

SB 2304

SD2 HD1

A BILL FOR AN ACT

RELATING TO TOBACCO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the density of
2 tobacco retailers around schools has a significant impact on the
3 prevalence of youth tobacco use. A 2008 study by L. Henriksen,
4 et al., found that the incidence of smoking was significantly
5 higher among students in schools with the highest density of
6 surrounding tobacco retailers compared with students in schools
7 without any tobacco retailers nearby.

8 The legislature further finds that electronic smoking
9 devices are especially popular among youth, surpassing
10 cigarettes as the most commonly used tobacco product. The 2015
11 Hawaii Youth Risk Behaviors Survey found that twenty-five per
12 cent of high school students and fifteen per cent of middle
13 school students reported using electronic vapor products in the
14 thirty days preceding the survey. The popularity of these
15 devices is concerning, as electronic smoking devices are not
16 safe alternatives to other tobacco products, and exposure to



1 nicotine increases the risk of addiction and may disrupt
2 critical brain development.

3 The legislature recognizes that tobacco advertising and
4 retailers suggest that smoking is acceptable, and youth and
5 children are particularly susceptible to these cues. Tobacco
6 and electronic smoking device manufacturers employ tactics that
7 appeal to youth, such as child-friendly flavors, celebrity
8 endorsements, and high-tech design. The tobacco industry spends
9 \$24,300,000 on marketing per year in Hawaii. In addition, the
10 electronic smoking device industry spent an estimated
11 \$115,000,000 on marketing in 2014, a nearly 1,700 per cent
12 increase from 2011. Youth who walk or take public
13 transportation to school may be exposed to advertising of
14 tobacco products and electronic smoking devices at locations
15 such as convenience stores, grocery stores, and gas stations.

16 The legislature further finds that several cities in
17 California and New York have implemented tobacco retail buffer
18 zones, ranging from three hundred to fifteen hundred feet, where
19 sales of tobacco products and permits for tobacco retailers are
20 prohibited within a certain proximity to schools, parks,
21 libraries, and other youth-oriented areas. Tobacco retail



1 buffer zones encourage responsible tobacco retailing, reduce
2 tobacco-related health disparities, and most importantly, reduce
3 youth tobacco use, especially the use of electronic smoking
4 devices.

5 The purpose of this Act is to reduce the use of, access to,
6 and exposure to tobacco products by youth by prohibiting the
7 issuance and renewal of retail tobacco permits for, and the sale
8 of a tobacco product or an electronic smoking device at, a place
9 of business within five hundred feet of preschools, schools, and
10 public playgrounds.

11 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§328J- Tobacco products and electronic smoking devices;
15 prohibited locations. (a) It shall be unlawful to sell a
16 tobacco product or an electronic smoking device at a place of
17 business located within five hundred feet of a public or private
18 preschool; a public or private elementary, intermediate, or high
19 school; or public playground utilized extensively by minors.
20 The distance of five hundred feet shall be measured from the
21 boundary of the preschool, school, or a public playground to the



1 boundary of the place of business' premises. Public or private
2 beaches and public or private day care centers located in or
3 adjacent to commercial areas shall not be deemed schools or
4 public playgrounds for purposes of this subsection. Vocational
5 or licensing schools, or other schools attended primarily by
6 adults, shall not be considered schools for the purposes of this
7 subsection.

8 (b) Any person who violates this section shall be fined
9 \$500 for the offense and no less than \$500 and no more than
10 \$2,000 for each subsequent offense. Each day a violation
11 continues shall constitute a separate offense.

12 (c) For purposes of this section:

13 "Electronic smoking device" shall have the same meaning as
14 in section 712-1258.

15 "Tobacco product" shall have the same meaning as in section
16 712-1258.

17 "To sell" shall have the same meaning as in section 712-
18 1257."

