

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

HB0672, HD1 RELATING TO HEALTH

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

February 27, 2013
3:30 PM, Room 325

1 **Department's Position:** The Department of Health (DOH) supports the intent of both restricting the
2 sale of tobacco products and electronic smoking devices to behind the counter so as to be only
3 accessible by store personnel and prohibiting the sales/furnishing to and the purchase of electronic
4 smoking devices by minors. DOH suggests using the preferred definition of electronic smoking device
5 for both sections.

6 **Fiscal Implications:** None

7 **Purpose and Justification:** The Family Smoking Prevention and Tobacco Control Act of 2009
8 (FSPTCA) prohibits self-service tobacco displays and restricts the placement of tobacco sales and
9 advertising. This measure would be consistent with the Act in the restriction of placemnt of cigarettes,
10 tobacco products, and electronic smoking devices behind a counter in an area only accessible to the
11 personnel of the business.

12 Smoking and tobacco use remain Hawaii's and the nation's leading cause of preventable
13 morbidity and mortality. In Hawaii there are over 1,100 deaths each year attributed to a tobacco-related
14 illness costing approximately \$336 million in medical and health care costs. Each year approximately

1 1,500 Hawaii youth become new daily smokers. The tobacco companies spend more than \$42 million
2 annually in Hawaii on advertising, marketing, and promotions to attract ‘replacement smokers’.

3 There is a clear relationship between advertising/promotion and increased tobacco use
4 particularly among youth. Restrictions on mass media ads in the Master Settlement Agreement have
5 now made retail storefronts and points-of-sale venues as the primary medium for advertising their
6 tobacco products, as well as providing financial incentives to merchants for product placement. Studies
7 show that tobacco marketing has more power to influence youth to smoke than peer pressure or parental
8 smoking and that there is a correlation between children and youth exposure to the marketing of tobacco
9 products and initiation.

10 The 2011 Hawaii Youth Tobacco Survey indicated that over 75% of high school students and
11 over 71% of middle school students reported seeing tobacco product ads at local stores and gas stations.
12 In 2008, the Tobacco and Alcohol Advertising Survey found that 44% of stores surveyed in Hawaii had
13 tobacco products placed by the chips and candy.

14 Electronic smoking devices have become increasingly prevalent and widely available since their
15 introduction to the U.S. market in 2007. They are advertised as technologically advanced and “healthier
16 alternatives” to tobacco products using youth-relevant appeals such as celebrity endorsements,
17 trendy/fashionable imagery, and fruit, candy and/or alcohol flavors.

18 Electronic smoking devices present a compelling introduction to the sensation of smoking by
19 allowing users, not only to mimic the tactile sensations of smoking, but also actually appear to blow
20 smoke. These devices promote a physiological addiction to an addictive drug, as well as a psychological
21 habituation to smoking.

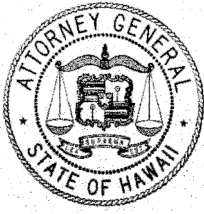
22 The limited published research about safety, efficacy, or public health impact of electronic
23 smoking devices raises concerns about the product’s lack of regulation, safety/quality assurances, and its
24 appeal to youth. The U.S. Food and Drug Administration (FDA) asserts that the ready availability of
25 electronic smoking devices presents a serious risk of addicting new users, including children and

1 cautions that such devices may contain ingredients that are not safe. Because there is no regulation or
2 quality control by the manufacturers, the nicotine content in electronic smoking device cartridges often
3 does not match the advertised or labeled content.

4 The 2011 Hawaii Youth Tobacco Survey reported that 5.1% of public high school students in the
5 state admitted to having tried an electronic smoking device. The Hawaii Department of Education has
6 just released a memo classifying the possession and/or use of electronic cigarettes as a contraband
7 offense subject to disciplinary actions.

8 The DOH recognizes that prohibiting self-service displays where the customer has direct access
9 to tobacco products is a realistic strategy to discourage tobacco company products and ads at points-of-
10 sale. By limiting the placement of tobacco products, electronic smoking devices in retail stores, this
11 policy can help prevent a new generation of youth in Hawaii from being influenced to start smoking.
12 The DOH supports the prohibition of the sales and purchase of electronic smoking devices to prevent
13 the deleterious effects on the health and safety of Hawaii's youth.

