

SB342

Measure Title: RELATING TO REMOTE SALES OF CIGARETTES AND TOBACCO PRODUCTS.

Report Title: Internet Marketing and Purchase of Cigarettes and Tobacco Product Act of 2017; Electronic Smoking Device; Remote Sale; Mail Order; Internet Sale

Description: Prohibits the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices, to consumers except to licensed wholesalers or dealers and permit-holding retailers. Makes violation of the prohibition a class C felony subject to a maximum fine of \$5,000.

Companion: [HB1495](#)

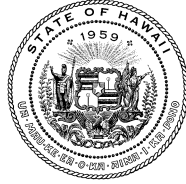
Package: None

Current Referral: CPH/JDL, WAM

Introducer(s): BAKER, S. CHANG, HARIMOTO, INOUYE, K. RHOADS, Ihara, Kidani, Nishihara, Taniguchi, Tokuda

DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

MARIA E. ZIELINSKI
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

To: The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Gilbert S.C. Keith-Agaran
and Members of the Senate Committee on Judiciary and Labor

Date: Friday, February 10, 2017
Time: 8:30 A.M.
Place: Conference Room 016, State Capitol

From: Maria E. Zielinski, Director
Department of Taxation

Re: S.B. 342, Relating to Remote Sales of Cigarettes and Tobacco Products

The Department of Taxation (Department) offers the following comments on S.B. 342 for your consideration.

S.B. 342 makes it illegal for a person to sell cigarettes, tobacco products, or electronic smoking devices to anyone in Hawaii other than a licensed wholesaler, dealer or retailer via remote sale. The Department of the Attorney General is responsible for enforcing this prohibition. S.B. 342 is effective July 1, 2017.

The Department defers to the Department of Health with respect to the effect prohibiting remote sales of these products to persons other than wholesalers, dealers, or retailers would have on the State's health and wellness.

The Department defers to the Department of the Attorney General with respect to the enforcement of this measure.

Thank you for the opportunity to provide comments.



**Testimony in SUPPORT of SB 342,
“Relating to Remote Sales of Cigarettes and Tobacco Products”**

The American Heart Association SUPPORTS SB 342.

As this bill describes, tobacco use is the leading preventable risk factor for a variety of chronic and deadly diseases, including heart disease and stroke.

SB 342 would help close loopholes in Hawaii state law by further restricting access of cigarettes and tobacco products to our youths through remote means. Purchasing these products remotely remains too easy an outlet to youths and a way for the tobacco industry to continue to prey on those susceptible to the industry’s marketing tactics aimed at addicting them to their products.

The American Heart Association urges legislators support of SB 342 as another tool to continue the state’s efforts to end tobacco addiction and the myriad of diseases and healthcare costs it causes in Hawaii.

Respectfully submitted, -

Don Weisman
Hawaii Government Relations Director

*“Building healthier lives,
free of cardiovascular
diseases and stroke.”*

life is why™ es por la vida™ 全为生命™

Please remember the American Heart Association in your will.



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 7:16 AM
To: CPH Testimony
Cc: johnathon.g.myers@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/6/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Johnathon G. Myers	Cigar Rights of America, Hawaii	Oppose	No

Comments: OPPOSE State control and over-reach of any Internet or mail order sales. I only support enforcement of the State's age requirement laws for purchase of Tobacco products and Electronic Smoking Devices. Thank you for accepting my testimony. Sincerely, Johnathon Myers Cigar Rights of America Ambassador, Hawaii
ambassador0231@cigarrights.org www.cigarrights.org

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

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Date: February 8, 2017

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Clarence Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary and Labor

From: Trish La Chica, Policy and Advocacy Director, Hawai'i Public Health Institute

Re: **STRONG SUPPORT for SB 342, Relating to Remote Sales of Cigarettes and Tobacco Products**

Hrg: February 10, 2017 at 8:30am at Conference Room 016

Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of SB 342 which prohibits the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices to consumers except to licensed wholesalers or dealers and permit-holding retailers.

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 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.

Youth can easily buy e-cigarettes online even though sales to those under 21 is banned.

