

SB404

Measure Title: RELATING TO CHAPTER 245, HAWAII REVISED STATUTES.

Report Title: Electronic Smoking Devices; E-liquid; Excise Tax; Retail Tobacco Permit; License; Retailers; Wholesalers and Dealers

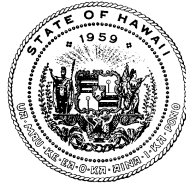
Description: Imposes an excise tax on electronic smoking devices, disposable electronic smoking devices, reusable electronic smoking devices, and e-liquid sold by a wholesaler or dealer on and after 01/01/2018. Requires retailers engaged in the retail sale of cigarettes, tobacco products, electronic smoking devices, or e-liquid to obtain a retail tobacco permit. Increases the license fee for wholesalers or dealers of cigarettes, tobacco products, electronic smoking devices, and e-liquid. Increases the retail tobacco permit fee for retailers of cigarettes, tobacco products, electronic smoking devices, and e-liquid.

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): BAKER, GABBARD, HARIMOTO, Inouye, Keith-Agaran, Kidani, Nishihara



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

**Testimony in SUPPORT of SB0404
RELATING TO CHAPTER 245, HAWAII REVISED STATUTES**

SENATOR ROSALYN H. BAKER CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Hearing Date: February 1, 2017 Room Number: 229

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation
2 (DoTAX) on fiscal implications.

3 **Department Testimony:** DOH supports the purpose of Senate Bill No. SB0404, as summarized
4 in Section 1 (pages 5 to 6). The imposition of an excise tax equal to seventy percent of the
5 wholesale price of each electronic smoking device (ESD), disposable ESD, reusable ESD, or e-
6 liquid is consistent with the tax on other tobacco products. This strategy has been proven
7 effective with cigarettes and other tobacco products to prevent youth and young adults from
8 initiating tobacco use. Currently, ESDs are the only tobacco product that is not taxed. The
9 proposed tax would cover the ESD and the components of the device, whether or not sold
10 separately, including, but not limited to atomizers, coils, drip tips, and tanks. Last year, the
11 federal Food and Drug Administration (FDA) extended its regulatory authority to cover all
12 tobacco products, including ESDs. The deeming regulation defined components or parts to
13 include “software or an assembly of materials intended or reasonably expected to alter or affect
14 the tobacco product’s performance, composition, constituents, or characteristics; or to be used
15 with or for the human consumption of a tobacco product.”¹

16 The Department supports the proposed amendments to the definitions of dealer, retailer,
17 and wholesaler. The addition of ESDs and e-liquids into these definitions broadens the entities
18 that will need to obtain the applicable license or permit. Currently, all that is required of these
19 vendors is a General Excise License. A statewide survey conducted by the University of Hawaii
20 Cancer Center identified more than 100 ESD establishments (vape shops), separate from tobacco

1 retail outlets. However, no specific database exists from the DoTAX to confirm this number.
2 Licensure and retail permitting would bring ESD vendors in alignment with the traditional
3 tobacco retailers, and would provide accurate data for compliance surveillance.

4 DOH further supports the proposed increases in licensure and permitting fees which have
5 remained unchanged since 1995, and expands the requirements to those who sell ESDs and e-
6 liquids. Tobacco licensing is an effective tool for limiting the negative public health
7 consequences of tobacco use by ensuring that wholesalers and retailers comply with responsible
8 sales practices.

9 An analysis of tobacco sales license requirements across the United States reveals a very
10 broad range of fees for different statutory purposes. The amounts vary from no fee at all to
11 \$1,500/year. Of the 40 states that do have fees, 26 states charge \$100/year or more and 14 states
12 charge \$200/year or more. Nine states charge between \$500/year and \$1,500/year. Hawaii is
13 only one of two states that charge a wholesaler less than a retailer. The proposed increase to the
14 license fee from \$2.50 to \$250 a year is in line with national practices.

15 The retail tobacco permit of \$20 was instituted in 2006 and is administered by DoTAX .
16 The purpose of the fee is to cover administrative costs. Nationally, amounts can vary from no
17 fee to \$1,000/year. Of the 34 states that have retailer fees, 15 states charge more than \$20/year
18 but less than \$100/year, with about half (8 out of 15) of those states charging \$50/year or more.
19 The proposed increase to the tobacco permit fee from \$20 to \$50 a year is in line with national
20 practices.

21 DOH recommends that licensure and permitting fees be directed toward covering
22 administrative expenses, adequate funding for merchant education, legal signage, and the
23 enforcement of tobacco sales laws.

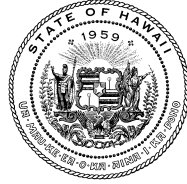
24 Thank you for the opportunity to testify.

25 **Offered Amendments:** None

¹ Department Of Health & Human Servs., Food & Drug Administration, 21 CFR Parts 1100, 1140, and 1143 [Docket No. FDA–2014–N–0189] RIN 0910–AG38, *Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products*, Federal Register/Vol 81, no 90, 05/10/16/Rules and Regulations, p2905 <http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm388395.htm>

DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
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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

Date: Wednesday, February 1, 2017
Time: 9:00 A.M.
Place: Conference Room 229, State Capitol

From: Maria E. Zielinski, Director
Department of Taxation

Re: S.B. 404, Relating to Chapter 245, Hawaii Revised Statutes

The Department of Taxation (Department) offers the following comments on S.B. 404 for your consideration.

S.B. 404 proposes the following changes to the Cigarette and Tobacco Tax Law:

- Require sellers of electronic smoking devices and e-liquid to acquire wholesaler's licenses or retail permits similarly to sellers of tobacco products;
- Raise the annual license fee for tobacco wholesalers from \$2.50 per year to \$250 per year;
- Raise the annual retail licensing permit fee from \$20 per retail location to \$50 per retail location;
- Amend section 245-3, HRS, to impose a tax of 70% of the wholesale price of electronic smoking devices and e-liquid sold on or after January 1, 2018;
- Amend section 245-9, HRS, to subject persons possessing electronic smoking devices and e-liquid to inspection by the Department of the Attorney General;
- Amend section 245-31, HRS, to require monthly reporting on distributions of electronic smoking devices and e-liquid.

