

2023 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1412

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Room JW327C, State Capitol

HB 1412
01/24/2023

Relating to licensing requirements and the sale of electronic smoking devices; and to provide a penalty.
--

Chairman Louser called to order 11:11 AM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representative Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner.
Member Absent: Representative Warrey.

Discussion Topics:

- Data by city
- Retailers effected

In favor:

Representative Alisa Mitskog, District 25 prime bill sponsor, #16824
Neal Charvat, ND Health & Human Services, #15660
Heather Austin, Tobacco Free North Dakota #15753, #15754
Brenda Stallman, Public Health Director (no written testimony)

Additional written testimony:

Chelsea Ridge, ND Public Health Association, #15382, 15383

Chairman Louser adjourned the hearing 11:29 AM

Diane Lillis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1412
01/31/2023

Relating to licensing requirements and the sale of electronic smoking devices; and to provide a penalty.
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Chairman Louser called to order 3:09 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Discussion Topics:

- Liquid vapes.
- Committee Work

Representative Schauer moved do pass.
Representative Wagner seconded.

Roll call votes:

Representatives	Vote
Representative Scott Louser	N
Representative Mitch Ostlie	AB
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	AB
Representative Ben Koppelman	AB
Representative Dan Ruby	AB
Representative Austen Schauer	Y
Representative Paul J. Thomas	N
Representative Bill Tveit	N
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 7-3-4

Representative Warrey carries the bill.

Chairman Louser adjourned the hearing 3:16 PM

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1412: Industry, Business and Labor Committee (Rep. Louser, Chairman)
recommends **DO PASS** (7 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). HB
1412 was placed on the Eleventh order on the calendar.

2023 SENATE INDUSTRY AND BUSINESS

HB 1412

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

HB 1412
3/6/2023

A bill relating to licensing requirements and the sale of electronic smoking devices; and to provide a penalty.

10:00 AM Chairman D. Larsen called the meeting to order: Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

Discussion Topics:

- Licensing requirements
- Regulation oversight of tobacco products
- Classification of electronic smoking devices

10:00 AM Representative Mitskog, North Dakota State Legislator, District 25, introduced HB 1412 and testified in favor. No written testimony.

10:12 AM Neil Charvat, Director of Tobacco Free, North Dakota Department of Health and Human Services, testified in favor of HB 1412. #22048

10:27 AM Heather Austin, Executive Director, Tobacco Free North Dakota, verbally testified in favor of HB 1412.

10:32 AM Mike Krumwiede, American Heart Association, testified in support of HB 1412. #22097

10:38 AM Mike Rude, North Dakota Petroleum Marketers Association, testified neutral on HB 1412. No written testimony.

10:44 AM Chairman D. Larsen closed the hearing.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

HB 1412
3/6/2023

A bill relating to licensing requirements and the sale of electronic smoking devices; and to provide a penalty.

3:01 PM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

Discussion Topics:

- Committee action
- Convenience store compliance
- Stand-alone vape shops

3:06 PM Senator Klein moved DO PASS HB 1412.

3:06 PM Senator Barta seconded the motion to DO PASS HB 1412.

Roll call vote:

Senators	Vote
Senator Doug Larsen	N
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Vote: 4-1-0 Motion DO PASS HB 1412

Senator Barta will carry the bill.

3:07 PM Chairman D. Larsen closed the meeting.