Federal law prohibits the sale of tobacco products, including e-cigarettes to minors. In Hawaii, it is illegal to sell to anyone under the age of 21. Our age to 21 law plays an essential role in preventing youth initiation and addiction to tobacco products yet internet sellers are able to circumvent this restriction by providing easy access to these products.

Age verification fails to protect youth from purchasing tobacco products online.

According to a 2015 JAMA Pediatrics reportⁱ, teens were able to buy e-cigarettes online in 94% of purchase attempts. Only 5 out the 98 purchase attempts made were rejected due to age verification.



Age verification on websites simply requires the user to click on a button verifying that he/she is over 18, or to enter his/her birth date and click on a button to verify or certify this date. However, anyone can lie about his/her age or submit a false ID.

This measure closes the loophole in our minimum age selling and tax laws.

SB 342 prohibits e-cigarette dealers from selling in Hawaii unless they obtain a retail tobacco permit. Licensing and permits allow the state to maintain a database of sellers, which would enable state agencies to communicate with merchants and enforce state tobacco laws. Online sellers avoid paying taxes, which results in a loss of revenue for Hawaii. Eight (8) states - Arkansas, Indiana, Idaho, Kansas, Massachusetts, Texas, Utah, and Washington - already restrict online sales of tobacco to consumers unless licensed to sell in the state. Please see appendix example of how online vape shops are complying with state online restriction laws.

This measure protects our youth from being initiated to tobacco products.

E-cigarette companies are using the same advertising tactics that the tobacco industry used to persuade a new generation of young people to use their products. Kids are attracted to popular and local flavors and false health claims made by e-cigarette manufacturers. In addition, the industry continues to glamorize its use through radio, magazine, and online advertisements that make them appealing to young people. Ninety percent of adult smokers start by age 18,ⁱⁱ and the industry knows very well that in order to get their next generation of customers, they need to get them before they become adults.

The U.S. Surgeon General sounded the alarm on e-cigarettes, asking states to address its use.

The U.S. Surgeon General issued an immediate call to action for all local and state government to enact policies that address the harmful impact of e-cigarettesⁱⁱⁱ. The Surgeon General has asked states and local jurisdictions to accelerate policies that would prevent access to e-cigarettes by youth as well as regulate e-cigarettes through: restrictions on marketing, significant increases in taxes and price, retail licensure, and educational initiatives.

The Coalition urges the legislature to correct this loophole in our age restriction, taxation, and public health laws. By not restricting remote sales, we lose any positive effects gained through the passage of our age to 21 law.



We strongly support SB 342 and ask you to pass this out of committee.

Mahalo,

A handwritten signature in black ink, appearing to read 'Trish'.

Trish La Chica
Policy and Advocacy Director

Appendix: Screenshot of online store informing consumers about new state restrictions -

States Restricting Online Sales

Due to recent state legislation, customers with destination addresses in Arkansas, Indiana and Utah are prohibited from online purchases of electronic cigarette and vapor products. We apologize for any inconvenience and urge residents of those states to visit our Store Locator to find an authorized V2 retailer in their area.

Signature Required Deliveries

Massachusetts and Texas have passed legislation requiring an adult signature upon delivery of online electronic cigarette orders. This means that residents of these states must now cover the additional cost imposed by shipping carriers for this service.

If you live in Massachusetts or Texas, your choice of shipping options will be limited to those that can accommodate the signature requirement. There will also be a signature service surcharge added to the cost of shipping your order. We apologize for this inconvenience and are working with our shipping partners to find a more cost-effective solution in the very near future.

ⁱ Williams, RS., et. al., "Electronic Cigarette Sales to Minors via the Internet" (2015) via <http://jamanetwork.com/journals/jamapediatrics/fullarticle/2174572>

ⁱⁱ Surgeon General. "Preventing Tobacco Use Among Youth and Young Adults." <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/factsheet.html>

ⁱⁱⁱ E-Cigarette Use Among Youth and Young Adults, A Report of the Surgeon General (2016) via https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Full_Report_non-508.pdf

hawaiiCigar

ASSOCIATION

To: The Honorable Rosalyn H. Baker, and Gilbert S.C. Keith- Agaran, Chairs
and Members of the Senate Committees on Commerce, Consumer Protection, and
Health, and Judiciary and Labor

Date: Friday, February 10, 2017

Time: 8:30 a.m.

Place: Conference Room 016, State Capitol

From: Les Drent
for the Hawaii Cigar Association

Re: SB342, Relating to Remote Sales of Cigarettes and Tobacco Products

Dear Senators Baker and Keith-Agaran and Members of the Senate Committees on Commerce,
Consumer Protection, and Health and Judiciary and Labor,

The Hawaii Cigar Association, and its nearly 500 supporting members stand in strong **OPPOSITION**
of SB342, a bill that prohibits the sale of cigars by mail order, or electronic means.

After reading a bill like this it should be no mystery why 63 million Americans went to the polls and
cast a vote for Donald Trump.

It is unfathomable that a measure like this could even receive a hearing.

Sincerely,



Les Drent
for the Hawaii Cigar Association

For More Information on the Hawaii Cigar Association please visit

hawaiicigarassociation.org

Date: February 7, 2017

To: The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Gilbert Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary and Labor

From: Members of the University of Hawaii Student Health Advisory Council

Re: **STRONG SUPPORT** for SB 342, Relating to Remote Sales of Cigarettes and Tobacco Products

Hrg: February 10, 2017 at 8:30 am at Conference Room 016

Thank you for the opportunity to submit testimony in support of SB 342, which urges the State of Hawaii to prohibit the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices, to consumers.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. In 2015, the Student Health Advisory Council actively supported the passing of Legislative Act 122, which prohibits the sale of all tobacco products to anyone under the age of 21. We remain deeply committed to the mission of improving the public health environment and reducing the use of tobacco products, including electronic smoking devices, among the adolescent and young adult population.

Prohibiting the remote sale and distribution of cigarettes and tobacco products would reduce access of these products to minors. SB 342 would prevent youth and young adults from becoming lifelong smokers; thus, reducing their risk of developing long-term health consequences, such as asthma, pneumonia, and bronchitis. Tobacco products pose a serious public health concern, particularly with rates of electronic smoking device use increasing dramatically among adolescents in Hawaii. Therefore, SB 342 would help to deter youth and young adults from purchasing and using these products. The Student Health Advisory Council strongly urges the Legislature to pass SB 342.

Mahalo nui loa, for your efforts to create a healthier place for the people of Hawaii.

Aloha on behalf of the Student Health Advisory Council,

Stacy Suda, Undergraduate Chair
Stormy Dodge, Ku'uilei Salzer, and Blane Garcia, Graduate Chairs



To: The Honorable Rosalyn H. Baker, and Gilbert S.C. Keith- Agaran, Chairs
and Members of the Senate Committees on Commerce, Consumer Protection, and
Health, and Judiciary and Labor

Date: Friday, February 10, 2017
Time: 8:30 a.m.
Place: Conference Room 016, State Capitol

From: Les Drent
for the Kauai Cigar Company

Re: SB342, Relating to Remote Sales of Cigarettes and Tobacco Products

Dear Senators Baker and Keith-Agaran and Members of the Senate Committees on Commerce,
Consumer Protection, and Health and Judiciary and Labor,

The Kauai Cigar Company, its industry partners, and employees stand in strong **OPPOSITION** of
SB342, a bill that prohibits the sale of cigars by mail order, or electronic means.

This measure cuts to the core of why small businesses continue to suffer in this nation. This pro-
posal is nothing more than a way to turn more Americans against government bureaucracy. It is both
unconstitutional and a slap in the face to our personal freedoms. This kind of regulation serves no
purpose but to control another aspect of our lives.

SB342 neither protects consumers, or promotes fair commerce.

Sincerely,

Les Drent
for the Hawaii Cigar Association

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 10:25 AM
To: CPH Testimony
Cc: scott@volcanoecigs.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Rasak	Volcano Fine Electronic Cigarettes	Oppose	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 10:28 AM
To: CPH Testimony
Cc: michiejohns@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Johnston	Sub Ohm Vapes, LLC	Oppose	No

Comments: Thank you for the opportunity to submit testimony. • Currently the FDA already has ruled to allow online sales of vapor products and includes the vendors operate with age verification software API systems to verify age. The State of Hawaii should follow suite behind the federal government regulations. • Removing the ability of adult Hawaii State Residents who are either disabled, live in remote areas, elderly or any other means of accesses vapor products would be a major risk to these consumers who are successfully using vapor products for the use to reduce their consumption of combustible tobacco. • The Tobacco Control Act gave FDA immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. On May 10, 2016, FDA issued a final rule extending its tobacco product authority to all tobacco products (except for accessories of newly deemed tobacco products), including electronic nicotine delivery systems (ENDS) – such as e-cigarettes and vape pens – all cigars, hookah (waterpipe) tobacco, pipe tobacco, nicotine gels, and certain dissolvables. • August 8, 2016 the FDA Deeming Regulations officially went into effect. A major part of the deeming regulations is the section on preventing youth access to “tobacco products” (including e-liquids and vaping accessories). These regulations prevent the sale to individuals under 18 years old federally in the US, prevent retailers and manufacturers from providing free samples, and prevent the sale of all “tobacco products” from being sold in vending machines. • Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. The UK has recently embraced these products as public health win and are crafting smart regulations that embrace the advantages these products provide to their society rather than crafting burdensome regulations that aim to limit access and protect deadly tobacco markets.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf <https://www.sciencedaily.com/releases/2017/02/170207104358.htm> • Former smokers with long-term e-cigarette-only or NRT-only use may obtain roughly similar levels of nicotine compared with smokers of combustible cigarettes only, but

results varied. Long-term NRT-only and e-cigarette-only use, but not dual use of NRTs or e-cigarettes with combustible cigarettes, is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes. <http://annals.org/aim/article/2599869/nicotine-carcinogen-toxin-exposure-long-term-e-cigarette-nicotine-replacement> It is our belief that this unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

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

Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn Baker, Chair
Senator Clarence Nishihara, Vice Chair

Senate Committee on Judiciary and Labor
Senator Gilbert Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

SB 342 – RELATING TO REMOTE SALES OF CIGARETTES AND TOBACCO PRODUCTS

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 342, which prohibits the sale of tobacco products through remote means including internet and online sales.

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.

Internet sales are currently the easiest way to circumvent our state's tobacco control laws. Age verifications and tobacco taxes are difficult to enforce through remote sales, thus making those easier to avoid in online transactions. This measure would prevent this problem by prohibiting online sales.

Due to preemption issues, this measure focuses only on remote sales instead of age verification and other potential common carrier regulations. This bill follows similar provisions implemented by several other states, which authority is reserved to the states through the Prevent All Cigarette Trafficking Act of 2009 codified in 15 U.S. Code § 376a(e)(5)(C).

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 11:31 PM
To: CPH Testimony
Cc: pk.hitest@spamgourmet.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/7/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
P Kuromoto	Individual	Oppose	No

Comments: Strongest possible opposition. This bill is absurdly draconian and accomplishes nothing but damaging Hawaii businesses. And since vaping is scientifically proven to be more than 95% less harmful than smoking, this is literally harmful to the health of the public. Vapor products should be promoted, not restricted.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 8:22 PM
To: CPH Testimony
Cc: ironbuffedg@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/7/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ned Garcia	Individual	Oppose	No

Comments: Lower the age of purchase back to 18 and stop crying about the internet. 21 is unjust and unconstitutional.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 1:57 PM
To: CPH Testimony
Cc: hgov@azelski.net
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/7/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
C. Azelski	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 4:38 PM
To: CPH Testimony
Cc: mikenakas@hotmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/5/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 3:08 PM
To: CPH Testimony
Cc: fernrosenstiel@yahoo.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/5/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 4:10 PM
To: CPH Testimony
Cc: keane.tanaka@gmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/4/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Keane Tanaka	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 10:26 AM
To: CPH Testimony
Cc: rallyartmax@gmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/4/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 4:59 PM
To: CPH Testimony
Cc: tai1983@gmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/3/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 11:51 AM
To: CPH Testimony
Cc: konaking@live.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/3/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 8:13 AM
To: CPH Testimony
Cc: mauimoonflower@gmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/3/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 7:54 PM
To: CPH Testimony
Cc: bigcoopatroopa@gmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/2/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 4:35 PM
To: CPH Testimony
Cc: chevryriderhhh@gmail.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/2/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 4:05 PM
To: CPH Testimony
Cc: 1hawaii4me@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/2/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments: This bill is way too extreme.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 10:51 AM
To: CPH Testimony
Cc: ryan.oswald@aol.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/8/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 4:27 PM
To: CPH Testimony
Cc: john.a.h.tomoso@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/7/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
John A. H. Tomoso	Individual	Support	No

Comments: Aloha kakou, By prohibiting the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices, to consumers except to licensed wholesalers or dealers and permit-holding retailers, SB342 would close the "age verification loophole" by prohibiting online sales of tobacco products to consumers. I support this measure as it is nurturing of good public health policy in our state. Me ka mahalo John A. H. Tomoso, MSW, ACSW, LSW (HPHA Member) 51 Ku'ula Street Kahului, Maui, HI 96732-2906 808-280-1749 john.a.h.tomoso@gmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 11:11 AM
To: CPH Testimony
Cc: anthony_orozco@yahoo.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/7/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Orozco	Individual	Oppose	Yes

Comments: A license to sell and tax e-cigs just so special interests can rip people off. The parasites behind this are truly the scum of the earth.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:41 PM
To: CPH Testimony
Cc: jchangworld@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/6/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	Yes

Comments: This bill is the enemy of free and fair trade. Over-taxation and over-regulation kills local businesses and robs consumers of their choices. SB342 has no merit.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 8:53 PM
To: CPH Testimony
Cc: stephandjim@aol.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/8/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Austin	Individual	Support	No

Comments: This is an important bill which will help young people and others avoid addiction to nicotine, which has serious short and long term health effects. It is consistent with existing Hawaii State regulations, and closes existing loopholes.

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I am submitting personal testimony on SB342 based on my research with adolescents in Hawaii, which was supported by grants from the National Institutes of Health. I am the interim director for the Cancer Prevention and Control Program in the University of Hawaii Cancer Center. The comments presented here are my personal testimony and do not necessarily reflect the views of the National Institutes of Health or the University of Hawaii Cancer Center.

SB342 would prohibit the remote sale and distribution of cigarettes and tobacco products including electronic smoking devices (hereafter, e-cigarettes) to consumers.

I support this legislation because our research indicates that use of e-cigarettes is currently quite prevalent among adolescents in Hawaii. Our publication in the journal Pediatrics reported that 29% of 9th and 10th grade students in six Hawaii high schools in 2013 used e-cigarettes at least once and 18% use them regularly. Our analysis of the more recent 2015 Hawaii Youth Risk Behavior Survey found that 45% of high school students had used e-cigarettes and 25% were regular users. Also, 23% of the sample used both e-cigarettes and cigarettes.

Furthermore, our recent publications in the journal Tobacco Control have shown that using e-cigarettes makes adolescents more likely to start smoking 1 year later. That is, **e-cigarette use increases smoking initiation among adolescents**. Also, our current analyses are showing that e-cigarette use is associated with higher rates of asthma among Hawaii adolescents. These findings have public health implications because any factor that increases adolescent smoking will have negative effects on public health. Our research in Hawaii has shown e-cigarette use has risks, and our results have been confirmed by studies in different parts of the mainland and Asia.

Our findings indicate that more action is necessary to reduce the rate of cigarette smoking and e-cigarette use among adolescents. Although recent legislation has prohibited sales of tobacco products by face-to-face retail stores to persons under 21 years of age, Internet sales remain a major source that is currently unregulated. At present, minors can purchase tobacco products over the Internet just by clicking a button, with no effective age verification. It is important to close this loophole in the current law.

Sales regulation has previously been shown effective for reducing rates of adolescent smoking. Thus there is a justification for strengthening the law on tobacco product sales as a means to strengthen protections for the health of the people of Hawaii.

I support SB342 for this reason.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 11:50 AM
To: CPH Testimony
Cc: Garrickaylesworth@live.com
Subject: *Submitted testimony for SB342 on Feb 10, 2017 08:30AM*

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Garrick Aylesworth	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 11:35 AM
To: CPH Testimony
Cc: Chris@alohavape.net
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments: To: The Honorable Chair Senator Baker Committee on Commerce, Consumer Protection, and Health. Chair Senator Keith-Agaran Committee on Judiciary and Labor. RE: SB342 – oppose. Thank you for the opportunity to submit testimony.

- Currently the FDA already has ruled to allow online sales of vapor products and includes the vendors operate with age verification software API systems to verify age. The State of Hawaii should follow suite behind the federal government regulations.
- Removing the ability of adult Hawaii State Residents who are either disabled, live in remote areas, elderly or any other means of accesses vapor products would be a major risk to these consumers who are successfully using vapor products for the use to reduce their consumption of combustible tobacco.
 - The Tobacco Control Act gave FDA immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. On May 10, 2016, FDA issued a final rule extending its tobacco product authority to all tobacco products (except for accessories of newly deemed tobacco products), including electronic nicotine delivery systems (ENDS) – such as e-cigarettes and vape pens – all cigars, hookah (waterpipe) tobacco, pipe tobacco, nicotine gels, and certain dissolvables. August 8, 2016 the FDA Deeming Regulations officially went into effect. A major part of the deeming regulations is the section on preventing youth access to “tobacco products” (including e-liquids and vaping accessories). These regulations prevent the sale to individuals under 18 years old federally in the US, prevent retailers and manufacturers from providing free samples, and prevent the sale of all “tobacco products” from being sold in vending machines.
 - Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. The UK has recently embraced these products as public health win and are crafting smart regulations that embrace the advantages these products provide to their society rather than crafting burdensome regulations that aim to limit access and protect deadly tobacco markets.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_

FINAL.pdf <https://www.sciencedaily.com/releases/2017/02/170207104358.htm>

- Former smokers with long-term e-cigarette-only or NRT-only use may obtain roughly similar levels of nicotine compared with smokers of combustible cigarettes only, but results varied. Long-term NRT-only and e-cigarette-only use, but not dual use of NRTs or e-cigarettes with combustible cigarettes, is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes. <http://annals.org/aim/article/2599869/nicotine-carcinogen-toxin-exposure-long-term-e-cigarette-nicotine-replacement> It is our belief that this unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 11:28 AM
To: CPH Testimony
Cc: vinkim@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

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

Comments: To: The Honorable Chair Senator Baker Committee on Commerce, Consumer Protection, and Health. Chair Senator Keith-Agaran Committee on Judiciary and Labor. RE: SB342 – oppose. Thank you for the opportunity to submit testimony. • Currently the FDA already has ruled to allow online sales of vapor products and includes the vendors operate with age verification software API systems to verify age. The State of Hawaii should follow suite behind the federal government regulations. • Removing the ability of adult Hawaii State Residents who are either disabled, live in remote areas, elderly or any other means of accesses vapor products would be a major risk to these consumers who are successfully using vapor products for the use to reduce their consumption of combustible tobacco. • The Tobacco Control Act gave FDA immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. On May 10, 2016, FDA issued a final rule extending its tobacco product authority to all tobacco products (except for accessories of newly deemed tobacco products), including electronic nicotine delivery systems (ENDS) – such as e-cigarettes and vape pens – all cigars, hookah (waterpipe) tobacco, pipe tobacco, nicotine gels, and certain dissolvables. • August 8, 2016 the FDA Deeming Regulations officially went into effect. A major part of the deeming regulations is the section on preventing youth access to “tobacco products” (including e-liquids and vaping accessories). These regulations prevent the sale to individuals under 18 years old federally in the US, prevent retailers and manufacturers from providing free samples, and prevent the sale of all “tobacco products” from being sold in vending machines. • Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. The UK has recently embraced these products as public health win and are crafting smart regulations that embrace the advantages these products provide to their society rather than crafting burdensome regulations that aim to limit access and protect deadly tobacco markets. • Former smokers with long-term e-cigarette-only or NRT-only use may obtain roughly similar levels of nicotine compared with smokers of combustible cigarettes only, but results varied. Long-term NRT-only and e-cigarette-only use, but

not dual use of NRTs or e-cigarettes with combustible cigarettes, is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes. It is our belief that this unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 11:22 AM
To: CPH Testimony
Cc: honmag002@gmail.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Honma	Individual	Oppose	No

Comments: WE OPPOSE, Thank you for the opportunity to submit testimony. Currently the FDA already has ruled to allow online sales of vapor products and includes the vendors operate with age verification software API systems to verify age. The State of Hawaii should follow suite behind the federal government regulations. Removing the ability of adult Hawaii State Residents who are either disabled, live in remote areas, elderly or any other means of accesses vapor products would be a major risk to these consumers who are successfully using vapor products for the use to reduce their consumption of combustible tobacco. The Tobacco Control Act gave FDA immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. On May 10, 2016, FDA issued a final rule extending its tobacco product authority to all tobacco products (except for accessories of newly deemed tobacco products), including electronic nicotine delivery systems (ENDS) such as e-cigarettes and vape pens all cigars, hookah (waterpipe) tobacco, pipe tobacco, nicotine gels, and certain dissolvables. August 8, 2016 the FDA Deeming Regulations officially went into effect. A major part of the deeming regulations is the section on preventing youth access to tobacco products (including e-liquids and vaping accessories). These regulations prevent the sale to individuals under 18 years old federally in the US, prevent retailers and manufacturers from providing free samples, and prevent the sale of all tobacco products from being sold in vending machines. Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. The UK has recently embraced these products as public health win and are crafting smart regulations that embrace the advantages these products provide to their society rather than crafting burdensome regulations that aim to limit access and protect deadly tobacco markets.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf <https://www.sciencedaily.com/releases/2017/02/170207104358.htm> Former smokers with long-term e-cigarette only or NRT-only use may obtain roughly

similar levels of nicotine compared with smokers of combustible cigarettes only, but results varied. Long-term NRT-only and e-cigarette“only use, but not dual use of NRTs or e-cigarettes with combustible cigarettes, is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes. <http://annals.org/aim/article/2599869/nicotine-carcinogen-toxin-exposure-long-term-e-cigarette-nicotine-replacement> It is our belief that this unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly. Thank You, Gerald Honma Smokeless Hawaii Enterprises

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 9, 2017 12:25 PM
To: CPH Testimony
Cc: orders@eliquidsofaloha.com
Subject: Submitted testimony for SB342 on Feb 10, 2017 08:30AM

SB342

Submitted on: 2/9/2017

Testimony for CPH/JDL on Feb 10, 2017 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Justyn T	Individual	Comments Only	No

Comments: To: The Honorable Chair Senator Baker Committee on Commerce, Consumer Protection, and Health. Chair Senator Keith-Agaran Committee on Judiciary and Labor. RE: SB342 – oppose. Thank you for the opportunity to submit testimony. • Currently the FDA already has ruled to allow online sales of vapor products and includes the vendors operate with age verification software API systems to verify age. The State of Hawaii should follow suite behind the federal government regulations. • Removing the ability of adult Hawaii State Residents who are either disabled, live in remote areas, elderly or any other means of accesses vapor products would be a major risk to these consumers who are successfully using vapor products for the use to reduce their consumption of combustible tobacco. • The Tobacco Control Act gave FDA immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. On May 10, 2016, FDA issued a final rule extending its tobacco product authority to all tobacco products (except for accessories of newly deemed tobacco products), including electronic nicotine delivery systems (ENDS) – such as e-cigarettes and vape pens – all cigars, hookah (waterpipe) tobacco, pipe tobacco, nicotine gels, and certain dissolvables. • August 8, 2016 the FDA Deeming Regulations officially went into effect. A major part of the deeming regulations is the section on preventing youth access to “tobacco products” (including e-liquids and vaping accessories). These regulations prevent the sale to individuals under 18 years old federally in the US, prevent retailers and manufacturers from providing free samples, and prevent the sale of all “tobacco products” from being sold in vending machines. • Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. The UK has recently embraced these products as public health win and are crafting smart regulations that embrace the advantages these products provide to their society rather than crafting burdensome regulations that aim to limit access and protect deadly tobacco markets.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_

FINAL.pdf <https://www.sciencedaily.com/releases/2017/02/170207104358.htm> ●
Former smokers with long-term e-cigarette-only or NRT-only use may obtain roughly similar levels of nicotine compared with smokers of combustible cigarettes only, but results varied. Long-term NRT-only and e-cigarette-only use, but not dual use of NRTs or e-cigarettes with combustible cigarettes, is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes. <http://annals.org/aim/article/2599869/nicotine-carcinogen-toxin-exposure-long-term-e-cigarette-nicotine-replacement> It is our belief that this unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

