

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session  
April 1, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:14 p.m. on Wednesday, April 1, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Greg Brower, Chair  
Senator Becky Harris, Vice Chair  
Senator Scott Hammond  
Senator Ruben J. Kihuen  
Senator Tick Segerblom  
Senator Aaron D. Ford

**COMMITTEE MEMBERS ABSENT:**

Senator Michael Roberson (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator Patricia Farley, Senatorial District No. 8  
Senator Ben Kieckhefer, Senatorial District No. 16

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nick Anthony, Counsel  
Lynn Hendricks, Committee Secretary

**OTHERS PRESENT:**

Constance Brooks, Vice Chancellor, Nevada System of Higher Education  
Greg Bortolin, Desert Research Institute

Senate Committee on Judiciary  
April 1, 2015  
Page 2

James Campos, Nevada State College  
Michael Hackett, Nevada Tobacco Prevention Coalition  
Cari Herington, Nevada Cancer Coalition  
Michael Flores, College of Southern Nevada  
Luis Valera, University of Nevada, Las Vegas  
Michelle Gorelow, Director of Program Services, March of Dimes, Nevada Chapter  
Joe Iser, M.D., Chief Health Officer, Southern Nevada Health District  
Bryan Bedera, Nevada Vaping Association  
Alfredo Alonso, Reynolds American Inc.  
Mike Cathcart, City of Henderson  
Hillary Bunker, Senior Deputy Attorney General, Tobacco Enforcement Unit, Office of the Attorney General  
Tom Harmon, Nevada Vaping Association  
Joe Landolfi, Nevada Vaping Association  
Kelli Goatley-Seals, Washoe County Health District  
Peter Krueger, Capitol Partners, LLC; Cigar Association of America  
Natasha Buss, Nevada Vapor  
Elizabeth Maderos  
Jamie Homampour, Blue Diamond Vapors

**Chair Brower:**

I will open the hearing on Senate Bill (S.B.) 339.

**SENATE BILL 339**: Authorizes the Nevada System of Higher Education to impose additional restrictions relating to the use of tobacco. (BDR 15-873)

**Constance Brooks (Vice Chancellor, Nevada System of Higher Education):**

We fully support S.B. 339. The Board of Regents of the Nevada System of Higher Education (NSHE) supports this move and have voted for it to be one of our priorities for this Legislative Session.

**Greg Bortolin (Desert Research Institute):**

We support this bill and concur with the testimony of Dr. Cheryl Hug-English in the Senate Judiciary Subcommittee meeting held earlier today.

**James Campos (Nevada State College):**

We fully support S.B. 339.

Senate Committee on Judiciary  
April 1, 2015  
Page 3

**Michael Hackett (Nevada Tobacco Prevention Coalition):**

We support this bill and applaud the University of Nevada, Reno (UNR), for the action they are taking.

**Cari Herington (Nevada Cancer Coalition):**

We support this bill and applaud NSHE for bringing it forward.

**Michael Flores (College of Southern Nevada):**

We support this bill.

**Luis Valera (University of Nevada, Las Vegas):**

We support S.B. 339.

**Michelle Gorelow (Director of Program Services, March of Dimes, Nevada Chapter):**

I have written testimony describing our support for this bill ([Exhibit C](#)).

**Joe Iser, M.D. (Chief Health Officer, Southern Nevada Health District):**

I support this bill. When I was the district health officer in Washoe County, we started working with UNR on this matter. District health officers only have the tools you give us, and this bill gives me the tools I need to work with to support the efforts of the universities and NSHE.

**Chair Brower:**

I will close the hearing on S.B. 339 and open the hearing on S.B. 225.

**SENATE BILL 225:** Revises provisions relating to the sale and distribution of tobacco products and liquid nicotine. (BDR 15-796)

**Senator Patricia Farley (Senatorial District No. 8):**

In recent years, the law has not been able to keep pace with technological advances in the production of liquid nicotine and the sales of increasingly popular devices known as e-cigarettes. Industry estimates reflect that something on the order of 4 million Americans currently use e-cigarettes, and future sales are projected to hit the 1 billion mark. The liquid nicotine that people smoke, or "vape," in these devices comes in an astounding array of flavors, some of which will no doubt appeal to children under the age of 18. Flavors like bubble gum, mango, strawberry and chocolate are a few of the literally hundreds of flavors available for sale.

