

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

Testimony in SUPPORT of HB1907
RELATING TO HEALTH

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES
Hearing Date: January 30, 2018 Room Number: 329

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of the
2 Attorney General on the fiscal implications for enforcement.

3 **Department Testimony:** The DOH supports House Bill 1907 as a measure to protect the
4 public's health. The bill prohibits the remote sale and distribution of cigarettes and tobacco
5 products, including electronic smoking devices (ESDs) to consumers except to licensed
6 wholesalers/dealers and permit-holding retailers. The Department defers to the Department of
7 the Attorney General regarding the enforcement of the proposed measure.

8 Hawaii is among five states (including CA, OR, NJ, & ME) that have the strongest age
9 laws in the country that prohibit the sales of tobacco products to any person under the age of
10 twenty-one years. Such legislation specifically addresses face-to-face transactions, and is meant
11 to prevent youth access and initiation of tobacco use. However, the acceleration of online
12 tobacco product sales has created a dangerous loophole, undermining efforts to protect public
13 health, by providing an appealing option for underage smokers. In the current unregulated online
14 market, youth easily and often circumvent the age verification process for purchasing tobacco.
15 In some transactions age verification simply requires the consumer to acknowledge that a person
16 is over the legal age to purchase by clicking the word, "agree," to advance the transaction.

17 The Internet Tobacco Vendors Study (ITV), supported by the National Cancer Institute
18 and the United States (US) Food and Drug Administration (FDA) Center for Tobacco Products,
19 has monitored the online tobacco industry for over fifteen years, to assess sales practices and
20 public health impacts. In 2016, its study found that minors were successful in buying ESDs

1 online 93% of the time despite age restrictions and another study found that ESDs were often
2 shipped from Internet vendors without instructions or health warnings. Due to the easy access
3 for minors through online marketing, researchers recommend more vigorous policies to prohibit
4 sales to minors.^{i,ii}

5 Unregulated online access provides a way for the purchaser and tobacco industry to avoid
6 federal and state taxes, resulting in loss of revenue and loss of an important public health tool for
7 prevention.ⁱⁱⁱ Youth are price sensitive and online purchasing options are a less expensive
8 method for acquiring tobacco products including ESDs. Hawaii has seen ESD use by youth and
9 young adults increase at an alarming rate.^{iv} ESDs are now the most commonly used tobacco
10 product among youth in the nation and in Hawaii.^{v,vi} The electronic cigarette industry is growing
11 rapidly, with retail and online sales of electronic smoking devices projected to reach
12 \$10,000,000,000 in 2017.^{vii,viii}

13 The U.S. FDA in its deeming rule enacted in August 2016, extended its authority to
14 ESDs, cigars, hookah, and pipe tobacco as tobacco products.^{ix} Though the Tobacco Control Act
15 (TCA) of 2009 directs the FDA to regulate Internet sales of tobacco, the FDA regulation of
16 Internet tobacco sales has not moved past the Advance Notice of Proposed Rulemaking stage,
17 making it necessary for states to act to protect public health.^x The Prevent All Cigarette
18 Trafficking (PACT) Act, 2009, preserves the state authority to prohibit the direct shipment of
19 tobacco products to customers in their borders and eleven states have similar laws.^{xi}

20 The DOH supports this important measure to close the access loophole to protect the next
21 generation from tobacco and nicotine addiction.

22 Thank you for the opportunity to testify.

23 **Offered Amendments:** None.

ⁱ Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatr.* 2015;169(3):e1563. doi:10.1001/jamapediatrics.2015.63.

ⁱⁱ Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features. Tobacco Control.* [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

ⁱⁱⁱ *The National Association for Convenience and Fuel Retailing*: <http://www.nacsonline.com/Advocacy/Issues//Tobacco/Pages/RemoteSalesofTobacco.aspx>

^{iv} Hawaii State Department of Health, *2016-2020 Tobacco Use Prevention and Control in Hawaii, Five-Year Strategic Plan*, p.25.

