

SENATE BILL REPORT

HB 2038

As Passed Senate, April 12, 2017

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: Passed House: 2/28/17, 96-2.

Committee Activity: Commerce, Labor & Sports: 3/09/17, 3/22/17 [DP].

Floor Activity:

Passed Senate: 4/12/17, 49-0.

Brief Summary of Bill

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

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Hasegawa, King, Rossi, Saldaña and Wilson.

Staff: Jarrett Sacks (786-7448)

Background: Vapor Products. In 2016, the Legislature enacted comprehensive regulations for vapor products. That law included a provision that prohibits retailers from offering a tobacco or vapor product for sale in an open, unsecured display that is accessible to the public without the intervention of a store employee.

Vapor product means any noncombustible product that may contain nicotine 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 products include the following:

- electronic cigarettes;

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.

- electronic cigars;
- electronic cigarillos;
- electronic pipes;
- similar products or devices; and
- vapor cartridges or other containers that may contain nicotine in a solution or other form that is intended to be used with or in a vapor product.

Products considered under state law to be marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarettes, or tobacco products are not vapor products.

Tobacco Products. The Access to Minors Act (Act) regulates 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 of Bill: A provision prohibiting retailers from offering tobacco products for sale in open, unsecured displays is removed from a vapor products regulatory statute.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The inclusion of tobacco products in this provision of last year's vapor products bill was a mistake made during negotiations. The bill makes a technical change to fix the problem by removing the reference to tobacco products.

Persons Testifying: PRO: Representative Bill Jenkin, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.