



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB1950
RELATING TO THE SALE OF E-LIQUID

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 10, 2016

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) supports this measure to protect
3 children from exposure to nicotine and other hazardous ingredients found in e-liquid products.
4 This measure also provides a warning label requirement that informs consumers about the
5 contents of the containers. The Department respectfully recommends strengthening the warning
6 label language to specifically reflect the harms caused by intentional exposure to the products'
7 contents.

8 SB2688 proposes to amend HRS Chapter 328J - to prohibit the sale of e-liquid containers unless
9 they are in child-resistant packaging. The measure also requires that the product is clearly and
10 legibly labeled with a statement about nicotine and the prohibition of sales to individuals under
11 the age of twenty-one. It also includes a definition of "child-resistant packaging," which is
12 consistent with the federal Child Nicotine Poisoning Prevention Act of 2015 (CNPPA 2015).

13 Under the new federal CNPPA 2015 law, which was signed into law by President Obama in
14 January of this year, liquid nicotine can only be sold in child-resistant bottles and containers that
15 are packaged to meet the same standards as set forth in the Poison Prevention Packaging Act of
16 1970. While this law provides a strong first level of safety regulation for e-liquid manufacturing,
17 it lacks a warning label requirement which would make explicit the dangers of the products'
18 contents. The addition of labeling through the Food and Drug Administration could take years to
19 enact. SB2688, if enacted, would proactively strengthen Hawaii requirements to protect children

1 and residents against poisoning from the nicotine contents of e-cigarettes or electronic smoking
2 devices (ESDs). Since liquid nicotine is a poison, the Hawaii Poison Prevention Packaging Act,
3 HRS Chapter 330C, also needs to include liquid nicotine by definition in any form as a poison.
4 In addition to amending HRS Chapter 328J, an amendment to Chapter 330C would make these
5 two laws consistent with SB2688.

6 Liquid nicotine poisoning especially among children has been a highly publicized problem in the
7 United States. Between 2013-2015, the Hawaii Poison Center received calls about 39 children
8 less than 6 years old for unintentional liquid nicotine exposure. Most (69%) were less than 2
9 years old. Almost half were treated in a hospital emergency department. With the average
10 hospital emergency charge estimated to be \$955.00. This represents a significant financial
11 burden for parents and insurers.

12 Nicotine, depending on the concentration can be extremely dangerous¹. For any age,
13 unintentional exposure to nicotine by swallowing or contact with the skin can result in nausea
14 and vomiting, respiratory arrest, seizures, or even death². A small dose of nicotine can be
15 hazardous to children. One milliliter of nicotine fluid can equal the amount of nicotine in 1
16 cigarette, which is enough to cause severe reaction in a child. Children are especially vulnerable
17 given they are often drawn to the products due to their attractive packaging and kid-friendly
18 flavors.^{3,4}

¹ *Electronic Cigarettes and Liquid Nicotine Data- December 31, 2015*(Rep.). (n.d.). Retrieved February 3, 2016, from American Association of Poison Control Centers website: https://aapcc.s3.amazonaws.com/files/library/E-cig_Nicotine_Web_Data_through_12.2015.pdf

² Stanton Glantz, *Child Resistant Packaging of Electronic Cigarette Devices and Refill Liquid to Prevent Child Poisoning*, Center for Tobacco Control Research & Education (July 8, 2014) Retrieved February 3, 2016, from <https://tobacco.ucsf.edu/child-resistant-packaging-electronic-cigarette-devices-and-refill-liquid-containers-containing-nicot>

³ Press Release, American Association of Poison Control Centers (AAPCC) and Poison Centers Issue Warning About Electronic Cigarettes and Liquid Nicotine (Mar. 25, 2014), available at <http://www.aapcc.org/press/29>.