Brenda Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

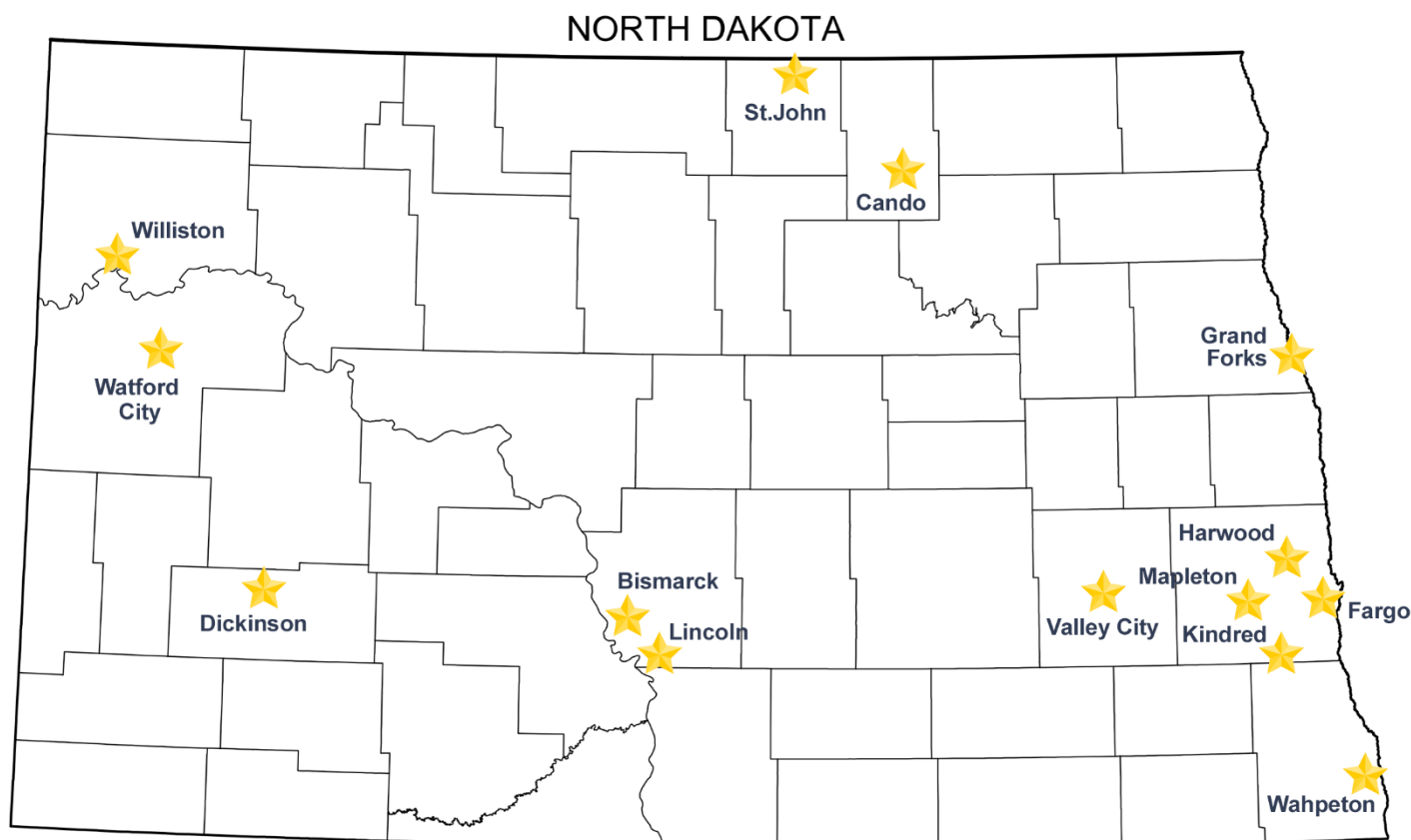
HB 1412: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1412

North Dakota Cities Classifying E-Cigarette's as Tobacco Products

North Dakota has a total of 14 cities that classify ENDS (Electronic Nicotine Delivery Devices as tobacco products in their city ordinances. This is important because there is extensive evidence that e-cigarette use increases the risk of using combustible tobacco –a cause for concern with over half of North Dakota youth having tried ENDS.



Barnes
Valley City

Cass
Fargo
Harwood
Kindred
Mapleton

Grand Forks
Grand Forks

Rolette
St. John

Towner
Cando

Burleigh
Bismarck
Lincoln

McKenzie
Watford City

Richland
Wahpeton

Williams
Williston

Stark
Dickinson

For more information about U.S. E-Cigarette Regulations visit:
<https://www.publichealthlawcenter.org/resources/us-e-cigarette-regulations-50-state-review>



Testimony in Favor of HB 1412

Chelsea Ridge
North Dakota Public Health Association
Alcohol, Tobacco and Other Drugs Section, Chair
11346 Fairway Dr.
Ray, ND 58849

Chairman Louser, and members of the House Industry, Business and Labor Committee,

My name is Chelsea Ridge, and I am the chairwomen of the North Dakota Public Health Association (NDPHA) Alcohol, Tobacco, and Other Drugs Section. The mission of NDPHA is to improve, promote and protect health for residents of North Dakota through leadership in policy, partnerships, and best practices. I am here to provide testimony in favor to House Bill 1412, relating to the classification of Electronic Nicotine Delivery Systems (ENDS) as tobacco products.

