

# California lawmaker drops bill to regulate e-cigarettes

July 9 2015, by Julia Horowitz

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A California lawmaker was forced to forsake his own tobacco bill Wednesday after a legislative panel gutted its key provision calling for electronic cigarettes to be regulated as a tobacco product.

The developments stalled the bill in the committee and threatened its chances of becoming law.

"If it's not defined as a tobacco product, they'll still market to our children. They'll still hook our children," Sen. Mark Leno, D-San Francisco, told lawmakers after they voted in favor of the amendment. "It's a dangerous bill now."

Leno angrily told the committee that he and the bill's co-sponsors, which include the American Cancer Society, American Lung Association and American Heart Association, would not take part in advancing the diluted bill.

"We all walk away. It is no longer our bill," he said.

No committee member moved to take up the modified bill, which was then held in the committee.

Another measure aimed at raising the legal smoking age to 21 in California was pulled from consideration by the panel when its sponsor determined it did not have enough support to pass.

Sen. Henry Perea, D-Fresno, said it was too soon to take up rules about whether e-cigarettes should be considered [tobacco products](#). He voted for the amendments after noting that the U.S. Food and Drug Administration is studying federal regulation of e-cigarettes.

"I'm not sure I'm there yet on the definition," he said.

Advocates for [electronic cigarettes](#) celebrated outside the Capitol after the vote.

"It's a big win for our industry," said Kari Hess, owner of an e-cigarette retailer, or "vape shop," in Redding.

California banned selling e-cigarettes to minors in 2010.

The bill to increase the legal smoking age stalled when the author pulled it from the agenda shortly before the hearing by the Committee on Governmental Organization, saying it lacked the votes needed to move forward.

"Big Tobacco is following their usual playbook and trying to kill this bill quietly in committee," state Sen. Ed Hernandez, D-La Puente, said in a statement. He pledged to keep working on the bill this year.

The bill would make California just the second state after Hawaii to bump the legal smoking age from 18 to 21.

Hawaii Gov. David Ige, a Democrat, signed legislation last month raising the smoking age in his state, joining New York City with the highest age restriction in the nation.

Both bills passed the Senate last month and now face a July 17 deadline to pass the committee. It was unclear if they would be reintroduced by

then. Lawmakers could also try to introduce the legislation in a special session on health care later this summer.

Leno's original e-cigarette bill would ban their use in California restaurants, hospitals and public transportation. Vendors of the devices that convert liquid nicotine into inhalable vapor would also need to apply for a state license.

Leno says flavored liquid nicotine solutions such as bubblegum and gummy bear are intended to hook a new generation of young smokers. Tobacco companies have sought to fend off rules governing the fast-selling devices, though at least 44 states ban their sale to minors.

The companies also have made large contributions to lawmakers, including more than half the members of the panel that met Wednesday, campaign finance records show.

David Sutton, a spokesman for tobacco company Altria, declined to discuss company donations to specific lawmakers.

A bill by state Sen. Jerry Hill, D-San Mateo, that stopped short of labeling e-cigarettes as a tobacco product failed in the Senate last month, while a 2013 [bill](#) that aimed to restrict their use in public was watered down and then eventually died.

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