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



1 "(c) The retail tobacco permit shall be issued by the
2 department upon application by the retailer in the form and
3 manner prescribed by the department, and the payment of a fee of
4 \$20[-]; provided that the place of business for which the permit
5 is sought shall not be within five hundred feet of a public or
6 private preschool; a public or private elementary, intermediate,
7 or high school; or a public playground utilized extensively by
8 minors. Permits shall be valid for one year, from December 1 to
9 November 30, and renewable annually[-]; provided that a permit
10 issued for a place of business that is located within five
11 hundred feet of a public or private preschool; a public or
12 private elementary, intermediate, or high school; or public
13 playground utilized extensively by minors shall be void, such
14 that the permit shall be valid beyond November 30, 2019.
15 Whenever a retail tobacco permit is defaced, destroyed, or lost,
16 or the permittee relocates the permittee's business, the
17 department may issue a duplicate retail tobacco permit to the
18 permittee for a fee of \$5 per copy. The distance of five
19 hundred feet shall be measured from the boundary of the
20 preschool, school, or public playground to the boundary of the
21 place of business' premises. Public or private beaches, and



1 public or private day care centers located in or adjacent to
2 commercial areas shall not be deemed schools or public
3 playgrounds for purposes of this subsection. Vocational or
4 licensing schools, or other schools attended primarily by
5 adults, shall not be considered schools for the purposes of this
6 subsection."

7 SECTION 4. Section 245-2.6, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) Beginning March 1, 2007, a person or entity required
10 to obtain a retail tobacco permit commits the offense of
11 unlawful tobacco retailing in the first degree if the person or
12 entity knowingly fails to obtain a valid permit required under
13 section 245-2.5 and, for the purposes of retail sale, recklessly
14 sells, possesses, stores, acquires, distributes, or transports
15 five thousand or more cigarettes [-] or any tobacco products.
16 For purposes of this section, a person or entity whose retail
17 permit is void under section 245-2.5(c) shall be deemed to have
18 knowingly failed to obtain a valid permit."

19 SECTION 5. Section 245-2.7, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Beginning March 1, 2007, a person or entity required
2 to obtain a retail tobacco permit commits the offense of
3 unlawful tobacco retailing in the second degree if the person or
4 entity recklessly fails to obtain a valid permit required under
5 section 245-2.5 and, for the purposes of retail sale, recklessly
6 sells, possesses, stores, acquires, distributes, or transports
7 fewer than five thousand cigarettes or any tobacco products.
8 For purposes of this section, a person or entity whose retail
9 permit is void under section 245-2.5(c) shall be deemed to have
10 recklessly failed to obtain a valid permit."

11 SECTION 6. Chapter 245, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§245 Good cause to suspend, revoke, or decline to renew
15 a retail tobacco permit. (a) In addition to any other acts or
16 conditions provided by law, the department may suspend or, after
17 hearing, revoke or decline to renew any retail tobacco permit
18 whenever the department finds that the applicant or permittee
19 has failed to comply with chapter 245 or any rule adopted under
20 chapter 245, or for any other good cause. Good cause includes
21 instances where an applicant, or permittee has:



- 1 (1) Submitted a false or fraudulent application or
2 intentionally provided a false statement in an
3 application;
- 4 (2) Possessed or displayed a false or fraudulent license
5 or retail tobacco permit;
- 6 (3) Failed to meet or maintain the conditions and
7 requirements necessary to qualify for the granting of
8 a license or retail tobacco permit;
- 9 (4) Procured a wholesaler or dealer license or retail
10 tobacco permit through fraud, misrepresentation, or
11 deceit;
- 12 (5) Aided and abetted a person or entity that does not
13 possess a license or retail tobacco permit to directly
14 or indirectly perform activities requiring a license
15 or retail tobacco permit;
- 16 (6) Instances of noncompliance, violation, or conviction
17 of any law directly pertaining to the sale,
18 importation, acquisition, possession, stamping,
19 distribution, transportation, or smuggling of
20 cigarettes, counterfeit cigarettes, counterfeit tax



1 stamps, or other tobacco products in violation of
2 county, state, or federal law;

3 (7) Intentionally failed to make accessible for inspection
4 any records of the licensee or permittee for the
5 purpose of determining compliance with chapter 245 to
6 any representative of the department or the attorney
7 general; or

8 (8) Failed to comply with applicable tax obligations.