14 Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:

H.B. NO. 672, H.D. 1, RELATING TO HEALTH.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Wednesday, February 27, 2013 **TIME:** 3:30 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Blair Goto, Deputy Attorney General, or
Earl R. Hoke, Jr., Deputy Attorney General

Chair McKelvey and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill in trying to decrease the use of tobacco products. However, we oppose the bill for practical reasons.

The purposes of this bill are to: (1) require that cigarettes or tobacco products, including electronic cigarettes, be stored for sale behind a counter in an area accessible only to employees of the business and (2) ban the sale of electronic smoking devices to minors.

We are concerned that the new section to be added to chapter 328J, Hawaii Revised Statutes (HRS), contained in section 2 of this bill on pages 2-3, lines 4-22 and lines 1-6, will adversely impact the ability of the Tobacco Enforcement Unit of the Department of the Attorney General to ascertain whether cigarettes are properly stamped with tax stamps and whether cigarettes are approved for sale in the State of Hawaii. Historically, those who wished to evade the payment of cigarette taxes often stored the noncompliant product in back areas or under counters that were not readily visible to those tasked with investigating contraband cigarette sales. By requiring that cigarettes and tobacco products that are for sale be stored behind a counter accessible only to the personnel of the business, this new section will, unintentionally, facilitate the sale of untaxed, contraband cigarettes.

The State has a substantial interest in collecting taxes on tobacco products and cigarettes. In 2000, the Hawaii State Legislature enacted the Hawaii tobacco tax stamp program and found that "a mandatory cigarette tax stamp system is vital to enhance the State's collection of cigarette and tobacco taxes" as the existing enforcement system of collecting tobacco and cigarette taxes

in place at the time was “sporadic, haphazard, and ineffective.” Conf. Comm. Rep. No. 98, 2000 Senate Journal at 776, 2000 House Journal at 898. Moreover, the Legislature found the enforcement provisions of section 245-9, HRS, were necessary to effect the goals of the statute. Id. In 2002, the Legislature found that making the tax stamp law permanent and granting the Department of Taxation and the Department of the Attorney General “wider authority to inspect the operations and premises of entities involved in cigarette sales” would greatly support efforts to enforce the cigarette tax stamp laws. Sen. Stand. Comm. Rep. No. 3031, 2002 Senate Journal at 1454 and Sen. Stand. Comm. Rep. No. 3553, 2002 Senate Journal at 1676-1677. There are ample findings in the legislative history that the Hawaii has a substantial government interest in an effective regulatory scheme involving tobacco and cigarette taxes.

Accordingly, due to the enforcement issues with section 2 of this bill, we respectfully ask that section 2 of this bill be deleted and the remaining sections be renumbered if this bill is to pass.



COALITION FOR A
TOBACCO-FREE HAWAII

To: The Honorable Angus McKelvey, Chair, Committee on Consumer Protection & Commerce
The Honorable Derek Kawakami, Vice Chair, Committee on Consumer Protection & Commerce
Members, House Committee on Consumer Protection & Commerce
From: Jessica Yamauchi, Executive Director
Date: February 26, 2013
Hrg: House Committee on Consumer Protection & Commerce; Wed., Feb. 27, 2013 at 3:30 p.m. in Rm 325
Re: **Support for HB 672, HD 1, Relating to Health**

Thank you for the opportunity to offer testimony in support of HB 672, HD1 requiring tobacco products to be stored behind a counter. This bill also seeks to restrict the sale of electronic smoking devices to minors. The Coalition does recommend using the term electronic smoking devices consistently throughout the bill.

Prior to 2009, due to federal preemption, Hawaii lacked the legal authority to limit the display of tobacco products. In 2009, President Obama signed the Family Smoking Prevention and Tobacco Control Act into law. This federal law now allows local and state governments the ability to address the way tobacco products are sold and advertised.

This is an exciting step in having proactive policies that improve our public health.

The placement of cigarettes and tobacco products.

Research has shown that eliminating self-service options for tobacco products reduces youth access to tobacco as well as theft of the products.