^v U.S. Centers for Disease Control and Prevention (CDC), "*Tobacco Use Among Middle and High School Students — United States, 2011-2015*," *Morbidity and Mortality Weekly Report (MMWR)* 65(14):361-367, April 14, 2016, <http://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6514a1.pdf>

^{vi} Hawaii State Department of Health, *Youth Risk Behavior Survey (2015)*

^{vii} Herzog B, Gerber J. *E-Cigs revolutionizing the tobacco industry, 2013*. <http://www.smallcapfinancialwire.com/wp-content/uploads/2013/11/E-Cigs-Rovolutionizing-the-Tobacco-Industry-Interactive-Model.pdf>

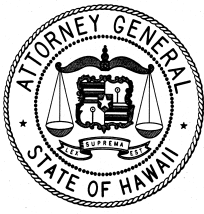
^{viii} Craver, R. (September 15, 2013). Analyst projection: *E-cigs will overtake traditional tobacco revenue at Reynolds in 2021*. *Winston-Salem Journal*. http://www.journalnow.com/business/business_news/local/analyst-projection-e-cigs-will-overtake-traditional-tobacco-revenue-at/article_948674ca-1ca9-11e3-a0ae-0019bb30f31a.html

^{ix} U.S. Food and Drug Administration. *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* (May 2016). <https://www.federalregister.gov/documents/2016/05/10/2016-10685/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> (May 2016).

^x Family Smoking Prevention and Tobacco Control Act of 2009.

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm246129.htm>

^{xi} Prevent All Cigarette Trafficking Act. Pub.L. 111-154, sec.2,§2A(e)(5)(C), 124 Stat. 1087, 1098 (codified at 15 U.S.C. §376a(e)(5)(C) [hereinafter PACT Act].



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1907, RELATING TO HEALTH.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Tuesday, January 30, 2018

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Janine R. Udui, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General ("Department") appreciates the intent of this bill and submits the following proposed amendment.

The purpose of this bill is to prohibit the shipment of certain tobacco products through the Internet or mail order to anyone other than a licensed wholesaler or dealer, or a retail tobacco permit holder. In addition to reducing the public health impact of tobacco use, the bill seeks to prevent potential tax evasion and loss of revenue through the remote sale of tobacco products.

The Department recommends amending subsection (a)(1) of the new section being added to chapter 245 by section 3 of the bill, page 4, lines 13 through 18, to remove the words "retailer with a valid retail tobacco permit;" and limit the shipment or transport of tobacco products to licensed wholesalers or dealers. Currently, in sections 245-5, 245-6, and 245-8(a)(3), HRS, respectively, wholesalers or dealers, and not retail tobacco permit holders, are responsible for filing tax returns, paying the appropriate taxes, and maintaining records on tobacco products sold, possessed, or used. Retail tobacco permit holders do not have the same responsibility to ensure that tax returns are filed, taxes are paid, and records are kept for any of the tobacco products they sell, possess, or use. By permitting a retail tobacco permit holder to receive remote orders of tobacco products for resale without the tax responsibilities that wholesalers or dealers

have with respect to tobacco products has the potential to lead to tax evasion or a loss of tax revenues. Similarly, removing the words “a retailer with a valid retail tobacco permit” from the bill would ensure the law regarding the shipment of tobacco products is consistent with the current law regarding the shipment of cigarettes. Section 245-16(a)(1), HRS, prohibits the shipment of cigarettes to any person or entity who is not a licensee. A “licensee” is defined in section 245-1, HRS, as “the holder of a license as a wholesaler or dealer granted under this chapter.”

Therefore, the Department recommends that to better promote the intent of the bill, subsection (a)(1), page 4, lines 13 through 18, of the bill be amended as follows:

- (1) Ships or transports, or causes to be shipped or transported, any tobacco product, including electronic smoking devices, ordered or purchased through a remote sale to anyone in the State other than a licensed wholesaler[;] or dealer[; ~~or retailer with a valid retail tobacco permit~~]; or

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF TAXATION**

830 PUNCHBOWL STREET, ROOM 221
HONOLULU, HAWAII 96813

<http://tax.hawaii.gov/>

Phone: (808) 587-1540 / Fax: (808) 587-1560
Email: Tax.Directors.Office@hawaii.gov

To: The Honorable John M. Mizuno, Chair
and Members of the House Committee on Health & Human Services

Date: Tuesday, January 30, 2018
Time: 9:30 A.M.
Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: H.B. 1907, Relating to Health

The Department of Taxation (Department) offers the following comments on H.B. 1907 for the Committee's consideration.

H.B. 1907 makes unlawful the transport of tobacco products ordered through remote sale to any address other than that of a tobacco wholesaler, dealer or retailer. H.B. 1907 also expands the tax on tobacco products to include electronic smoking devices, including cartridges and components. Under this bill, wholesalers and dealers of electronic smoking devices would be subject to a tax of 70% of the wholesale price of the devices, and wholesalers, dealers and retailers of electronic smoking devices would be required to secure licenses and retail permits annually. The bill is effective July 1, 2018.

