

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB840

Hearing Date: Wednesday February 12, 2020
Committee On: Health and Human Services
Introducer: Quick
One Liner: Prohibit the use of electronic smoking devices as prescribed under the Nebraska Clean Indoor Air Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Arch, Cavanaugh, Howard, Murman, Walz, Williams
Nay:
Absent:
Present Not Voting: 1 Senator Hansen, B.

Oral Testimony:

Proponents:

Senator Dan Quick
Teresa Anderson
Nick Faustman
Brian Krannawitter
Andy Hale

Representing:

Introducer
Friends of Public Health
American Cancer Society Cancer Action Network
American Heart Association
Nebraska Hospital Association

Opponents:

Scott Lautenbaugh
Sarah Linden

Representing:

Nebraska Vape Vendors Association
Generation V; Nebraska Vape Vendors Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 840 amends the Nebraska Clean Indoor Air Act to include electronic smoking devices.

Section 3 of LB 840 adds a definition of "electronic smoking device" to mean "any product containing or delivering nicotine or any other substance intended for human consumption" that can be inhaled through vapor or aerosol from the product. This would include any device regardless of how it is manufactured, distributed, marketed, or sold and regardless of what it is called - an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen. (P.2, lines 10-16.)

Section 4 amends the definition of "smoke or smoking" to include "inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah" or any other lighted or heated product meant for inhalation, whether natural or synthetic. It also amends the definition to include any electronic smoking device that creates a vapor or aerosol in any form. (P. 2, lines 19-27.)

Section 5 amends Neb. Rev. Stat. 71-5735 which requires tobacco retail outlets to post a sign stating that cigars and pipes are allowed but cigarettes are not. LB 840 amends this section to require that the prohibition include not just cigarettes but "electronic smoking devices" as well. (P. 3, lines 3 and 11-12.)

Explanation of amendments:

AM 2512 replaces the green copy and becomes the bill.

All provisions of the green copy are included in AM 2512 and new sections are added to exempt electronic smoking device retail outlets from the ban on smoking indoors for purposes of electronic smoking devices only.

Section 5 creates a definition of "electronic smoking device retail outlet" to mean a licensed business that only sells electronic smoking devices or products related to electronic smoking devices and that does not allow a person under the age of 21 to enter the store. Products "directly related to electronic smoking devices" do not include alcohol, coffee, soft drinks, candy, groceries, or gasoline. (AM 2512, sec. 5, p. 2, lines 10-16.)

Section 2 of AM2512 amends Neb.Rev.Stat. 71-5717 and section 7 amends Neb.Rev.Stat. 71-5730 to include electronic smoking device retail outlets as exempt entities under these provisions of the Nebraska Indoor Clean Air Act. (Sec. 2, p. 1, lines 9-24, and section 7, p. 2, line 31 and p. 3, lines 13-14.)

Sara Howard, Chairperson