⁴ *Policy Approaches to Prevent Liquid Nicotine Poisonings* (Issue brief). (n.d.). Retrieved February 3, 2016, from Tobacco Control Legal Consortium website: <http://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-e-liquid-nicotine-poisonings-2015.pdf>

1 The Department of Health respectfully recommends that liquid nicotine products carry warnings
2 that are understandable, conspicuous and salient to the user⁵, reflecting the hazardous or
3 potentially lethal nature of the products. Otherwise, these products may appear as benign and
4 marketed to be visually appealing to vulnerable populations.

5 Accidental ingestion continues to be a real threat to the health and safety of Hawaii's children
6 and families. The Department of Health supports this bill to heighten consumer awareness about
7 the toxicity of e-products and proactively prevent children and consumers from accidental
8 ingestion, injury, and even death.

9 **Offered Amendments:** The DOH respectfully recommends the inclusion of language in the
10 bill that requires warning labels on the product and packaging to have statements that address the
11 danger when in contact with skin or eyes; the amount of nicotine in e-liquids can be substantial
12 and pose serious risk including death, especially for small children; and the importance of
13 keeping products out of the reach of children and pets. DOH further respectfully recommends the
14 bill include language to amend HRS Chapter 330C to include liquid nicotine as a poison for
15 consistency in current Hawaii law and this bill should it pass.

16 Thank you for the opportunity to testify.

⁵ *Nicotine Exposure Warnings and Child-Resistant Packaging for Liquid Nicotine, Nicotine-Containing E-Liquid(s), and Other Tobacco Products; Request for Comments*. (2015, August 12). Retrieved February 3, 2016, from University of California San Francisco Center for Tobacco Control and Research website: https://tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u9/Liquid_nicotine_public_comment-1jz-8kin-qyu8.pdf



Date: February 9, 2016

To: The Honorable Della Au Belatti, Chair
The Honorable Richard Creagan, M.D., Vice Chair
Members of the House Committee on Health

From: Jessica Yamauchi, Executive Director, Hawai'i Public Health Institute

Re: **Strong Support for HB1950, Relating to the Sale of E-Liquid**

Hrg: February 10, 2016 at 10:00am at Capitol Room 329

Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of HB1950 which prohibits the sale of e-liquid used for electronic smoking devices unless the container is packaged in child-resistant packaging and labeled with warning language.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With nearly two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

On January 28, 2016, President Obama signed and enacted The Child and Nicotine Poisoning Prevention Act of 2015ⁱ, which requires all liquid nicotine containers used for e-cigarettes and other vaping devices to be sold in child-resistant packaging. However, **this law does not require the inclusion of warning labels, which the Coalition strongly recommends.**

There is growing concern over child poisoning cases related to e-cigarettes, which increased tenfold between 2011 and 2014 and totaled more than 3,067 in 2015ⁱⁱ, as well as one death of a 1-year-old boy resulting from ingestion of nicotine e-liquidⁱⁱⁱ.

Among all alternative tobacco products, ESDs are the least regulated. In Hawai'i, they have no warning labels. The Centers for Disease Control and Prevention (CDC), World Health Organization (WHO), U.S. Preventive Services Task Force, and the U.S. Food and Drug Administration have not approved ESDs as a safe and effective smoking cessation device.

While the federal legislation is an important step in increasing the safety of e-cigarettes and other electronic smoking devices, safety issues still abound, with reports of toxic e-liquid



flavorings causing harm to lungs when inhaled^{iv}, e-cigarettes spontaneously exploding^v, and the exposure to nicotine, a highly addictive substance^{vi}.

The Coalition urges you to protect our children from exposure to toxic e-liquid. We also support the inclusion of warning labels to educate the public on poisonous nicotine as well as the enforcement of current tobacco selling laws.

We **strongly support HB1950** and urge you to pass this measure out of committee.

Mahalo,

A handwritten signature in blue ink that reads 'Jessica Yamauchi'.