The Department is able to administer the changes in this measure, but requests that any change to the tobacco tax be made effective January 1, 2019 to allow the Department to make the necessary form and computer system changes.

Thank you for the opportunity to provide comments.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Prohibits shipment of tobacco products, adds electronic smoking devices

BILL NUMBER: HB 1907

INTRODUCED BY: MIZUNO, ICHIYAMA, Evans, Kobayashi

EXECUTIVE SUMMARY: Although the bill is titled the "Internet Marketing and Purchase of Cigarettes and Tobacco Products Act of 2018," it incidentally makes electronic smoking devices "tobacco products" and, as such, fully subject to the tobacco tax. That may or may not have been an intended result.

SYNOPSIS: Adds a new section to chapter 245, Hawaii Revised Statutes, to prohibit certain transport of tobacco products ordered through remote sale.

Adds new definitions to HRS section 245-1 of "electronic smoking device," "Internet sale," "mail order," and "remote sale."

Amends the definition of "tobacco products" in HRS section 245 to include snus, which is a type of powdered tobacco, and electronic smoking devices, but excludes drugs, devices, or combination products that are approved for sale by the United States FDA.

EFFECTIVE DATE: July 1, 2018.

STAFF COMMENTS: Although the bill focuses on making certain transport of tobacco products illegal, it includes electronic smoking devices within the definition of "tobacco products." Because that definition defines the reach of the tobacco tax, this change makes electronic smoking devices subject to the tobacco tax. That change either could be unintended or misleading.

Currently tobacco products, other than cigarettes and large cigars, are taxed at 70% of the wholesale price of the product. If it is the intent of this measure to also tax e-cigarettes under the tobacco tax law, fair notice of this should be given to the affected industry.

The next question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it's working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn't be expected to raise revenue, because of (a). If the goal is to raise more money, then maybe some consideration should be given to lowering the tax to stoke demand.

Digested 1/26/2018



January 30, 2018

RE: SUPPORT HB 1907 Relating to Health

Dear Chair Mizuno, & Members of the Committee on Health & Human Services:

In Hawaii alone, smoking causes 1400 adult deaths per year and costs \$256 million. Limiting the use of tobacco would result in the most effective way to prevent a number of chronic disease and many other adverse health consequences.

At Blue Zones Projects we are working to make Hawaii a happier, healthier place to live, work and play. We support HB1907, which will help to achieve better health for many of our residents, but especially our youth.

Although Hawaii, along with California, has the strictest laws in the nation prohibiting the sale of tobacco to individuals under the age of 21, our children are easily able to purchase cigarettes and other tobacco products via the Internet. This legislation will close that loophole by only allowing the shipment of cigarettes and OTPs to licensed retailers, where a person would then be able to pick up the product ordered online.

Hawaii continues to see a steep rise in the use of electronic smoking devices and the unregulated industry of online sales helps to further allow for means in which to easily obtain these products. There is very little oversight to ensure the age of the purchaser is 21 and in accordance with our state law. Online purchases enable individuals to circumvent paying a variety of taxes on their purchases.

We are grateful to the Committee for hearing HB 1907 and hope that you will strongly consider passing this bill in order to help decrease the illegal access tobacco products and create a better, healthier Hawaii.,

Sincerely,

Peggy Mierzwa

Peggy Mierzwa
Statewide Policy Lead
Blue Zones Project—Hawaii

Brought to
Hawaii by



An Independent Licensee of the Blue Cross and Blue Shield Association



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

House Committee on Health and Human Services
Representative John Mizuno, Chair
Representative Bert Kobayashi, Vice Chair

HB 1907 – RELATING TO HEALTH

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

Thank you for the opportunity to provide testimony in support of HB 1907, 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).

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

Tuesday, January 30, 2018 at 9:30am
Conference Room 329

Senate Committee on Higher Education

To: Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Michael Robinson
Vice President & Government Relations

Re: Testimony in Support of HB 1907, Relating to Health

My name is Michael Robinson, Vice President and Government Relations at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system with over 70 locations statewide including medical centers, clinics, physicians and other caregivers serving Hawai'i and the Pacific Region with high quality, compassionate care. Its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox – specialize in innovative programs in women's health, pediatric care, cardiovascular services, cancer care, bone and joint services and more. Hawai'i Pacific Health is recognized nationally for its excellence in patient care and the use of electronic health records to improve quality and patient safety.

I write in support of HB 1907 which prohibits the remote sale and shipment of tobacco products, including electronic smoking devices (ESDs), to consumers except to licensed wholesalers and permit-holding retailers.