As currently drafted, S.B. 404 is effective July 1, 2017.

First, the Department notes that the definition for "electronic smoking devices" is broad enough to encompass the definitions for both "disposable electronic smoking device" and "reusable electronic smoking device." S.B. 404 imposes its new taxes and other requirements on electronic smoking devices and reusable electronic smoking devices equally and does not in any way distinguish between the two types of electronic smoking devices. Therefore, the Department suggests the terms "disposable electronic smoking device" and "reusable electronic smoking

device" be deleted from S.B. 404 for clarity.

Second, the Department notes that the introduction of this new class of items taxed under chapter 245, HRS, requires numerous technical amendments to the chapter for clarity and consistency. The following definitions and sections would need to be amended:

- HRS §245-1 definition of "business location" to read:

“Business location” or “place of business” means the entire premises occupied by a retail tobacco permit applicant or an entity required to hold a retail tobacco permit under this chapter and shall include but is not limited to any store, stand, outlet, vehicle, cart, location, vending machine, or structure from which cigarettes, electronic smoking devices, e-liquid, or tobacco products are sold or distributed to a consumer.

- HRS §245-1 definition of "license" to read:

“License” means a license granted under this chapter, that authorizes the holder to engage in the business of a wholesaler or dealer of cigarettes, electronic smoking devices, e-liquid, or tobacco products in the State. For purposes of any action brought pursuant to section 231-35, the term “license” shall include a retail tobacco permit required under this chapter.

- HRS §245-1 definition of "retail sale" to read:

“Retail sale” or “tobacco retailing” means the practice of selling cigarettes, electronic smoking devices, e-liquid, or tobacco products to consumers and includes the sale of cigarettes or tobacco through a vending machine.

- HRS §245-3(b) may need to be amended to include electronic smoking devices and e-liquid.

The Department defers to the Department of Health with respect to the effect requiring sellers of electronic smoking devices and e-liquid to acquire licenses or permits would have on the State's health and wellness. The Department also defers to the Department of Health with respect to what amounts constitute suitable fees for the privilege of operating in the State as a retailer or wholesaler of tobacco products, electronic smoking devices and e-liquid.

Finally, the Department requests that the effective date of this measure be changed from July 1, 2017 to January 1, 2018 to allow for the Department to make the necessary changes to the forms and instructions. The Department is able to implement the measure with a January 1, 2018 effective date; however, the computer system programming will occur with Rollout 5 of the Tax System Modernization program scheduled to be completed in July 2019.

Thank you for the opportunity to provide comments.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection and Health
February 1, 2017 at 9:00 am

By
Randall F. Holcombe, MD, MBA
Director, University of Hawai'i Cancer Center
University of Hawai'i at Mānoa

SB 404 – RELATING TO CHAPTER 245, HAWAII REVISED STATUTES

Chair Baker, Vice Chair Nishihara, and Members of the Committee:

The UH Cancer Center is one of only 69 institutions in the U.S. 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. More importantly, it 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 based upon data recently obtained from Hawai'i adolescents and young adults who are participants in **original research conducted by our own faculty**. 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 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.

We believe that e-cigarette use is detrimental to a person's health and that this risk is particularly significant for adolescents and young adults. We encourage the legislature to continue to support research related to electronic smoking behaviors and studies examining long-term health effects. Research from the University of Hawai'i Cancer Center faculty suggests that reducing the use of electronic smoking devices will improve the health of the people of Hawai'i.

Thank you for the opportunity to provide testimony on this bill.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, License Fees, Electronic Smoking Devices

BILL NUMBER: SB 404

INTRODUCED BY: BAKER, GABBARD, HARIMOTO, Inouye, Keith-Agaran, Kidani, Nishihara

EXECUTIVE SUMMARY: The measure: (1) adds and amends various definitions in chapter 245, Hawaii Revised Statutes, to ensure that dealers, retailers, and wholesalers of electronic smoking devices and e-liquid obtain the applicable license or permit; (2) increases the annual license fee for a wholesaler or dealer from \$2.50 to \$250.00; and (3) increases the annual retail tobacco permit fee from \$20 to \$50.

BRIEF SUMMARY: Amends HRS section 245-1 to add definitions of disposable electronic smoking device, electronic smoking device, e-liquid, and reusable electronic smoking device; amends definitions “dealer”, “retailer”, “sale” or “sold”, “wholesale price”, and “wholesaler” to include electronic smoking devices or e-liquid.

Amends HRS section 245-2 to increase the annual fee for a tobacco wholesaler license from \$2.50 to \$250.00.

Amends HRS section 245-2.5 to increase the annual fee for a retail tobacco permit from \$20 to \$50. Makes other conforming amendments to include sales of electronic smoking devices or e-liquid, including an amendment to subsection (o) to clarify that electronic smoking devices or e-liquid unlawfully possessed may be seized and ordered forfeited.

Amends HRS section 245-3 to impose an excise tax of 70% of the wholesale price of each electronic smoking device, disposable electronic smoking device, reusable electronic smoking device, or e-liquid sold, used, or possessed by a wholesaler or dealer on and after January 1, 2018, whether or not sold at wholesale, or if not sold then at the same rate upon the use by the wholesaler or dealer.

Makes conforming amendments to other sections of the Tobacco Tax Law.

EFFECTIVE DATE: July 1, 2017.

STAFF COMMENTS: The proposed measure would amend the definition of “cigarette” to include “electronic smoking devices” thereby making them subject to the tobacco tax. Traditional cigarettes have been proven to be a health hazard, but electronic smoking devices have only appeared on the market in 2004. Even though such devices contain nicotine, they do not produce other hazardous substances associated with a traditional cigarette.