Other Tobacco Products or OTPs are usually located on the counter at the point of sale in most convenient stores, where they are easily accessible. Research has shown that preventing the display of tobacco products leads to a decrease in the number of adolescents experimenting with and becoming addicted to those tobacco products.¹ This bill will reduce youth access to tobacco, as well as the theft of tobacco products. The World Health Organization has endorsed a ban on retail tobacco product displays as an effective method of reducing tobacco use.²

OTPs should be kept behind the counter, like cigarettes, where the product is only accessible by an employee. This will keep the products away from eyesight of our youth and take away a powerful marketing tool currently enjoyed by a deadly industry. Prohibiting self-service tobacco displays is a promising practice that many states are considering or have enacted. Minnesota law prohibits self-service displays of cigarettes and smokeless tobacco, except in age-restricted retail tobacco stores that derive at least 90 percent of their revenue from the sale of tobacco and

¹ Markus P. Bidell, *Case Study of Attempts to Enact Self Service Tobacco Display Ordinances: A Tale of Three Communities*, Tobacco Control, 71-77 (2000)

² World Health Organization Framework Convention on Tobacco Control, *Guidelines for Implementation of Article 13*, adopted Nov. 2008



tobacco-related products.³ Similarly, New York State prohibits self-service tobacco displays in retail stores that are open to minors.⁴

Prohibiting Electronic Smoking Devices sales to minors.

Electronic smoking devices are used to vaporize liquid in cartridges that contain varying levels of nicotine. Currently, there are no federal regulations on electronic cigarettes. This allows electronic smoking devices to be advertised on television and radio, offer flavored cartridges, and sell to minors (those under 18 years of age).

Given how little is known about the contents and health effects of electronic smoking devices, we are very concerned about the current accessibility of these products to our youth. We strongly recommend that sales to minors and sampling of electronic smoking devices be prohibited.

Tobacco products are still the leading cause of preventable disease and death. We can reduce this by making sure youth never start and tobacco users have every opportunity to quit. This measure will continue to place Hawaii at the forefront of tobacco prevention and control.

Thank you for the opportunity to testify in support of this measure.

A handwritten signature in black ink that reads "Jessica Yamauchi". The signature is written in a cursive, flowing style.

Jessica Yamauchi, M.A.
Executive Director

The Coalition for a Tobacco-Free Hawaii (Coalition) is an independent organization in Hawaii working to reduce tobacco use through education, policy and advocacy.

³ MINN. STAT. § 461.18, subd. 1.

⁴ N.Y. PUB. HEALTH LAW § 1399-cc(7).

hawaiiCigar

ASSOCIATION

February 25, 2013

Dear Representative McKelvey, and Members of the House Committee on Consumer Protection & Commerce,

The Hawaii Cigar Association (HCA), and its supporting businesses are concerned about the negative impact that HB672 would have on our ability to retail premium cigars to legal age adults in the State. We therefore oppose HB672 as it is currently written.

Placement of premium cigars behind a service counter would prevent customers from the experience of selecting a fine cigar, learning about its origin, and construction, and in the end harm businesses selling premium cigars, not to youth, but to legal age adults.

We feel strongly that restricting access to premium cigars will not only negatively impact small business revenue in Hawaii, but also generate less tax revenue for the State. And again, it would also be a serious detractor for cigar consumers who enjoy the process of selecting a fine cigar.

The HCA kindly asks that you amend the bill in a way that will not harm the premium cigar industry, which in no way targets youth consumers, or lures children into the use of premium cigars through advertising or marketing.

The HCA stands united with the Committee on Health to ensure that the children of Hawaii remain apart from any influence that could encourage them to use tobacco of any kind, including premium cigars. Certainly there must be a better solution that would not bring harm to premium cigars and how they are sold.

Sincerely,



Les Drent
for Hawaii Cigar Association



February 25, 2013

Dear Representative McKelvey, and Members of the House Committee on Consumer Protection & Commerce,

The Kauai Cigar Company, and its supporting businesses and consumers are concerned about the negative impact that HB672 could have on our ability to retail our Hawaii grown cigars to legal age adults in the State. Therefore, we must oppose HB672 as it is currently written.

While the Kauai Cigar Company fully supports any measure that will deter youth access to tobacco products, including premium cigars, we feel strongly that restricting access to our cigars by placing them behind a service counter will negatively impact our business, and the many small sundry shops that retail our product.

