



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



**Testimony COMMENTING on H.B. 2158  
RELATING TO TOBACCO**

REPRESENTATIVE CHAIR JOHN M. MIZUNO  
HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: 02/06/2018

Room Number: 329

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Office of the Attorney  
2 General (AGO) on enforcement, and the Department of Taxation (DOTAX) on the  
3 implementation of licensing and permitting sections of the proposed measure.

4 **Department Testimony:** The DOH offers comments on House Bill 2158 (H.B. 2158) as a  
5 measure to protect youth by reducing the use, access and exposure to tobacco products. The  
6 Department defers to the AGO on the legality and enforceability of the amendments proposed to  
7 §712, Hawaii Revised Statutes (HRS), and to the DOTAX for implementation of tobacco  
8 licensing and permitting amendments to §245-2.5, HRS.

9 The DOH finds support in public health literature for creating “tobacco-free buffer  
10 zones” around schools, parks, and public housing as a regulatory strategy to reduce youth  
11 initiation to tobacco products like traditional cigarettes and e-cigarettes also known as electronic  
12 smoking devices (ESDs). According to studies published by the American Journal of Public  
13 Health, “experimental smoking among high school-aged minors increases when tobacco  
14 retailers are closer to schools and densely populate those locations.”<sup>1</sup> The Institute of Medicine  
15 also suggests that restricting tobacco retail outlets near schools will impact youth tobacco use  
16 through limiting sales and reduced access.<sup>2</sup> This is supported by additional tobacco outlet  
17 studies that confirm that “proximity to schools is significant because smoking patterns are almost

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<sup>1</sup> McCarthy, W. J., Mistry, R., Lu, Y., Patel, M., Zheng, H., & Dietsch, B. (2009). Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students. *American Journal of Public Health, 99*(11), 2006–2013.  
<http://doi.org/10.2105/AJPH.2008.145128>

<sup>2</sup> Bonnie RJ, Stratton K, Wallace RB, Ending the Tobacco Problem: A Blueprint for the Nation. Washington, DC: National Academy Press: 2007

1 exclusively developed during the adolescent and teen years. Availability, accessibility, and the  
2 perception that smoking is normal are all associated with higher youth smoking rates.”<sup>3</sup>

3 The licensing strategy for creating tobacco-free buffer zones around schools,  
4 playgrounds, and public housing complexes by prohibiting tobacco retail outlets in these specific  
5 areas has the support of the public health community, including the Centers for Disease Control  
6 and Prevention. Researchers from the University of Buffalo and Roswell Park Cancer Institute  
7 found tobacco outlets were concentrated around elementary and secondary schools, and more  
8 densely concentrated in lower-income areas. They observed that the environmental impact of  
9 these outlets may be intensifying the tobacco-use disparities between socio-economic groups.<sup>4</sup>

10 California, New York, and numerous other localities have implemented tobacco retailer  
11 zones, ranging from three to fifteen hundred feet, where sales of tobacco products and permits  
12 for tobacco retailers are prohibited near schools, parks, and other areas frequented by youth.  
13 Comparable laws have been established that prohibit the sale of alcoholic beverages within  
14 certain distances of schools and playgrounds. Youth and alcohol research has shown that there is  
15 a positive association between outlet density and excessive alcohol consumption.<sup>5</sup>

16 Thank you for the opportunity to testify.

17 **Offered Amendments: None**

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<sup>3</sup> Andrea Licht Et Al., Tobacco Retail Outlet Density by Proximity to Schools and Low Income Areas in Two Cities In Western New York (2011) (Finding that tobacco retail outlets were more concentrated around schools and more likely to be frequented by youth and other disadvantaged populations.) University at Buffalo. (2011, February 22). Study shows tobacco retail proximity to schools. *ScienceDaily*. Retrieved February 1, 2018 from [www.sciencedaily.com/releases/2011/02/110222122727.htm](http://www.sciencedaily.com/releases/2011/02/110222122727.htm)

<sup>4</sup> University at Buffalo. (2011, February 22). Study shows tobacco retail proximity to schools. *ScienceDaily*. Retrieved February 1, 2018 from [www.sciencedaily.com/releases/2011/02/110222122727.htm](http://www.sciencedaily.com/releases/2011/02/110222122727.htm)

<sup>5</sup> See Centers Of Disease Control And Prevention, Guide To Community Preventive Services, Evidence-Based Strategies To Prevent Excessive Alcohol Consumption And Related Harms, available at [www.thecommunityguide.org/content/regulating-alcohol-outlet-density-prevents-excessive-alcohol-use](http://www.thecommunityguide.org/content/regulating-alcohol-outlet-density-prevents-excessive-alcohol-use) retrieved 2/5/2018

DAVID Y. IGE  
GOVERNOR

DOUGLAS S. CHIN  
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/>

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

Date: Tuesday, February 6, 2018  
Time: 8:30 A.M.  
Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director  
Department of Taxation

Re: H.B. 2158, Relating to Tobacco

The Department of Taxation (Department) offers the following comments on H.B. 2158 for the Committees' consideration.

H.B. 2158 makes it unlawful to sell tobacco products or electronic smoking devices within 750 feet of a school, a park, or public housing. H.B. 2158 further provides that the Department shall not issue retail tobacco permits for locations within 750 feet of a school, a park, or public housing. The bill is effective July 1, 2018.

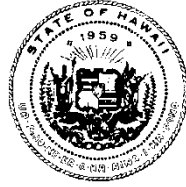
The Department respectfully requests Section 3 of the bill be amended to read as follows:

SECTION 3. Section 245-2.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The retail tobacco permit shall be issued by the department upon application by the retailer in the form and manner prescribed by the department, and the payment of a fee of \$20[-]; provided that the place of business for which the permit is sought shall not be within seven hundred fifty feet of a public or private school, public park, or public housing project or complex. Permits shall be valid for one year, from December 1 to November 30, and renewable annually[-]; provided that a permit issued for a place of business that is located within seven hundred fifty feet of a public or private school, public park, or public housing project or complex shall be void. Whenever a retail tobacco permit is defaced, destroyed, or lost, or the permittee relocates the permittee's business, the department may issue a duplicate retail tobacco permit to the permittee for a fee of \$5 per copy."

Thank you for the opportunity to provide comments.

DAVID Y. IGE  
GOVERNOR



HAKIM OUANSAFI  
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO  
EXECUTIVE ASSISTANT

**STATE OF HAWAII**  
HAWAII PUBLIC HOUSING AUTHORITY  
1002 NORTH SCHOOL STREET  
POST OFFICE BOX 17907  
HONOLULU, HAWAII 96817

Statement of  
**Hakim Ouansafi**  
Hawaii Public Housing Authority  
Before the

**HOUSE COMMITTEE ON HUMAN SERVICES**

**Tuesday, February 6, 2018**  
**8:30 AM - Room 329, Hawaii State Capitol**

In consideration of  
**HB 2158**  
**RELATING TO TOBACCO**

Honorable Chair Mizuno, and Members of the House Committee on Human Services, thank you for the opportunity to provide testimony for House Bill (HB) 2158, relating to tobacco.

The Hawaii Public Housing Authority (HPHA) **supports** the enactment of HB 2158, which prohibits the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex.

The HPHA currently possesses a well-established "smoke-free" statute, passed by the legislature in 2013, and believes that the enactment of this measure will go a long way to reduce HPHA youth tobacco and electronic smoking device use.

The HPHA appreciates the opportunity to provide the Committee with the HPHA's testimony regarding HB 2158. We thank you very much for your dedicated support.





February 5, 2018

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

Re: **Strong Support for HB2158**

Hrg: February 6, 2018 at 8:30am room 329

The Hawaii Public Health Association is a group of over 600 community members, public health professionals and organizations statewide dedicated to improving public health. HPHA also serves as a voice for public health professionals and as a repository for information about public health in the Pacific.

HPHA strongly supports HB2158 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

Tobacco licensing and zoning laws are effective strategies that impact the density of tobacco retailers, access to tobacco products and location of tobacco retailers. When more tobacco retailers are located in a given area, their overwhelming presence and marketing gives residents and youth in that community the impression that tobacco and electronic smoking devices are available, accessible, and acceptable.

Restricting the sale of tobacco products and electronic smoking devices near schools, public parks, and public housing matters because minority populations, youth, and low-income communities are already disproportionately affected by tobacco. When tobacco store proximity and presence is strong in the community, it perpetuates social norms about tobacco use. Whether you are keiki walking to school or playground, daily exposure to these promotions suggest that smoking or vaping is acceptable.