Given the fact that there is no tobacco being consumed with these electronic smoking devices, it is questionable why these products should be placed under the tobacco tax. They may be

substitutes for a tobacco product, but so are other products like nicotine gum. How should these latter products be taxed, if at all? As noted many times before, if the health department believes that products such as cigarettes, chewing tobacco, and other forms of tobacco consumption are bad for the community's health, then those products should be banned altogether. Apparently, lawmakers do not want to give up the revenues they reap from the heavy taxes imposed on these products.

Digested 1/25/2017



Date: January 30, 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

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

Re: **STRONG SUPPORT for SB404, Relating to Chapter 245, Hawaii Revised Statutes**

Hrg: February 1, 2017 at 9:00am at Conference Room 229

Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of SB404 which imposes a tax on electronic smoking devices and e-liquid and requires retailers to obtain a retail tobacco permit.

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

E-cigarette use among youth and young adults has become a public health concern. ESDs, or e-cigarettes, are battery-powered devices that heat liquid usually containing nicotine and other flavors and additives into an aerosol that the user inhales. This nicotine is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that e-cigarettes are dangerous and a health threat to youth and young adults.

Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax. In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In Hawaii and across the nation, ESDs are now the most commonly used tobacco product among youth and young adults. In a poll conducted by Ward Research Inc. for the Coalition in November 2016, 75% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. The Coalition recommends that ESDs be taxed at the same rate as other tobacco products, (70% of the wholesale price). Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth.

ESD licensing and permits protect both consumers and merchants. The Coalition recommends that ESD sellers and vendors obtain a tobacco permit to help facilitate the communication and enforcement



of current tobacco tax and purchase laws. Currently, there is no database that tracks who is selling ESDs in the state, making it difficult for the Department of Health to track and communicate relevant tax and tobacco selling laws, as well as distribute proper signage that help to educate Hawai'i residents and visitors on current laws. This communication will also help other agencies to educate merchants on new federal regulations on e-cigarettes.

The Coalition further recommends that a portion of the revenue collected from ESD and e-liquid taxes be dedicated to tobacco prevention and control. The same statewide poll found that 91% of registered Hawaii voters overwhelmingly agree that it is important for the State to earmark some of the revenue from cigarette and tobacco taxes to fund tobacco prevention and cessation programs. Currently no revenue from cigarette or OTP taxes is appropriated for tobacco prevention and cessation. When the price of tobacco increases, more people seek help to quit and we need to ensure programs are available and accessible by the public to help them quit.

In addition, the current license fee for wholesalers and dealers is only \$2.50 a year, while retail tobacco permit fees cost only \$20 a year. Hawai'i has one of the lowest fees in the nation for both wholesalers and retailers. **The Coalition supports increasing the wholesaler and dealer license fee to \$250.00 and the retail tobacco permit fee to \$50.00.**

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-cigarettes. Hawai'i has already made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reduce the negative health impact made by e-cigarettes and other emerging tobacco products.

Thank you for the opportunity to testify. We strongly support SB440 and respectfully ask you to pass this measure out of committee.

Mahalo,

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

Trish La Chica
Policy and Advocacy Director

Date: January 27, 2017

Strong Support of SB404, Relating to Chapter 245, Hawaii Revised Statutes

To the 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

Hrg: February 1, 2017 at 9:00am at Capitol Room 229

We strongly support SB404, which creates a tax on electronic smoking devices (ESDs) and requires wholesalers and retailers of ESDs to obtain a retail tobacco permit. I serve as the Hawai'i director for the American Lung Association of the Mountain Pacific; our mission is to save lives by improving lung health and preventing lung disease.

Electronic smoking devices (ESDs) usage rates are growing at alarming rates. It has surpassed the use of cigarettes, with ESD use among middle and high school students **TRIPLING** in a year's time. In Hawai'i, 1 in 5 adults and high school students and 1 in 10 middle school students smoke e-cigarettes.

With e-cigarette use at an all-time high, the appeal of ESDs has to be curbed. Now that the FDA has deemed ESDs as tobacco products, we urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

This bill will also require a retail tobacco permit which will allow the state to know who is selling e-cigarettes in Hawai'i, and will work with these merchants to educate and enforce current tobacco laws.

We strongly support SB404 and ask you to pass this out of committee.

I can be reached at 808-687-5375 or Kim.Nguyen@lung.org, should you have any questions. Thank you for the opportunity to provide testimony.

Mahalo,



Kim Nguyen, MSW
Executive Director – Hawai'i
American Lung Association of the Mountain Pacific



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

To: Committee on CPH

Re: Opposition to SB404

Hearing: Wednesday, February 1, 2017 9:00am

Thank you for allowing me to speak my name is Devin Wolery from PC Gamerz & SFATA Hawaii.

- Adding a “SIN” tax to electronic cigarettes will be damaging to the local industry
 - By doing this, many shops would close.
 - The current local customers would switch to purchasing online, which would get the state no income.
 - We as a state always push to support local. This would burden everyone.
 - 75-100+ vape shops are mom and pop businesses. They are not tied to big tobacco.
 - Big tobacco uses current distribution networks. Such as gas stations and convenience stores.
 - Vape shops do not. They put their livelihood on the line, by opening up their own stores.
- Electronic Smoking devices, IE Vape products are not Tobacco
 - People that vape, are anti tobacco. We want to get away from the smokers.
 - Devices and atomizers, coils, drip tips, tanks and any other accessory that is sold ala carte, does not contain nicotine.
 - If that is true for vape products, would that not also make it so that all rolling papers, lighters, glass “tobacco” pipes and other accessories would also be tobacco products?
- E-cigarettes are already more expensive than cigarettes.
 - Many users do not use cigalikes which are \$20-50 for a starter pack. Currently.
 - Majority of vape shop customers use ala carte devices that cost upwards of
 - \$150-300 per combined kit.
 - Basic starter regulated mods go for **\$40-60+GET**
 - Normal Regulated mods go for **\$60-90+GET**
 - Advanced mods go for **\$100-200+GET**
 - Eliquid costs are already high at
 - **\$20+GET** for a 30ml
 - **\$30+GET** for a 60ml.
 - **\$65+GET** for a 120ml
 - Because they are buying more quantity upfront that saves them in the long run they should be punished?
 - Should we make a wasteful tax for buying more than we can use from Costco?



