

STATE OF HAWAII DEPARTMENT OF HEALTH

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Testimony in SUPPORT of SB0757 RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES

SENATOR JOSH GREEN, CHAIR SENATE COMMITTEE ON HEALTH

Hearing Date: February 13, 2015 Room Number: 414

1 **Fiscal Implications:** None.

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- 2 **Department Testimony:** The Department of Health (DOH) supports this measure, which
- 3 prohibits the use of electronic smoking devices (ESDs) in places where smoking is already
- 4 illegal and also updates signage requirements. The public health concern is for the protection
- 5 from the unregulated use of these potentially hazardous products.

The use of ESDs in existing smoke-free locations has the potential to expose non-smokers and vulnerable populations such as children and pregnant women to aerosolized nicotine and other toxic substances. ESDs pose serious threats to adolescents and fetuses. The use of ESDs in traditionally smoke-free areas causes confusion in the enforcement of smoke-free laws; it creates distractions in work environments; and it renormalizes smoking behavior.

The revised definitions are consistent with *Sottera*, *Inc. v. U.S. Food and Drug Administration* (FDA), 627 F.3d 891 (D.C. Cir. 2010) case ruling, upheld on appeal in the U.S. court, which found that the FDA does have the authority to regulate electronic smoking devices or any product made or derived from tobacco that is intended for human consumption as tobacco products. The federal government has determined that ESDs are considered tobacco products.

ESDs have become increasingly prevalent and widely available since their introduction to the U.S. market. Since 2005, the ESD industry has grown from one manufacturer in China to an estimated market value of \$3 billion in global business with 466 brands. It has become a profitable business that the tobacco industry is gradually taking over.

¹ 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

ESDs produce an aerosol that is not merely "water vapor." The aerosol contains several carcinogens, such as formaldehyde, acetaldehyde, lead, nickel, and chromium and other hazardous substances cited by the Agency for Toxic Substances and Disease Registry which are associated with a range of negative health effects such as skin, eye, and respiratory irritation. ^{2,3,4,5,6} In recent months, significant international research has increased the understanding of ESDs as harmful, carcinogenic devices. In November 2014, researchers at the Japanese Ministry of Health announced that they found ESDs contained greater levels of cancercausing agents than found in traditional cigarettes. ⁷

ESD companies, and their parent tobacco companies, encourage their use "anywhere," and promote their social acceptability. The World Health Organization has called for the regulation of ESDs and urges that their use indoors be "banned" until exhaled vapor is proven to be not harmful to bystanders and reasonable evidence exists that smoke-free policy enforcement is not undermined.⁸

The FDA currently does not have the authority to regulate where ESDs are used; that is the domain of state and local governments. To protect the health of the public, and provide clarity on smoke-free regulations, 274 municipalities and three states have now included ESDs in their smoke-free laws. In January 2014, the DOH adopted its own internal policy banning ESD use on all DOH properties and occupied premises. As of September 2014, the State Department of Accounting and General Services further prohibited ESD use in and around all state buildings under its jurisdiction. Most recently, Hawaii County enacted Bill 302, prohibiting the use of ESDs wherever tobacco products are already illegal, and there currently is a similar bill being heard by the City and County of Honolulu.

² 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

³ Lerner, C.A., et al. (2015). Environmental health hazards of e-cigarettes and their components: Oxidants and copper in e-cigarette aerosols ⁴ 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

⁵ 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
⁶ 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

⁷ 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 ⁸ World Health Organization (see footnote 1).

- The DOH supports this measure to provide protection from ESDs for the state. The
- 2 proposed revision in signage is appropriate, and the DOH will assist in the public education and
- 3 distribution of the new signs.
- 4 Thank you for the opportunity to testify.



American Cancer Society Cancer Action Network 2370 Nu`uanu Avenue Honolulu, Hawai`i 96817 808.432.9149 www.acscan.org

February 12, 2015

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

SB 757 - RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES

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 757, 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 and updates signage.

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 757, Relating to the Regulation of Electronic Smoking

Devices

Thank you for the opportunity to offer testimony in **strong support** of Senate Bill 757, 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 "tobacco product" and "smoke or smoking" in order to regulate the use of electronic smoking devices in the places where smoking is prohibited. Including ESDs in our smoke-free air laws 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.¹ 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.

¹ 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



ESDs do not emit only "harmless water vapor". "Secondhand aerosol (incorrectly called vapor) from ESDs contains nicotine, ultrafine particles and levels of toxins." It is vital that we protect everyone from the dangers of secondhand aerosol. According to Dr. Stanton Glantz, Director for 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." Studies have shown that even ESDs claiming to not contain nicotine contain low levels of nicotine. ⁴ 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."

Emerging research shows dual use where cigarette users switch to ESDs in locations they are not permitted to smoke.⁶ 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. 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 ecigarettes 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.)⁸

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

² Americans for Nonsmokers' Rights, "Electronic Smoking Devices and Secondhand Aerosol", available at www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf.

³ Ibid

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

⁵ 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

⁶ 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

⁷ 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.

⁸ Stan Glantz, "First reaction to e-cigarette deeming (based on press reports): FDA leaves ecigarette marketing unscathed."



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 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,

Lyndsey Garcia

Policy and Advocacy Director

To: <u>HTHTestimony</u>

Cc: <u>chevyriderhhh@gmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Tuesday, February 10, 2015 6:04:13 PM

SB757

Submitted on: 2/10/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	Individual	Oppose	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

To: <u>HTHTestimony</u>
Cc: <u>4spiritnsoul@gmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Tuesday, February 10, 2015 6:18:40 PM

SB757

Submitted on: 2/10/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi C. Liu	Individual	Oppose	No

Comments:

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Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Tuesday, February 10, 2015 6:51:16 PM

SB757

Submitted on: 2/10/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Silva	Individual	Oppose	No

Comments:

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To: <u>HTHTestimony</u>

Cc: <u>awatanabe67@gmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 8:38:10 AM

SB757

Submitted on: 2/11/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Watanabe	Individual	Oppose	No

Comments:

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To: <u>HTHTestimony</u>

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Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 9:14:47 AM

SB757

Submitted on: 2/11/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina Spencer	Individual	Oppose	No

Comments:

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To: <u>HTHTestimony</u>

Cc: <u>antonchris10@gmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 10:46:28 AM

SB757

Submitted on: 2/11/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Anton	Individual	Oppose	No

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To: <u>HTHTestimony</u>
Cc: <u>konaking@live.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 12:55:52 PM

SB757

Submitted on: 2/11/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Stevens	Individual	Oppose	No

Comments:

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To: <u>HTHTestimony</u>

Cc: joyamarshall0416@gmail.com

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 12:59:42 PM

SB757

Submitted on: 2/11/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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Written Testimony Presented Before the
Senate Committee on Health
February 13, 2015 at 1:35 pm
By
Robert Bley-Vroman, Chancellor
and
Jerris Hedges, MD, MS, MMM
Dean, John A. Burns School of Medicine
Interim Director, University of Hawai'i Cancer Center
University of Hawai'i at Mānoa

SB 757 – RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES

Chair Green, Vice Chair Wakai, and Members of the Committee:

The University of Hawai'i Cancer Center supports this bill.

The UH Cancer Center is one of only 68 institutions in the United States that hold the prestigious National Cancer Institute (NCI) designation, and is the only NCI-designated center in the Pacific. The NCI designation provides greater access to federal funding and research opportunities, and gives the people of Hawai'i and the Pacific region access to innovative and potentially life-saving clinical trials without the necessity of traveling to the mainland.