HB 1412 would finally classify vaping products as tobacco products, which would require a state tobacco retail license and streamline local compliance. This is important because, with required state tobacco licenses we will know where these businesses are located and streamline local compliance for our law enforcement agencies. Currently 14 cities in North Dakota have adopted this language into their city ordinances. With classification of tobacco products law enforcement can more efficiently conduct compliance checks for vaping products.

ENDS or vaping products deliver the same addictive chemical found within traditional tobacco, nicotine. Nicotine releases a chemical called dopamine in the same regions of the brain as other addictive drugs. Inhaled smoke delivers nicotine to the brain within 10 seconds, which makes it very addictive. The average cigarette contains about 5mg of nicotine, ENDS liquids at vape shops can contain nicotine concentrations in ranges from 40mg to 90mg of nicotine.

The North Dakota Public Health Association urges you to pass HB1412 for statewide compliance, licensing, and taxation of these products.

Sincerely,

Chelsea Ridge
North Dakota Public Health Association
Alcohol, Tobacco and Other Drugs Section, Chair
chelsearidge113@gmail.com

House Bill 1412
House Industry, Business,
and Labor Committee
January 24, 2021, 8:00 a.m.

Good morning, Chairman Louser and members of the House Industry, Business and Labor Committee. I am Neil Charvat, and I serve as the Director of the Tobacco Prevention and Control Program (TPCP) in the Public Health Division of the North Dakota Department of Health and Human Services (Department). I am here to provide testimony in support of House Bill 1412.

Tobacco prevention and control efforts in North Dakota focus on guidance provided by the Centers for Disease Control and Prevention (CDC) *Best Practices for Comprehensive Tobacco Control Programs* (Best Practices). Best Practices provide evidence-based interventions to prevent tobacco product use initiation; increase quitting tobacco use; and reduce exposure to secondhand smoke. House Bill 1412 designates electronic smoking devices, or electronic nicotine delivery systems (ENDS), as a tobacco product. This will aid in monitoring the sales and use of ENDS/vaping products and prevent tobacco product use initiation.

The majority of ENDS/vaping products contain nicotine. A study published in the *Journal of American Medicine* found that 99% of all ENDS products sold at convenience stores, supermarkets and similar outlets contain nicotine (*Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015*. *Journal of American Medicine*. October 2, 2018). Nicotine is an addictive chemical derived from the tobacco plant. The Food and Drug Administration (FDA) finalized a rule, effective August 8, 2016, to regulate all tobacco products, including ENDS/vaping products. In March 2022, Congress passed a new federal law clarifying the FDA's authority to regulate tobacco products containing nicotine from any source, including synthetic nicotine. The law, which went into effect in April 2022, closed a loophole that several companies were using to evade regulation. This federal designation of ENDS/vaping products as tobacco products does not currently apply to North Dakota's tobacco classification, which is what HB 1412 seeks to accomplish.

On September 11, 2018, the FDA declared that youth use of ENDS has reached “nothing short of an epidemic” and requested plans for mitigating youth sales. According to the 2021 North Dakota Youth Risk Behavior Survey (YRBS), North Dakota high school students’ use of ENDS/vaping devices has significantly increased from 1.6% in 2011 to 21.2% in 2021. Data comparing 2020 youth ENDS usage to previous years needs to be analyzed cautiously due to the effects of the COVID19 pandemic. Recent federal (2019) and North Dakota (2021) legislative efforts to increase the sales and use age for tobacco products to 21 and flavor regulation efforts may help with these high numbers. However, this legislation is limited to specific products such as pre-filled pod systems and certain flavors and doesn’t fully address the magnitude of the ENDS problem.

ENDS/vaping products have not been classified by the FDA as tobacco cessation medications, such as nicotine replacement therapies (NRT). NRTs include items like gum, lozenges, or patches. FDA-approved NRTs have gone through extensive evaluation and testing processes to determine safety and efficacy; ENDS/vaping products have not. Some believe that those seeking to quit smoking combustible cigarettes are the only adults using ENDS products, but the data does not support this. The current North Dakota adult smoking rate (2021) of 15.0% compared to the North Dakota adult ENDS product use rate of 19.3% (2021 Behavioral Risk Factor Surveillance System) may demonstrate that adults who may have never smoked cigarettes are engaging in this addictive behavior. The North Dakota tobacco treatment quitline, NDQuits, treats those using ENDS the same as if they were using any other tobacco product. The TPCP considers ENDS/vaping products as a public health issue affecting all ages.