**99-082 Kauhale St, Suite #B1
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Devin@pcgamerzhawaii.com**

- If this definition passes in ANY of the bills through the session.
 - It WILL guarantee a black market on the island. Putting many tax paying shops out of business.
 - There is already a black market on Craigslist and Facebook Groups.
 - Those outlets for the products are completely unregulated and do not hold themselves to the standards we want in place for the vape industry.
 - More people will get sick or hurt from this over reach.
 - Please defer this bill and consider discussion with SFATA Hawaii.

If you are looking to drive revenue, this will NOT do that. In Pennsylvania a 40% tax was added last year. And forced the closure of 95% of all vape shops. You will also put 100 shops out of business. And all local producers and manufacturers. Volcano alone has 100+ employees, you will lose all that revenue as well.

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

Devin Wolery
PC Gamerz Hawaii
SFATA Hawaii Chapter

From: [Anthony Lenzer](#)
To: [CPH Testimony](#)
Subject: Testimony in Support of SB 534
Date: Monday, January 30, 2017 8:47:09 AM

To: Committees on Commerce, Consumer Protection, and Health and Human Services

Re: SB 534

Hearing: Wednesday, February 1, 2017, 2:45 p.m.

Conference Room 016, State Capitol

Chairs Baker and Green, and Committee Members:

My name is Anthony Lenzer, and I am a member of the legislative committee of the Policy Advisory Board for Elder Affairs (PABEA). This Board advises the Executive Office on Aging (EOA) on aging issues, and advocates on behalf Hawaii's kupuna and their families. My testimony reflects the views of PABEA and not necessarily those of the Executive Office on Aging.

PABEA strongly supports Senate Bill 534, which creates a Kupuna Caregivers Program within the Executive Office on Aging. This program is designed to help employed caregivers of elderly family members obtain necessary services, which will help them remain effective members of Hawaii's workforce.

These services include transportation, personal care, respite care, adult day care, and chore/homemaking services. Qualified caregivers will receive vouchers for up to \$70 per day for agencies to provide such services. The program will be administered by the Area Agencies on Aging, through their Aging and Disability Resource Centers.

This program is vitally important for three reasons:

(1) over one-fifth of Hawaii's population is now aged 60+, including over 34,000 persons age 85+. The percent of residents aged 85+ is expected to double in the next 30 years. (a) These "oldest old" are most likely to have multiple chronic illnesses and/or disability, and be most in need of help in order to remain at home;

(2) family members, friends, and other unpaid caregivers provide most of the assistance to frail elders. An AARP study found 154,000 unpaid elder caregivers in Hawaii, and AARP's 2014 study of 1,000 registered voters aged 45+ found that 53% were providing or had provided care for an elderly loved one (b). National data indicates that the typical long-term family caregiver is a 49 year old woman who is caring for her mother, for twenty hours/week, while trying to keep up with work and other household responsibilities (c). Many studies have documented the physical, emotional, and financial stresses associated with caregiving, especially when few workers (nationally, only 13%) have paid family leave (d);

- and (3) while some state, federal, and county funds are available to assist frail elders, there is little money for the caregivers themselves. The situation has been described by one County Executive on Aging as follows: "Unless a County receives funding from their County Council, our options to provide caregiver-specific services are limited. For Maui County, we can use approximately 10% of our overall Federal funding (Title III E) for services such as Family Caregiver Support, Training, and Counseling, Adult Day Care Respite, In-Home Respite, and support for Grandparents Raising Grandchildren (not to exceed 10% of Title III E). Without additional County funding, our ability to actively serve family caregivers would be, therefore, quite limited."(e)

In summary, the Kupuna Caregivers bill is needed because: Hawaii's growing older population, and the increasing number of oldest old persons require a variety of services to remain at home, and these are

primarily provided by unpaid family caregivers; family caregivers are typically employed and have other responsibilities in addition to elder care; and there are few sources of financial support for the services which will help caregivers continue to assist their loved ones, while meeting other responsibilities.

Please support Senate Bill 534. Thank you for the opportunity to present this testimony.

Notes:

(a) Yahirun, J. & Zan, H. (2016). Hawaii's Older Adults: A Demographic Profile. Honolulu, HI: University of Hawai'i, Center on the Family

(b) Binette, Joanne. (September 2014, updated October 28, 2014). 2014 Hawaii Caregiving Survey: Opinions and Experiences of Hawaii Registered Voters Age 45 and Older. Washington, DC: AARP Research

(c) PBS Newshour. (January 6, 2014). One of the hardest part-time jobs you will ever have—and the pay? Nada.

(d) US Bureau of Labor Statistics. (2014). Employee benefits survey. Table 32, Leave benefits, Access, Civilian Workers, National compensation survey, March, 2014. Washington, DC: US Bureau of Labor Statistics.

(e) 1/19/17 email from Deborah Stone-Walls, Maui County Executive on Aging. Subject: Update on 1/17/17 Mtg. with Sen. Baker regarding the Kupuna Caregivers Program

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2017 5:41 PM
To: CPH Testimony
Cc: johnathon.g.myers@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/25/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:49 AM
To: CPH Testimony
Cc: mz9995@hotmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/31/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments: We strongly oppose tax increases for tobacco and vaping products.