I strongly support changing our tobacco zoning restrictions to create an area between schools and tobacco stores where our youth will be protected from onslaught of advertising and retail availability of tobacco and e-cigarette products.

HB2158 is a policy solution that can protect our communities from being disproportionately targeted by tobacco, reduce tobacco-related health disparities, and encourages responsible tobacco retailing.

Thank you for the opportunity to provide testimony on important health issues affecting people in Hawai'i.

Respectfully submitted,

A handwritten signature in black ink that reads "Holly Kessler".

Holly Kessler, Executive Director  
Hawai'i Public Health Association



February 6, 2018

Representative Mizuno, Chair  
Representative Kobayashi, Vice Chair  
Honorable Members of the House Committee on Health & Human Services

RE: **Strong Support of HB2158** Relating to Tobacco

Aloha Chair, Vice-Chair and Members of the Committee:

Blue Zones Project–Hawaii strongly supports HB2158, which places zoning restrictions for the sale of tobacco products and electronic smoking devices within 750 feet of a school, public park, or public housing complex. By regulating the location of sale, the bill addresses areas with highly vulnerable populations to the advertising tactics of the industry.

This bill will help to limit the high visibility of tobacco products and electronic smoking devices in places where youth spend the majority of their time, near schools and parks. Our youth are particularly vulnerable to the aggressive advertising that retailers of ESDs use. Not only do children get the message that ESDs are acceptable, but that it is a cool counterculture, which recognizes the unique aspects of teens and preteens. Furthermore, these retailers use youth focused flavors, techy designs and a variety of discount promotions, which are all appealing to our young people.

At Blue Zones Project we support those efforts that address the rapidly increasing health issues in our communities, such as the adverse health ailments from tobacco and nicotine products. We believe that by working to prohibit the aggressive marketing of tobacco and ESDs within close proximity to parks, schools, and public housing is one of the ways to reduce rates of use. The retailers have been irresponsible regarding our most vulnerable populations.

The industry's major focus has always been on increasing their business and furthering their bottom line. It is time that we stand together as a community to more heavily regulate this industry. Please support HB2158.

Sincerely,

*Peggy Mierzwa*

Peggy Mierzwa  
Statewide Policy Lead  
Blue Zones Project—Hawaii

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Hawaii by



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Date: February 4, 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 & Advocacy Director, Hawai'i Public Health Institute

Re: **STRONG SUPPORT for HB2158, Relating to Tobacco**

Hrg: February 6, 2018 at 8:30am at Capitol Room 329

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Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of HB2158, which would create a tobacco-free buffer zone by prohibiting the issuance of new retail permits and prohibit the renewal of existing permits within 750 feet of schools, public parks, and public housing complexes.

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 more than 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:

The Coalition would like the legislature to note that electronic smoking device (ESD) retailers are currently not required to obtain a tobacco retail permit in order to sell ESD products. The Coalition recommends that the HRS Section §245-2 and 2.5 be amended to include electronic smoking devices as part of the chapter on wholesaler licenses and retail tobacco permits.

**Density of tobacco retailers near schools influences social norms about tobacco use**

Studies have shown that a high density of tobacco retailers near schools makes it easier for youth to access tobacco products and is associated with a higher prevalence of youth smoking rates<sup>i</sup>. In addition, the daily exposure to tobacco stores and the presence of tobacco retailers give the impression that tobacco and vaping is available and accessible. E-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. The e-cigarette industry is expected to be worth \$34 billion by 2021<sup>ii</sup>, and Big Tobacco companies are estimated to spend \$25.5 million dollars annually on advertising in Hawai'i<sup>iii</sup>.

Prohibiting tobacco retailers from locating near schools and other youth-oriented areas is an effective policy strategy to reduce tobacco retailer density. In a public poll<sup>iv</sup> conducted by Ward Research Inc. for the Coalition in November 2017, 85% of registered Hawai'i voters were in support of prohibiting the sale of tobacco products within a certain distance from schools or playgrounds.

Several cities in California and New York have enacted similar legislation to encourage responsible tobacco retailing, reduce tobacco-related health disparities, and reduce youth tobacco use.

**There are more tobacco retailers near schools in low income areas than in other areas**

In a community assessment done by the Coalition, more than 246 ESD retailers on the island of Oahu alone (see attached map below). Key findings include that:

- In zip codes where the average household income was \$103,518<sup>v</sup>, there were 15 total ESD retailers.
- In zip codes where the average household income was \$57,070<sup>vi</sup>, there were 70 total ESD retailers.

Proximity of ESD retailers show that many stores are within walking distance from schools:

- Farrington High School - 400 feet from E-Cig City
- Washington Middle School - 360 feet from Pipe Dreams
- Kuhio Elementary School - 470 feet from Choke Smoke Shop
- Central Middle School - 675 feet from Vapor Tokers
- Pearl City Elementary School - 240 feet 808 Smokes

**Tobacco use and vaping continues to take toll on Hawaii’s residents and keiki**

Tobacco use disproportionately affects marginalized populations—people in low-income communities, racial and ethnic minorities, and LGBT individuals all have a long and documented history of being targeted by the tobacco industry. Tobacco companies are fully aware that low-income communities smoke in much higher numbers than the rest of the country and have the least information about the health hazards of smoking and vaping, the fewest resources and social supports, and often the least access to services that help them quit.

In addition, e-cigarettes have now surpassed cigarettes as the most commonly used tobacco product among youth. The 2017 Hawai’i Youth Risk Behaviors survey reports that 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai’i reported that they are regularly vaping<sup>vii</sup>. E-cigarettes often contain nicotine, which 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<sup>viii</sup>.

HB2158 would help to reduce youth exposure to tobacco advertising and access to tobacco products by reducing tobacco retailer density in areas that youth frequent, and as a result help to prevent youth from starting to use tobacco products.

Thank you for the opportunity to testify. We strongly support HB2158 and respectfully asks you to pass this measure out of committee.