The Kauai Cigar Company is also worried about our customers losing the experience and pleasure of choosing a cigar, before they spend between ten to twenty dollars to purchase one. Part of the process of buying and appreciating a premium cigar is learning about the origin of the leaf, the growing techniques, inspecting the wrapper, smelling, touching, and discussing the nuances of taste with staff. In addition, and because the majority of our cigars are either encased in wood, or sold out of free standing floor or counter top humidors that are kept under lock and key, locating these displays behind a tightly cramped service counter would create a logistical nightmare for many of the space constrained tourist oriented stores that in some instances are less than 25 feet wide.

If this bill is enacted, there will be a negative impact on our retailers, and ultimately on our farm and employees who work hard to produce these premium cigars.

While not perfect, there was a 4.3% rate of illegal sales to minors last year in the State of Hawaii, and because we monitor the retail license status, and compliance to age law with all stores selling Kauai Cigars, we are convinced that, in 2012, not one of our nearly 150 stores was cited for an underage sale of one of our premium Kauai cigars.

We kindly ask the State Legislature to amend this bill in a way to not harm the sale of premium cigars to legal age adults in Hawaii.

Sincerely,

Les Drent
President

Tai Erum
Operations Manager

Jason Strand
Farm Manager

Trevyn Pless
Assistant Farm Manager

For Company Representatives: Elaine Dalistan, Lei Hiyashi,
Justin Viezbicke, Nancie Bean



Examples of Store Displays

Single cello wrapped cigars are sold from humidors only, and are under lock and key.



Kauai Cigar Company • 6200B Kawaihau Road, Kapaa, HI 96746 USA
Phone: 808-822-4495 • Fax: 808-822-9731 • www.kauaicigar.com



February 27, 2013

To: The Honorable Angus McKelvey, Chair
Members, House Committee on Consumer Protection and Commerce

From: Cory Smith, Volcano Fine Electronic Cigarettes
President and Owner

RE: HB672, HD1 – oppose.

Proposed amendments.

Thank you for the opportunity to submit testimony.

Volcano Fine Electronic Cigarettes opposes HB672, HD1 as currently written but we have proposed amendments that support prohibition of sales to minors by strengthening and clarifying the bill's definitions.

We support prohibiting sales of tobacco, tobacco products, and vapor products to minors, and already have a company policy reflecting that position; however, we believe that the bill's language and definitions should be clarified to reflect industry definitions and to ensure that sales of nicotine containing products to minors are prohibited.

- First, we request that section 2 be deleted. In other bills on this subject, the Office of the Attorney General has testified that the requirement that cigarettes and tobacco products be stored for sale in an area accessible only to employees of the business may have the unintended consequence of impeding the ability of the Tobacco Enforcement Unit of the Department of the Attorney General to enforce diligently the laws that relate to the sale of cigarettes and other tobacco products.
- Second, we request that the term "electronic smoking device" be deleted from the bill and replaced with "vapor product" which would be defined in section 3 as:

"Vapor product" means any noncombustible tobacco derived product containing nicotine that employs a mechanical heating element, battery, or circuit,



regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges, and includes an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. Vapor product shall not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug and Cosmetic Act.

- Despite the use of the term "tobacco in any shape or form," the current language only prohibits e-cigarettes from being sold to minors, thus we request that the bill's current definition of "tobacco" be replaced with:

"Tobacco product" means any product made or derived from tobacco that is intended for human consumption, including cigarettes, cigars, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco. Tobacco products shall not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug and Cosmetic Act.

Our proposed language redefines tobacco products and vapor products to be inclusive of the wide range of nicotine-containing products by using the term "product made or derived from tobacco" as well as defining an e-cigarette as a "vapor product" which would include electronic pipes or cigars. HB672, HD1 uses the term "tobacco in any shape or form" which might not capture a product that contains nicotine but no tobacco.

Our language exempts any product regulated by the FDA under Chapter V of the Federal Food, Drug and Cosmetic Act. Chapter V of that act is where the pharmaceutical nicotine products -- which are used to quit smoking -- are regulated. HB672, HD1 could be misconstrued to cover those products like nicotine gum or other nicotine replacements.