In order to protect children from the danger of liquid nicotine in the same way we protect them from more traditional tobacco products, section 1 of S.B. 225 defines the term "liquid nicotine," and section 2 defines the term "smokeless product made or derived from tobacco." It also adds liquid nicotine to the list of tobacco or nicotine-related products that cannot be sold to a person under the age of 18.

As is also true regarding the regulation of traditional tobacco products, section 2 of S.B. 225 requires that retailers post notices regarding the prohibition against selling liquid nicotine to minors. It also subjects those who violate the prohibition to the same fines existing for tobacco sales.

Section 3 of the bill requires the Attorney General to conduct inspections of locations where liquid nicotine is sold in compliance with federal law.

This bill is necessary to update Nevada law. It will help us keep pace with a rapidly evolving industry and protect our children from harm.

**Bryan Bedera (Nevada Vaping Association):**

We approached Senator Farley to put forward this bill. Our 40 members voluntarily choose not to sell our products to minors. We would like to ensure that bad actors across Nevada are forced to comply with the best industry practices and the same regulations we see for traditional tobacco products.

**Alfredo Alonso (Reynolds American Inc.):**

We support this fine piece of legislation.

**Chair Brower:**

It sounds as if you may not have had that opinion when the bill was first introduced, and now you have evolved. Is that what I am detecting?

**Mr. Alonso:**

No, not at all. We have supported this bill all along. The tobacco industry does not want anyone under the age of 18 to purchase these products. As the industry evolves, and it is changing dramatically, we want to make sure we keep up.

We have had discussions with Senator Farley to develop an amendment to S.B. 225 that would expand the bill to also cover future products that are not

traditional tobacco products under the definition of “vapor product.” This is an expanding area that changes every day. We want to ensure that, as new products emerge, minors cannot purchase them either.

**Senator Farley:**

We have reached out to anybody who was opposed to work on that amendment, which is forthcoming.

**Chair Brower:**

We look forward to seeing the amendment.

**Mike Cathcart (City of Henderson):**

We support this bill. We have received many complaints from parents in Henderson that their children have gotten hold of e-cigarettes. When we first got those complaints, we looked at the same sections of the *Nevada Revised Statutes* (NRS) amended by this bill to see if liquid nicotine products fit under the definitions in the law. Adding definitions for these products would solve a problem for us. Based on Mr. Alonso’s description of his proposed amendment, we would support it.

**Hillary Bunker (Senior Deputy Attorney General, Tobacco Enforcement Unit, Office of the Attorney General):**

As the agency responsible for performing the unannounced youth inspection checks of retailers, our office supports this bill in that it prohibits the sale, purchase or possession of products containing or intended to deliver nicotine in any form to children under the age of 18 years.

**Chair Brower:**

Can you explain how your office conducts retailer checks?

**Ms. Bunker:**

We have one investigator in the north and one in the south. We work with about six youth inspectors, who are children under the age of 18. Our goal is to go to every retailer in the State at least once. The youth inspectors go out with POST-certified investigators to retailers listed with the Department of Taxation as selling tobacco and attempt to make a purchase. Whether the youth inspector was able to buy tobacco or not, the investigator then enters the store, informs the owner that a check was done and states whether the establishment passed or failed. If a product was sold to the youth inspector, the investigator

has the option to issue either a warning or a citation. The product is then taken back to the office, and a follow-up letter is sent to the store owner to notify him or her that the store was randomly checked with the following result.

**Chair Brower:**

How do you recruit the youth inspectors?

**Ms. Bunker:**

We have a job announcement posted on our Website now. The youth inspectors are State employees. This is not a volunteer job; they are paid, contribute to the Public Employees' Retirement System and accrue leave.

