

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 1176
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred H.B. No. 1176, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to prohibit:

- (1) Physicians, surgeons, and podiatrists from prescribing more than three sequential thirty-day prescriptions totaling a ninety-day supply of a schedule II controlled substance; and
- (2) Authorization for refills of a schedule III narcotic drug more than five times.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language to:

- (1) Beginning January 1, 2017, prohibit the sale of an e-liquid container for an electronic smoking device unless the container is child-resistant and prohibit the sale of an e-liquid container that includes e-liquid containing nicotine unless the e-liquid packaging is labeled with warning language;



- (2) Include e-liquid under the definition of "hazardous substance" as used in the Hawaii Poison Prevention Packaging Act; and
- (3) Include an effective date of January 1, 2017.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Health, University of Hawaii Student Health Advisory Council, Hawai'i Public Health Institute, VOLCANO Fine Electronic Cigarettes, Hawaii Vapers United, and one individual. Your Committees received testimony in opposition of the proposed S.D. 1 from the League of Women Voters of Hawaii and three individuals.

Your Committees find that according to the Centers for Disease Control and Prevention, calls to poison control centers across the country related to exposure to nicotine in cigarettes have grown considerably since 2010. Poison experts warn that concentrated nicotine in liquid form is significantly toxic, even in small doses, as poisonings related to e-liquid containers can occur when nicotine is inhaled or absorbed through the skin or eyes.

Your Committees further find that the packaging and use of electronic smoking devices are potentially hazardous to the health of Hawaii residents, including Hawaii's children, yet many liquids for electronic smoking devices are offered in flavors and scents that are appealing to children. There are currently no packaging requirements for the sale of e-liquid containers. Stringent packaging and labeling requirements for e-liquid containers will protect young children from inadvertent exposure to the contents of electronic smoking device cartridges and also inform consumers whether an e-liquid product contains nicotine, a highly addictive substance.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the proposed S.D. 1 by amending the package labeling requirements for e-liquid containers that include e-liquid containing nicotine.

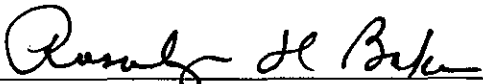
As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1176, H.D. 2, as amended herein, and recommend that it pass



Second Reading in the form attached hereto as H.B. No. 1176,
H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary and Labor,


GILBERT S.C. KEITH-AGARAN, Chair


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1176, HD 2	CPH/JDL	4-1-16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
SLOM, Sam				/
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