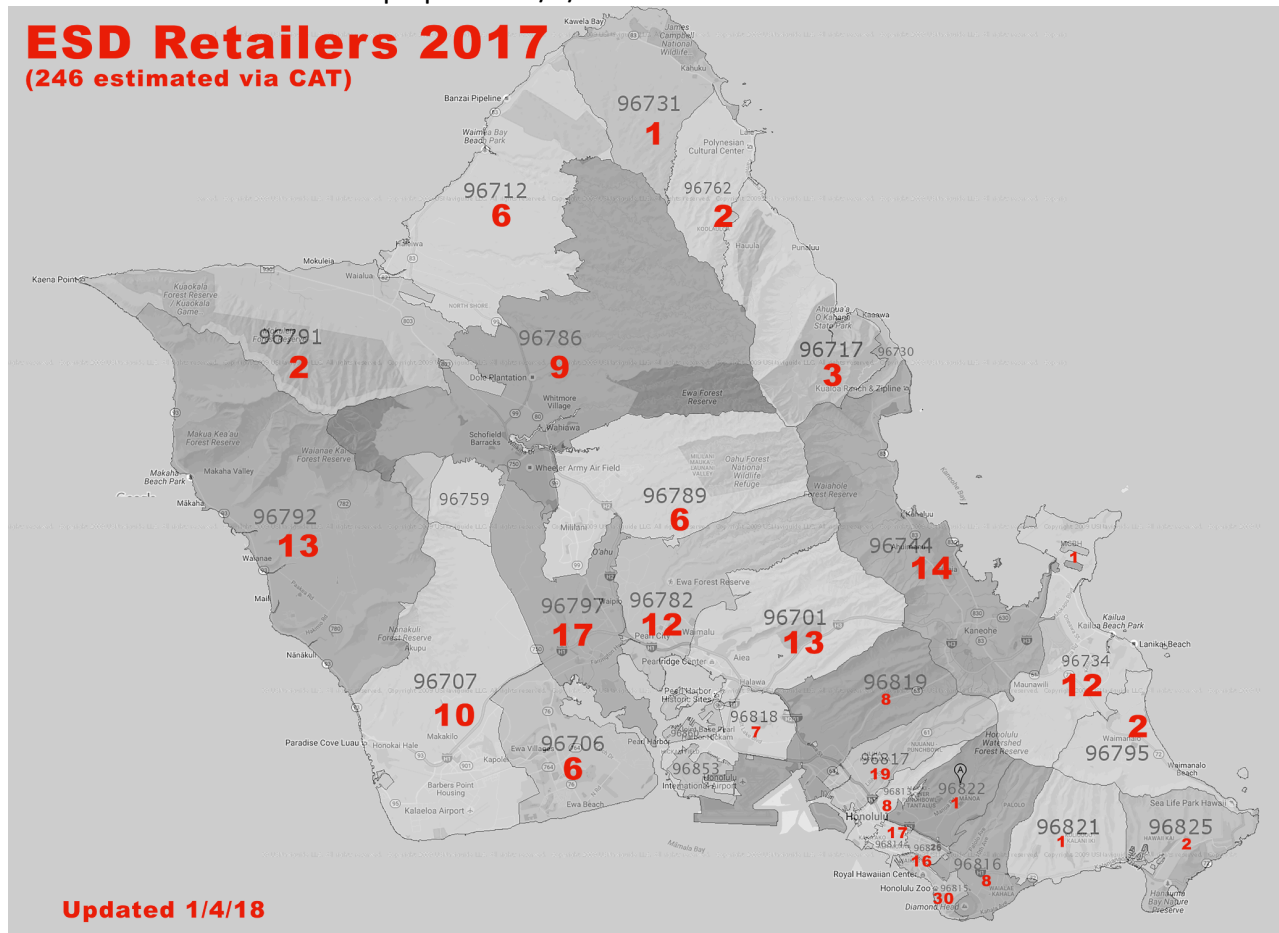
Mahalo,



Trish La Chica, MPA  
Policy and Advocacy Director

[tobaccofreehawaii.org](http://tobaccofreehawaii.org) • [hiphi.org](http://hiphi.org) • 850 Richards Street, suite 201 • Honolulu, Hawai’i 96813

Attached: Oahu ESD Retailer Map updated 1/4/18



- <sup>i</sup> Henriksen L, Feighery EC, Schleicher NC, et al. (2008). Is adolescent smoking related to density and proximity of tobacco outlets and retail cigarette advertising near schools? *Preventive Medicine*, 4, pp. 201-214.
- <sup>ii</sup> Euromonitor International. (2017). *Cigarettes in China*.
- <sup>iii</sup> U.S. Federal Trade Commission (FTC), Federal Trade Commission (FTC). *Cigarette Report for 2015, 2017*, See also, FTC, *Smokeless Tobacco Report for 2015, 2017*, State total is a prorated estimate based on cigarette pack sales in the state. For tobacco marketing influence on youth, see Pollay, R., et al., "The Last Straw? Cigarette Advertising and Realized Market Shares Among Youths and Adults," *Journal of Marketing* 60(2):1-16, April 1996; Evans, N., et al., "Influence of Tobacco Marketing and Exposure to Smokers on Adolescent Susceptibility to Smoking," *Journal of the National Cancer Institute* 87(20): 1538-45, October 1995; Pierce, J.P., et al., "Tobacco Industry Promotion of Cigarettes and Adolescent Smoking," *Journal of the American Medical Association (JAMA)* 279(7): 511-505, February 1998 [with erratum in *JAMA* 280(5): 422, August 1998].
- <sup>iv</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=804 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between October 24 and November 16, 2017.
- <sup>v</sup> 96706 (Ewa), 96789 (Mililani), 96821 (Aina Haina), 96825 (Hawaii Kai)
- <sup>vi</sup> 96786 (Wahiawa), 96792 (Waianae), 96817 (Kalihi), 96815 (Waikiki)
- <sup>vii</sup> U.S. Centers for Disease Control and Prevention. *Results of the 2017 Hawaii Youth Risk Behavior Survey*.
- <sup>viii</sup> U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults, a Report from the Surgeon General* (2017). from [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Exec\\_Summ\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)



## American Heart Association testimony in support of HB 2158, “Related to Tobacco”

The American Heart Association supports HB 2158.

While tobacco use has decreased significantly in Hawaii over the last decade, broad disparities continue to exist among low income and low education communities, and electronic smoking device use among Hawaii’s youths have exploded to rates comparable to the highest use levels once registered among youths using cigarettes.

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii’s \$5.3 million investment in tobacco prevention, control and cessation programs pale in comparison, and fall well short of the Centers for Disease Control’s (CDC) best practice recommendation of a \$13.7 million annual investment. The industry has begun to invest heavily in marketing ESDs as cigarette usage has declined.

HB 2158 would help to restrict industry marketing to Hawaii’s most vulnerable population groups, including youths, and the lower socioeconomic population which currently are those most highly targeted by industry marketing.

The American Heart Association urges legislators to support HB 2158.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman".

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.



**HB-2158**

Submitted on: 2/5/2018 2:38:45 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Crismel Juan	Hawaii Public Health Institute	Support	No

Comments:

Date: February 5, 2018

From: Crisamel Juan, Kea'au High School, 18 years old

Re: STRONG SUPPORT for HB2158 and SB 2304, Relating to Tobacco

Aloha,

I am writing in strong support of HB 2158 and SB 2304 which would reduce the use, access, and exposure to tobacco products by youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

As a member of the Youth Council I believe that tobacco and vaping products do not belong near schools because:

1. When I walk to schools or go to a convenience store, I see a lot of tobacco and vaping advertising which makes me feel like smoking or vaping is acceptable.
2. Tobacco and vaping is not good for my health because of all the bad chemicals that's being exposed. Whenever I smell tobacco or any vape products, I feel as if my breath is being stolen away from me. I can't breathe and I hate that feeling.
3. I want to go to school and not be regularly exposed to tobacco and vape stores selling these products.
4. There's an elementary school close to high school and it would be wrong for them to be exposed to these type of bad things. If vaping or any tobacco use is being shown from high schoolers, it could be an influence for youngsters to start following. What we want is to create a tobacco free environment and we would be closer if this was passed. I strongly support changing our tobacco zoning restrictions to create an area between schools and tobacco stores where our youth will be protected from onslaught of advertising and retail availability of tobacco and e-cigarette products.

Tobacco-free buffer zones is a policy solution that can protect kids and young adults from being directly targeted by tobacco.

Mahalo,  
Crismel Juan, Keaau High School, 18 years old





**HB-2158**

Submitted on: 2/3/2018 8:45:51 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vince Yamashiroya, MD	Vince Yamashiroya, MD, Inc.	Support	No

## Comments:

I am a pediatrician in Honolulu writing in strong support of HB2158 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

Tobacco licensing and zoning laws are effective strategies that impact the density of tobacco retailers, access to tobacco products and location of tobacco retailers. When more tobacco retailers are located in a given area, their overwhelming presence and marketing gives residents and youth in that community the impression that tobacco and electronic smoking devices are available, accessible, and acceptable.

Restricting the sale of tobacco products and electronic smoking devices near schools, public parks, and public housing matters because minority populations, youth, and low-income communities are already disproportionately affected by tobacco. When tobacco store proximity and presence is strong in the community, it perpetuates social norms about tobacco use. Whether you are keiki walking to school or playground, daily exposure to these promotions suggest that smoking or vaping is acceptable.

I strongly support changing our tobacco zoning restrictions to create an area between schools and tobacco stores where our youth will be protected from onslaught of advertising and retail availability of tobacco and e-cigarette products.

HB2158 is a policy solution that can protect our communities from being disproportionately targeted by tobacco, reduce tobacco-related health disparities, and encourages responsible tobacco retailing.

Date: February 4, 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 HB2158**, Relating to Tobacco

Hrg: February 6, 2018 at 8:30am at Capitol Room 329

Aloha House Committee on Health and Human Resources,

I am writing in strong **SUPPORT of HB2158** that would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

Tobacco licensing and zoning laws are effective strategies that impact the density of tobacco retailers, access to tobacco products and location of tobacco retailers. When more tobacco retailers are located in a given area, their overwhelming presence and marketing gives residents and youth in that community the impression that tobacco and electronic smoking devices are available, accessible, and acceptable.

Restricting the sale of tobacco products and electronic smoking devices near schools, public parks, and public housing matters because youth and low-income residents are already disproportionately affected by tobacco. When tobacco store proximity and presence is strong in the community, it perpetuates social norms about tobacco use. For keiki walking to school or the playground, daily exposure to these promotions suggests that smoking or vaping is acceptable.

I strongly support changing our tobacco zoning restrictions to create a buffer zone between schools, public parks and public housing to protect our keiki from an onslaught of advertising and retail availability of tobacco and e-cigarette products.

HB2158 is a policy solution that can protect our youth and other vulnerable populations from being disproportionately targeted for tobacco use, reduce tobacco-related health disparities, and encourage responsible tobacco retailing.

I strongly **support HB2158** and respectfully ask you to pass this bill out of committee.

Mahalo nui for your consideration,

Forrest Batz, PharmD  
Keaau, HI

**HB-2158**

Submitted on: 2/2/2018 6:32:06 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C. Azelski		Support	No

Comments:

Please support HB2158 to help young people avoid a health damaging, life-long and expensive habit.