**Tom Harmon (Nevada Vaping Association):**

I own several vaping stores in Las Vegas. We are in full support of S.B. 225 and have been voluntarily not selling to minors for the last 5 years. We post notices that no one under the age of 18 may purchase our products without a parent or guardian. We also post notices that we card. We work hard to make sure that sort of transaction does not happen, including parents who may attempt to buy something for their children with the idea of helping the children to quit smoking. We do not support that activity. We have no problem with bad actors being brought to task in this manner. We fully support a ban on sale to minors.

**Joe Landolfi (Nevada Vaping Association):**

I am the chairman of the Nevada Vaping Association. We support this bill. The shops and members of the Association have always self-regulated in this matter.

**Mr. Hackett:**

I am testifying as neutral on S.B. 225, but we support the concept behind it and appreciate Senator Farley for her willingness to engage us on this issue. Our concern with the bill when it was initially introduced was that it was limited only to the liquid nicotine component itself. We would like that expanded to include all of the products, paraphernalia and accessories that go along with this product.

We support the concept in this bill. We think it is "an idea whose time has come." We look forward to working with Senator Farley and the other stakeholders to make this the bill we think it can be.

**Dr. Iser:**

I applaud Senator Farley for bringing this bill forward. We are neutral on the bill until we see the amendment mentioned by Mr. Alonso. We look forward to working with the Nevada Vaping Association, Senator Farley, Mr. Hackett and others to make this a bill we can support.

**Senator Farley:**

We will get the amendment out, and I think it will more than satisfy both Mr. Hackett and Dr. Iser. We have expanded the definition to include all the paraphernalia and instruments used. This is a good bill. All the groups have worked together to get something comprehensive.

**Mr. Alonso:**

The amendment will define “vapor product” to include every piece you would purchase with respect to a vaping product, including the hardware and the fluid itself.

**Chair Brower:**

I will close the hearing on S.B. 225 and open the hearing on S.B. 201.

**SENATE BILL 201:** Revises provisions governing smoking in certain places.  
(BDR 15-144)

**Mr. Hackett:**

This bill will bring e-cigarettes under Nevada’s Clean Indoor Air Act of 2006, codified in NRS 202.2483. I requested this bill on behalf of the Nevada Tobacco Prevention Coalition this past interim, and Senator Debbie Smith agreed to bring it forward.

This legislation was requested for two reasons. The first reason is to provide consistency. E-cigarettes continue to grow in popularity. Health districts, which are tasked with enforcing the Clean Indoor Air Act, have been asked by businesses they regulate if the law prohibits the use of e-cigarettes in places where smoking is prohibited. It does not. Senate Bill 201 would put health districts, businesses and the public on the same page, all knowing the ground rules. Health districts and businesses would also have the law to support them.

The second reason for this bill is the health risks associated with these unregulated products. In this case, it is the exposure to secondhand aerosol.

While the consensus in the scientific and public health communities appears to be that e-cigarettes are less harmful than conventional cigarettes, the degree to which they are less dangerous is not clear, and “less harmful” is not the same thing as “harmless.” Numerous studies, including those from the Federal Drug Administration (FDA), Johns Hopkins University, the American Medical Association and the American Cancer Society, as well as advisory opinions issued by the State of California, the Southern Nevada Health District and the Washoe County Health District, clearly identify the health risks of e-cigarette use. Many of these same health risks are present in the aerosol emitted by an e-cigarette because the body of the person vaping does not absorb all the chemicals produced. Harm in, harm out.

Earlier this year, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) revised its definition of “environmental tobacco smoke,” or secondhand smoke, to include the emissions produced by e-cigarettes as a health risk. In case you are unfamiliar with this entity, ASHRAE is widely recognized by the industry as the authority on indoor air quality.

We respectfully but wholeheartedly disagree with those who say that secondhand aerosol is harmless. Three states have prohibitions on the use of e-cigarettes in all the areas where smoking is prohibited. Fifteen other states have partial e-cigarette prohibitions, and 274 local prohibitions exist.

I will walk you through the bill. First, the bill does not expand the Clean Indoor Air Act to eliminate any of the exemptions in statute. There are exemptions in place for the gaming areas of casinos, stand-alone bars, retail tobacco shops and brothels. Those exemptions will still be in place if S.B. 201 passes. What the bill does is prohibit the use of e-cigarettes in locations where smoking is prohibited. The bill does this by two means. First, it replaces all references to “smoking tobacco” with the terms “smoking.” “Smoking” is defined in section 2, subsection 5 of the bill to include the use of “any electronic smoking device,” which is referred to as “vaping” by some.