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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VOLCANO®

January 27, 2017

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

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

RE: SB404 – 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 70 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to SB404 for the following:

- Although vapor products contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke, **SB404 aims to unfairly classify all vapor products as “Tobacco Products” and deceptively refers to the them as “Electronic Smoking Devices”** to bring vapor products into the same regulatory framework as traditional tobacco cigarettes for the purposes of taxation. This will have very dire unintended economic and health consequences and threatens to decimate the vapor industry in Hawaii.
- SB404 States in its justification that the use Vapor Products, specifically “E-Liquid”, carries similar health risks to that of tobacco. **In truth, 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.**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf
- In fact, Mitch Zeller, Director of the Center for Tobacco Products at the FDA recently stated:

"If a current smoker, otherwise unable or unwilling to quit, completely substituted all of



VOLCANO®

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/20140121/newhealthriskscigarettesmoking/transcript>

- **SB404 exempts traditional Nicotine Replacement Therapy (NRT) products that contain nicotine even though electronic cigarettes have been shown to be a much more effective tool for helping people quit smoking and have been demonstrated to have a similar risk profile as NRT's.**

<http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract>

http://m.circ.ahajournals.org/content/130/Suppl_2/A14945.short

- SB404 also states in its justification that without taxing vapor products, “smokers may be tempted to purchase less expensive products such as e-liquid”. This statement is categorically untrue because **virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes.** An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.
- **The tax framework laid out by SB404 makes no sense and would be virtually unenforceable.** The bill aims to tax all vapor devices including all of their components whether or not they are sold separately “including but not limited to atomizers, coils, drips tips, and tanks”. This would be the equivalent of applying the tobacco tax to all lighters, rolling papers, pipes and any other smoking tool or accessory that does not even contain tobacco. Furthermore in the E-liquid section, the bill states that if the device is sold with e-liquid that does not contain nicotine, then it is exempt from the tax altogether which is completely contradictory to the aforementioned.
- **Subjecting vapor products to this proposed tax would only encourage former smokers and current vapers to either buy from online vendors who would not be subject to the state tax or go back to tobacco. Local manufacturers, wholesalers and retailers would be put at massive competitive disadvantage and most retail customers would send their money out of state effectively lowering the tax revenue already being generated by sales of vapor products here in the state.** We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of



VOLCANO®

jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.

It is our belief that this unjustified regulation and tax is in the best interest of no one in the state of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly or you may contact one of VOLCANO's representatives: Blake Oshiro at Blake.Oshiro@808cch.com or Celeste Nip at nipfire@me.com.

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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 7:32 PM
To: CPH Testimony
Cc: b.leong@thehavanaclub.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bernard Leong	Havana Club Honolulu	Oppose	No

Comments:

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From: vyontz@everyactioncustom.com on behalf of [Valerie Yontz](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB404, Relating to Chapter 245, Hawaii Revised Statutes
Date: Monday, January 30, 2017 3:50:12 PM

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

Hrg: February 1, 2017 at 9:00am at Capitol Room 229

I strongly support SB404 which creates a tax on electronic smoking devices (ESDs) and requires wholesalers and retailers of ESDs to obtain a retail tobacco permit.

ESD or e-cigarette use among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i has decreased through the years, ESD use has rapidly increased, threatening the state's current tobacco prevention efforts. This is particularly concerning because e-cigarettes provide a new way to deliver the drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

The e-cigarette industry uses the same tobacco marketing tactics that appeal to youth such as glamorizing its use and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple. Now that the FDA has deemed ESDs as tobacco products, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

This bill will also require a retail tobacco permit which will allow the state to know who is selling e-cigarettes in Hawai'i and work with these merchants to educate and enforce current tobacco laws.

I strongly support SB404 and ask you to pass this out of committee.

Sincerely,

Valerie Yontz, PhD
677 Auwina Street
Kailua, Hawaii 96734

Sincerely,
Valerie Yontz
677 Auwina St
Kailua, HI 96734-3430

baker4 - Mary Kate

From: corychun@everyactioncustom.com on behalf of Cory Chun
<corychun@everyactioncustom.com>
Sent: Tuesday, January 31, 2017 12:22 AM
To: CPH Testimony
Subject: Strong Support of SB404, Relating to Chapter 245, Hawaii Revised Statutes

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

Hrg: February 1, 2017 at 9:00am at Capitol Room 229

I strongly support SB404 which creates a tax on electronic smoking devices (ESDs) and requires wholesalers and retailers of ESDs to obtain a retail tobacco permit.

ESD or e-cigarette use among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i has decreased through the years, ESD use has rapidly increased, threatening the state's current tobacco prevention efforts. This is particularly concerning because e-cigarettes provide a new way to deliver the drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

The e-cigarette industry uses the same tobacco marketing tactics that appeal to youth such as glamorizing its use and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple. Now that the FDA has deemed ESDs as tobacco products, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

Thank you for hearing this bill and for your consideration of this important measure.

Sincerely,
Cory Chun
94 -1035 Kaamea St
Waipahu, HI 96797-4837

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 9:05 PM
To: CPH Testimony
Cc: pulermq@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
RuthMarie Quirk	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 9:37 PM
To: CPH Testimony
Cc: d_acain@yahoo.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dominic Acain	Individual	Oppose	No

Comments: While I think that most of this bill has its merits I also believe that its intention has its flaws that need to be considered. It unnecessarily demonizes premium cigars when lumped together with e-cigarettes and off the shelf tobacco products carried in most stores. First of all premium cigars aren't smoked as often as cigarettes and e-cigarettes and is unappealing to most smokers especially for the underaged. It is cost prohibitive with the average cigar going for around \$10 and most in access of that price range. In my 30 plus years of smoking premium cigars I have yet to see my fellow brothers and sisters of the leaf smoke around children or in public for that matter. It is a social enjoyment by those with very discriminating tastes. Most of the negatives of this bill rightfully applies to cigarettes and e-cigarettes but it has yet to show the problems or studies from cigars and until it can be proven that any part of this bill applies to cigars I believe that premium cigars should be excluded from it. One of the downsides of including cigars is that many of my peers buy cigars online or bring back boxes purchased from out of state. The higher the cost in Hawaii the more it will prompt out of state purchases resulting in less taxes being paid to the state on these purchases causing smaller boutique shops to lose business. These shops close down and the state also loses a portion of the revenue which will go to out of state sales. It is a useless bill as far as cigars are concerned that will only hurt the few small tobacco shops that are now in existence in Hawaii. One of the most sought after premium cigars are now coming out of Cuba legally. They will still make their way to Hawaii and like many of the stupid laws made without much thought and with a lack of resources to enforce such laws this bill if effected will remain without power. I ask that an amendment of this bill be considered to exclude premium cigars with a definition of just what premium cigars are as opposed to common cigars. In very small numbers marijuana smokers buy common cigars to embed their drug but none of these drug users would spend the amount that we do per stick as the cost of a cigar would be more than the marijuana is worth and is definitely not attractive to drug users. Go forward with this bill but please consider including common cigars but I urge you to exclude higher cost, higher quality premium cigars. That would be the common sense thing to do. The intention of this bill is admirable. It addresses a problem amongst the myriad of other problems we face in the state. However, create a bill with a focus on the real cause of

the problem which does not include premium cigars. I hereby oppose this bill as it is written but would support it if amended to reflect all that I have stated above. A well written bill would have not only a solid reason behind it but it needs to address a problem which premium cigars does not promote. Cigarettes are a problem, E-Cigarettes are a problem but the author of this bill should also prove that a problem exists with premium cigars. I thank you for this opportunity to give testimony. Mahalo Dominic Acain Kekaha, HI

