

# SENATE BILL REPORT

## SB 5124

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As Reported by Senate Committee On:  
Law & Justice, February 5, 2015

**Title:** An act relating to prohibiting the sale of vapor products to minors.

**Brief Description:** Prohibiting the sale of vapor products to minors.

**Sponsors:** Senators Warnick, Honeyford, Dansel, Fain, Keiser, Roach, Mullet and Darneille.

**Brief History:**

**Committee Activity:** Law & Justice: 1/22/15, 2/05/15 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

**Staff:** Aldo Melchiori (786-7439)

**Background:** It is a gross misdemeanor to sell, give, or permit to be sold or given, any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or vapor product to any person under 18 years of age. Vapor product means a noncombustible tobacco-derived product containing nicotine that employs a device containing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States Food and Drug Administration under chapter V of the Federal Food, Drug, and Cosmetic Act.

**Summary of Bill (Recommended Substitute):** An electronic smoking device is not limited to a tobacco-derived product containing nicotine, but includes any noncombustible product that employs a mechanical heating element, battery, or circuit, to heat a liquid for the purposes of direct inhalation of the vapor. An electronic smoking device is defined as any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. Electronic smoking device includes any component part of the product whether or not sold separately. Electronic smoking device does not include any

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product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute):** The term vapor product is replaced with the term electronic smoking device.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: We need to think of children first when we are dealing with these types of products. These are flavored and scentless products. High school students are using these products in school between classes because they are undetectable. The products have attachments that permit any form of the substance to be used.

OTHER: This is not really a vapor, it is an aerosol. The definition section needs to be clarified.

**Persons Testifying:** PRO: Senator Warnick, prime sponsor; Adam Munro, Moses Lake Police Dept.

OTHER: Mary McHale, American Cancer Society, Cancer Action Network.