**Chair Brower:**

Does vaping produce smoke?

**Mr. Hackett:**

I have heard what is emitted referred to as emissions, aerosol and vapor. I have never heard it referred to as smoke. However, as I have looked at the way other



states define these products, I have seen a wide array of terms used, including electronic smoking devices, electronic cigarettes, e-cigarettes, vapor and alternative nicotine products. A handful of states have included e-cigarettes as another tobacco product, but more states have not.

**Chair Brower:**

It may just be a matter of semantics, but I am struggling with the fact that "smoking" connotes burning. I do not think that is what happens with vaping, so lumping vaping in with the definition of "smoking" seems odd.

**Senator Ford:**

I wondered the same thing. We have had enough e-cigarette hearings this Session to know that people who use e-cigarettes do not consider what they do smoking; they call it vaping, and they want vaping to be distinguished from smoking. The question becomes whether it is appropriate to redefine "smoking." If what you are trying to do is stop people from vaping in places where smoking is prohibited, the term "vaping" should be used.

**Mr. Hackett:**

Ultimately, that is what we want: we want to prohibit the use of e-cigarettes in those areas where smoking is prohibited. If the bill's definition of "smoking" is an obstacle to getting to that end result, we are willing to work with the stakeholders to find terms that are more acceptable to everyone.

**Senator Ford:**

Let me offer another reason why it is problematic. Words mean something, and in our statutes they are consistently interpreted. If we lump these two things in together at this juncture, it is possible that 5 or 10 years down the road, smoking and vaping will be considered the same thing because that is how they are construed in statute. It presents a problem. If we are going to acknowledge that they are different, they need to be referred to differently in statute.

**Chair Brower:**

We do not want to get bogged down in this now, but it is a good point. It may be that we end up deciding to treat smoking and vaping the same way but still distinguish between them by definition.

**Mr. Hackett:**

I agree. We would be willing to work with the other stakeholders on this and be part of the solution as we continue to work on this bill.

Section 2, subsection 2 of S.B. 201 defines “electronic smoking device.” This definition uses the definition of “smoking” given in section 2, subsection 5. The issues you have addressed in regard to the use of the term “smoking” will also apply to this second definition. We remain willing to look at definitions that are more representative.

**Chair Brower:**

Under this bill, would the traditional vaping device be considered an electronic smoking device?

**Mr. Hackett:**

Yes. A wide variety of terms have been used around the Country to define these products, including vapor products, e-cigarettes, e-cigarette products, electronic nicotine delivery systems, nicotine dispensing devices, electronic smoking devices, electronic cigarettes and so on.

**Chair Brower:**

I do not know if what we hear referred to as “vaping” is actually the use of an electronic smoking device. In your opinion, are those terms interchangeable? Does a person vape by way of an electronic smoking device?

**Mr. Hackett:**

If “vaping” is the term you want to use, yes.

**Chair Brower:**

If I understand you correctly, we are not talking about three activities—smoking, vaping and the use of an electronic smoking device—but two—smoking and vaping by means of an electronic smoking device. Is that correct?

**Mr. Hackett:**

That is consistent with what I have seen. Other states have used the term “alternative nicotine products” in this context. That term seems to specifically refer to products like chew, moist snuff and snus that can be ingested. However, in some definitions, there are references to the product being ingested

or inhaled by other means. There may be room for refinement in some of those terms.

We have an amendment to S.B. 201 ([Exhibit D](#)). Under the Clean Indoor Air Act, there is an exemption that enables retail tobacco stores to allow their customers to sample their products before making a purchase. We feel the same exemption should be afforded to what we are currently calling “retail electronic smoking device stores,” and the definition of that term is included in the amendment as well. We feel their customers should have the opportunity to come in and sample their products. We are not trying to put that industry out of business.