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CPH Testimony

From: kehl@everyactioncustom.com on behalf of Lisa Kehl <kehl@everyactioncustom.com>
Sent: Thursday, February 9, 2017 11:12 AM
To: CPH Testimony
Subject: Strong Support for SB342, Relating to Remote Sales of Cigarettes and Tobacco

Dear Senate Committee on Commerce, Consumer Protection, and Health,

To:
The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair Members of the Senate Committee on Commerce, Consumer Protection, and Health
The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair Members of the Senate Committee on Judiciary and Labor

Re: Strong Support of SB342, Relating to Remote Sales of Cigarettes and Tobacco Products

Hrg: February 10, 2017 at 8:30am at Capitol Room 016

I strongly support SB342 which prohibits the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices to consumers except to licensed wholesalers or dealers and permit-holding retailers.

Internet sales of tobacco products and e-cigarettes are a significant public health concern because they evade state taxes and significantly undermine tobacco control efforts. In Hawai'i, it is currently illegal to sell tobacco products including e-cigarettes to those under the age of 21. Our age to 21 law plays an essential role in preventing youth initiation and addiction to tobacco products yet internet sellers are able to circumvent this restriction by providing easy access to these products.

E-cigarettes are now the most popularly used tobacco product among youth and young adults in the nation. In Hawai'i, e-cigarette use among youth is at an all-time high. This is concerning because e-cigarettes can contain nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain.

Online sellers use marketing and advertising tactics that directly appeal to youth by glamorizing its use, promoting candy and local flavors, and offering cheap discounts on different products. Websites simply require users to click on a button to verify their age – a process that is both ineffective and inadequate.

I strongly urge the legislature to correct this loophole in our age restriction, taxation, and public health laws. By not restricting remote sales, we lose any positive effects gained through the passage of our age to 21 law.

I strongly support SB 342 and ask you to pass this out of committee.

Sincerely,
Lisa Kehl
1914 University Ave Apt 412
Honolulu, HI 96822-2479

CPH Testimony

From: helenb@everyactioncustom.com on behalf of Helen Barrow
<helenb@everyactioncustom.com>
Sent: Thursday, February 9, 2017 12:29 PM
To: CPH Testimony
Subject: Strong Support for SB342, Relating to Remote Sales of Cigarettes and Tobacco

Dear Senate Committee on Commerce, Consumer Protection, and Health,

To:
The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair Members of the Senate Committee on Commerce, Consumer Protection, and Health
The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair Members of the Senate Committee on Judiciary and Labor

Re: Strong Support of SB342, Relating to Remote Sales of Cigarettes and Tobacco Products

Hrg: February 10, 2017 at 8:30am at Capitol Room 016

I strongly support SB342 which prohibits the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices to consumers except to licensed wholesalers or dealers and permit-holding retailers.

Internet sales of tobacco products and e-cigarettes are a significant public health concern because they evade state taxes and significantly undermine tobacco control efforts. In Hawai'i, it is currently illegal to sell tobacco products including e-cigarettes to those under the age of 21. Our age to 21 law plays an essential role in preventing youth initiation and addiction to tobacco products yet internet sellers are able to circumvent this restriction by providing easy access to these products.

E-cigarettes are now the most popularly used tobacco product among youth and young adults in the nation. In Hawai'i, e-cigarette use among youth is at an all-time high. This is concerning because e-cigarettes can contain nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain.

Online sellers use marketing and advertising tactics that directly appeal to youth by glamorizing its use, promoting candy and local flavors, and offering cheap discounts on different products. Websites simply require users to click on a button to verify their age – a process that is both ineffective and inadequate.

I strongly urge the legislature to correct this loophole in our age restriction, taxation, and public health laws. By not restricting remote sales, we lose any positive effects gained through the passage of our age to 21 law.

I strongly support SB 342 and ask you to pass this out of committee.

Sincerely,
Helen Barrow
PO Box 822
Makawao, HI 96768-0822