

# Senate Commerce Committee

*Angela Leach 271-3077*

**SB 209-FN**, relative to the tobacco use prevention and cessation program.

**Hearing Date:** February 21, 2017

**Members of the Committee Present:** Senators Innis, French, Sanborn, Soucy and Lasky

**Members of the Committee Absent :** None

**Bill Analysis:** This bill clarifies terminology in the law governing the tobacco use prevention and cessation program.

**Sponsors:**

Sen. Watters

Sen. Fuller Clark

Sen. Hennessey

Sen. Gray

Rep. Berrien

Rep. Gargas

Rep. J. MacKay

---

**Who supports the bill:** Sponsors, Patricia Tilley-NH DHHS, Mary Vaughan-American Heart Association , Kim Carone-Breath NH

**Who opposes the bill:** Bob Blaisdell-RJ Reynolds

**Summary of testimony presented:**

**Senator Watters- Prime-** NH has an existing tobacco use prevention and cessation program in HHS which produces pamphlets and materials about tobacco use. Provides some community grants, and programs and in particular interest to me is the educational aspect and how we get this information to our students. NH took the lead as one of the states that included e-cigarettes and related nicotine systems under the definition of tobacco. Would like to bring it full circle and add e-cigarettes and liquid nicotine to the educational materials. Have been working with Dover's youth to youth known for its advocacy on education. They speak very passionately about what is happening in middle schools and high schools and the increasing use of E cigarettes. The problem with these is that some of the E-cigarettes contain nicotine, a highly addictive substance especially harmful to youth. E-cigarette users and people in their presence may also be exposed to various toxins. The FDA released its report in 2009, regarding its analysis of materials in some of these e-cigarette brands and there materials such as carcinogens and other chemicals. They also discuss the growing use of e-cigarettes among our youth. In 2013-14, we saw middle and high school triple their e-cigarette use. In 9<sup>th</sup>-12<sup>th</sup> grades an average of 25% report using e-cigarettes and liquid nicotine products. An increasing amount of use year to year and the frequency of use of e cigarettes is increasing each year, not only are they using them more, they are using them more frequently. E-cigarettes are not being used as part of a smoking cessation program for 15 to 18 year olds. Statistics confirm often this is the first time they are using nicotine products and they are a gateway to smoking. Many more are using e cigarettes then other tobacco products. Issues raised as whether we ought to be including what the marketers of this product say is a smoking cessation device in the educational materials about smoking cessation programs as something to avoid. The American College of Physicians has concluded that there really is no research demonstrating that e-cigarettes are successful as a smoking cessation program. More research needs to

be done on e-cigarettes. In a study done by the New England Journal of Medicine which suggests that of all smoking cessation programs that e-cigarettes are the least successful smoking cessation program. Had conversations with the Department of Safety and Health and Human Services and existing provisions against youths who purchase or use e-cigarettes. Since they can't tell what is in the vaping device, they have no enforcement oversight whatsoever. Nothing in this bill that is regulating this industry. This is about education. Hope that this industry is maturing, that they would welcome the opportunity to do what they say they would want to do to keep products out of the hands of children.

**Bob Blaisdell- RJ Reynolds- Opposed** – Last year this exact bill was in Senate HHS committee, came out 3-1 in favor of ITL. The Senate voted mostly along party lines of 13-11 of ITL. Not opposed to education to any degree. Opposed to linking the term tobacco to e cigarettes. The legislature in current statute have separated out the two terms. They separate them by tobacco product and e cigarette/liquid nicotine. If you look at the definition of e cigarettes don't view that as tobacco. Heard some testimony regarding law enforcement, HB 242 is coming to the senate, which gives law enforcement the tools they need to deal with youth access. They currently see a 14 year old smoking an e cigarette, that officer isn't going to send that device to the lab to test to see if it has nicotine. Changing the definition that says may or may not contain nicotine, so even if they have the apparatus as a 14 year old they can still take measures. The original bill tried to define an e cigarette as a tobacco product. Our desire is not to link the two terms.

**Patricia Tilley- Chief of the Bureau of Population Health and Community Service for Division of Public Health (Support)** The Division has been paying particular attention to the increasing use of e-cigarettes. 25% of NH high school aged youth are using these and up to 37% of 12<sup>th</sup> grade boys. The Department has been developing recommendations for healthcare providers and trying to stem this rising tide of youth use. IN HB 242, NH took a different turn then the FDA. The FDA incorporated all of these products under tobacco. House Commerce has taken a different tact and has a separate definition. We are hopeful with some sort of language we would be given the ability to do prevention and education

**Future Action:** Pending

AJL

Date Hearing Report completed: February 23, 2017