Jessica Yamauchi
Executive Director

ⁱ Child Nicotine Poisoning Prevention Act of 2015. <https://www.govtrack.us/congress/bills/114/s142>

ⁱⁱ American Association of Poison Control Centers. E-cigarettes and liquid nicotine. American Association of Poison Control Centers. Retrieved from <http://www.aapcc.org/alerts/e-cigarettes/>

ⁱⁱⁱ "First Child's Death From Liquid Nicotine Reported as 'Vaping' Gains Popularity" 12 Dec 2014.

<http://abcnews.go.com/Health/childs-death-liquid-nicotine-reported-vaping-gains-popularity/story?id=27563788>

^{iv} "E-Cigarette Flavorings Can Be Toxic to Lung Cells" 18 May 2015. <https://www.healthline.com/health-news/e-cigarette-flavorings-can-be-toxic-to-lung-cells-051815>

^v "Man Suffers Severe Injuries After E-Cigarette Explodes in His Mouth" 15 Feb 2012.

<http://abcnews.go.com/Health/electric-cigarette-explodes-fla-mans-face/story?id=15645605>

^{vi} U.S. Centers for Disease Control and Prevention. "E-cigarette use triples among middle and high school students in just one year." 16 April 2015. <http://www.cdc.gov/media/releases/2015/p0416-e-cigarette-use.html>



VOLCANO®

February 8, 2016

To: The Honorable Representative Della Au Belatti, Chair
The Honorable Representative Richard P. Creagan, Vice Chair
Members, House Committee on Health

From: Cory Smith, VOLCANO Fine Electronic Cigarettes®
CEO and Owner

RE: HB1950 – Support with Amendments.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest manufacturer and retailer of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 11 locations statewide and employ over 70 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries.

We stand in support of HB1950 and the requirement that e-liquid products should be sold with necessary childproofing measures and proper warnings. However, the labeling requirement as stated in the bill should be amended to prove workable and fair.

- **We have manufactured and retailed our own brand of e-liquids with Childproof caps, California Proposition 65 warnings and general nicotine usage and warning information since as early as 2009.** We, along with the rest of vapor industry, have self regulated those measures and we firmly believe in maintaining a high level of safety and quality and are pleased to see this legislature taking steps to make sure these measures become a state mandated requirement.
- Requiring “Not for sale to persons under 21 years of age” to be included on the label is only accurate in Hawaii and does not recognize the fact that VOLCANO sells its products outside of the state. Hawaii is currently the only state restricting sales of e-liquid to persons between the ages of 18-21. However our sales are not limited to just the State of Hawaii. We also export our e-liquids to all 50 states and some 30 other countries. **As such, we suggest a change of wording to “Underage Sale Prohibited” or “Not For Sale Minors”.** This would allow flexibility for the product to be sold in different retail markets where state laws may vary and retain its eligibility to be sold without a conflict on packaging.
- **It is also important to note that the majority of e-liquid retailers in Hawaii are not manufacturers and are merely importers, thus they do not have control over the**



VOLCANO®

products packaging and labeling. These stringent and narrow warning guidelines will result in most retailers being unable to carry any e-liquid.

- The warning requirement “This product is not FDA Approved” is incorrect since vapor products are not currently under FDA authority. The FDA’s Deeming Regulations, which would give them authority over vapor products, have not been approved by the Office of Management and Budget yet. Therefore, at this time, e-liquid products do not require FDA approval to be marketed or sold in the United States and thus are not legally required to be labeled as such. **Requiring this warning would raise significant state and federal legal issues.**

We hope that you will consider our amendments and will make the necessary changes to the warning language to make this bill a successful one. If you have any questions, please feel free to contact me directly.

Sincerely,
Cory N. Smith
CEO & Owner
VOLCANO Fine Electronic Cigarettes®
1003 Bishop Street #1260
Honolulu, HI 96813
cory@volcanoecigs.com



99-082 Kauhale St, Suite #B1
Aiea, Hawaii 96701
(808) 486-0402
Devin@pcgamerzhawaii.com

To: Representative Della Au Belatti, Chair, Representative Richard P. Creagan, Vice Chair and members of the committee

Re: Support with amendments to HB1950

Hearing: February 10, 2016 10:00 am

Hawaii Vapers United, Supports child resistant packaging.