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 2:46 PM
To: CPH Testimony
Cc: Teddykim613@yahoo.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 2:45 PM
To: CPH Testimony
Cc: pk.hitest@spamgourmet.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments: Imposing additional taxes of any kind on vapor related products continues to be the same terrible idea that it has been every year this legislation has been proposed. Vaping is not smoking. Vapor products are not tobacco products and contain no tobacco. Vapor products are scientifically known to be upwards of 95% less harmful than smoking tobacco. Every year more and more science confirms that vapor products are some of the best tobacco harm reduction products ever invented. This technology should be encouraged, not attacked via taxes and restrictive legislation.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 2:45 PM
To: CPH Testimony
Cc: vinkim@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments: What message are you sending if you are taxing products that help people quit smoking? This taxation does not make sense.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 1:21 PM
To: CPH Testimony
Cc: keane.tanaka@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 12:40 PM
To: CPH Testimony
Cc: jonfia@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Fia	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2017 9:12 PM
To: CPH Testimony
Cc: chevyriderhhh@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/25/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments: Strong Opposition. E-cigs help people quit.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2017 7:32 PM
To: CPH Testimony
Cc: Traeboogie@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/25/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Melvin Baldwin	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2017 6:59 PM
To: CPH Testimony
Cc: wintersnicholas@rocketmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/25/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2017 5:10 PM
To: CPH Testimony
Cc: myers_florida@rocketmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/25/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Johnathon Myers	Individual	Oppose	No

Comments: Thank you for your vote of NAY and OPPOSE! Vape devices and juices are not tobacco products. Fun facts about Nicotine: Nicotine can be extracted from any plant in the Solanaceae, or Night Shade, family of plants, including red peppers, eggplant, tomatoes, potatoes, and tobacco. Nicotine can also be synthesized. Since the medical/health industry does not have any longitudinal studies about the short-term and long-term effects of vaping then any medical/health studies presented by the supporting testimony should be dismissed, until peer-reviewed studies have been accomplished. Thank you for your vote of NAY and OPPOSE!

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2017 12:02 PM
To: CPH Testimony
Cc: john.a.h.tomoso@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/25/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments: 01-25-17 Testimony to CPH RE: SB404 RELATING TO CHAPTER 245, HAWAII REVISED STATUTES. I am in favor of the imposition of an excise tax on electronic smoking devices, disposable electronic smoking devices, reusable electronic smoking devices, and e-liquid sold by a wholesaler or dealer on and after 01/01/2018. I understand that this will be a requirement of retailers who engaged in the retail sale of cigarettes, tobacco products, electronic smoking devices, or e-liquid in order to obtain a retail tobacco permit. The increases the license fee for wholesalers or dealers of cigarettes, tobacco products, electronic smoking devices, and e-liquid, and the increases in the retail tobacco permit fee for retailers of cigarettes, tobacco products, electronic smoking devices, and e-liquid, does increase retail business costs, but in the public health perspective, I like that these increased costs will translate into income that will fund education and treatment programs necessary to mitigate the impact of tobacco and smoking in our state and the diminution of our quality of life, which we all share. John A. H. Tomoso, MSW, ACSW, LSW and HPHA Member 51 Kuula Street Kahului, Maui, HI 96732-2906 john.a.h.tomoso@gmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 11:13 PM
To: CPH Testimony
Cc: kegdamin@twc.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kristian Egdamin	Individual	Oppose	No

Comments: While I support the excise taxing of electronic smoking devices, increasing the fees for local businesses already paying a high tax and license is going to be detrimental to local commerce. These consumers aren't going to keep paying high prices for local tobacco products and will seek to take their purchases online, keeping money out of the State.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 12:54 PM
To: CPH Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/26/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 9:36 AM
To: CPH Testimony
Cc: honmag002@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments: Please do not impose a 70% tax on vaping products. This will hurt the State and our Vaping community here in Hawaii. Our Hawaii residents will just order their Vaping products online and would close down all vaping companies here in Hawaii, Unable to compete with online sales. And also the State would lose a lot of tax revenues already being generated by the sales tax and rail tax from this form of product that is 95% safer then cigarettes. Let the FDA regulate first, Then the States can introduce taxing measures that are fair w/ other States. Until the FDA can regulate no online sales, Then the State of Hawaii could impose a Fair Tax, This way it will not hurt the Taxes received by this growing industries. And are we not going Backwards Legalizing Pot but yet trying to crush Vaping. Thank You, Gerald Honma Smokeless Hawaii Enterprises

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 6:28 AM
To: CPH Testimony
Cc: dorykong@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dory Kong	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 4:29 PM
To: CPH Testimony
Cc: kathyk323@hotmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/29/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 2:59 PM
To: CPH Testimony
Cc: jchangworld@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/29/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 2:02 PM
To: CPH Testimony
Cc: pipelinemax@outlook.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/29/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 10:41 AM
To: CPH Testimony
Cc: kealii2002@yahoo.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/29/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
dustin hao	Individual	Oppose	No

Comments: I oppose this bill. Increasing taxes and permitting fees will only serve to force tobacco retailers out of business. This is not the place to increase tax revenues for the state.