**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:44:43 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katie Folio		Support	No

Comments:

My name is Katie Folio and I am writing in strong support of HB2158 as a private citizen from Kula on Maui. I believe tobacco products, particularly vaping products, should be more heavily regulated, especially when it comes to our kids. We need to protect our youth from the marketing tactics used to target youth. Maui County has among the highest youth use rates of electronic smoking devices ("vaping") in the country, and it is vital to their individual health and the long term health of our community that we bring this number down. Please consider restricting sales near schools and sensitive areas - this could have a long lasting effect on improved health for our keiki. Mahalo nui loa,

Katie Folio

Kula, HI

**LATE**

**HB-2158**

Submitted on: 2/5/2018 7:07:53 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez		Support	No

Comments:

**LATE**

**HB-2158**

Submitted on: 2/5/2018 10:06:41 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Chun	American Cancer Society Cancer Action Network	Support	Yes

Comments:



1050 Bishop St. PMB 235 | Honolulu, HI 96813  
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#### **Executive Officers**

**Beau Oshiro**, C&S Wholesale Grocers, *Chair*  
**John Erickson**, Meadow Gold Dairies, *Immediate Past Chair*  
**Toby Taniguchi**, KTA Superstores, *Vice Chair*  
**Lauren Zirbel**, HFIA, *Executive Director*  
**Joe Carter**, Coca-Cola Bottling of Hawaii, *Secretary / Treasurer*  
**Stan Brown**, Acosta Sales & Marketing, *Advisor*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**John Shilf**, Rainbow Sales & Marketing, *Advisor*  
**Barry Taniguchi**, KTA Superstores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*

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TO:  
Committee on Health and Human Services  
Rep. John M. Mizuno, Chair  
Rep. Bertrand Kobayashi, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: Tuesday, February 6, 2018  
TIME: 8:30am  
PLACE: Conference Room 329

RE: HB 2158 Relating to Tobacco

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

The restrictions proposed by this bill would penalize businesses based on arbitrary geographic guidelines that the businesses themselves have no control over. This bill would include almost all of Waikiki and downtown as well as many other commercial and retail districts around the state.

Retailers already face stiff fines and penalties for sale of tobacco to minors and Hawaii is already one of just a handful of states to raise the smoking age to 21. It is unfair to single out certain retailers based on their locations and subject them to additional restrictions, which would essentially ban them from selling a legal product. We ask that this measure be held.



TO: HOUSE COMMITTEE HEALTH AND HUMAN SERVICES  
Representative John M. Mizuno, Chair and  
Representative Bertrand Kobayashi, Vice Chair

FROM: Thomas A. Grimes  
Vice President of Aloha Petroleum, Ltd.

HEARING

DATE: Tuesday, February 6, 2018  
TIME: 8:30 a.m.  
PLACE: State Capitol, Conference Room 329

**RE: Testimony in Opposition to HB 2158 Relating to Tobacco**

Chairs, Vice Chair, and Members of the House Committee on Health and Human Services, I am Thomas A. Grimes, Vice President of Aloha Petroleum, Ltd. (“Aloha Petroleum”).

Aloha Petroleum opposes HB 2158 relating to Tobacco, which prohibits the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex.

This bill is poorly drafted and would have serious adverse economic consequences. HB 2158 would unfairly target and penalize existing small businesses in Hawaii. As drafted, hundreds of businesses in Hawaii would be shut down or their economic viability would be threatened. Consider Ala Moana Center which is right across the street from Ala Moana Beach Park and all the small businesses within the restricted zone which would be adversely affected. At a minimum, existing businesses should be grandfathered in under this bill.

While the studies referenced in HB 2158 deals with K-12 schools, this bill also attempts to include public parks and public housing complexes in the restriction. This bill is clearly overreaching to the point that it makes no sense. In addition, HB 2158 unfairly penalizes low income and minority neighborhoods since residents of those areas will likely have to travel farther to purchase groceries and other convenience items. Accordingly, the restrictions relating to public park and public housing need to be removed from the bill.



Testimony of Aloha Petroleum, Ltd.



HB 2158 re Tobacco  
Hearing Date/Time:  
February 6, 2018 at 8:30 a.m.

The reference to schools is also overly broad since “schools” includes adult and trade schools, including cooking schools, hair styling schools, automotive schools or any of the hundreds of other adult, trade or vocational type schools that exist in our state. There is absolutely no logical reason to restrict tobacco or e-cigarette sales if a small business is in close proximity to trade or vocational schools.

Finally, the sale of age restricted products like tobacco and alcohol is already highly regulated by the federal, state and county government agencies. Adults have the right to buy such products if they wish, and the sale of tobacco and alcohol to minors is routinely checked by government regulators. Any violations of these regulations result in large fines to the business, including the revocation of the required permits and licenses to sell tobacco and alcohol. Accordingly, like many other legitimate businesses, Aloha Petroleum has a rigorous tobacco training program for its employees. Aloha immediately suspends any sales associate for any violation of these regulations and policies with the potential for termination if a violation is repeated.

For all the above reasons, please vote no on this measure.

Thank you for the opportunity to testify in opposition to HB 2158.

**LATE**



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 6, 2018**

**Re: HB 2158 RELATING TO TOBACCO**

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 smoking and is a goal we all share. However we are strongly opposed to HB 2158. By banning the sale of tobacco products or electronic smoking devices within 750 feet of a public or private school, public park or public housing project or complex is not the simple answer.

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 tobacco products. E cigs and tobacco products are not on our store shelves next to the snacks, but behind the counters or locked up. Anyone interested in purchasing these items would have to ask an employee and show proof of age with an ID.

Many businesses, especially the Mom and Pop type stores already exist by schools, parks and housing. By creating a "retail buffer zone" that ban the sales of these type of products, many businesses especially small locally owned businesses will stand to be hurt and may potentially force some of these locally owned businesses to close, thus displacing workers who may be your family, friends or neighbors. Retailers statewide are already operating on a thin margin and face stiff competition and may not be able to survive this type of prohibition.

We respectfully ask that you hold this measure.

Mahalo again for this opportunity to testify.

To: Committee on HHS

Re: Opposition to HB2158

Hearing: Tuesday, February 6, 2018 8:30am

Thank you for allowing me to speak. My name is Devin Wolery from PCG Enterprises & SFATA Hawaii.

Section 2 of HB2158 states that “it shall be unlawful to sell a tobacco product or an electronic smoking device at a place of business located within seven hundred fifty feet of a public or private school, public park, or public housing project or complex.”

The statement does not adequately define a school, other than public or private designations. This creates a significant degree of ambiguity when considering non-traditional schools, such as home schools and vocational schools. Instruction occurs for a variety of trades in many different locales. This includes but is not limited to commercial and personal vehicle driving schools, massage schools, salon and esthetician schools, medical technology schools, and facilities used by medical professionals to fulfill rotation, residency, and continuing education requirements.

Additionally, the term park is not clearly defined. According to the Revised Ordinances of Honolulu, Chapter 10 “Rules, Regulations, Charges and Fees for Public Parks and Recreational Facilities” a public park is defined as “any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, or other recreation area or facility under the control, maintenance and management of the department of parks and recreation.” Under this definition, beaches and beach access right-a-ways are considered parks and would designate any area 750 feet inward from shore as non-compliant. Additionally, any publicly maintained hiking trails, including those maintained by the State Department of Land and Natural Resources, are considered public parks. This deems any area within a 750 foot radius of the entire length of the trail as non-compliant as well.

The bill also does not delineate how the distance of 750 feet is measured. It is indeterminate as to whether it refers to walking-path or direct line of flight. A walking path would include publicly accessible avenues to go from one point to another without traversing any private property or areas off-limit to trespassing, much like driving directions to the store. On the contrary, a direct line of flight path would be the shortest distance from one point to another and ignores private property lines and areas that are not accessible on foot, much like how a bird would fly from one point to another. Specifically, the bill does not indicate at which point on the park or school's property the distance of 750 feet is to be measured.

In passing this bill with its current verbiage, it will effectively ban all tobacco sales in the state. My small business currently generates about \$15,000 in GET tax revenue. If 1,000 retailers generate the same amount of GET revenue in tobacco sales, this ban would cause the loss of more than \$15,000,000. However, please keep in mind that my annual GET tax revenue for the State pales in comparison to larger retailers such as Volcano, ABC Store, 7-11, and Foodland.

Due to no grandfather clause for this bill, if it were to become law it would create problems with existing businesses. If a new school opened up near the retailer, even temporarily, it would force their closure, particularly with smaller, specialty outlets. This fuels currently high unemployment numbers, adding undue stress to an already strained and meagerly funded state socioeconomic support system, and negating any additional consumer spending to focus on cost of living expenses.

In addition, passage of this bill would negatively impact the tourism industry, a significant source of income for the state. Visitors would not be able to obtain tobacco products easily in tourist dominant areas, forcing them to venture to more obscure, less friendly neighborhoods. This would pose a challenge to tourists here on extended stays, and would ultimately factor in to their decision to visit Hawaii.

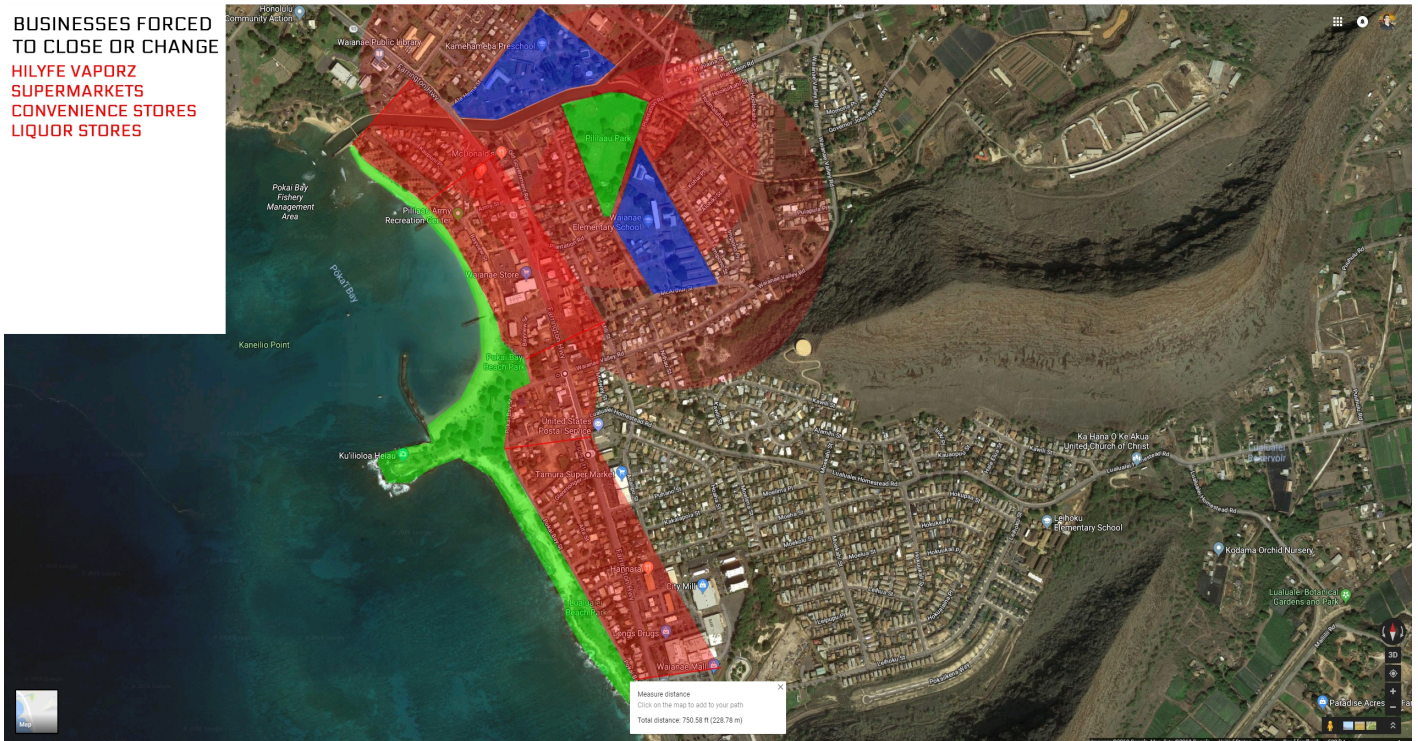
The following pages contain Google Map images of several neighborhoods on Oahu and the neighbor islands that have been marked to show what areas are non-compliant according to the bill. The color key below indicates pertinent areas of interest to the bill:



- Blue = School
- Green = Park
- Yellow = Low Income Housing

Waianae is a coastal town. The main road is within 750ft from the beach. A majority of the businesses are on this road.

**BUSINESSES FORCED TO CLOSE OR CHANGE**  
**HILYFE VAPORZ**  
**SUPERMARKETS**  
**CONVENIENCE STORES**  
**LIQUOR STORES**



PearlRidge would be almost entirely non-compliant.

**BUSINESSES FORCED TO CLOSE OR CHANGE**  
**ALOHA ELIQUIDS**  
**CIGARETTES & THINGS**  
**GOURMET LIQUORS**  
**SAFWAY SUPERMARKET**  
**FOODLAND**  
**7-ELEVEN**  
**OTHER MISC STORES**  
**IN PEARLRIDGE**





The commercial and retail areas in Aiea would be non-compliant.

- BUSINESSES FORCED TO CLOSE OR CHANGE**
- PC GAMERZ
  - 24 HOUR VAPES
  - JNJ CONVENIENCE STORE
  - SHELL GAS STATION
  - TIMES SUPERMARKET
  - ECIGGITY
  - 808 SMOKES
  - 7-ELEVEN



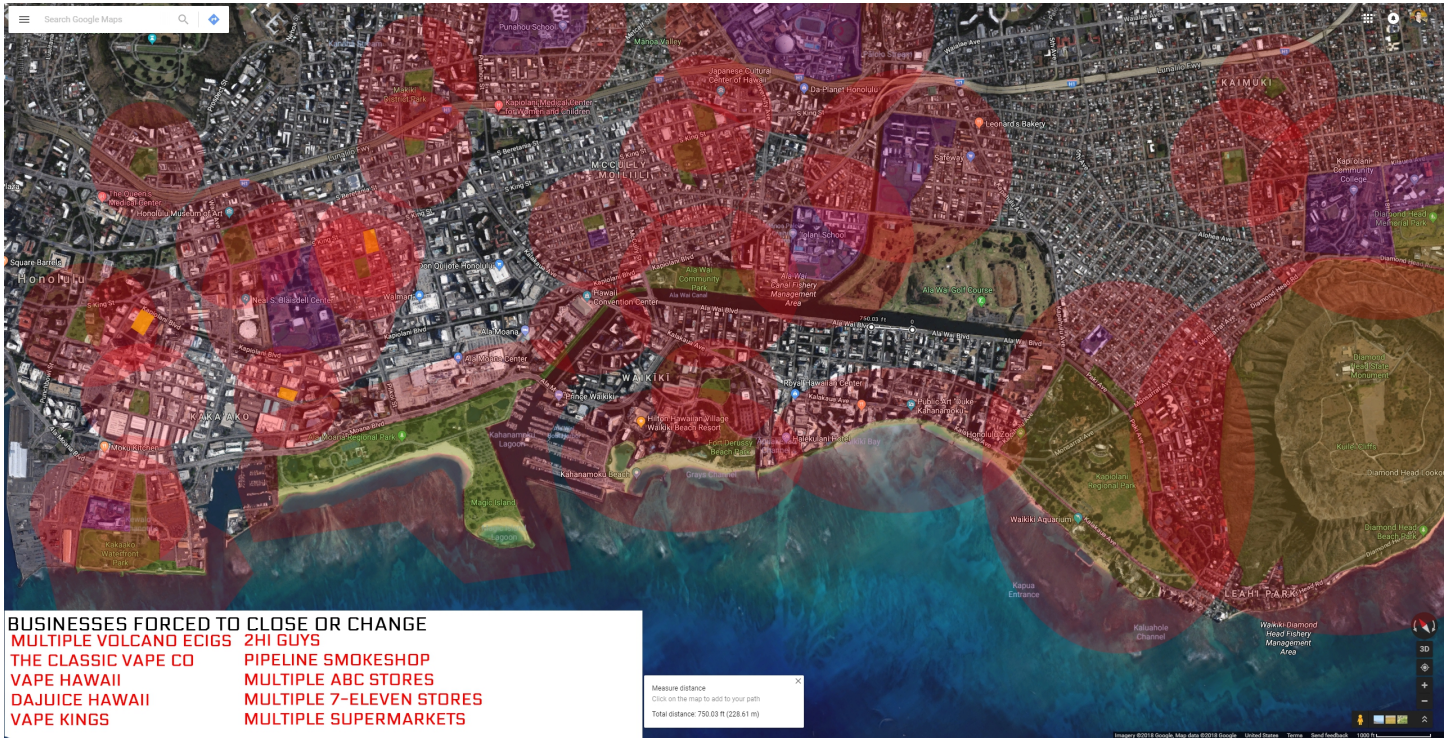
Wahiawa Would be non-compliant. Especially if school stays undefined or includes any of the types listed above.