This measure will help to ensure that any consumer who wishes to purchase tobacco products must first present valid identification to verify that they are of appropriate age. Electronic smoking devices (ESDs) have surpassed cigarettes in popularity amongst teens. Ordering ESDs and associated products online is one easy way for underage consumers to circumvent our State's age-based regulation of tobacco. Prohibiting the remote sale and shipment of cigarettes, tobacco products, and ESDs, will improve the enforceability of our Tobacco age laws and ultimately help fewer teens to form dependence on tobacco and electronic smoking products.

Thank you for your consideration of this testimony in support of HB 1907.



Date: January 29, 2018

To: The Honorable John Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members of the House Committee on Health and Human Services

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

Re: **SUPPORT for HB 1907, Relating to Health**

Hrg: January 30, 2018 at 9:30am at Conference Room 329

Thank you for the opportunity to submit testimony in **SUPPORT** of HB 1970 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 over 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.

Offered amendments:

1. Delete Page 5, lines 1 – 4:

~~1 provided that a remote sale to a person or entity with a valid
2 general excise tax license from the department of taxation and a
3 physical building or structure for the purpose of retail is not
4 a violation of this section.~~

The Coalition supports restricting the shipment of tobacco products and electronic smoking devices other than to licensed sellers. However, Page 5, lines 1-4 would create a loophole that exempts those with a valid general excise tax license and a physical building or structure from this law.

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

HB 1970 would require that online sellers only ship to licensed wholesalers or permit-holding retailers. Purchasers are able to order online and pick up their products at a business with a tobacco retail permit. This would enable businesses to comply with tobacco selling laws and check for ID. Licensing and permits also allow the state to maintain a database of sellers, which would enable state agencies

to communicate with merchants and enforce state tobacco selling and taxation 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.

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

Hawaii's 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. According to the 2017 Youth Risk Behavior Survey, youth that have tried vaping are at an all-time high:

- High school: 42.3% (State), 49.6% (Hawaii County), 39% (Honolulu County), 45.3% (Kauai County), 50.7% (Maui County)
- Middle school: 27% (State), 35.8% (Hawaii County), 23.8% (Honolulu County), 30% (Kauai County), 32.1% (Maui County)

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 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 spends billions of dollars in order to gain a new generation of customers.

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 and sales, 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 support HB 1970 and ask you to pass this out of committee.

Mahalo,



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

LATE

HB-1907

Submitted on: 1/29/2018 5:52:30 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dau		Support	No

Comments:

Testimony:

Date: January 29, 2018

To: The Honorable John Mizuno, Chair

The Honorable Bertrand Kobayashi, Vice Chair

Members of the House Committee on Health and Human Services

From: Lisa Dau, RN, Private Citizen

Re: **SUPPORT for HB 1907, Relating to Health**

Hrg: January 30, 2018 at 9:30am at Conference Room 329

I **support** HB 1907 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 Hawaii, it is currently illegal to sell tobacco products including e-cigarettes to those under the age of 21. Our age to 21 law plays a critical 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.

Federal law already prohibits the delivery and shipment of cigarettes. Prohibiting the direct delivery and shipment of electronic smoking devices to consumers helps to close the online sales loophole. Requiring that ESD products be shipped to a registered and licensed seller will allow the State to enforce current tobacco selling and taxation laws. Further, businesses will be able to verify the age of purchasers who pick up these products in the stores that carry tobacco licenses and permits.

E-cigarettes are now the most popularly used tobacco product among youth and young adults in the nation. In Hawaii, e-cigarette use among youth is at an all-time high. This is concerning because e-cigarettes often 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 support HB1907 and ask you to pass this out of committee.

Mahalo,

Lisa Dau, RN

HB-1907

Submitted on: 1/29/2018 2:33:35 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andy Ancheta	American Medical Response	Support	No

Comments:



The American Heart Association **supports** HB 1907 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.

While Federal law already prohibits the delivery and shipment of cigarettes, adding a state restriction on the direct delivery and shipment of electronic smoking devices to consumers would help to close the online sales loophole of those products and help to protect Hawaii's youth from unscrupulous marketers of those products.

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 Hawaii, it is currently illegal to sell tobacco products, including e-cigarettes, to those under the age of 21. Hawaii's age to 21 law plays a critical role in preventing youth initiation and addiction to tobacco products, yet internet sellers can circumvent this restriction by providing easy access to these products.