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Sent: Saturday, January 28, 2017 5:30 PM
To: CPH Testimony
Cc: ian.k.a.aoyama@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/28/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Aoyama	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 28, 2017 5:25 PM
To: CPH Testimony
Cc: lakanebangay@ymail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/28/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 28, 2017 5:20 PM
To: CPH Testimony
Cc: rkkumalaa@yahoo.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/28/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Raymond Kunalaa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 28, 2017 8:32 AM
To: CPH Testimony
Cc: jason.park1@aol.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/28/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Park	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 10:35 PM
To: CPH Testimony
Cc: noelaraki@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/27/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Noel Araki	Individual	Oppose	No

Comments: I oppose this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 10:00 PM
To: CPH Testimony
Cc: cigarguynhi@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/27/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Monroe	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 7:14 PM
To: CPH Testimony
Cc: ironbuffedg@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/27/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 6:37 PM
To: CPH Testimony
Cc: protechoahu@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/27/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 3:02 PM
To: CPH Testimony
Cc: vtt.grimm@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/27/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Vinh	Individual	Oppose	No

Comments: I oppose the bill that would tax or ban e-cigarette products in the market currently. This bill will put businesses in jeopardy and jobs will be lost for thousands of people in Hawaii.

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From: john.s.ishoda@everyactioncustom.com on behalf of [John Ishoda](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB404, Relating to Chapter 245, Hawaii Revised Statutes
Date: Monday, January 30, 2017 1:35:13 PM

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

Hrg: February 1, 2017 at 9:00am at Capitol Room 229

I strongly support SB404 which creates a tax on electronic smoking devices (ESDs) and requires wholesalers and retailers of ESDs to obtain a retail tobacco permit.

ESD or e-cigarette use among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i has decreased through the years, ESD use has rapidly increased, threatening the state's current tobacco prevention efforts. This is particularly concerning because e-cigarettes provide a new way to deliver the drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

The e-cigarette industry uses the same tobacco marketing tactics that appeal to youth such as glamorizing its use and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple. Now that the FDA has deemed ESDs as tobacco products, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

This bill will also require a retail tobacco permit which will allow the state to know who is selling e-cigarettes in Hawai'i and work with these merchants to educate and enforce current tobacco laws.

I strongly support SB404 and ask you to pass this out of committee.

Sincerely,
John Ishoda
1700 Lanakila Ave Rm 104
Honolulu, HI 96817-2115

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 3:17 PM
To: CPH Testimony
Cc: iriarte96792@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jostin A Iriarte	Individual	Oppose	No

Comments: Aloha, I strongly would like to oppose sb404, could you please reconsider this bil, at 70% tax this would have a a much more negative impact at what we the vape industry and consumers have lived for. An added tax like this could be catastrophic for small business owners as well as consumers creating loss of jobs, business closures unemployment, unhealthy health changes and decisions for consumers like myself to divert back to smoking conventional cigarettes which has proven to already have an impact on the publics health, unlike vaping which has already proven to be a much more healthier alternative, I am a business owner as well as a father, a husband ,and brother, a son ,a person whose life that has had a huge positive impact and life changing health factor changing from conventional cigarettes to vaping. Please thoroughly reconsider you decision with SB404 as well as other bills that could create a much more negative impact on the industry and the public than a positive one. We have helped many lives and families through vaping change for the good. Mahalo Nui Loa For your time.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 2:16 PM
To: CPH Testimony
Cc: hhwlee@hotmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Herbert Lee	Individual	Oppose	No

Comments: I am opposed to SB 404 to impose a general excise tax on vape/e-cig and cigars and to categorize all tobacco retailers under one label. When you closely examine how cigarettes are produced compared to cigars, they are quite different. I understand the tobacco-related concerns expressed by many health advocates. The Center of Disease Control (CDC) is one of the major operating components of the Department of Health and Human Services. It is well-known and well-respected in the health community world-wide. CDC works 24/7 (<https://www.cdc.gov/24-7/index.html>) to protect America from health, safety and security threats, both foreign and in the U.S. Whether diseases start at home or abroad, are chronic or acute, curable or preventable, human error or deliberate attack, CDC fights disease and supports communities and citizens to do the same. To accomplish this mission, CDC conducts critical science and provides health information that protects our nation against expensive and dangerous health threats, and responds when these arise. One of CDC's areas of health concern is smoking. I agree that CDC has compiled a very comprehensive list of facts about smoking. I would like to point out the fact that this helpful information was produced after many years of fact-finding, research, and data collection of cigarette smoking primarily. There is little information collected about cigars and vaping to substantiate the same health hazard of cigarette smoking. If we are planning to group cigarettes, cigars and vaping into the same category, the facts and data showing health hazards are primarily from cigarette smoking. To clarify this point, all data collected are in reference primarily to cigarette smoking as "Tobacco Use". Some data refer to chewing tobacco. "Second Hand Smoke" is primarily referenced to cigarette smoking. Personally, I have not seen any similar comprehensive data about cigars and vaping. Many health resources cite the alarming rise in our youths under the age of 18 smoking cigarettes. Anyone under the age of 21 is not permitted to purchase cigarettes in Hawaii. If this is happening in Hawaii, someone is not enforcing it properly. There are opinions stating that minors under the age of 18 are also purchasing cigars. Honestly, I have never seen a minor smoking a premium cigar valued at \$8.00 or more which takes over an hour to enjoy. However, I have seen more incidents of minors smoking a cigarette in two minutes or less. FYI: you never smoke/inhale a cigar like a cigarette. Therefore, if the ultimate concern to increase the general excise tax to protect the general health of our

community, I agree to raise it for cigarettes. However, there is no substantial proof to show that cigars and vaping are in that same category of health concern like cigarettes.

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From: mgagen@everyactioncustom.com on behalf of [Marilyn Gagen](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB404, Relating to Chapter 245, Hawaii Revised Statutes
Date: Monday, January 30, 2017 12:49:36 PM

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

Hrg: February 1, 2017 at 9:00am at Capitol Room 229

I strongly support SB404 which creates a tax on electronic smoking devices (ESDs) and requires wholesalers and retailers of ESDs to obtain a retail tobacco permit.