**Kelli Goatley-Seals (Washoe County Health District):**

We support this bill insofar as it enhances public health efforts in tobacco prevention and control. I have a position statement regarding S.B. 201 and S.B. 339 ([Exhibit E](#)). We agree with Mr. Hackett’s testimony and support the amendment in [Exhibit D](#). We too have been contacted by members of the public and businesses confused about the use of these products in indoor areas and restaurants. This bill will clear up that confusion.

**Dr. Iser:**

We support S.B. 201. We have found that some of these products are marketed as being harm-reducing or safe alternatives to conventional cigarettes, and I have seen advertisements marketing them as such. They are also promoted as an aid to help people quit smoking. There is no reliable science to substantiate those claims. By contrast, we do know that eliminating tobacco use and nicotine addiction helps prevent death and disease. Substituting one disease-causing agent for another with the same addictive component, nicotine, is not a healthy choice and hinders public health efforts to reduce the toll of death and disease in Nevada.

In February, we issued a health advisory to inform the public of the potential public health consequences of e-cigarettes ([Exhibit F](#)). We are concerned about the potential health impact of e-cigarettes on the user, as well as the impact of emissions on bystanders. One thing e-cigarettes have in common with tobacco is that they both have emissions, including particulate emissions that likely include nicotine and that certainly include cancer-causing materials.

The FDA is looking at e-cigarettes to determine how to regulate them, and it has the authority to do that. I am a former FDA investigator and have talked to colleagues who are working in this area. They have described to me the same political aspects of the situation we are seeing in Nevada that have prevented them from moving forward.

There is no way for consumers or the public health and medical communities to know what chemicals or concentrations are contained in e-cigarettes or what the long- and short-term health implications might be. Additional research is certainly needed. Lab tests conducted by the FDA have found detectable levels of toxic cancer-causing chemicals rather than harmless water vapor. At least 10 chemicals identified in e-cigarette aerosol are classified as cancer-causing and reproductive toxins. Short-term exposure causes eye, throat and airway irritation, and long-term inhalation exposure can result in children developing asthma.

As of January, 275 municipalities have eliminated the use of e-cigarettes in all smoke-free venues, 11 states have partial venue restrictions and 3 states prohibit e-cigarettes in all smoke-free environments: North Dakota, New Jersey and Utah. The increased use of electronic cigarettes gives us an opportunity to update Nevada's statutes to reflect the current and projected landscape of the tobacco industry's new products.

As more studies are conducted on the safety of e-cigarettes, their use in public places and workplaces complicates efforts to enforce and comply with smoke-free laws. Using an electronic cigarette often looks like traditional smoking, which can cause confusion for the public and set a detrimental example for young people whose use trends often mirror those of adults.

I ask for your support of S.B. 201.

**Ms. Gorelow:**

I have written testimony declaring the support of the March of Dimes Nevada Chapter for S.B. 201 ([Exhibit G](#)). In addition, I have written testimony from Erin Stisser, one of our volunteers, describing how e-cigarettes would impact her personal situation ([Exhibit H](#)).

**Ms. Herington:**

The Nevada Cancer Coalition supports S.B. 201. I am the mother of 12-year-old twin girls who have been researching how to smoke an e-cigarette on the Internet. Smoking is defined as emitting vapors. We have seen numerous videos of vapor and/or smoke. They asked that I represent them on this and add their voices to those who support S.B. 201.

**Peter Krueger (Capitol Partners, LLC; Cigar Association of America):**

We are neutral on S.B. 201. Section 1, subsection 3, paragraph (f) of the bill refers to areas of convention facilities in which meetings or trade shows are held as exempted, and this should be included in [Exhibit D](#). Las Vegas enjoys the Big Smoke once a year, and that is the kind of event this is talking about.

**Mr. Bedera:**

We oppose S.B. 201. I would like to be clear: vaping is not smoking. No combustion takes place in a vaporizer. Traditionally, we assume smoke comes from combustion, and the vast majority of carcinogens in a traditional cigarette come from combustion. Dr. Iser stated that detectible levels of carcinogens are apparent in e-cigarettes. However, there is a big difference between detectible levels and harmful levels. The science is not out yet on whether this a significant health risk from exposure to secondhand e-cigarette emissions. For that reason, we feel it would be best to wait for the science and regulate at that time. Let us not regulate before the science.