However we do not support the verbiage not for sale to persons under 21 years of age.

Currently cigarettes do not have this wording. They currently state underage sale prohibited



If you are to require e-liquid say that, than you should require all tobacco products to say that.

Currently majority of the e-liquid we see, states underage sale prohibited. We believe this should state the same thing. As Hawaii is the only state with a 21 law. Requiring all manufacturers to update their labeling is not a viable option.

Also alcohol does not have it listed anywhere about an age restriction.

Thank you for allowing me to speak, I am available for questions

Devin Wolery
Hawaii Vapers United Association
Representing 100 stores, An estimated 10,000 users and over 600 workers

HLTtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 11:39 PM
To: HLTtestimony
Cc: Tony@dajuicehawaii.com
Subject: Submitted testimony for HB1950 on Feb 10, 2016 10:00AM

HB1950

Submitted on: 2/9/2016

Testimony for HLT on Feb 10, 2016 10:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Tolone Thairathom	Dajuice Hawaii LLC	Oppose	No

Comments: As a business, we do support the bill, particularly regarding child-proof packaging. What we oppose is any verbage that may require "21 and over" since Hawaii is the only State to implement this age restriction.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

I am submitting personal testimony on HB1950 based on my research on e-cigarettes. I am an Assistant Professor with the Cancer Prevention and Control Program, University of Hawaii Cancer Center. The comments presented here are my personal testimony and do not necessarily reflect the views of the University of Hawaii Cancer Center.

Beginning January 1, 2017, HB1950 would prohibit the sale of e-liquid containers for electronic smoking devices unless the containers are packaged in child-resistant packaging and labeled with warning language, if applicable. HB1950 would also establish relevant penalties.

I support this legislation because 1) ingestion of e-liquid by a child may result in the death of the child and 2) there are harms associated with e-liquid use (in vaping or otherwise) which should be made explicit to the potential user so that he or she is provided an opportunity to make an informed choice. E-liquids contain nicotine in amounts enough to kill a child if he or she drinks the e-liquid from the container. Because e-liquids come in a variety of colors and flavors, children may be attracted to taste the e-liquids or play with the containers. Thus, a child-resistant packaging can prevent children from losing life or getting very sick due to accidental ingestion of an e-liquid. Warning labels are important because e-liquids contain nicotine and other contaminants that are likely to harm health or promote addiction. For example, nicotine use by pregnant women may harm the growth and development of their babies. Nicotine is addictive and youth and young adults exposed to nicotine through e-cigarettes/e-liquids may develop nicotine dependence. In addition, e-cigarette use increases the risk of being exposed to cancer causing compounds such as formaldehyde and hydrocarbons.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 7:22 PM
To: HLTtestimony
Cc: anthony_orozco@yahoo.com
Subject: *Submitted testimony for HB1950 on Feb 10, 2016 10:00AM*

HB1950

Submitted on: 2/8/2016

Testimony for HLT on Feb 10, 2016 10:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Orozco	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 4:24 PM
To: HLTtestimony
Cc: surfmaster008@gmail.com
Subject: *Submitted testimony for HB1950 on Feb 10, 2016 10:00AM*

HB1950

Submitted on: 2/8/2016

Testimony for HLT on Feb 10, 2016 10:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Higa	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 2:50 PM
To: HLTtestimony
Cc: chevryriderhhh@gmail.com
Subject: *Submitted testimony for HB1950 on Feb 10, 2016 10:00AM*

HB1950

Submitted on: 2/8/2016

Testimony for HLT on Feb 10, 2016 10:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 10:58 AM
To: HLTtestimony
Cc: kathyk323@hotmail.com
Subject: Submitted testimony for HB1950 on Feb 10, 2016 10:00AM

HB1950

Submitted on: 2/9/2016

Testimony for HLT on Feb 10, 2016 10:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

Comments: This bill isn't necessary and will only cause more confusion.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov