



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of SB0018  
RELATING TO SMOKING**

SENATOR JOSH GREEN, CHAIR  
SENATE COMMITTEE ON HEALTH

Hearing Date: February 13, 2015

Room Number: 414

1 **Fiscal Implications:** None.

2 **Department Testimony:** This measure amends §328-J HRS to include the definition of  
3 Electronic Smoking Devices (ESDs) and amend the definitions of “smoke” and “smoking” to  
4 prohibit use of ESDs where smoking of combustible tobacco is currently illegal.

5 The Department of Health (DOH) supports the intent of this measure but prefers the  
6 language in SB1109. DOH commends the legislature for its initiative in seeking to regulate  
7 ESDs. The use of ESDs in existing smoke-free locations has the potential to expose youth,  
8 pregnant women, and non-smokers to aerosolized nicotine and other toxic substances. Their use  
9 threatens to undermine compliance with smoking regulations, confuses the public, and reverses  
10 the progress that has been made in establishing a social norm that smoking is not permitted in  
11 public places and places of employment.

12 ESDs have become increasingly prevalent and widely available since their introduction to  
13 the U.S. market in 2007. ESDs produce an aerosol containing several carcinogens, such as  
14 formaldehyde, acetaldehyde, lead, nickel and chromium<sup>1,2,3,4,5</sup> as well as other hazardous

<sup>1</sup> Jensen, R. et al. (2015). Hidden Formaldehyde in E-Cigarette Aerosols. *New England Journal of Medicine* 2015;372:392-394. Available at : [www.nejm.org/doi/full/10.1056/NEJMc1413069](http://www.nejm.org/doi/full/10.1056/NEJMc1413069)

<sup>2</sup> Lerner, C.A., et al. (2015). Environmental health hazards of e-cigarettes and their components: Oxidants and copper in e-cigarette aerosols. *Environ Pollut.* 2015 Jan 8;198C:100-107

<sup>3</sup> State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986. (2013). Chemicals known to the State of California to cause cancer or reproductive toxicity. Available at: [http://oehha.ca.gov/prop65/prop65\\_list/files/P65single091313.pdf](http://oehha.ca.gov/prop65/prop65_list/files/P65single091313.pdf)

<sup>4</sup> German Cancer Research Center. (2013). Red Series Tobacco Prevention and Tobacco Control Volume 19: Electronic Cigarettes - An Overview. Available at: [www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band\\_19\\_ecigarettes\\_an\\_overview.pdf](http://www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_ecigarettes_an_overview.pdf)

<sup>5</sup> Goniewicz, M. et al. (2013). Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob. Control.* 1:1-8. Available at: [www.ncbi.nlm.nih.gov/pubmed/23467656](http://www.ncbi.nlm.nih.gov/pubmed/23467656)

1 substances cited by the Agency for Toxic Substances and Disease Registry which are associated  
2 with a range of negative health effects such as skin, eye, and respiratory irritation. In recent  
3 months, significant international research has increased understanding of ESDs as harmful,  
4 carcinogenic devices. In November 2014, researchers at the Japanese Ministry of Health  
5 announced that they found ESDs contained greater levels of cancer-causing agents than in  
6 traditional tobacco.<sup>6</sup>

7 ESD companies, and the tobacco companies that have been acquiring the ESD  
8 businesses, market and promote their use “anywhere,” to encourage their social acceptability.  
9 The World Health Organization has called for the regulation of ESDs and urges that their use  
10 indoors be “banned” until exhaled vapor is proven to be not harmful to bystanders and  
11 reasonable evidence exists that smoke-free policy enforcement is not undermined.<sup>7</sup>

12 The U.S. Food and Drug Administration (FDA) currently does not have the authority to  
13 regulate where ESDs are used; that is the domain of state and local governments. To protect the  
14 health of the public, and provide clarity on smoke-free regulations, 274 municipalities and three  
15 states have now included ESDs in their smoke-free laws.

16 In January 2014, the DOH adopted its own internal policy banning ESD use on all DOH  
17 properties and occupied premises. As of September 2014, the State Department of Accounting  
18 and General Services further prohibits ESD use in and around all State buildings under its  
19 jurisdiction. Most recently, Hawaii County enacted Bill 302, prohibiting the use of ESDs  
20 wherever tobacco products are already illegal. There currently is a similar bill being heard by  
21 the City and County of Honolulu.

22 Prohibiting ESD use in enclosed or partially enclosed places where smoking is already  
23 illegal will reduce public association of the use of ESDs with healthful behavior, limit non-user  
24 exposure to exhaled toxicants and carcinogens, and decrease workplace disturbances, enhancing  
25 employee productivity, and ensuring compliance with existing regulations.

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<sup>6</sup> AFP, November 27, 2014. Scientists Say E-Cigs Contain 10 Times As Many Cancer Chemicals As Cigarettes. Retrieved from <http://www.businessinsider.com/afp-e-cigarettes-contain-10-times-amount-of-carcinogens-japan-2014-11>

<sup>7</sup> World Health Organization (2014) Electronic nicotine delivery systems: Report of the Conference to the WHO Framework Convention on Tobacco Control Sixth Session, October 13-18, 2014 Moscow Russian Federation. Provisional agenda 4.4.2. Available at: [http://apps.who.int/gb/fctc/PDF/cop6/FCTC\\_COP6\\_10-en.pdf](http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_10-en.pdf)

1 **Offered Amendments:** The DOH supports this measure but suggests expanding the definition  
2 of ESD to be one that is more inclusive and exempts products approved by the FDA. The  
3 proposed definition would read:

4 ““Electronic smoking device” means any electronic product that can be used to aerosolize  
5 and deliver nicotine or other substances to the person inhaling from the device, including  
6 but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic  
7 pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or  
8 related product, whether or not sold separately. “Electronic smoking device” does not  
9 include drugs, devices or combination products approved for sale by the U.S. Food and  
10 Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic  
11 Act.”

12 The DOH further suggests amending the definition of “smoke” and “smoking” to be  
13 consistent with the one approved by the Attorney General. The proposed amendment would  
14 read:

15 ““Smoke” or “smoking” means inhaling, exhaling, burning, or carrying any lighted or  
16 heated tobacco product or plant product intended for inhalation in any manner or any form.  
17 “Smoking” includes the use of an electronic smoking device.”

18 Thank you for this opportunity to testify.





American Cancer Society  
Cancer Action Network  
2370 Nu`uanu Avenue  
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[www.acscan.org](http://www.acscan.org)

February 12, 2015

Senate Committee on Health  
Senator Josh Green, Chair  
Senator Glenn Wakai, Vice Chair  
Members of the Committee

### **SB 18 – RELATING TO SMOKING**

Cory Chun, Government Relations Director – Hawaii Pacific  
American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in support of SB 18, which amends the state's smoke-free workplace statute to prohibit the use of electronic smoking devices in enclosed and partially enclosed public places where smoking is prohibited.

The American Cancer Society Cancer Action Network (ACS CAN) is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

Electronic smoking devices are often designed to look like cigarettes, right down to the glowing tip. When the user puffs on it, the system delivers an aerosol that is inhaled. A growing number of studies have examined the contents of electronic smoking device aerosol. Unlike a vapor, an aerosol contains fine particles of liquid, solid, or both. Propylene glycol, nicotine, and flavorings were most commonly found in electronic smoking device aerosol. Other studies have found the aerosol to contain heavy metals, volatile organic compounds and tobacco-specific nitrosamines, among other potentially harmful chemicals. The electronic smoking device is often marketed as a way for a smoker to get nicotine in places where smoking is not allowed.

While the health effects of electronic smoking devices are currently under study, there are still serious questions about the safety of inhaling the substances in an electronic smoking device aerosol. Studies have shown that the use of electronic smoking devices can cause short-term lung changes and irritations, while the long-term health effects are unknown. Both exposure to and health effects of secondhand aerosol from electronic smoking devices require further research, but preliminary studies indicate nonusers can

be exposed to the same potentially harmful chemicals as users, including nicotine, ultrafine particles and volatile organic compounds. This exposure could be especially problematic for vulnerable populations such as children, pregnant women, and people with heart disease depending on the level of exposure.

Since the introduction of electronic smoking devices to the U.S. market, the marketing and use of these products have significantly increased. A U.S. Centers for Disease Control survey published in 2013 showed that electronic smoking device usage in middle school and high school students doubled between 2011 and 2012, increasing from 3.3 to 6.8 percent.

While electronic smoking device manufacturers may claim the ingredients are just “water vapor” or “safe,” without federal regulation there is no sure way for electronic smoking device users to know what they are consuming. Nor is there any way of knowing what nonusers are exposed to and the extent of the risk to their health. Additionally, there are hundreds of types of electronic smoking devices on the market today and the products vary considerably by ingredients, and quality control and assurance. Prohibiting the use of electronic smoking devices in workplaces, restaurants, and bars can protect the public health by preventing nonusers from being exposed to nicotine and other potentially harmful chemicals in these products.

Thank you for the opportunity to submit testimony on this matter.



To: The Honorable Josh Green, Chair, Committee on Health  
The Honorable Glenn Wakai, Vice Chair, Committee on Health  
Members, Senate Committee on Health

From: Lyndsey Garcia, Policy and Advocacy Director

Date: February 12, 2015

Hrg: Senate Committee on Health; Friday, February 13, 2015 at 1:35PM in Room 414

Re: **Strong support for SB 18, Relating to Smoking**

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Thank you for the opportunity to offer testimony in **strong support** of Senate Bill 18, which regulates the use of electronic smoking devices (ESDs) in places where smoking is prohibited by amending Section 328J of the Hawai'i Revised Statutes (HRS).

The Coalition for a Tobacco Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute working to reduce tobacco use through education, policy, and advocacy. Our program consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts.

**The Coalition supports including ESDs in Hawai'i's smoke-free air laws, which will provide for further consistency and protections of our residents and visitors.**

The Coalition supports including "electronic smoking devices" in the smoke-free workplace law and including "use of an electronic smoking device" into the definition of "smoke or smoking" in order to regulate the use of electronic smoking devices in the places where smoking is prohibited. Including electronic smoking devices will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

Currently ESDs are not regulated at any level (federal or state); therefore, all emissions and chemicals released in exhalation are also unregulated. There is no way for users to know how much nicotine or other potentially harmful chemicals they are inhaling because there are no government requirements on manufacturing, quality, content, or standard labelling. The *New York Times* reported in December that **90%** of the world's e-cigarettes are manufactured in China, virtually unregulated, where flawed or sloppy manufacturing could account for some of the heavy metals, carcinogens and other dangerous compounds, such as lead, tin and zinc, that have been detected in some ESDs.<sup>1</sup> There is no way for users to know how much nicotine or other potentially harmful chemicals they are inhaling because ESDs are not regulated by the U.S. Food and Drug Administration (FDA) and are not FDA approved cessation devices.

ESDs do not emit only "harmless water vapor". "Secondhand aerosol (incorrectly called vapor) from ESDs contains nicotine, ultrafine particles and levels of toxins."<sup>2</sup> It is vital that we protect everyone from the dangers of secondhand aerosol. According to Dr. Stanton Glantz, Director for

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<sup>1</sup> Barboza, David. "China's E-Cigarette Boom Lacks Oversight for Safety." *New York Times*. Dec. 13, 2014.

[http://www.nytimes.com/2014/12/14/business/international/chinas-e-cigarette-boom-lacks-oversight-for-safety.html?\\_r=0](http://www.nytimes.com/2014/12/14/business/international/chinas-e-cigarette-boom-lacks-oversight-for-safety.html?_r=0)

<sup>2</sup> Americans for Nonsmokers' Rights, "Electronic Smoking Devices and Secondhand Aerosol", available at [www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf](http://www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf).



the Center for Tobacco Control Research and Education at the University of California, San Francisco, “If you are around somebody who is using e-cigarettes, you are breathing an aerosol of exhaled nicotine, ultra-fine particles, volatile organic compounds, and other toxins.”<sup>3</sup> Studies have shown that even ESDs claiming to not contain nicotine contain low levels of nicotine.<sup>4</sup> The World Health Organization (WHO) recommends that “legal steps should be taken to end use of e-cigarettes indoors in public and work places. Evidence suggest that exhaled e-cigarette aerosol increases the background air level of some toxicants, nicotine and particles.”<sup>5</sup>

Emerging research shows dual use where cigarette users switch to ESDs in locations they are not permitted to smoke.<sup>6</sup> Allowing the use of ESDs in locations where smoking is prohibited is problematic as ESD use puts innocent bystanders around the ESD user who breathe ESD aerosol at risk for illness, creates distractions in the workplace, threatens the social norm, and undercuts years of progress by tobacco control groups.

### **The Coalition is extremely concerned about the rising trend of youth ESD use.**

In Hawai`i, high school tobacco use rate has continued to drop over the last decade from 24.5% in 2000 to 8.7% in 2011, however the use of e-cigarettes is on the rise.<sup>7</sup> Youth usage of ESDs is at an alarming rate especially in the state of Hawai`i where teen use is twice as high as the national average. According to the Hawai`i Youth Tobacco Survey (2013) youth usage (at least once in the past 30 days) tripled (18%) among high school students and quadrupled (8%) among middle school students. The Centers for Disease Control and Prevention reports more than a quarter-million youth who had never smoked a cigarette used e-cigarettes in 2013.

### **State and local action is key to regulating ESD use**

While the Coalition welcomes federal regulations on ESDs, we do not believe Hawai`i can afford to wait for the FDA to issue regulations on ESDs. According to Dr. Stan Glantz in reaction to possible forthcoming rules on ESDs from the FDA: “The meaningful action of e-cigarettes will remain at the state and local level, especially including them in clean indoor air laws (I hope that the state and local policy makers do not swallow the inevitable [sic] arguments that they don’t need anything because the FDA is taking care of it.)<sup>8</sup>

Restricting ESD use is a growing trend across the U.S. More than 225 municipalities and three states restrict the use of ESDs in smoke-free environments including New York City, Los Angeles, Long Beach, San Diego, and Boston. In Hawai`i, state and county officials have taken the first few steps in regulating ESDs. The State moved to protect employees, first prohibiting the use in all Department of Health facilities, then by extending it to all buildings under

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<sup>3</sup> Ibid

<sup>4</sup> Available at <http://northcoastalpreventioncoalition.org/wp-content/uploads/2013/11/E-Cigarettes-Fact-Sheet.pdf>.

<sup>5</sup> Noncommunicable diseases and mental health: Background on WHO report on regulation of e-cigarettes and similar products.” Available at: <http://www.who.int/nmh/events/2014/backgrounder-e-cigarettes/en>

<sup>6</sup> Centers for Disease Control and Prevention (CDC). Notes from the field: electronic cigarette use among middle and high school students -- United States, 2011-2012. MMWR Morb Mortal Wkly Rep. 2013;62:729-730. Available at [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s\\_cid=mm6235a6\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w)

<sup>7</sup> The Hawaii Health Data Warehouse, State of Hawaii, Hawaii School Health Survey, Youth Tobacco Survey Module. Available at: [http://www.hhdw.org/cms/uploads/Data%20Source\\_%20YTS/YTS\\_Prevalence\\_IND\\_00001.pdf](http://www.hhdw.org/cms/uploads/Data%20Source_%20YTS/YTS_Prevalence_IND_00001.pdf).

<sup>8</sup> Stan Glantz, “First reaction to e-cigarette deeming (based on press reports): FDA leaves ecigarette marketing unscathed.”



Department of Accounting and General Services. In December, the Hawai'i County Council passed a bill that includes ESDs in all their smoke-free ordinances.

We respectfully ask you to pass this measure to build upon Hawai'i's previous successes and ensure the safety of everyone.

Thank you for the opportunity to testify on this matter.

Respectfully,

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

Lyndsey Garcia  
Policy and Advocacy Director



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**SB18**

Submitted on: 2/11/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick Adams	Foodland Supermarkets Ltd	Support	No

Comments:

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**SB18**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Watanabe	Individual	Oppose	No

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**SB18**

Submitted on: 2/11/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Anton	Individual	Oppose	No

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**SB18**

Submitted on: 2/10/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Wells	Individual	Oppose	No

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**SB18**

Submitted on: 2/10/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clayton Silva	Individual	Oppose	No

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**SB18**

Submitted on: 2/11/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Stevens	Individual	Oppose	No

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**SB18**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

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## Testimony in Opposition of HB940, SB757, SB18 & SB1109

Justin Wolery  
PC Gamerz, Inc,  
99-082 Kauhale Street #B12  
(808) 348-1636

I am writing to express my strong opposition to HB940, SB757, SB18 and SB1109 that propose restricting the use of vaping devices (I will not use the erroneous, nonsensical term “electronic smoking device” as no smoke or burning is involved.) in places where tobacco smoking is prohibited.

The reasons for banning tobacco smoke in indoor areas and other places is a health issue, due to the proven dangers of second hand smoke exposure of long periods of time. No such health risk is present with Vaping devices. I can refer you to a very large study performed by Drexel university involving over 8,000 participants in which group A was vaping in an enclosed room for long periods of time while group B was simply “breathing” and another enclosed space as a control group.

The study found air quality was actually BETTER in the room where people where vaping due to the anti-microbial nature of Propylene Glycol contained in electronic cigarette vapor. In fact most hospitals currently pump the stuff into their ventilation systems to help control the spread of disease while ironically setting policys that prohibit e-cigarette use in their facilitys.

This Study was performed by Dr Igor Burstyn, PHD, of the Department of Environmental and Occupational Health, Drexel University. You can read the full study here:

<http://www.scribd.com/doc/159590828/Drexel-University-E-cig-Study#scribd>

Another study was recently published on Sciencedirect.com comparing the effects of e-cigarette vapor vs traditional cigarettes, as well as a comparison to normal air aka breathing normally. The results seem to both confirm and elaborate on the drexel univesity study as well as refute recent erroneous studys claiming all sorts of nonsense about formaldehyde and other dangers put forth by anti-vaping propagandists.

The highlights of this study include:

- The e-cigarettes contained and delivered mostly glycerin and/or PG and water.
- Aerosol nicotine content was 85% lower than the cigarette smoke nicotine.
- The levels of HPHCs in aerosol were consistent with the air blanks (<2 µg/puff).
- Mainstream cigarette smoke HPHCs (~3000 µg/puff) were 1500 times higher than e-cigarette HPHCs.
- No significant contribution of tested HPHC classes was found for the e-cigarettes.

The full study can be read here:

<http://www.sciencedirect.com/science/article/pii/S0273230014002505>

In short, the proposed bills are attempting to solve a problem that does not exist. Additionally any business is already free to set a policy prohibiting the use of vaping devices in their establishments, and these policies are largely respected by the vape community. We should not, therefore, restrict the ability of business and organizations supportive of vaping use to cater to that demographic.

Lastly, the updated signage requirements proposed would incur a large cost, recently when the big island implemented similar changes to signage requirements, the cost to implement them was estimated at over \$20,000 - the costs for the entire state will surely be orders of magnitude higher, and for what?

Thank you for taking the time to read my testimony.

