efforts by Idaho Public Television, Public Health Districts, parent’s groups, education organizations, local elected officials and others, who have dedicated time and resources to educating our youth on the potential dangers of these products and the prevention of their use. Education is the key. The millennium fund is an excellent source for continued messaging and education to Idaho’s youth.

As the 2025 legislative session progresses, we anticipate proposals to help curb the use of these products by minors.

Respectfully submitted,

Representative Vito Barbieri
Representative John Vander Woude
Senator Carl Bjerke