- BUSINESSES FORCED TO CLOSE OR CHANGE**
- VOLCANO ECIGS
  - VAPOR HI
  - HI SUPPLY SMOKE SHOP
  - VAPOR TECH HAWAII
  - SUPERMARKETS
  - CONVENIENCE STORES
  - LIQUOR STORES





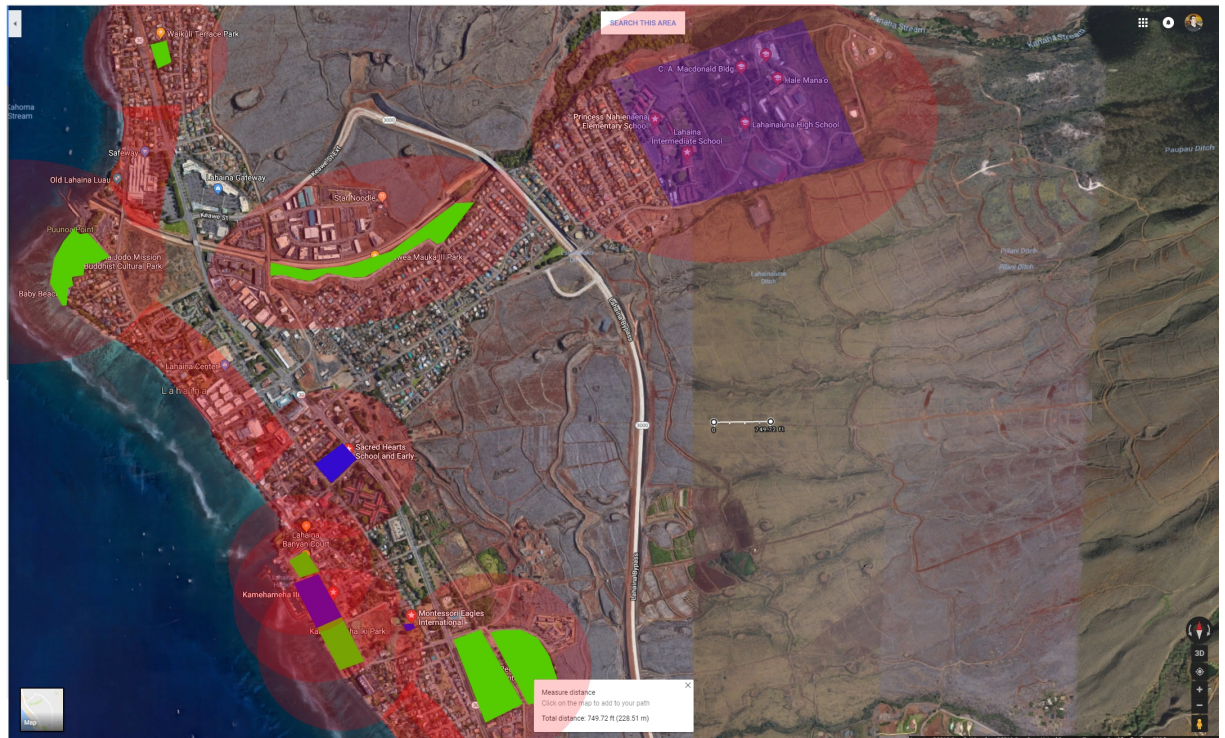
Honolulu to Diamond Head Would be non-compliant. The TOURISM industry will suffer greatly here. The 37 ABC stores in Waikiki alone, 7-Eleven stores and locally owned and operated stores will be affected. Wholesale stores would be restricted, causing even more financial problems to the rest of the small stores around the island.



What about Outer Islands? Lets check out Maui.

Here is Lahaina

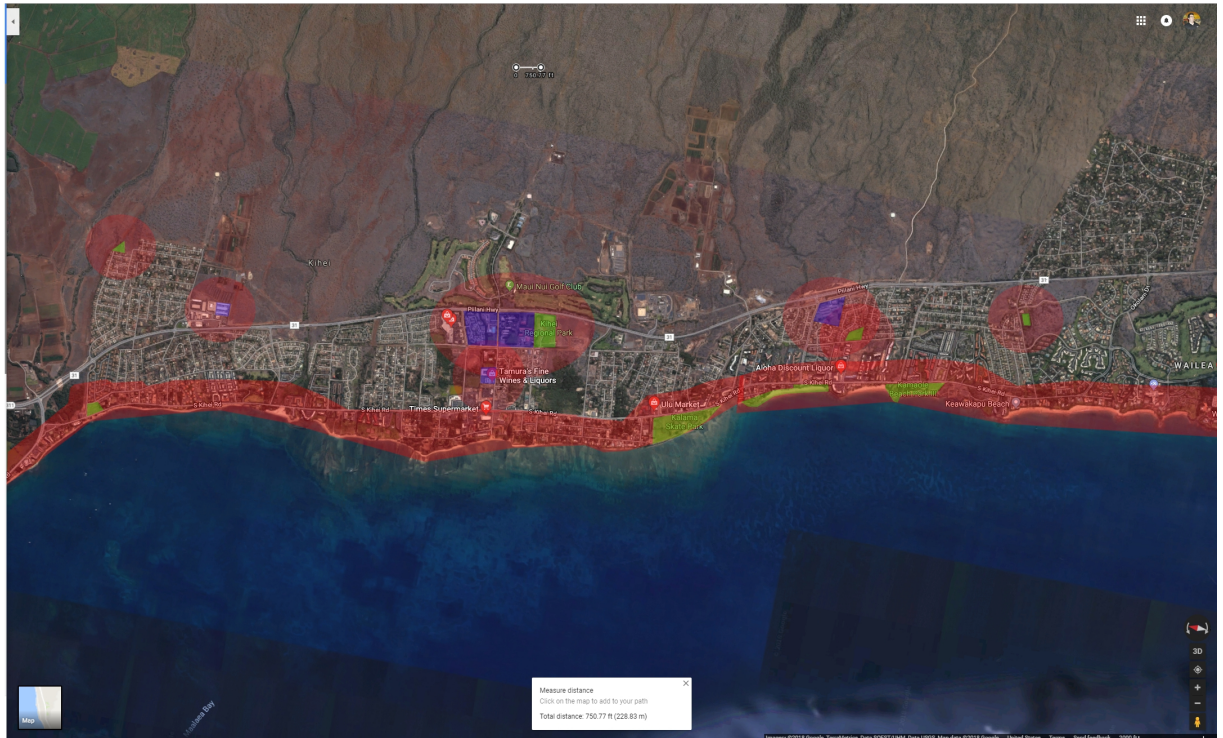
**BUSINESSES FORCED TO CLOSE OR CHANGE**





## Kihei Maui

BUSINESSES FORCED  
TO CLOSE OR CHANGE



## Kahului Maui

BUSINESSES FORCED  
TO CLOSE OR CHANGE



This bill is attempting to regulate tobacco products, adding vape products to the category. But the vaping industry is not like traditional tobacco businesses. These are small businesses, not large retailers backed by tobacco companies. This industry was designed as an alternative to combustible cigarettes as a means of reducing nicotine usage over time and ceasing cigarette use, and is reflected in the declining annual smoking rates. The use of flavors in e-liquids is not meant to target to kids, but a means of making something more enjoyable. If adding apple flavoring to e-liquid is a marketing target for kids, does the use of apple cider in some alcoholic beverages not do the same? In my store, we verify that every single person is at least 21 years of age before selling any vape products. Furthermore, we refuse sales to groups of people if even one person is

under the age of requirement. Passage of this bill would severely limit the ability of retailers to legally sell tobacco products, increasing the market demand. This would drive the black market sale of tobacco products, effectively removing any GET revenue from an already hemorrhaging state budget.

Thank you for reading my testimony!