Our passion at the UH Cancer Center is to be a world leader in eliminating cancer through research, education and improved patient care. Because tobacco consumption is a leading preventable cause of cancer, we take all issues related to tobacco in Hawai'i very seriously. Whereas the UH Cancer Center always has supported strong tobacco control measures in Hawai'i, the recent emergence of electronic smoking devices presents new challenges for tobacco control and tobacco-related legislation.

The UH Cancer Center perspective on electronic smoking devices is informed by data recently obtained from Hawai'i adolescents and young adults who are participants in <u>original research conducted by our own faculty</u>.

Research conducted in Hawai'i high schools by Thomas Wills, PhD, has confirmed that rates of e-cigarette use by Hawai'i adolescents are at least double the rate of e-cigarette use observed in studies of mainland adolescents. Furthermore, his study published in the peer-reviewed journal *Pediatrics* clarified a reason why e-cigarette use is growing nationally among teens, as his data suggest that e-cigarettes may be operating to recruit lower-risk adolescents to smoking. And recently Pallav Pokhrel, PhD, and Thaddeus Herzog, PhD, published on the topic of e-cigarettes and motivation to quit

SB 757 – RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES February 13, 2015
Page 2 of 2

smoking. Drs. Pokhrel and Herzog also assessed differences between smokers who used e-cigarettes to quit versus those who used FDA-approved nicotine replacement therapy. Additionally, these researchers have published on the effects of e-cigarette marketing on harm perceptions, as well as e-cigarette use expectancies and their impact on e-cigarette use among young adults.

This research is vital to gaining an evidence-based understanding of what drives acceptance of this emerging technology, what users believe regarding its safety, and what the consequences are for adolescents, whose brains are particularly susceptible to nicotine.

Despite the complexities of the larger debate regarding electronic smoking devices, we believe this bill represents reasonable legislation that balances the rights of adults to use electronic smoking devices in appropriate venues while restricting use in public places where conventional cigarettes are banned.

As scientific research on electronic smoking devices progresses, we will have a stronger basis to adjust laws according to evidence. At the present time, however, caution is warranted. As others have noted, the FDA currently does not regulate e-cigarettes, and thus the consumer has no assurances regarding e-cigarette ingredients.

Further, because of the novelty of e-cigarettes, the long term effects of using these devices are unknown. A further concern, not often discussed, is the potential for electronic smoking devices to be used as drug delivery devices for substances other than nicotine.

We respectfully urge you to pass this bill.

To: <u>HTHTestimony</u>

Cc: <u>kathyk323@hotmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 2:38:27 PM

SB757

Submitted on: 2/11/2015

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

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

Comments:

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Cc: <u>tandemadams@gmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Wednesday, February 11, 2015 6:09:55 PM

SB757

Submitted on: 2/11/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Adams	Hawaii community pharmacy association	Support	No

Comments:

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Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Thursday, February 12, 2015 7:26:49 AM

SB757

Submitted on: 2/12/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Dietrich	Individual	Oppose	No

Comments:

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To: <u>HTHTestimony</u>

Cc: <u>mikenakas@hotmail.com</u>

Subject: *Submitted testimony for SB757 on Feb 13, 2015 13:35PM*

Date: Thursday, February 12, 2015 9:10:34 AM

SB757

Submitted on: 2/12/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

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February 12, 2015

 ${
m To}$: BAKER, RIVIERE, RUDERMAN, WAKAI, Chun Oakland, Espero, Gabbard, Green, Ihara, Nishihara, L. Thielen

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

RE: SB757 – 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 SB757 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:
 - o "If a current smoker, otherwise unable or unwilling to quit,





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://thedianerehmshow.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

o 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

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





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.

Sincerely,

Scott Rasak ,Vice President

VOLCANO Fine Electronic Cigarettes®

To: <u>HTHTestimony</u>

Cc: <u>wintersnicholas@rocketmail.com</u>

Subject: Submitted testimony for SB757 on Feb 13, 2015 13:35PM

Date: Thursday, February 12, 2015 1:14:34 PM

SB757

Submitted on: 2/12/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	Yes

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.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.