ESD or e-cigarette use among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i has decreased through the years, ESD use has rapidly increased, threatening the state's current tobacco prevention efforts. This is particularly concerning because e-cigarettes provide a new way to deliver the drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

The e-cigarette industry uses the same tobacco marketing tactics that appeal to youth such as glamorizing its use and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple. Now that the FDA has deemed ESDs as tobacco products, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

This bill will also require a retail tobacco permit which will allow the state to know who is selling e-cigarettes in Hawai'i and work with these merchants to educate and enforce current tobacco laws.

I strongly support SB404 and ask you to pass this out of committee.

Sincerely,
Marilyn Gagen
59 -398 Ka Nani Dr
Kamuela, HI 96743-8500

I am submitting personal testimony on SB404 based on my research with young adults in Hawaii, which has been supported by grants from the National Institutes of Health. I am an Associate Professor with the Cancer Prevention and Control Program, University of Hawaii Cancer Center. The comments presented here are my personal testimony and do not necessarily reflect the views of the National Institutes of Health or the University of Hawaii Cancer Center.

SB404 would establish an excise tax on electronic smoking devices (hereafter, e-cigarettes).

I support this legislation because our research indicates that use of e-cigarettes is highly prevalent among young adults (21-25 year olds) in Hawaii. Our recent data suggest that over 50% of 21-25 year old young adults in Hawaii are likely to have tried an e-cigarette in their lifetime. In this age group, although the current e-cigarette use prevalence is highest among current cigarette smokers (63%), current e-cigarette is still substantial among those who have experimented with cigarettes in the past but are current non-cigarette-smokers (26%), and those who have never smoked a cigarette (7%).

Our findings indicate that more action is necessary to reduce the rate of e-cigarette use prevalence, especially among young people who are current non-smokers. Taxation has previously been shown effective for reducing rates of cigarette smoking. Thus there is a justification for increasing the tax on e-cigarettes as a means for protecting the health of the people of Hawaii.

I support SB404 for these reasons.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 7:44 AM
To: CPH Testimony
Cc: Natalie.selga@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/31/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie	Individual	Oppose	No

Comments: Electronic cigarettes has helped me quit tobacco cigarettes for 5 years now. It has helped me, family and friends to find a better health alternative. After smoking tobacco cigarettes since I was 16. I feel better now that I do not smoke tobacco cigarettes anymore. Electronic cigarettes has saved my life. Adding a 70% TAX will end this healthier alternative. Please do not make this healthier alternative diminish.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 7:05 AM
To: CPH Testimony
Cc: mokuleiacigars@yahoo.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/31/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani Matsuura	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 9:55 PM
To: CPH Testimony
Cc: Blang57@msn.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Blane Arakaki	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 9:16 PM
To: CPH Testimony
Cc: 777dnel@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dallas Nelson	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 9:11 PM
To: CPH Testimony
Cc: sushisupremehawaii@yahoo.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Grant Kawasaki	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:54 PM
To: CPH Testimony
Cc: lanson@2020autodetailing.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lanson Siazon	Individual	Oppose	No

Comments: Freedom of choice. Stop telling us what we can't and can't do. You want people to stop smoking they find and alternative, and you want to stop that now. Oppose, oppose, oppose.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:52 PM
To: CPH Testimony
Cc: dtown_dawg@yahoo.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Donnell E. Freeman	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:12 PM
To: CPH Testimony
Cc: Darlene.Ben73@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/30/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ben	Individual	Oppose	No

Comments:

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I am submitting personal testimony on SB404 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.

SB404 would establish an excise tax on electronic smoking devices (hereafter, e-cigarettes).

I support this legislation because our research indicates that use of e-cigarettes is 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**. And 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. Taxation has previously been shown effective for reducing rates of adolescent cigarette smoking. Thus there is a justification for increasing the tax on e-cigarettes as a means for protecting the health of the people of Hawaii.

I support SB404 for these reasons.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:30 AM
To: CPH Testimony
Cc: lovemyhello@kittymail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/31/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Powell	Individual	Oppose	No

Comments: Aloha, I consider myself a Democrat. That being said it isn't fair to keep ripping off working people with more sky-high taxes on vape or tobacco products. Obama said the rich should pay their fair share - What happened?

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:15 AM
To: CPH Testimony
Cc: rawtek808@gmail.com
Subject: Submitted testimony for SB404 on Feb 1, 2017 09:00AM

SB404

Submitted on: 1/31/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon L.K. Deponete	Individual	Support	No

Comments: Do not support this bill at all

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From: daoyagi10@everyactioncustom.com on behalf of [Davin Aoyagi](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB404, Relating to Chapter 245, Hawaii Revised Statutes
Date: Monday, January 30, 2017 7:05:01 PM

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

Hrg: February 1, 2017 at 9:00am at Capitol Room 229

I strongly support SB404 which creates a tax on electronic smoking devices (ESDs) and requires wholesalers and retailers of ESDs to obtain a retail tobacco permit.

ESD or e-cigarette use among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i has decreased through the years, ESD use has rapidly increased, threatening the state's current tobacco prevention efforts. This is particularly concerning because e-cigarettes provide a new way to deliver the drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

The e-cigarette industry uses the same tobacco marketing tactics that appeal to youth such as glamorizing its use and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple. Now that the FDA has deemed ESDs as tobacco products, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

This bill will also require a retail tobacco permit which will allow the state to know who is selling e-cigarettes in Hawai'i and work with these merchants to educate and enforce current tobacco laws.

I strongly support SB404 and ask you to pass this out of committee.

Sincerely,
Davin Aoyagi
316 Elelupe Rd Apt B
Honolulu, HI 96821-2218

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:43 AM
To: CPH Testimony
Cc: mauimoonflower@gmail.com
Subject: *Submitted testimony for SB404 on Feb 1, 2017 09:00AM*

SB404

Submitted on: 1/31/2017

Testimony for CPH on Feb 1, 2017 09:00AM in Conference Room 229

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

Comments:

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