**HB-2158**

Submitted on: 2/3/2018 12:52:23 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kameran self-gomes		Oppose	Yes

Comments:

With this law trying to be passed it would make it nearly impossible for shops trying to help people quit smoking tobacco products and the less people in the world smoking tobacco products the better this world environment would be. The eliquids that are used in vape are 95%more healthier then any tobacco smoking products

**HB-2158**

Submitted on: 2/1/2018 9:01:24 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

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

Comments:

**HB-2158**

Submitted on: 2/2/2018 1:26:12 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Johnathon Myers	Cigar Rights of America	Oppose	No

## Comments:

I strongly OPPOSE this proposed Bill for existing small businesses and retailers. There are plenty of Laws in place already in the State of Hawai'i that prevent youth from purchasing tobacco products--enforce them. Take a look at the prices for e-cigarette e-liquid and devices, as well as tobacco products--it is absolutely unaffordable for youth. If there is a valid statistic that the youth are using e-cigarette or tobacco products, they are most likely acquiring these items by other means than legitimate purchases through legitimate business owners--stop regulating business owners and educate youth and their parents. There are plenty of Laws in place to prevent advertisement and glamorization of tobacco and e-cigarette products at the State and Federal (FDA) level--enforce them. There are plenty of laws in place for zoning commercial businesses, if a tobacco/e-cigarette retailer is licensed and permitted in a commercial zone, then there should not be any further Government overreach. This proposed Bill is a clear example of Government overreach.

**HB-2158**

Submitted on: 2/2/2018 1:46:06 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Chai		Oppose	No

Comments:

then why do bars still have parking lots?

**HB-2158**

Submitted on: 2/3/2018 10:53:46 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

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

Comments:

Totally unfair that some stores can sell a product and some can't.

**HB-2158**

Submitted on: 2/3/2018 11:56:32 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan kaeo jr		Oppose	No

Comments:

**HB-2158**

Submitted on: 2/3/2018 12:07:17 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
taeleipu liliu		Oppose	No

Comments:

**HB-2158**

Submitted on: 2/3/2018 12:18:09 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
michael echiverri		Oppose	No

Comments:



**HB-2158**

Submitted on: 2/3/2018 12:53:27 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Albert cambra		Oppose	No

Comments:

This is not a bill that is fair to business that sale tobacco related products for small vape shops who provide jobs and survive off their sales would close and markets and groceys store would lose a good chunk of their income because of this bill. So i oppose this bill not only because i vape but because for smaller shop owners you would be destroying their way of pitting a roof over their heads and food on their table.

**HB-2158**

Submitted on: 2/3/2018 1:24:52 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
justin richards		Oppose	No

Comments:

**HB-2158**

Submitted on: 2/3/2018 2:52:45 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Medeiros		Oppose	No

Comments:

First of all, there are already laws on the book restricting the sale of tobacco products to persons under the age of majority. If there is a problem of juveniles purchasing these products near schools or parks, then the answer is enforcement. Perhaps through supporting community policing in areas near schools or parks - actually having officers on regular foot patrol to enforce the existing laws.

With respect to adults, I see no reason to restrict sales of a legal product to an adult, regardless of the proximity to schools, parks or public housing. Adults have a choice, and this choice is protected under the Constitution. I cannot support restricting an individual's right to purchase a legal product.

Therefore, I oppose this measure.

**HB-2158**

Submitted on: 2/3/2018 3:13:13 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jason graham		Oppose	No

Comments:

This bill with the provision where e cig businesses cannot sell their product is the essential of closing their store. Its like going to a car dealership and say they cannot sell vehicles. The fact that alcohol or gambling or abuse of unemployment is less enforced is sad. Small businesses where they choose to sell food or ecig products should not be punished for trying to sell products to 21 and up adults the profits go into the statw via taxes and local purchases. Do not limit small business owners and do not take away from people not trying to smoke cigs

**HB-2158**

Submitted on: 2/3/2018 3:24:20 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon Fia		Oppose	No

Comments:

I strongly OPPOSE the proposed Bill for existing small businesses and retailers. If the retailer is licensed to sell tobacco and operating in a commercial zoned area selling a LEGAL product, they should be allowed to continue to have to opportunity to make a living running a business. This would force the majority of the retailers to stop selling a LEGAL product that generates revenue for them and the state via taxes or even shut down. A quick search on a map made it clear that several retailers would be affected. The cost of relocation would be too much to bear.

This is an example of Government overreach. The retailers are very responsible about selling tobacco products to underage youth. If tobacco use is a problem with youth, its not because they are running to the local retailer near their school or park to buy it. They are getting it from other methods such as older friends and family. Solving this problem is not with the retailers and they shouldnt have to bear the burden for it. Perhaps the people who are giving the products to youth should be held more accountable rather than the honest local businesses.

In the very least the exsisting businesses should be grandfathered in. Any new businesses, would know in advance which locations would not viable before spendings all the money to set up their business.

Thank you for your time.

**HB-2158**

Submitted on: 2/3/2018 4:53:54 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
rhonda benigno		Oppose	No

Comments:

For over 5 years tobacco & vape shops been in business all around the islands and it hasn't been hurting nor luring kids to smoke or vape. Why now? These small businesses are here to help people quit the bad habits and help them make healthier smoking habits. I oppose this bill and wish this does not pass!

**HB-2158**

Submitted on: 2/3/2018 7:35:38 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher I. Miggins		Oppose	No

Comments:

This hurts all small business owners who rely on the sale of smokeless tobacco to pay their bills, employees, and feed their families. A'ole!

**HB-2158**

Submitted on: 2/3/2018 11:56:51 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amber		Oppose	No

Comments:

As a mother I don't believe that kids should be smoking cigarettes or using electronic vape devices however I myself Vape and you can keep shop like these away from schools parks etc. but that won't stop them from getting their hands on it. I started smoking cigarettes in middle school though I wasn't old enough to buy them I found ways to get my hands on a it taking from my grandpa, dad's pack looking on the floor bumming off someone and yes they would think I was of age as I dressed older and looked older kids are not dumb they will find ways. Like addicts no matter what they find ways to get high this is inevitable.



**HB-2158**

Submitted on: 2/4/2018 7:22:59 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mercedes		Oppose	No

Comments:

**HB-2158**

Submitted on: 2/4/2018 12:14:40 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Park		Oppose	No

Comments:

**HB-2158**

Submitted on: 2/4/2018 5:58:41 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vin Kim	Vape Hawaii	Oppose	No

Comments:

**HB-2158**

Submitted on: 2/4/2018 9:17:15 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mariner Revell		Oppose	No

Comments:

I strongly oppose this bill. I own tobacco stores I built my business with my life savings and poured everything I have into my business. My businesses are located in town and have been in operation for years. I have just spent my savings on my latest store set to one this month.

I have my life in my businesses this law would destroy myself and over 30 employees and their families.

If this law passes my livelihood would be taken away, and I would be forced to terminate over 30 employees forcing them to not be able to provide for their families. Please do not support this bill it is unreasonable and unfair.

**HB-2158**

Submitted on: 2/5/2018 6:26:41 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco		Oppose	No

Comments:

**HB-2158**

Submitted on: 2/5/2018 9:52:49 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dory Kong		Oppose	No

Comments:

To whom It may concern,

I oppose bill **HB2158**. I've been a heavy smoker of traditional tobacco cigarettes for over 7 years and only quit the last 3 years after being introduced to the lifesaving technology which we know now as electronic cigarettes or e-cigarettes. I am no longer out of breath doing minor chores, getting up in the morning coughing, feeling sick and having bad breath. All this due to switching over to e-cigarettes and have been tobacco cigarette free since.

This bill imposes on what we Americans believe in, which is freedom of choice and consumer rights to options. It's easy for a non-smoker to tell us to "just quit" but as a smoker it's much harder than that. The best route would be to have options for a healthier alternative. A report published by Public Health England (PHE), an agency sponsored by the UK's Department for Health, has concluded that e-cigarettes are 95 percent less harmful than traditional smokes.

Yet our U.S. Government continues to deny and ignore these facts and studies due to potential loss in tobacco tax revenue which each State including Hawaii receives. It's seem like our Government is more concerned about money than American lives which they can potential save by having an open mindedness to this new life saving technology.

On top of imposing on our rights, this bill is detrimental to small businesses here in Hawaii. Small businesses will "go out of business" if this bill passes, there is no doubt about it. Thousands will be out of jobs and unable to support their family and force small businesses to move to the mainland which is the opposite of what we've been trying to do which is to create more jobs here in Hawaii.

I implore you to re-review these bills relating to e-cigarettes and what negative impact it has on many residents here in Hawaii.

Sincerely, Vince Tran

Resident of Honolulu, Hawaii

**HB-2158**

Submitted on: 2/5/2018 10:43:10 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

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

Comments:

Hello,

Thank you for taking the time to read my testimony. I believe this bill will not be effective but will hurt all businesses because Hawaii is so small and everything is so close to each other. Please be more open minded on how this will effect the economy and small businesses.