E-cigarettes are now the most popularly used tobacco product among Hawaii's youth. According to recent Department of Health data, Almost half of Hawaii's youths have tried e-cigarettes, and 25 percent are now regular users. Those levels mirror youth cigarette use at its peak in Hawaii. This is concerning because e-cigarettes often contain nicotine and serve as a gateway to traditional cigarette use. Recent studies also indicate that e-cigarettes produce the same cardiovascular risks as traditional cigarettes.

The American Heart Association urges you to correct this loophole in our state's age restriction, taxation, and public health laws. It is imperative to continue to curtail tobacco use in any form, especially among our youth, if we are to control our state's healthcare costs and keep its Pre-Paid Healthcare law sustainable.

Please support HB1907.

Respectfully submitted,

Donald B. Weisman
Hawaii Government Relations/Communications 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.



Date: January 29, 2018

To: The Honorable John Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members of the House Committee on Health and Human Services

Re: **SUPPORT for HB1907**, Relating to Health
Hrg: January 30, 2018 at 9:30am at Conference Room 329

Aloha House Committee on Health and Human Resources,

I am writing in strong **SUPPORT of HB 1907** which prohibits the remote sale and distribution of cigarettes and tobacco products, including electronic smoking devices (ESDs) 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 21 law plays a critical role in preventing youth initiation and addiction to tobacco products, yet internet sellers can get around this restriction by providing easy access to tobacco products online.

Federal law already prohibits the delivery and shipment of cigarettes. Prohibiting the direct delivery and shipment of ESDs to consumers helps to close the online sales loophole. Requiring that ESD products be shipped to a registered and licensed seller will allow the State to enforce current tobacco selling and taxation laws. Further, businesses will be able to verify the age of purchasers who pick up these products in the stores that carry tobacco licenses and permits.

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 often 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 ESD 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 regarding ESDs. By not restricting remote sales, we lose any positive effects gained through the passage of our age 21 law.

I strongly **support HB1907** and respectfully ask you to pass this bill out of committee.

Mahalo nui for your consideration,

Forrest Batz, PharmD
Keaau, HI

LATE

HB-1907

Submitted on: 1/29/2018 4:04:57 PM
Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
brandee tabag		Support	No

Comments:

too much young kids have vapes or mods and it's not good for them nor their health. people don't understand how bad it is to keep smoking it, it could cause some serious health problems like water in their lungs. on the news the guys mouth blew up due to smoking a mod. does everyone want the same thing to happen to them??! so i hope you guys stop selling these to people w who are underage or even letting parents buy them for kids underage. or to even stop selling them at all.

LATE

HB-1907

Submitted on: 1/30/2018 5:59:33 AM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons		Support	No

Comments:

HB-1907

Submitted on: 1/29/2018 12:45:19 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

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

Comments:

LATE

HB-1907

Submitted on: 1/29/2018 8:37:19 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

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

Comments:

Committee Members

I strongly oppose HB1907 banning the internet sales of tobacco products.

On Oahu we have only two cigar shops, Tobaccos of Hawaii and Cigar Cigar. Tamura's, R. Fields & Wine, Ewa Panrty and Fujioka's are primarily liquor but also sells cigars as a luxury item. Then we have the smaller retailers like Havana Club Honolulu, Honolulu Cigar Co, Urbane Cigars, Aloha Tobacco and Hookah, Westside Cigars, North Shore Smoke Shop and myself. We are a small group of retailers trying to provide Oahu with premium cigars. Due to our states high tobacco tax at 50% many of our brick and mortar cigar shops have shut down in years past.

To ban internet sales and keep the tobacco tax at 50% is wrong. The Hawaii cigar community will ultimately suffer. As a retailer I've supported legislation to lower the tobacco tax on premium cigars. By doing so it would make it viable for more tobacconists to open cigar brick and mortars throught the state.

I encourage new and seasoned cigar enthusiasts to try new cigars but due to limited cigar stores we have here on Oahu most people buy their cigars online. It's great to buy local but our small group of retailers are not able to carry every brand of cigars forcing consumers to buy online. I would guess 80% of cigar smokers in Hawaii buy cigars online. The state would gain more tax revenue from cigar sales if we had more cigar shops.

Banning internet sales hurts all of Hawaii's cigar smokers as we have a limited amount of cigar retailers. Consumers shouldn't have to break the law to enjoy a fine cigar.

Aloha
Kalani Matsuura, Owner
Mokuleia Cigar Company



LATE

**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
January 30, 2018
Re: HB 1907 Relating to Health**

Good morning Chairman Mizuno and members of the House Committee on Health and Human Services. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii acknowledges the importance of preventing underage sales and is a goal we all share. However, adults should not be denied the choice and convenience of buying online. We therefore strongly opposes HB 1907 Relating to Health. This bill would prohibits online sale of electronic smoking devices and other tobacco products.