-Justin Wolery

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**SB18**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Kim	Individual	Oppose	No

Comments:

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**SB18**

Submitted on: 2/12/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Dietrich	Individual	Oppose	No

Comments:

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**Cc:** [4spiritnsoul@gmail.com](mailto:4spiritnsoul@gmail.com)  
**Subject:** \*Submitted testimony for SB18 on Feb 13, 2015 13:35PM\*  
**Date:** Tuesday, February 10, 2015 6:17:34 PM

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**SB18**

Submitted on: 2/10/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi C. Liu	Individual	Oppose	No

Comments:

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**Subject:** Submitted testimony for SB18 on Feb 13, 2015 13:35PM  
**Date:** Thursday, February 12, 2015 1:15:50 PM

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**SB18**

Submitted on: 2/12/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas Winters	Individual	Oppose	No

Comments: The product is basically just vapor that's not dangerous. If this product is banned then more people will smoke. Passing sb757 will harm public health.

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**Subject:** \*Submitted testimony for SB18 on Feb 13, 2015 13:35PM\*  
**Date:** Wednesday, February 11, 2015 9:15:03 AM

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**SB18**

Submitted on: 2/11/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sabrina Spencer	Individual	Oppose	No

Comments:

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197 Sand Island Access Rd, Suite #213  
Honolulu, Hawaii 96819  
1-866-866-6370  
support@volcanoecigs.com

February 12, 2015

To: HARIMOTO, Green

From: Scott Rasak, VOLCANO Fine Electronic Cigarettes® Vice President

**RE: SB18 – oppose.**

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 100 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as Japan and the UK. We stand in opposition to SB18 for the following:

- Although electronic cigarettes emit NO smoke, the bill falsely defines vapor products as “electronic smoking devices” and deceptively redefines "smoking" to include the use of electronic cigarettes in an attempt to restrict their usage in the same places as tobacco cigarettes. Vapor products contain no tobacco, produce no smoke, and have not been demonstrated to have the detrimental effects of combustible tobacco products. In fact, the FDA has taken appropriate and proportional regulation seriously and to date has not issued regulations for the product because they seemingly understand the potential this product has to switch people over from actual tobacco, which kills 480,000 people per year. Further, Mitch Zeller, Director of the Center for Tobacco Products at the FDA recently stated:
  - "If a current smoker, otherwise unable or unwilling to quit,





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completely substituted all of the combusting cigarettes that they smoked with an electronic cigarette at the individual level, that person would probably be significantly reducing their risk."

(<http://thedianerehmsshow.org/shows/2014-01-21/new-health-risks-cigarette-smoking/transcript>)

- In sharp contrast to indoor smoke free policies/laws (which are largely self enforced because of broad public support), please note that it is also impossible to enforce an e-cigarette usage ban (since the products can be used discreetly without anyone else knowing). By simply waiting a few seconds before exhaling, no visible vapor is exhaled by e-cigarette users, and as such, nobody will know that anyone is even using an e-cigarette. Despite widespread usage incities and states that have banned e-cigarette use where smoking is banned, there is no record of any fine or citation being given. Enacting unwarranted and unenforceable regulations carries the risk of unintended consequences like sending former smokers back to combustible tobacco products; harming their health and undermining the mandate of the state to promote viable alternatives to known killers.
- The Food and Drug Administration (FDA) has wisely taken its time on developing regulations for the vapor product industry and has not determined that these products are in fact tobacco products . At this time, with the exception of youth access laws targeted at keeping electronic cigarettes out of the hands of those below the age of 18, we feel that any action by state legislatures with regard to electronic cigarettes is premature.
- Over the years that we have been in business in the state, we have provided a product that tens of thousands of customers use every day to

greatly reduce their tobacco use or quit smoking altogether. This has improved the lives of smokers and ex-smokers in this state. The removal of secondhand smoke has helped non-smokers as well and has cut down on the amount of butt discard in our community.

