

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB861

Hearing Date: Monday January 27, 2014
Committee On: General Affairs
Introducer: Karpisek
One Liner: Prohibit use and distribution of vapor products and other products derived from tobacco as prescribed and provide an exception and provide penalties

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

Vote Results:

Aye:	7	Senators Bloomfield, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz
Nay:		
Absent:		
Present Not Voting:	1	Senator Coash

Proponents:

Sen. Russ Karpisek
Jim Moylan
Max Velinsky
Mick Mines
Tim Keigher

Tim Bowen
Ann Elliott

Representing:

Introducer
R.J. Reynolds Co.
Generation V Electronic Cigarettes and Vape Bar
NE Grocery Industry Association
NE Petroleum Marketers and Convenience Store Association
Plumes
self

Opponents:

Bill Peters

Representing:

Cigar Association of America

Neutral:

David Holmquist

Representing:

American Cancer Society Cancer Action Network

Summary of purpose and/or changes:

Section 1 - Inserts the terms "vapor products" and "products made or derived from tobacco" into the statute that prohibits minors from using other tobacco products such as cigarettes and cigars therefore making its use a Class V misdemeanor. However, as is current law regarding tobacco use by minors, telling law enforcement who provided the minor the vapor product, which leads to a conviction, may be free from prosecution.

Section 2:

- (1) Defines "self-service display" to mean a display in which a customer could access the product.
 - (2) Defines "tobacco specialty store" to mean a retail store where at least 75% of its revenue is from tobacco products and minors are not allowed unless accompanied by a parent or legal guardian.
 - (3) Defines "vapor products" to include tobacco-derived nicotine, the containers in which the product is sold, and the mechanism for heating the nicotine solution. This definition includes electronic cigarettes, cigars, cigarillos and electronic pipes.
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Section 3 - Makes selling, giving, or furnishing a vapor product to a minor a Class III misdemeanor.

Section 4 - Prohibits selling tobacco and vapor products through a self-service display and makes it a Class III misdemeanor. A subsequent conviction during a 12-month period would result in a 6-month suspension of the person's license. Creates an exception to the self-service prohibition by allowing self-service displays in tobacco specialty shops and cigar bars.

Explanation of amendments:

The committee amendment added a definition for "alternative nicotine products" and included "vapor products" within the definition for "tobacco specialty shops", which are exempted from the self-service prohibition.

Russ Karpisek, Chairperson