Many retailers statewide are already operating on a thin margin and face stiff competition. Retail has changed over the years in how consumers purchase products. We are seeing a surge in online sales for all types of merchandise including electronic devices, clothing, home goods and more. Local retailers are participating in online sales to remain competitive. We are seeing retailers that have not kept up with the trends of online sales who are now closing their doors.

In 2016 the Hawaii State Legislature passed a measure in which persons have to be 21 years old or older to purchase electronic devices and the liquids that it uses. In addition, the US Food & Drug Administration placed sweeping regulations on e-cigarettes and other tobacco products in the same way the FDA regulates conventional cigarettes.

By banning the sales of these type of products, small locally owned businesses will stand to be hurt and may potentially force some of these small locally owned businesses to close, leaving people out of work.

We respectfully ask that you hold this measure. Mahalo again for this opportunity to testify.

HB-1907

Submitted on: 1/29/2018 12:50:10 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

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

Comments:

HB-1907

Submitted on: 1/29/2018 12:52:27 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anya		Oppose	No

Comments:

HB-1907

Submitted on: 1/29/2018 12:52:30 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

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

Comments:

HB-1907

Submitted on: 1/29/2018 12:59:29 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Niki		Oppose	No

Comments:

HB-1907

Submitted on: 1/29/2018 1:08:02 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vinh		Oppose	No

Comments:

To whom it may concern,

I highly disapprove bill HB1907 and oppose it. There are many vape shops here in Hawaii with 10+ employees both doing retail and online. Supporting this bill will not only close these small businesses but cause many people working at these local vapes shops to be unemployed. If you look at many of the studies high profile Universities in the mainland have done, millions of ex-smokers all around the world have found vaping to help them quit the dangerous toxins which traditional tobacco cigarettes causes when inhaled. People smoke for the nicotine, but die for the tar these traditional cigarettes creates. Please think about the citizens in Hawaii, this is more than about tobacco tax revenue each state receives, this about the well being of millions of lives in Hawaii and around the world. Passing this bill HB1907 will be detrimental to small businesses in Hawaii who has a purpose of helping many people quit dangerous traditional tobacco cigarettes. I hope my letter comes through, we need to make bills which makes sense, not for the purpose of just doing it to be the first.

Sincerely, Vince Tran

HB-1907

Submitted on: 1/29/2018 1:08:30 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jinna Kim		Oppose	No

Comments:

Hello,

Thank you for taking the time to read my testimony. I have been a previous smoker but with the help of vaping I was able to wean myself off of smoking cigarettes. Having the option of better health I was able to quit smoking and get myself down to a ZERO nicotine vape which helped me give up the habit of smoking tobacco. This has changed my health dramatically and helped me reduce my stress without going cold turkey. I also believe that the sales online for small business owners should not be frowned upon especially if they go through the extreme measures of having a age verification on the website which allows them to identify the date of birth on each person purchasing with a State approved license that you will have to be 21 to purchase any vaping tems. Please also look at the statistic in vaping and how it changed previous smokers to having an alternative without the harmful substance produced by smoking tobacco, such as tar and carbon monoxide. Please oppose this bill since it will take away the rights of me having a better alternative then going back to smoking tobacco.

Thank you for your time

Jinna Kim

HB-1907

Submitted on: 1/29/2018 1:19:40 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cameran Cole		Oppose	No

Comments:

This bill is completely out of hand, and I as a citizen of this great state of Hawaii will not stand for this. We're all human, we all have our vices. Some people smoke, some drink, and some do worse, why should we be put in categories of a negative. I have been a vaper for the better part of almost 7 years and its been the greatest decision I've ever made in my life. Saved years in my life span, improved my relationships with friends, family and loved ones, and so much more. Not only did it save me, but it saved others as well, our economy has been alot better with new signs of business, employees and is a LEGAL profitable business. If you feel like you are bigger than the citizens, then I'm sorry you are greatly mistaken. If you feel the need to hear these words for yourself, I encourage you to come visit these businesses you plan to shut down. We won't scare you away, for we are not better than you and vice versa. Aloha and mahalo for your time.

HB-1907

Submitted on: 1/29/2018 1:33:14 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Lee		Oppose	No

Comments:

HB-1907

Submitted on: 1/29/2018 2:16:18 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rafael Montero		Oppose	No

Comments:

I oppose this.