**Natasha Buss (Nevada Vapor):**

I oppose S.B. 201. I find it interesting that we have heard a lot about how there is a lack of research on e-cigarette emissions. The opposite is true. There is plenty of research showing that the levels of aerosol contaminants and toxins are minimal; in fact, they are negligible. Studies have been done by Dr. Michael Siegel of Boston University, Dr. Thomas Eissenberg of Virginia Commonwealth University, Dr. Maciej Lukasz Goniewicz of Roswell Park Cancer Institute in New York, Dr. Murray Laugesen of Health New Zealand and Dr. Igor Burstyn of Drexel University in Pennsylvania that have all failed to find harmful levels of any chemical in e-cigarette emissions. I have a copy of the abstract for Dr. Burstyn's findings for the record ([Exhibit I](#)). These five independent researchers did not find anything in e-cigarette emissions. I would be interested to see the names of the researchers who found carcinogens to see if they were funded by big tobacco.

I agree with Mr. Bedera that more study needs to be done. Vaping is not smoking. It is releasing vapor that has been found to have negligible levels of contaminants and toxins. There are plenty of aerosols that are not banned. If you ban vaping, are you going to ban hair spray or sprayed perfume? They have the same effect. Vaping may be a nuisance; people may not like looking at the vapor, or the sight of someone vaping might bother them. But in terms of health effects, it is negligible.

**Chair Brower:**

Mr. Bedera, the objection you have is that because vaping is not smoking and you do not believe there is evidence of harmful health effects, it should not be lumped in with smoking under the Nevada Clean Indoor Air Act. Is that correct?

**Mr. Bedera:**

Yes. It is our position that it does not make sense to include vaping in the definition of "smoking." There is no conclusive evidence that there is a secondhand risk here. The reason we passed the Nevada Clean Indoor Air Act is because of the risk of secondhand smoke. There is no research showing that that there is any risk to secondhand vapor.

**Ms. Buss:**

It is up to business owners to decide whether they will allow vaping indoors at their establishments. If they do not want to allow it, they can tell people, "Please don't vape in here." We do not need a State law to say no one can vape indoors, especially when there is no reason to prohibit it.

**Mr. Harmon:**

I oppose S.B. 201. I own a vape shop in Las Vegas. I smoked for 46 years and had no intention of quitting; I had given up on the idea of quitting. Someone put an e-cigarette in my hand, and two weeks later I smoked my last cigarette. That was over 5 years ago. My doctor says he wishes he was as healthy as I am.

We watch the research in this field. There are many more reports similar to the ones referenced by Ms. Buss. The FDA's findings showed that toxins do exist in e-cigarette emissions, but the levels are negligible and not considered harmful to humans. Drexel University says that based on over 9,000 observations, there is "no apparent concern for bystanders" from e-cigarette vapor, even under worst-case scenarios.

Vapor dissipates. Cigarette smoke hangs around. We are antitobacco; we do not have tobacco products in our stores and do not allow smoking in our stores, but you can vaporize. We feel it is 99 percent less harmful than smoking, and that is a long way toward 100 percent. Anything that would restrict usage, make vaping look as bad as smoking or prevent people from making the switch is contrary to the interests of public health. People will think, "Well, it must be just as bad as smoking because there's a law against me doing it."

Would this bill be bad for business? Yes, because if customers do not decide to buy from me, I do not get to employ as many people. Jobs will be lost, sales taxes will go down and revenues will be hurt.

Many smokers try vaping because they are curious and find themselves becoming accidental quitters. I was just giving it a test run, and I went from a pack and a half of full-strength cigarettes a day to none. I was able to mimic smoking. That is what it does, and that is its problem: it looks like I am smoking, so I must be smoking. But I am not smoking. There is no combustion. Combustion produces smoke and all the tars, toxins and poisons that come with it. Vaping does not.

