Title/Introduction: AN ACT relative to vaping. This bill aims to add new language to Chapter 126K YOUTH ACCESS TO AND USE OF TOBACCO PRODUCTS to include “E-liquid” and "Tetrahydrocannabinol or THC vaporizer" in addition to cigarettes, tobacco products, E-cigarettes, and liquid nicotine.

History/Context: “Vaping” is a collective term that mimics the act of smoking. Vaping devices such as e-cigarettes, e-hookahs, hookah pens, vapes, vape pens, tanks, and mods are battery-operated devices that heat a liquid mixture that usually contains nicotine, artificial flavorings, and other chemicals, which are inhaled by the user. The “vaping” industry is evolving and producing new products marketed as “e-liquids” with enticing flavors to youth such as Fruit Loops and Bubblegum, as well as the introduction of Tetrahydrocannabinol or THC vaporizers for a more indiscrete use of marijuana.

New Hampshire Data: The 2017 New Hampshire Youth Risk Behavior Survey key results are:

- 23.8% of high school age youth report having used electronic vapor products (e-cigarettes, e-cigars, e-pipes, vaping pens, or e-hookah) on at least one day during the 30 days before the survey.
- 37.5% of New Hampshire 12th grade males report using tobacco products
- “Vaping” among New Hampshire youth is double that of cigarette smoking.

Pros:

- Expands current law preventing children under the age of 18 from purchasing or possessing E-Liquids or THC vaporizes in addition to cigarettes, tobacco products, E-cigarettes, and liquid nicotine.
- Recognizes that vaping of non-nicotine containing substances are harmful to youth.
- Expands current law to prohibit use of E-Liquids or THC vaporizes in any public school or school grounds.
- Use of vaping products is on the rise, and new products are rapidly becoming available. Legislation to prevent youth access to new products is essential to deter use.

Cons:

- Does not fix the problem.
- Does not prevent need to include new language in the future in response to new product development.

Committee: Health, Human Services and Elderly Affairs

Position of the CGA: Supports HB 511

Click here to access HB 511 on the NH General Court website.

A hearing on this bill was held in the HHS&EA Committee on 01-22-19. Executive session of HHS&EA is scheduled for 2-12-19, starting at 10:00 am LOB205. HHS&EA Committee voted (20:0) out to pass with amendment #2019-0459h.

This bill was was voted Ought to Pass with Amendment (#2019-0680h and #2019-0459h) on 03-07-19. These amendments change the bill from impacting "persons under 18" to "minors" and expands "e-cigarette" to include "devices" and "e-liquid", expanding the definition of covered devices.

This bill was introduced to the Senate on 03-14-19 and referred to the Senate Commerce Committee. A hearing of the Senate Commerce Committee was held on 04-02-19. Senate Commerce Committed voted (3:2) ought to Pass with Amendment (#2019-1518s) on 04-18-19. The full Senate voted ought to pass with amendment on 04-25-19.