- Numerous studies conducted on e-cigarettes have found that e-cigarettes emit no hazardous levels of any constituents, and that levels of nitrosamines in e-cigarettes are nearly identical (i.e. very little if any) to those in nicotine gums and patches. Those studies are attached to this presentation.
- Burstyn, I. Peering through the mist: What does the chemistry of contaminants in electronic cigarettes tell us about health risks? BMC Public Health. January 2014. (concluding that there is no risk to bystanders exposed to electronic cigarette vapor)

<http://www.biomedcentral.com/1471-2458/14/18/abstract>

- Goniewicz ML, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. Tobacco Control. March 2013. (testing of the vapor from twelve different electronic cigarettes, cigarette smoke, and the aerosol of the FDA-approved nicotine inhaler revealed that electronic cigarette vapor contains 9-450x less toxicants and chemicals when compared to secondhand smoke, with the authors noting that the trace levels present were comparable to what is released from the nicotine inhaler)

<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.abstract>

- Siegel, M, et. al. Electronic cigarettes as a harm reduction strategy for



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tobacco control:

A step forward or a repeat of past mistakes. Journal of Public Health Policy. December 2010. (reviewing the evidence and concluding that there is no evidence electronic cigarettes pose risks to users and bystanders that is in any way comparable to cigarettes)

<http://www.palgrave-journals.com/jphp/journal/v32/n1/full/jphp201041a.html>

- Trehy, et. al. Analysis of electronic cigarette cartridges, refill solutions, and smoke for nicotine and nicotine related impurities. August 2011. (finding no harmful levels of any chemical in electronic cigarettes)

<http://www.tandfonline.com/doi/abs/10.1080/10826076.2011.572213>

Thank you for your time and consideration. If you have any questions, please feel free to contact me or Volcano's representative Celeste Nip at [nipfire@me.com](mailto:nipfire@me.com).

Sincerely,

Scott Rasak ,Vice President

VOLCANO Fine Electronic Cigarettes®

Sharlene S. Akita  
2261 Date Street, Apt. A  
Honolulu, HI 96826  
(808) 949-8123

Senator Josh Green  
Senate Chair of Health Committee  
415 S. Beretania St., Rm. 407  
Honolulu, HI 96813

Day and Date of Hearing: Friday, January 30, 2015

Position on SB18= I support passage of this bill to protect and promote my health and well-being.

Good morning, Senate Chair Josh Green and Senate Health Committee Members,

My name is Sharlene S. Akita. I represent myself as a concerned Hawaii State resident. I present testimony here to support passage of SB18- Relating to the regulation of electronic smoking devices (also known as e-cigarettes). SB18 directly targets my concern for my health and well-being.

At present, there are no statewide restrictions that cover usage of e-cigarettes on private and public property, as the current Honolulu City conventional tobacco cigarette anti-smoking law ban. Several Hawaii State departments -health, education, and accounting and general services- have gone ahead to ban e-cigarette use in state government buildings. This is a great start, and the ban needs to extend further.

I had witnessed people smoking e-cigarettes on the Honolulu city buses, and had complained to The Bus office. Soon after that, I am happy that The Bus company added the e-cigarette ban to its regulations. When I continue to see people smoking e-cigarettes on The Bus, I tell them about the ban. In this way, I like to help our bus drivers to focus on their driving and other issues.

When I see people smoking e-cigarettes at the bus stops, I tell them that the Honolulu city anti-smoking law does not apply to e-cigarettes. However, I have read newspaper articles saying that e-cigarettes produce formaldehyde, which is a toxin, and is, basically, embalming fluid. Even a small exposure is not good for me, especially when I have allergies, and other respiratory problems. The toxin may also have a cumulative effect. I suggest to these e-cigarette people that they either stop smoking it there, or go away from me. Luckily, these people listen to my request. However, I feel that government regulation would have greater effective impact on this whole problem.

When these people tell me that it is just harmless vapor, I say that the e-cigarette companies have fooled them into thinking it is safe. To further my point, I say that if they would inhale and then swallow the smoke, then I would not have to bother them.

Please note here that I also remind conventional tobacco smokers, at the bus stops, of the Honolulu city ban. I tell them that I am a non-smoker and that their smoke bothers me. In fact, the smoke burns my nose. I say that I don't want second-hand smoke and lung cancer, and that I will speak up to them to protect my health and well-being.

Yes, I need this protection for my health and well-being. Therefore, I ask that SB18 be passed by your health committee.

Thank you very much for hearing my testimony.



Sharlene S. Akita