

70-40
E-cigarettes under scrutiny

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*Bismarck's city
commissioners
mull age limits*

By LEANN ECKROTH
Bismarck Tribune

The Bismarck City Commission might crack down on the sale of e-cigarettes to minors under age 18. Minors found having or using the products also would be fined

under the proposed ordinance. Commissioners will review the first reading of the proposal today for a possible February hearing, City Attorney Charlie Whitman said. Those selling or furnishing electronic cigarettes to minors could face up to a \$500 fine under the proposed ordinance, Whitman said, and minors possessing or using the devices could pay up to a \$70 fine. E-cigarettes were banned in or near public places by the Legisla-



ture. State law also requires no vapors be emitted by e-cigarettes inside or 20 feet from public places. The Bismarck ordinance would ban minors' use of electronic oral devices with a heating element — battery or electric circuit — that provides nicotine or any other substance to be inhaled to simulate smoking. The ordinance states devices marketed and sold as e-cigarettes, e-cigars and e-pipes cannot be sold or provided to minors, and that minors cannot possess or use them. Pat McGeary, coordinator for the Bismarck Tobacco Free Coalition, said Monday that the group requested that Bismarck include the ordinance because the devices have not been proven safe. She said the electronic cigarettes are not controlled by the Federal Drug Administration. "There is no scientific evidence of the safety of e-cigarettes. The FDA has done preliminary testing that detected cancer-causing material in them and traces of nicotine," she said. *Continued on 6B*





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"Our concern is that American tobacco companies have bought the e-cigarette companies and marketing it 'kid friendly,'" she said. "They sell it in flavors like chocolate. We also are looking at e-cigarettes as a possible gateway drug."

She said a Centers for Disease Control and Prevention survey showed that the use of e-cigarettes by minors has jumped from 4 percent in 2011 to 10 percent in 2012 nationwide.

"These are not FDA-regulated," McGeary said. "These products have emerged more frequently in the last two years and (their companies) seem to be marketing more aggressively to the youth," she said.

She said the FDA does not now control the levels of nicotine in the e-cigarette products. "The levels) are all over the board, according to a preliminary study by the FDA," she said. "The e-cigarettes have not been found to be safe. It's not established."

The Federal Drug Administration found that cartridges labeled as containing no nicotine contained nicotine and that three different electronic cigarette cartridges with the same label emitted a markedly different amount of nicotine, according to the North Dakota Center for Tobacco Prevention and Control Policy.

"I think it's a natural and reasonable restriction," Bismarck City Commissioner Josh Askvig said. "If the city won't allow the sale of tobacco products and nicotine to minors, the same argument stands for this product.

"My personal opinion is this is a loophole into (minors) smoking that we can control before they get





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Associated Press

A sampling of electronic cigarette supplies is seen at OKC Vapor in Oklahoma City on April 19.

hooked on it before they are of legal age," he added.

"I'm OK with the ordinance," Bismarck Commissioner Mike Seminary said. "I don't think we should encourage minors to smoke anything."

The Tribune contacted some stores Monday that sell e-cigarettes and they assured that they already set limits on who buys the product.

"We only sell to those over 18," said Chris Pribyl, manager of Tobacco Row.

"Minors cannot come through our doors. We card everyone who looks under age 27," said Suzanne Willis, manager of Discount Smoke. "It says right on the package: 'Not for sale for minors.'"

Sara Lang, manager of Red Carpet Car Wash, said employees card buyers of the

product to ensure they are eligible. "We treat it like we were selling tobacco," she said.

The proposed e-cigarette ordinance mirrors two passed by the Fargo City Commission on Jan. 6. The ordinances both prohibit the sale of e-cigarettes to minors and the use and possession by minors. Minors who violate the Fargo law will pay a \$25 fine and complete a tobacco education program.

Under the Fargo law, a clerk who sells e-cigarettes to a person under age 18 will pay a \$50 fine. A business that sells e-cigarettes to a minor will get a warning for the first sale in 12 months, have its tobacco license suspended for the second violation in a year and have its tobacco license suspended

"We card everyone who looks under age 27. It says right on the package: 'Not for sale for minors.'"

Suzanne Willis of Discount Smoke

for 10 days for the third illegal sale within 12 months.

Whitman said Bismarck's ordinance wording does not mention suspension of tobacco licenses because it would not affect stores that do not sell tobacco, but sell e-cigarettes.

(Reach LeAnn Eckroth at 701-250-8264 or leann.eckroth@bismarcktribune.com.)



to help people suffering from heart attacks. Last year, the campaign raised approximately 20,000. Continued on p. 10

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Public hearing set on e-cigarette ban

By LEANN ECKROTH
Bismarck Tribune

A Feb. 11 public hearing is scheduled on a proposed Bismarck ordinance that bans selling e-cigarettes to minors.

The Bismarck City Commission set the hearing date Tuesday. Under the ordinance, those providing or selling e-cigarettes to people under age 18 could be fined up to \$500. Minors found possessing or using the product could be fined up to \$70.

The proposal also states that devices marketed and sold as e-cigars and e-pipes cannot be sold or provided to minors, and that minors cannot possess or use them. Commissioners did not comment about the ordinance at

the meeting.

The Bismarck ordinance also would bar minors from having or using electronic oral devices with a heating element — battery or electric circuit — to inhale as if smoking cigarettes. They include devices that both contain nicotine or simulate cigarette use.

Pressdough of Bismarck LLC — the owner of the Reza's Pitch site at 304 E. Front Ave. — was approved to use up to \$2,475 funds from the city's Community Opportunity Revitalization Effort Technical Assistant Bank. The money will help pay for architectural services for the building. The owners are considering upgrades to the outside of the building, landscaping and possible expansion.

A \$10,295 flex loan buy-down

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request was approved by commissioners for Blaise Energy to purchase equipment. The business captures and stores well field gas and converts it into electrical power or compressed natural gas. The Bismarck Vision Fund Committee recommended approval of the buy-down.

Commissioners also approved the 2014 construction of the Edge-wood Trail that will run along Hay Creek from Century Avenue to 43rd Avenue.

The city's agreement with the state Transportation Department was made on behalf of the Bismarck Park District. The NDDOT will provide up to \$427,592 for the project that will cost nearly \$900,000, Augie Ternes, Bismarck park finance director, said in a

Tuesday phone interview. The Bismarck Parks and Recreation District will pay all non-grant costs for the trail.

Commissioners also approved a companion agreement with the park district, stating that any project costs that are more than that provided by the grant will be paid by the park district.

In other business, the commission:

■ Appointed Jan Carter to fill a vacant Human Relations Committee term that expires in 2016.

■ Appointed Michelle Thomas and Barbara Schmitt to fill vacant Human Relations Committee terms that expire in 2017.

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