

Senate Finance and Taxation Committee
HB 1412
January 24, 2023

Chairman Louser, committee members:

I am Representative Alisa Mitskog and I am the prime sponsor of HB 1412. Although I will defer to some of the folks who helped work on this bill to answer specific questions you may have about this bill's details, I want to take a moment to explain my support for HB1412 and the main issue the bill seeks to correct.

Background

Electronic smoking devices are marketed and sold by companies as tobacco products. However, these devices are not defined or regulated as such under North Dakota law. Instead, electronic smoking devices are classified only as general merchandise, and as a result, are not subjected to any tobacco-related compliance check regulation. Likewise, the state does not currently license electronic smoking device manufacturers or distributors.

What the Bill Does

HB 1412 does one thing. The bill requires that all distributors and dealers of electronic smoking devices be licensed in the same fashion as distributors and dealers of traditional tobacco products.

Why I Support the Bill

In 2019, approximately 1 in 3 North Dakota high school students reported using e-cigarettes.¹ E-cigarette use is not limited to youth, however. As a health professional, one of the questions I ask my patients on their medical history is "Do you smoke or vape?" I have observed an increased number of patients vaping. Vaping results in a much higher risk of a number of health detriments, similar to smoking. This is because one electronic cartridge (containing 200-400 puffs) can equal the smoking of 1 to 2 packs of cigarettes. The bottom line is that vaping can be just as dangerous, if not more so, than traditional cigarette smoking.

Due to the unregulated nature of electronic smoking devices and the alarming increase in use by both minors and adults, it is important that we as legislators carefully review our current approach to regulating tobacco products to ensure we are doing so in a manner that is sensible, responsive to industry's ever-changing products, and beneficial to the state and the health of its residents. Closing the loophole of exempting electronic products from tobacco licensing is a good start.

The majority of states regulate E cigarettes. In North Dakota, 14 cities classify electronic smoking devices as tobacco products.

It is time as a state, North Dakota make this much needed change.

I ask that you give HB 1412 a "Do Pass" recommendation and will stand for questions.

Informational Video: <https://www.publichealthlawcenter.org/webinar/emerging-vaping-products-youth-allure-and-lack-comprehensive-regulation>