Thank you for your time and consideration of our proposed amendments. If you



have any questions, please feel free to contact me or Volcano's representative
Melissa Takaaze at m.takaaze@gmail.com.

Sincerely,

Cory Smith
President and Owner
Volcano Fine Electronic Cigarettes

197 Sand Island Access Rd. Suite #213, Honolulu, HI 96819

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 8:07 PM
To: CPCtestimony
Cc: Jonfia@gmail.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/25/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Fia	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 9:02 PM
To: CPCtestimony
Cc: brksilva@gmail.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/25/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bronson K SILVA	Individual	Oppose	No

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 5:57 AM
To: CPCtestimony
Cc: Jstrand@lbdcoffee.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/26/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Strand	Individual	Oppose	No

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 10:14 AM
To: CPCtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/26/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 11:40 AM
To: CPCtestimony
Cc: tai1983@gmail.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/26/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tai Erum	Individual	Oppose	No

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 12:46 PM
To: CPCtestimony
Cc: harumi@mejirographics.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/26/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Harumi Kobayashi	Individual	Oppose	No

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To: CPCtestimony
Cc: Trevpless@gmail.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/26/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Trevyn Pless	Individual	Oppose	No

Comments:

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 26, 2013 3:24 PM
To: CPCtestimony
Cc: Lilearthboo@yahoo.com
Subject: *Submitted testimony for HB672 on Feb 27, 2013 15:30PM*

HB672

Submitted on: 2/26/2013

Testimony for CPC on Feb 27, 2013 15:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancie bean	Individual	Oppose	No

Comments:

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House Committee on Consumer Protection & Commerce
Oahu Residents

To: Representative Angus McKelvey, Chair
Representative Derek Kawakami, Vice Chair
Members, House Committee on Consumer Protection
and Commerce

Re: Strong Support for HB 672, HD 1 Relating to Health

Hrg: February 27, 2013 at 3:30 pm, Room 325

I am in strong support of requiring all retailers to store all tobacco products for sale behind the counter. I believe that if the tobacco products were out of sight there would be less influence by the tobacco industry on Hawaii's youth. This is a cutting-edge approach to reduce youth access to tobacco and lower youth tobacco use rates.

Other Tobacco Products or OTPs are usually located on the counter at the point of sale in most convenient stores, where they are easily accessible. The colorful packaging and various candy flavors of other tobacco products attract the youth, which is very dangerous. OTPs should be kept behind the counter, like cigarettes, where the product is only accessible by an employee. This will keep the products out of eyesight of our youth.

I understand the bill also prohibits the sale of Electronic Smoking Devices to minors. I fully support this important step. Electronic smoking devices are used to vaporize liquid in cartridges that contain varying levels of nicotine. Cartridges are also available in candy-flavors (over 30 flavors available) which entices youth. Currently these devices are readily available at kiosks and smoke shops, including shops that do not carry any other tobacco product.

Tobacco products, regardless of form, are still the leading cause of preventable disease. We can stop this by making sure youth never start and tobacco users have every opportunity to quit. Storing tobacco products behind the counter is a critical step in our tobacco prevention and control efforts.

Thank you for the opportunity to provide testimony in support of this measure.

Erin Moncada

The following individuals submitted the same written testimony in strong support for HB 672 HD1:

Cori Sussman
Erin Moncada
JoAnn Tsark
Daria Fand
Kanani Kilbey
Beau Lani Barker
Michelle Gray
Barbara Nosaka
Marebel Young
Crissy Kawamoto
Bryan Talisayan
Marilyn Gagen
Ryan Mandado
Mary Guinger
Michelle Kwock
Margaret Lim
Stevette Kaaihue
Hau'oli Tomoso
Mary Santa Maria
Edmar Castillo
Valerie Ferrari

From: Cpanddp@aol.com
Sent: Tuesday, February 26, 2013 9:24 AM
To: CPCtestimony; HLTtestimony
Subject: The Hypocrisy of the FDA - Electronic Cigarettes vs Tobacco Cigarettes

The Hypocrisy of the FDA - Electronic Cigarettes vs Known Deadly Tobacco Cigarettes