9 (b) In assessing whether good cause exists when
10 considering a revocation, suspension, or declination to renew a
11 retail tobacco permit based upon a person's or entity's
12 employee's violations of chapter 709-908, the department may
13 consider whether the sale of the tobacco product to the minor
14 was an isolated incident, and if not, the extent to which the
15 person or entity acted in reckless disregard of the risk that
16 tobacco products would be sold to minors.

17 (c) In determining "good cause" the department may
18 consider:

19 (1) The nature, circumstances, extent, and gravity of the
20 violation;



- 1 (2) With respect to the permittee the degree of
2 culpability and any history of prior compliance or
3 prior violations; and
- 4 (3) Such other matters as justice may require or as the
5 department deems relevant.
- 6 (d) Revocation, suspension, or declination to renew a
7 retail tobacco permit shall have no effect on liability for
8 payment of taxes, fees, penalties, or interest incurred or
9 imposed."

10 SECTION 7. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2050;
16 provided that section 2 shall take effect on December 1, 2051.



Report Title:

Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus

Description:

Prohibits the issuance and renewal beyond 11/30/2019, of retail tobacco permits for businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Beginning on 12/1/2019, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Deems persons and entities in violation to have knowingly and recklessly failed to obtain a valid permit. Effective 7/1/2050. (SB2304 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
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**STATE OF HAWAII
DEPARTMENT OF TAXATION**

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To: The Honorable Roy M. Takumi, Chair
and Members of the House Committee on Consumer Protection & Commerce

Date: Tuesday, March 20, 2018
Time: 2:00 P.M.
Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 2304, S.D. 2, H.D. 1, Relating to Tobacco

The Department of Taxation (Department) offers the following comments on S.B. 2304, S.D. 2, H.D. 1, for the Committee's consideration.

S.B. 2304, S.D. 2, H.D.1, makes it unlawful to sell tobacco products or electronic smoking devices within 500 feet of a school or certain playgrounds. S.B. 2304, S.D. 2, H.D. 1, further provides that retail tobacco permits issued for locations within 500 feet of such schools or playgrounds shall be void. This measure also adds a new section that codifies Hawaii Administrative Rules section 18-245-2.5-4 that allows the Department to suspend, revoke, or decline to issue a retail tobacco permit for good cause. The bill has a defective effective date of July 1, 2050.

The Department understands that the Department of the Attorney General (AG) and other parties are suggesting that a task force be formed in order to evaluate the program envisioned by this bill. The Department of Taxation is supportive of that suggestion, and defers to the AG on this measure.

Thank you for the opportunity to provide comments.



March 18, 2018

To: House Committee on Consumer Protection and Commerce,
The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

Re: **Strong Support for SB2304**

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 SB2304 SD2 HD1 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.

HPHA strongly supports 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.

SB2304 SD2 HD1 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
Hawaii Public Health Association

SB-2304-HD-1

Submitted on: 3/16/2018 8:23:55 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dau	Keiki Injury Prevention Coalition	Support	No

Comments:

Keiki Injur Prevention Coalition strongly supports this bill, SB2304 SD2 HD1

Thank you

Lisa Dau, RN
Injury Prevention Coordinator

SB-2304-HD-1

Submitted on: 3/18/2018 2:09:30 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
PHC HNL	Pioneering Healthier Communities of Honolulu	Support	No

Comments:

The Pioneering Healthier Communities Initiative brings together local, diverse leaders to discuss and support strategies, policies and programs that we can accomplish together to build healthier communities in our island home. The members of PHC are involved in helping children and families to become healthier through schools, afterschool programs, healthcare and more.

E-cigarette use, especially among today's youth, has skyrocketed. Drive by any local Hawaii middle or high school before or after school and you will witness the large number of youth using these devices. But e-cigarettes are far from healthy. They contain chemicals, such as nicotine and diacetyl, that are known to have serious health consequences.

