

# FINAL BILL REPORT

## HB 2038

---

C 210 L 17  
Synopsis as Enacted

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

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

**House Committee on Commerce & Gaming**  
**Senate Committee on Commerce, Labor & Sports**

### **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.

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.

### **Summary:**

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

### **Votes on Final Passage:**

House	96	2
Senate	49	0

---

*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.*

**Effective:** July 23, 2017