**Mr. Landolfi:**

I am opposed to S.B. 201. I smoked for 35 years; I have been smoke-free for 2 years because of vaping. I tried everything in the past, and nothing worked. We do not like to be associated with smoking. We do not want to have to go outside and stand with smokers while we vape. We do not want to be lumped in with smoking. I do not think the science is there. There has been no proof that secondhand vapor is dangerous. There is a lot of proof that secondhand smoke is dangerous, but that is still allowed in certain places. Our goal is to get people to quit smoking by vaping instead. Linking vaping to smoking via this bill would prevent people from making the switch because they think it is dangerous. It would be a discouragement, and I think it would be a bad thing. You can go to any show in Las Vegas and see fog machines going off. Those fog machines use many of the same ingredients as e-cigarette emissions. Are you going to ban fog machines indoors? It is an aerosol.

**Elizabeth Maderos:**

I am opposed to this bill. Nevada has legalized brothels and casinos where you can gamble. I do not think a ban on smoking is good for any of our more sinful activities, including brothels, casinos and bars. You can have smoking and

nonsmoking sections in any business. However, this is not smoking; it is vaping. It is completely different. The research is starting to come in, and vaping looks much safer than smoking. There are probably no secondhand vapor issues. It cannot be compared with smoking.

**Jamie Homampour (Owner, Blue Diamond Vapors):**

I oppose S.B. 201. I want to thank Senator Ford for acknowledging that many of us in the vaping community do not want to be referred to as smokers or lumped in with smoking. Vaping is not smoking.

Ms. Buss referred to a study by Dr. Goniewicz, and I want to give you a quick background of this person. Dr. Goniewicz's research interests are tobacco control, nicotine pharmacokinetics and other areas of the tobacco industry. He is widely considered an expert in that area. A more recent study he performed through the Cancer Institute in Buffalo, New York, showed that there was a drastic reduction in nicotine micrograms per cubic foot. This is important science. Dr. Iser said that there is nicotine in secondhand vapor, but the proponents of S.B. 201 are making broad, sweeping statements without including any actual facts or numbers. Dr. Goniewicz found that the emissions of e-cigarettes do not produce carbon monoxide, which is something that is exceptionally dangerous in secondhand smoke. A traditional cigarette produces 33 cubic feet of nicotine exposure or particulate matter.

The statement in [Exhibit H](#) by the mother of triplets is important because the Clean Indoor Air Act was designed to protect such people from the dangers of secondhand smoke. But the Clean Indoor Air Act is not protecting her children from an aerosol or body spray that might be an irritant to them. I could read you that same testimony and ask you to ban Axe Body Spray or expensive perfumes because of their effect on sensitive people.



Senate Committee on Judiciary  
April 1, 2015  
Page 17

**Chair Brower:**

I have received a letter from the Nevada State Medical Association explaining its support for S.B. 201, S.B. 225 and S.B. 339 ([Exhibit J](#)).

We are adjourned at 2:09 p.m.

RESPECTFULLY SUBMITTED:

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Lynn Hendricks,  
Committee Secretary

APPROVED BY:

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Senator Greg Brower, Chair

DATE: \_\_\_\_\_

| <b>EXHIBIT SUMMARY</b>           |                |   |                                     |   |
|----------------------------------|----------------|---|-------------------------------------|---|
| <b>Bill</b>                      | <b>Exhibit</b> |   | <b>Witness or Agency</b>            | <b>Description</b>                                |
|                                  | A              | 1 |                                     | Agenda  |
|                                  | B              | 7 |                                     | Attendance Roster                                 |
| S.B. 339                         | C              | 3 | March of Dimes Nevada Chapter       | Written testimony                                 |
| S.B. 201                         | D              | 3 | Nevada Tobacco Prevention Coalition | Proposed amendment                                |
| S.B. 201<br>S.B. 339             | E              | 5 | Washoe County Health District       | Letter and Position Paper                         |
| S.B. 201                         | F              | 6 | Southern Nevada Health District     | Health Advisory                                   |
| S.B. 201                         | G              | 3 | March of Dimes Nevada Chapter       | Written testimony                                 |
| S.B. 201                         | H              | 1 | Erin Stisser                        | Written testimony                                 |
| S.B. 201                         | I              | 1 | Natasha Buss                        | Abstract of article from <i>BMC Public Health</i> |
| S.B. 201<br>S.B. 225<br>S.B. 339 | J              | 2 | Nevada State Medical Association    | Letter of support                                 |