Whether due to the alarming ENDS/vaping product use statistics or awareness of youth product usage among school-aged children, we have been frequently asked – how many ENDS/vaping products are sold in North Dakota and who sells them? The answer to these questions is that we do not know.

Citing statistics regarding North Dakota’s use of ENDS is difficult since these devices are not classified in North Dakota as tobacco products. House Bill 1412 would change the classification from general merchandise to tobacco products and require that retailers have a tobacco license to sell these

products. Additional benefits of classifying ENDS as tobacco products include:

- Helps retailers justify checking for identification for proof of age as they already do with other tobacco products.
- Assists groups performing tobacco compliance checks in retailer establishments to include youth purchase attempts of ENDS with other tobacco products, such as cigarettes. With ENDS lacking this state-level designation, many compliance efforts are not possible for ENDS.
- Allows closer monitoring of the amount of ENDS sales; thereby, assisting efforts to gather data regarding the usage of these products.
- Follows the lead of these North Dakota cities that have already passed ordinances classifying ENDS as tobacco products: Bismarck, Lincoln, Fargo, Kindred, Harwood, Mapleton, Grand Forks Wahpeton, Dickinson and Williston.

For the reasons I've cited, the designation of ENDS as tobacco products as required in House Bill 1412 will help reduce ENDS initiation and use.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.



and Nicotine TOBACCO PRODUCTS

COMBUSTIBLE

COMBUSTIBLE TOBACCO is any tobacco that is burned. Whenever combustion takes place, smoke is created. Any inhalation of smoke from a burned substance is harmful to both the lungs and the body.

CIGARETTES

The most well-known and widely used combustible product is a cigarette. Cigarettes are made up of chopped tobacco wrapped in a white cigarette paper. They have added chemicals to increase the addictive properties, nicotine delivery, and ease of smoking. Cigarette smoking is the leading cause of preventable death and disease in the United States.



Cigarette

CIGARS

Cigars are made up of chopped tobacco wrapped in tobacco leaves. The defining characteristic of a cigar is it is wrapped in tobacco paper whereas cigarettes are wrapped in paper. The average large cigar has the same amount of nicotine as 4-5 cigarettes.



Little Cigar



Cigarillo



Cigar

BLUNT

A tobacco wrap or cigar that has been hollowed out and filled with marijuana is called a blunt.



Blunt

HOOKAH (WATERPIPE TOBACCO SMOKING)

Hookah, also known as shisha, is a form of waterpipe tobacco smoking that uses a sticky blend of tobacco, which contains additives such as spices, dried fruit, molasses, honey, and artificial flavors. Hookah is typically used in a social setting and is shared among a group of people through a single waterpipe.



Hookah

SMOKELESS

SMOKELESS TOBACCO products do not require burning to be consumed. Depending on the product, they can be sniffed, sucked, chewed, or left to sit in the mouth between the lip and gums for an extended period.

CHEWING TOBACCO

The most common type of smokeless tobacco is often called chew or dip. These products are usually sucked, chewed, or dipped. These types of smokeless tobacco products are put between a user's lower lip and cheek, which causes lots of saliva, resulting in the user's need to spit.



Chew

SNUS

Snus, pronounced "snoose", is a moist version of snuff that has been placed in pouches. Snus is meant to be left in the mouth, under the top lip, producing little saliva making the product spit-less.



Snus

NICOTINE POUCHES

Nicotine pouches, also known as tobacco-leaf free pouches, are made from nicotine extracts and contain other additives and chemicals. There is no tobacco in these products; however, the nicotine in the pouches may be derived from the tobacco plant. These pouches are similar to snus and are spit-less. Brands include Zyn, On!, and Velo. One pouch has approximately 6mg of nicotine. Pouches contain a nicotine salt derived from a tobacco leaf or synthetic nicotine made in a lab.



Nicotine Pouches

ELECTRONIC SMOKING DEVICES

ELECTRONIC SMOKING DEVICES can be challenging to identify. The original devices looked similar to cigarettes and had a battery, heating element, and a pre-filled cartridge with a freebase nicotine solution. Since then, the devices and solutions have evolved, and each generation has become more efficient in delivering nicotine to its user.

CIG-A-LIKES

Cig-a-likes first entered the market in 2007. These products mimic the size and shape of a tobacco cigarette and the nicotine solution is sold in pre-filled cartridges.

VAPE PENS

Vape pens are larger than cig-a-likes and often have the appearance of an ink pen. These devices reach higher temperatures, can have batteries or be rechargeable, and have a refillable cartridge that the user fills with a nicotine or THC solution.

MODS & TANKS

Mods and tanks are the largest devices. They have a big battery to create more aerosol which allows the user to inhale greater amounts of nicotine and chemicals at a faster rate. The devices have a refillable tank for a nicotine solution.

POD SYSTEMS

Pod-based systems are typically smaller and are fitted with a pod filled with a nicotine solution. Most pod devices come with a nicotine salt solution that delivers high levels of nicotine to users. There are also pod devices designed to vape THC solutions.

DISPOSABLES

Designed for single use, these devices come fully charged and pre-filled with nicotine or THC solutions. When e-juice is gone, the device is thrown away. Disposable devices have evolved over time. Today's devices have more nicotine and a greater puff volume.

YOUTH VAPING EPIDEMIC

In 2018 the US Surgeon General recognized youth vaping as a national epidemic. The dramatic increase in youth vaping between 2017 and 2018 is tied to the mass production and marketing of JUUL, a small vaping device that uses pre-filled pods with a nicotine-salt solution. What set JUUL apart from other, older devices was the use of a salt-based nicotine solution. Nicotine salt solutions deliver more nicotine to users with smaller vaping devices. The solutions are also easier for individuals to consume as they don't result in the same throat hit as freebase nicotine. As a result, users can discreetly vape large quantities of nicotine. These products, as well as evolving vaping devices, have resulted in greater youth initiation of tobacco products and higher rates of nicotine addiction.



Disposable Pods

For comparison purposes, a JUUL pod has approximately 200 puffs and 41 milligrams of nicotine. A standard Puff Bar has 400 puffs and 50 milligrams of nicotine. A Puff Bar Flow has 1800 puffs and 325 milligrams of nicotine.



California
Youth
Advocacy
Network

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Bismarck, ND 58502
701-751-0229
www.tfnd.org

January 24, 2023

8:30 am CST

House Industry, Business and Labor Committee for the 68th ND Legislative Assembly

Chairman Louser, and members of the House Industry, Business and Labor Committee, hello, my name is Heather Austin, and I am the Executive Director for Tobacco Free North Dakota. The mission of Tobacco Free North Dakota is to improve and protect the public health of all North Dakotans by reducing the serious health and economic consequences of tobacco use, the state's number one cause of preventable disease and death. Thank you so much for your time this morning.

Today I am here to encourage a Do Pass on HB 1412, or the bill relating to the classification and licensing of electronic smoking devices.

By updating our laws to reflect our current state needs, and the new products that have joined the market in the last 25 years, we can better monitor and regulate tobacco to keep it out of the hands of our youth and to provide further support to health programs and services for ND citizens.

These unlicensed and unregulated electronic products make it easier for beginners – primarily our kids – to try the product and ultimately become addicted. HB 1412, simply aims to include electronic tobacco products for licensing and compliance check regulation, alongside other existing tobacco products in North Dakota, treating all tobacco products equally.

Early evidence is clear that it is unsafe for young people to use e-cigarettes, vapes, JUULs, or any other products containing nicotine. As stated by the Surgeon General, "E-cigarette use poses a significant – and avoidable – health risk to young people in the United States. Besides increasing the possibility of addiction and long-term harm to brain development and respiratory health, e-cigarette use is associated with the use of other tobacco products that can do even more damage to the body."i.

Parity for all tobacco products in their licensing and regulation is good step forward to leading the way in protecting our kids, and that creates healthier youth and a healthier state. HB 1412 will help us do that.

Again, thank you for this time in front of you, Chairman Louser, and the Committee. It is very appreciated. Please vote Do Pass on HB 1412.

May I take any questions?

Heather Austin
Executive Director, Tobacco Free North Dakota
Cell: 701-527-2811
heather@tfnd.org
www.tfnd.org

i. HHS, Know the Risks: E-Cigarettes & Young People, accessed March 15, 2018 at <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>.

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>

House Bill 1412
Senate Industry and
Business Committee
March 6, 2023, 10:00 a.m.