As proposed FDA regulations / bans loom this April, it is totally insane to me to think the FDA could possibly ban an innovative product like the E-cigarette, that might actually end up saving countless lives and billions & billions of dollars in tobacco related illness expenses of currently addicted and future smokers of tobacco cigarettes, yet they refuse to ban **known deadly** tobacco cigarettes which are projected to be responsible for more than a billion deaths before the end of this century. Oh the hypocrisy of it all!! How are they protecting public health by allowing this known lethal substance tobacco cigarettes to be sold in this country? By placing scarier warning labels on tobacco cigarette packs but still allowing them to be sold and banning of innovative alternative solutions like electronic cigarettes??? Seriously?? This is how you idiots in the FDA address the issue...with labels, not through innovative alternatives? Wake up and take your damn blinders off!! The real truth is they allow it to continue because our government is lining its pockets with the exorbitant taxes imposed on tobacco cigarettes which they claim they are imposing to discourage people from smoking. This is total BS!! They could give a crap about how many people die from tobacco related illnesses and are willing to look the other way as long as they can continue to line their pockets with their sin taxes. If the government was really interested in putting an end to tobacco addiction, tobacco related illnesses & deaths in this country they should outright ban the sale of **known deadly** tobacco cigarettes. Gutless greedy self serving cowards the whole lot of them and the FDA is nothing more than a puppet organization of the government. Sadly our government doesn't represent the best interests of the people of this country anymore. It's only all about the almighty \$ and sustaining their over bloated bureaucracy.

God forbid some new technology comes along that just might actually save some lives and our government in its infinite wisdom, with the support of the righteous moral police seek to ban it because it threatens their windfall tobacco tax base. Or they minimally seek to ban it until they can figure out how to tap into it monetarily.

Which is the real evil here?...the **known deadly** substance tobacco cigarettes that have been responsible for countless deaths and illnesses that are still allowed to be sold in every state in this country (state taxes...ka ching!!...hmmm?) or the vilified devil of a device "the [electronic cigarette](#)" which has yet to be proven to be deadly or pose any health risk. Ask yourself why is it that NY state seeks to ban the sale of electronic cigarettes yet they do not seek to ban the sale of **known deadly** tobacco cigarettes....could it be because they impose the highest taxes on tobacco cigarettes in the country and allowing an alternative to tobacco would threaten their tax base? Yeah right NY....you're seeking to ban ecigs in the interest of public health yet you still allow deadly tobacco cigarettes to be sold anywhere in the state. Or minimally they seek to ban them until you can figure out how to tap into them monetarily to prevent any tax base erosion. Who are you kidding!!! Hypocrites. Every one of you government bureaucrats needs to ask yourselves how many more lives are you willing to sacrifice with the banning of electronic cigarettes while you continue to look the other way and allow the sale of **known deadly** tobacco cigarettes. How many more must needlessly die!! Vote with your conscience not your pockets.

How many people do you know who's health has suffered or have died from vaping electronic cigarettes...how many people do you know who's health has suffered or have died from smoking "still legal" and **known deadly** tobacco cigarettes? Who is the real enemy of public health here????...the tobacco industry, electronic cigarette industry or the FDA and our government? Do only the non-smoking moral righteous majority have rights in this country? Don't smokers have the right to seek innovative tobacco free alternatives in pursuit of changing the quality of their lives?

With potential regulations / bans of electronic cigarettes looming in April, millions of electronic cigarette smokers could be forced back to smoking deadly tobacco cigarettes to get the oral and physical satisfaction they desire and crave. For gods sake FDA, state government & federal government....give us a real alternative that is actually working for so many, not a death sentence!!

This is the sad reality of this situation. And now you know the real truth!

I wish to god there were someone here who would see these words and forward them to someone who has enough guts and clout in the media to champion these words and call these bureaucratic gods out for what they really are.

God bless America and God help those of us who want a real alternative to **known deadly** tobacco cigarettes!!!!!!!!!!

About me: I am a 35+ year pack a day smoker who has tried every quit method available throughout the years and failed. Thanks to these godsend devices I have been tobacco free for the first time in my life. I feel better, breath better and have had zero, absolutely zero desire for a real tobacco cigarette since I have taken up the electronic cigarette and will eliminate 9360 **known deadly** tobacco cigarettes from my life each year going forward.