Thank you



**HB-2158**

Submitted on: 2/5/2018 2:52:02 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jess Lovely	Island Vapor	Oppose	No

Comments:

This bill would shut down over 90% of all the retailers in the state. Due to the high density environment here in Honolulu, a ban of this nature would have significant negative impacts on many local businesses including rent payments, GE tax production, job loss & not provide any positive public health benefit. By reducing the ability of adults to access modified risk products such as vapor products is a massive blow to the public health of the State of Hawaii. Vapor products have been proven and backed by US based studies to be 95% less toxic than combustible tobacco cigarettes. The United States F.D.A. is now recognizing vaping as a better alternative to smoking because of the ability to reduce your nicotine. intake.

**HB-2158**

Submitted on: 2/5/2018 3:06:49 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerald Honma	Smokeless Hawaii	Oppose	No

Comments:

- This bill would shut down over 90% of all the retailers in the state. Due to the high density environment here in Honolulu, a ban of this nature would have significant negative impacts on many local businesses including rent payments, GE tax production, job loss & not provide any positive public health benefit. By reducing the ability of adults to access modified risk products such as vapor products is a massive blow to the public health of the State of Hawaii. Vapor products have been proven and backed by US based studies to be 95% less toxic than combustible tobacco cigarettes.
- A recent study by the national academy of sciences stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users'™ exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.
- <http://www.washingtonexaminer.com/landmark-ecigarette-report-explodes-myth-that-vaping-is-as-toxic-as-smoking/article/2646804>

Gerald Honma

Smokeless Hawaii

**LATE**

**HB-2158**

Submitted on: 2/5/2018 5:53:53 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
francis luu		Oppose	No

Comments:

Dear Chairman Mizuno and Members of the House Health & Human Services Committee,

I write you in strong opposition to HB2158.

With all due respect this bill is ill-conceived and would revoke the licenses of virtually every gas station, supermarket, convenience store, 7-11, vape shop, hookah bar, cigar store in the State.

750ft is a Long Way

750ft is equivalent to 2 and a half football fields, or about the distance from the center of the Capitol to the front gated of Iolani Palace on King St.

That distance if extended from the edge of every park, school and public housing complex would completely ban tobacco sales from all of Waikiki, Downtown, Chinatown, Hanalei town, most of Haleiwa, Lihue, Makiki, McCully, Manoa, every commercial part of Maui and Kauai, most the West side and Kailua Town. These were just the ones I had time to look at.

This Is Not Going to Effect Adult Users, Not Children

I realize that this is not your intention, it is more the instinct to keep children safe and away from adult products as they walk to and from school. I can understand this instinct, and applaud it.

It must be noted that we already have laws making it illegal to sell to children. In fact that law was strengthened last year when it was raised to 21. If there are stores selling to under age consumer they should be punished to the full extent of the law. But what this law really does is to deny adults the right to purchase a product that is legal.

Tax Implications:

This is not to mention the calamitous effect this will have on tax revenue, taxes that support services and tobacco prevention and all kind of other things the State needs to pay for. If you shut down all the places that sell the products, there will obviously be a significant drop in tax revenue.

**Blackmarket Concerns:**

If this bill were to pass, and tobacco sales were limited to just a couple stores on each island, this would increase prices incredibly and lead to more stores and consumers participating in the already burgeoning black market. This means less revenues to the State and less control over the industry.

I hope you take this testimony seriously and kill this bill, which would prove worse than the problem it is trying to solve.

Thank you for listening and considering this testimony. I hope you will look at the issue more closely.

Aloha,

Francis Luu

**LATE**

**HB-2158**

Submitted on: 2/5/2018 6:28:50 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

We strongly oppose this measure. Where's the constitutionally protected equal protection under the law? It's completely unfair to say some can sell a product and some can't based a capriciuos statement of distance from an anti-business lobby ring. You gotta be 21 to buy tobacco anyways under state law.

Also, why has the "Hawaii Public Health Institute" failed to included alcohol sales? Is DUI, underage drinking, and alcoholism NOT a concern of theirs and if so why is there no bill to that effect?

**LATE**

**HB-2158**

Submitted on: 2/5/2018 6:37:03 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

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

Comments:

Talk about getting your hate on. A waikiki ban on tobacco sales is just crazy.

**LATE**

**HB-2158**

Submitted on: 2/5/2018 7:23:49 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

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

Comments:



# VOLCANO®

February 5, 2018

**LATE**

To: The Honorable Representative John Mizuno, Chair  
The Honorable Representative Bertrand Kobayashi, Vice Chair  
Members, House Committee on Health & Human Services

From: Cory Smith, VOLCANO eCigs®  
CEO and Owner

**RE: HB 2158 – oppose.**

Thank you for the opportunity to submit testimony.

VOLCANO eCigs® is the largest wholesaler and retailer of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 13 locations statewide and employ over 80 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 HB 2158 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet **HB 2158 deceptively refers to vapor products as “Electronic Smoking Devices”** to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.
- **HB 2158 equates to economic suicide for the state and would effectively equate to a ban on the retail sale of all tobacco and vapor products.** Thousands of businesses would be unable to comply with the vaguely defined restrictions and would in turn most likely be forced out of business resulting in massive economic turmoil, job losses and lost revenues.
- **HB 2158 states in its justification that the bill is needed to curb youth usage. However, it fails to reference the most recent CDC report and data that shows youth use of tobacco products are at the lowest levels ever. Also, youth use of vapor products has been reported to be in decline since 2015 and recent studies have shown that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine** - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco cigarettes. <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>  
<https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>
- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional





# VOLCANO®

nicotine replacement therapies and are now the most commonly used product by tobacco users to quit using traditional tobacco cigarettes. Access to these products should be improved not restricted further.

[http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)

- Recent studies have actually shown that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262>
- HB 2158 falsely states “The popularity of these devices is concerning, as electronic smoking devices are not safe alternatives to other tobacco products” yet several recent studies have shown vapor products 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](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)
- Furthermore, a recent study by the National Academy of Sciences, Engineering, and Medicine stated: **"there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes."** The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.  
<http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myth-that-vaping-is-as-toxic-as-smoking/article/2646804>  
[http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

It is our view that this bill and its poorly defined definitions and infeasible requirements would create a massive economic crisis and would result in the loss of thousands of businesses, countless jobs, and massive revenues which are not in the best interests of the State of Hawaii or its' citizens. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

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

**LATE**

**HB-2158**

Submitted on: 2/6/2018 12:43:31 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keane Tanaka		Oppose	No

Comments:

**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:16:40 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andy Takaaze		Oppose	No

Comments:

this bill prohibiting the sale of tobacco products within 750 ft (roughly 2 football fields) of public parks, both private/piblic schools, beach and public housing is too wide spread. in rural communities like mine, Hilo, it pretty much covers the entire town. Holders of tobacco licenses already adhere to stiff rules and answer to stiff penalties inorder to retain license and keep their businesses. this bill will in effect prevent the sale of tobacco in our town, costing hundreds of jobs and in affect lose 100s of thousands in tax revenue.

**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:37:07 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ASHLEY MATTOS		Oppose	No

Comments:

Many people will be out of a job if this bill is passed. People will not be able to provide for their families, people today are working hard just to make a living here in Hawaii.

**HB-2158**

Submitted on: 2/6/2018 8:39:29 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Heaukulani		Oppose	No

Comments:

If this Bill passes, I will be out of a job. I have 4 kids and my wife is pregnant with our 5th child. If I lose my job, it will affect my children and our livelihood. Please consider the affects this would have on my wife and children.

**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:41:17 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Cabral		Oppose	No

Comments:

This is not feasible to enforce and causes damage to small businesses. This is intended only to hurt small businesses while allowing large retailers to continue to do business as usual.

**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:49:59 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Powell		Oppose	No

Comments:

**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:53:46 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
LOVEY SILVA		Oppose	No

Comments:

ALOHA

I OPPOSE ON BILL HB2158. IM A STORE MANAGER AND ILL LOSE MY JOB THIS JOB IS MY MAIN SOURCE OF INCOME TO PROVIDE FOR MY FAMILY. I DO MY PART TO ID CUSTOMERS WHEN ENTERING AND TELL CUSTOMERS TO LEAVE WHEN UNDER AGE ETC



**LATE**

**HB-2158**

Submitted on: 2/6/2018 8:54:22 AM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ashley mainaupo		Oppose	No

Comments:

I oppose this bill. Smoke shops makes it more reasonable for people like my husband to be able to afford tobacco. Workers in the tobacco shops need their jobs to support their families. Smoke shops shouldn't be subject to being put in jeopardy because certain people don't like smoke shops. You guys should take all your time and focus on really trying to get hard core drugs off the streets not close down tobacco shops. Wouldn't you rather people be smoking cigarettes then hard core drugs come on people wake up.