HB-1907

Submitted on: 1/29/2018 2:57:28 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Fujiwaki		Oppose	No

Comments:

HB-1907

Submitted on: 1/29/2018 2:57:36 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
nicholas		Oppose	No

Comments:

LATE

HB-1907

Submitted on: 1/29/2018 4:18:05 PM
Testimony for HHS on 1/30/2018 9:30:00 AM

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

Comments:

This would make a criminals out of many customers.

HB-1907

Submitted on: 1/29/2018 5:10:33 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Wolery		Oppose	No

Comments:

Thank you for the opportunity to submit testimony.

We acknowledges the importance of preventing underage sales and is a goal we all share. However, adults should be not be denied the choice and convenience of buying online. We therefore strongly opposes HB 1907 Relating to Remote Sales of Cigarettes and Tobacco Products. This bill would prohibit online sale of electronic smoking devices and other tobacco products.

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.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 ecigarette-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.

kobayashi2 - Kevin

From: Robert Asuncion <robasuncion@gmail.com>
Sent: Monday, January 29, 2018 7:59 PM
To: hhstestimony
Subject: OPPOSE HB1907



Dear HHS Committee,

I Oppose this measure, and hope you will as well. This is most likely unenforceable, and it is definitely unfair to adult consumers who want to order products not available here in Hawaii. The legal age is 21. Most "children" younger than 18 do not have a credit card, which is necessary for an online purchase, and most live at home under the supervision of their parents. This type of regulation will have a limited effect on the people you are trying to protect, but a big effect on those adult users who choice -and are allowed to - enjoy these products, many of which are not available here in the State and must be ordered from the mainland or internationally.

I am not even sure how you will be able to can enforce this if it does pass.

Please consider this when considering this bill.

Aloha,

Robert Asuncion

LATE

HB-1907

Submitted on: 1/29/2018 7:38:08 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bronson Miyose		Oppose	No

Comments:

LATE

HB-1907

Submitted on: 1/29/2018 11:32:57 PM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Stevenson		Oppose	No

Comments:

I oppose this bill. It makes no sense to cut off access for the people who are trying to quit smoking cigarettes. Local business owners rely on daily foot traffic to keep food on their tables. They work extensive hours past their shops hours to stay updated on rules and revisions given by the FDA. This will surely handicap the local vape shops and the countless people who are trying to quit a deadly carcinogens of smoking. This bill should not be passed

LATE

HB-1907

Submitted on: 1/30/2018 2:10:55 AM
Testimony for HHS on 1/30/2018 9:30:00 AM

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

Comments:

Testimony:

Date: January 29, 2018

To: The Honorable John Mizuno, Chair

The Honorable Bertrand Kobayashi, Vice Chair

Members of the House Committee on Health and Human Services

From: Rachel Savereux, MSW Candidate, University of Hawaii at Manoa

Re: **SUPPORT for HB 1907, Relating to Health**

Hrg: January 30, 2018 at 9:30am at Conference Room 329



I support HB 1907 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 Hawaii, it is currently illegal to sell tobacco products including e-cigarettes to those under the age of 21. Our age to 21 law plays a critical 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.

Federal law already prohibits the delivery and shipment of cigarettes. Prohibiting the direct delivery and shipment of electronic smoking devices to consumers helps to close the online sales loophole. Requiring that ESD products be shipped to a registered and licensed seller will allow the State to enforce current tobacco selling and taxation laws. Further, businesses will be able to verify the age of purchasers who pick up these products in the stores that carry tobacco licenses and permits.

E-cigarettes are now the most popularly used tobacco product among youth and young adults in the nation. In Hawaii, e-cigarette use among youth is at an all-time high. This is concerning because e-cigarettes often 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 support HB1907 and ask you to pass this out of committee.

Mahalo,
Rachel Savereux

LATE

HB-1907

Submitted on: 1/30/2018 8:46:30 AM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ivannia Alay	Student	Support	Yes

Comments:

Testimony:

Date: January 29, 2018

To: The Honorable John Mizuno, Chair

The Honorable Bertrand Kobayashi, Vice Chair

Members of the House Committee on Health and Human Services

From: Ivannia Alay, Student at University of Hawaii at Manoa with School of Social Work

Re: SUPPORT for HB 1907, Relating to Health

Hrg: January 30, 2018 at 9:30am at Conference Room 329

I support HB 1907 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 Hawaii, it is currently illegal to sell tobacco products including e-cigarettes to those under the age of 21. Our age to 21 law plays a critical 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.

