

# HOUSE BILL REPORT

## HB 2038

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**As Reported by House Committee On:**  
Commerce & Gaming

**Title:** An act relating to clarifying the applicability of RCW 70.345.080 to only vapor products.

**Brief Description:** Clarifying the applicability of RCW 70.345.080 to only vapor products.

**Sponsors:** Representatives Jenkin, Ryu, McBride, Condotta, Vick, Sawyer and Harris.

**Brief History:**

**Committee Activity:**

Commerce & Gaming: 2/13/17, 2/14/17 [DP].

**Brief Summary of Bill**

- Eliminates a provision in a vapor products regulatory statute prohibiting retailers from offering tobacco products for sale in open, unsecured displays.

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### HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass. Signed by 10 members: Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Barkis, Blake, Jenkin, Kirby, Ryu and Young.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Farrell.

**Staff:** Thamas Osborn (786-7129).

**Background:**

Definition of Vapor Product.

"Vapor product" is defined to mean any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Vapor products are subject to a regulatory scheme that is wholly separate from the regulatory scheme applicable to tobacco products and are not defined as a form of tobacco product for the purposes of state regulation.

Tobacco Products.

The Access to Minors Act (Act) contains the statutory scheme for the regulation of tobacco products. Under the Act, "tobacco products" are defined as products that contain tobacco and are intended for human use, except for specified exceptions. The Act does not prohibit retailers from offering tobacco products for sale in open, unsecured displays.

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**Summary of Bill:**

Eliminates a provision in a vapor products regulatory statute prohibiting retailers from offering tobacco products for sale in open, unsecured displays.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill clarifies that only vapor products are subject to restrictions pertaining to how they are displayed and prohibiting open public access to such products. The inclusion of tobacco products was a mistake made last year during negotiations with the Senate over the vapor products bill. This bill fixes the problem by removing the reference to tobacco products in the vapor products statute.

(Opposed) None.

**Persons Testifying:** Representative Jenkin, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.