Good morning, Chairman Larsen and members of the Senate Industry and Business Committee. I am Neil Charvat, and I serve as the Director of the Tobacco Prevention and Control Program (TPCP) in the Public Health Division of the North Dakota Department of Health and Human Services (Department). I am here to provide testimony in support of House Bill 1412.

Tobacco prevention and control efforts in North Dakota focus on guidance provided by the Centers for Disease Control and Prevention (CDC) *Best Practices for Comprehensive Tobacco Control Programs* (Best Practices). Best Practices provide evidence-based interventions to prevent tobacco product use initiation; increase quitting tobacco use; and reduce exposure to secondhand smoke. House Bill 1412 designates electronic smoking devices, or electronic nicotine delivery systems (ENDS), as a tobacco product. This will aid in monitoring the sales and use of ENDS/vaping products and prevent tobacco product use initiation.

The majority of ENDS/vaping products contain nicotine. A study published in the *Journal of American Medicine* found that 99% of all ENDS products sold at convenience stores, supermarkets and similar outlets contain nicotine (*Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015*. *Journal of American Medicine*. October 2, 2018). Nicotine is an addictive chemical derived from the tobacco plant. The Food and Drug Administration (FDA) finalized a rule, effective August 8, 2016, to regulate all tobacco products, including ENDS/vaping products. In March 2022, Congress passed a new federal law clarifying the FDA's authority to regulate tobacco products containing nicotine from any source, including synthetic nicotine. The law, which went into effect in April 2022, closed a loophole that several companies were using to evade regulation. This federal designation of ENDS/vaping products as tobacco products does not currently apply to North Dakota's tobacco classification, which is what HB 1412 seeks to accomplish.

On September 11, 2018, the FDA declared that youth use of ENDS has reached “nothing short of an epidemic” and requested plans for mitigating youth sales. According to the 2021 North Dakota Youth Risk Behavior Survey (YRBS), North Dakota high school students’ use of ENDS/vaping devices has significantly increased from 1.6% in 2011 to 33.1% in 2019, then to 21.2% in 2021. Data comparing 2020 youth ENDS usage to previous years needs to be analyzed cautiously due to the effects of the COVID19 pandemic. Recent federal (2019) and North Dakota (2021) legislative efforts to increase the sales and use age for tobacco products to 21 and flavor regulation efforts may help with these high numbers. However, this legislation is limited to specific products such as pre-filled pod systems and certain flavors and doesn’t fully address the magnitude of the ENDS problem.

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- Assists groups performing tobacco compliance checks in retailer establishments to include youth purchase attempts of ENDS with other tobacco products, such as cigarettes. With ENDS lacking this state-level designation, many compliance efforts are not possible for ENDS.
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For the reasons I've cited, the designation of ENDS as tobacco products as required in House Bill 1412 will help reduce ENDS initiation and use.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.



Testimony in Support of HB 1412

Senate Industry and Business Committee

Chairman Larsen and Members of the Senate Industry and Business Committee, my name is Mike Krumwiede appearing on behalf of the American Heart Association in support of House Bill 1412. AHA is a nonpartisan, not for profit organization with more than 500 North Dakotan AHA volunteers who advocate for longer and healthier lives. AHA's mission is to reduce death and disability from heart disease and stroke.

According to the 2019 National Youth Tobacco Survey, 16.5% of middle and high school students under the age of 18 report obtaining e-cigarettes in a vape shop in the past month, and 9.8% from a gas station or convenience store. Here are a few additional facts from the study:

- ✓ Vape shops, gas stations and convenience stores are among the places where middle and high schoolers can obtain e-cigarettes.
- ✓ One in six middle and high school students under 18 report obtaining e-cigarettes in a vape shop.
- ✓ One in 10 middle and high school students under 18 report obtaining e-cigarettes at a gas station or convenience store.
- ✓ 75% of youth who tried to buy tobacco products reported they were not refused sale.
- ✓ In an evaluation of multiple jurisdictions with varying degrees of retail licensure requirements, the jurisdictions with stronger requirements - including a penalty system for violators, financial deterrents, and license revocation or suspension - benefited from lower cigarette and e-cigarette use and initiation among youth and young adults.

To protect our future generations, we strongly support updating our laws to add electronic smoking devices so we can better keep track of and regulate tobacco and keep it out of the hands of the youth in North Dakota. Thank you for time, we Support HB 1412 and encourage a DO PASS recommendation.