Federal law already prohibits the delivery and shipment of cigarettes. Prohibiting the direct delivery and shipment of electronic smoking devices to consumers helps to close the online sales loophole. Requiring that ESD products be shipped to a registered and licensed seller will allow the State to enforce current tobacco selling and taxation laws. Further, businesses will be able to verify the age of purchasers who pick up these products in the stores that carry tobacco licenses and permits.

E-cigarettes are now the most popularly used tobacco product among youth and young adults in the nation. In Hawaii, e-cigarette use among youth is at an all-time high. This is concerning because e-cigarettes often 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 support HB1907 and ask you to pass this out of committee.

Mahalo,

Ivannia Alay

LATE

HB-1907

Submitted on: 1/30/2018 9:30:29 AM
Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Kay		Support	No

Comments:

As a youth in Hawaii, I strongly support this bill because I was personally able to buy e-vape on my school campus using the school's wifi and bypassed Hawaii's age limit on purchasing e-juice. I even recorded it on my computer, but am unable to show the video due to the attachment specifications.

At no point in the checkout process was I stopped for any type of ID or age check. This lack of regulation is problematic and cannot go unchecked, as it has allowed many youths to still participate in these activities while breaking the law, and is a huge loophole in the age restrictions on vape.

Sincerely,

Sara Kay

Age 18

Punahou School

LATE

HB-1907

Submitted on: 1/30/2018 10:39:51 AM

Testimony for HHS on 1/30/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Tam		Support	No

Comments:

Date: January 29, 2018

To: The Honorable John Mizuno, Chair

The Honorable Bertrand Kobayashi, Vice Chair

Members of the House Committee on Health and Human Services

From: Elizabeth Tam

Re: **SUPPORT for HB 1907, Relating to Health**

Hrg: January 30, 2018 at 9:30am at Conference Room 329

I **support** HB 1907 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.

PLEASE, require that electronic nicotine-delivery devices and related products be shipped to a registered and licensed seller. This will allow the State to enforce current tobacco selling and taxation laws and allows businesses to verify that purchasers are at least 21 years old.

No matter how it is delivered, nicotine can lead to addiction and harm the developing brain. E-cigarettes are now the most popular and widely used nicotine delivery product among youth and young adults in the nation. In Hawaii, e-cigarette use among youth is at an all-time high. Note that e-cigarette use among youth is associated with a greater likelihood of also smoking tobacco cigarettes ("dual use").

Online sellers use marketing and advertising tactics that directly appeal to youth by promoting candy and local flavors, offering deep discounts, and glamorizing e-cigarette use. Websites simply require users to click on a button to verify their age – a process that is 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 support HB1907 and ask you to pass this out of committee.

Mahalo,

Elizabeth K. Tam, MD

Internist and Pulmonologist



LATE T

LATE

Tuesday, January 30, 2018 at 9:30am

Conference Room 329

Senate Committee on Higher Education

LATE TESTIMONY

To: Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Maile Corpus
Coordinator, Tobacco Cessation Program
Certified Tobacco Treatment Specialist

Re: Testimony in Support of HB 1907, Relating to Health

My name is Maile Corpus, Coordinator at the Kapi'olani Tobacco Cessation Program. The goal of Kapi'olani Smokefree Families: Tobacco & Nicotine Cessation Program is to create a healthier Hawai'i by helping patients and their families or household members to quit smoking and be tobacco-free. It is estimated that 40% of children are exposed to smoke, which increases their risk of asthma, colds, ear infections, and SIDS. The American Academy of Pediatrics has identified smoke exposure as a pediatric disease. We at Kapi'olani Medical Center for Women & Children have a duty to help minimize their exposure and advocate for their right to clean air.

I write in support of HB 1907 which prohibits the remote sale and shipment of tobacco products, including electronic smoking devices (ESDs), to consumers except to licensed wholesalers 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 Hawaii, it is currently illegal to sell tobacco products including e-cigarettes to those under the age of 21. Our age to 21 law plays a critical 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.

Federal law already prohibits the delivery and shipment of cigarettes. Prohibiting the direct delivery and shipment of electronic smoking devices to consumers helps to close the online sales loophole. Requiring that ESD products be shipped to a registered and licensed seller will allow the State to enforce current tobacco selling and taxation laws. Further, businesses will be able to verify the age of purchasers who pick up these products in the stores that carry tobacco licenses and permits.

E-cigarettes are now the most popularly used tobacco product among youth and young adults in the nation. In Hawaii, e-cigarette use among youth is at an all-time high. This is concerning because e-cigarettes often 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 support HB1907 and ask you to pass this out of committee.

Thank you for your consideration of this testimony.