E-cigarette manufacturers are aggressively marketing their products to kids, teens, and young adults. Products are glamorized through the use of celebrities, discounts, and flavorings such as cotton candy, and Maui mango.

Legislation to create buffer zones near schools and other areas used by children and youth is essential. As such, we strongly support SB2304 and ask you to pass this Bill.

Thank you very much for allowing us to testify,

May Okihiro

Michael Broderick

Stacy Evensen

Daniel Leung

Tina Tamai

Barbra Pleadwell

Diane Tabangay

Jennifer Dang

Paula Adams

Ray L'Heureux

Michael Libertini



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John Shilf, Rainbow Sales & Marketing, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:
Committee on Consumer Protection and Commerce
Rep. Roy M. Takumi, Chair
Rep. Lind Ichiyama, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Tuesday, March 20, 2018
TIME: 2pm
PLACE: Conference Room 329

RE: SB 2304 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.

SB-2304-HD-1

Submitted on: 3/18/2018 6:33:54 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jude Neil	Eciggity	Oppose	No

Comments:

This bill will definitely close a lot of small businesses in Hawaii. The island is already small as it is, so the fact that there's a lot of schools, it makes it hard to find locations with electronic cigarettes. Also, even opening a business isn't cheap.



March 20, 2018

Representative Roy Takumi, Chair, House Committee on Consumer Protection & Commerce
Representative Bertrand Kobayashi, Vice-Chair, House Committee on Consumer Protection & Commerce

RE: **Strong Support of SB2304 SD2 HD1** Relating to Tobacco

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

Blue Zones Project–Hawaii strongly supports SB2304 SD2 HD1, which places zoning restrictions for the sale of tobacco products and electronic smoking devices 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth. 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 playgrounds and schools 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 SB2304 SD2 HD1.

Sincerely,

Peggy Mierzwa

Peggy Mierzwa
Statewide Policy Lead
Blue Zones Project—Hawaii

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Date: March 19, 2018

To: The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
Members of the House Committee on Consumer Protection and Commerce

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

Re: **STRONG SUPPORT for SB 2304 HD1, Relating to Tobacco**

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of SB 2304 HD1, which would create a tobacco-free buffer zone by prohibiting the issuance and renewal of retail permits and prohibit the renewal of existing permits within 500 feet of preschools, schools, or public playgrounds frequented by youth.

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.

The Coalition notes that this measure is drafted similar to existing HRS buffer zones passed into law:

HRS §281-39.5 Liquor license prohibited; where. (a) The liquor commission or agency of each county may deny or restrict the issuance of a liquor license for on-site sale and consumption by the drink to any applicant whose establishment is or would be located within five hundred feet of a public or private elementary, intermediate, or high school, or public playground utilized extensively by minors, as determined by the liquor commission of each county;

HRS §329D-22 Medical cannabis zoning. (a) Medical cannabis production centers and dispensaries shall comply with all county zoning ordinances, rules, or regulations; provided that:

(1) A medical cannabis production center shall be permitted in any area in which agricultural production is permitted except as provided within this chapter; and

(2) No medical cannabis production center or dispensary shall be permitted within seven hundred fifty feet of the real property comprising a playground, public housing project or complex, or school.

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 or vape shops on the island of Oahu alone (see attached map below). Key findings include that:

- In zip codes where the average household income was \$103,518ⁱ, there were 15 total ESD retailers.
- In zip codes where the average household income was \$57,070ⁱⁱ, 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
- Ho'ala School – 328 feet from Vapor HI (see screenshot)

A high density of tobacco retailers near schools suggest that smoking and vaping is okay

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 ratesⁱⁱⁱ. 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. E-cigarettes are still tobacco products. The e-cigarette industry is expected to be worth \$34 billion by 2021^{iv}, and Big Tobacco companies are estimated to spend \$25.5 million dollars annually on advertising in Hawaii^v.

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^{vi} 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.** The Coalition notes that this measure currently grandfathers existing tobacco permit holders until November 30, 2019.

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.

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 Behavior 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^{vii}. 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^{viii}.

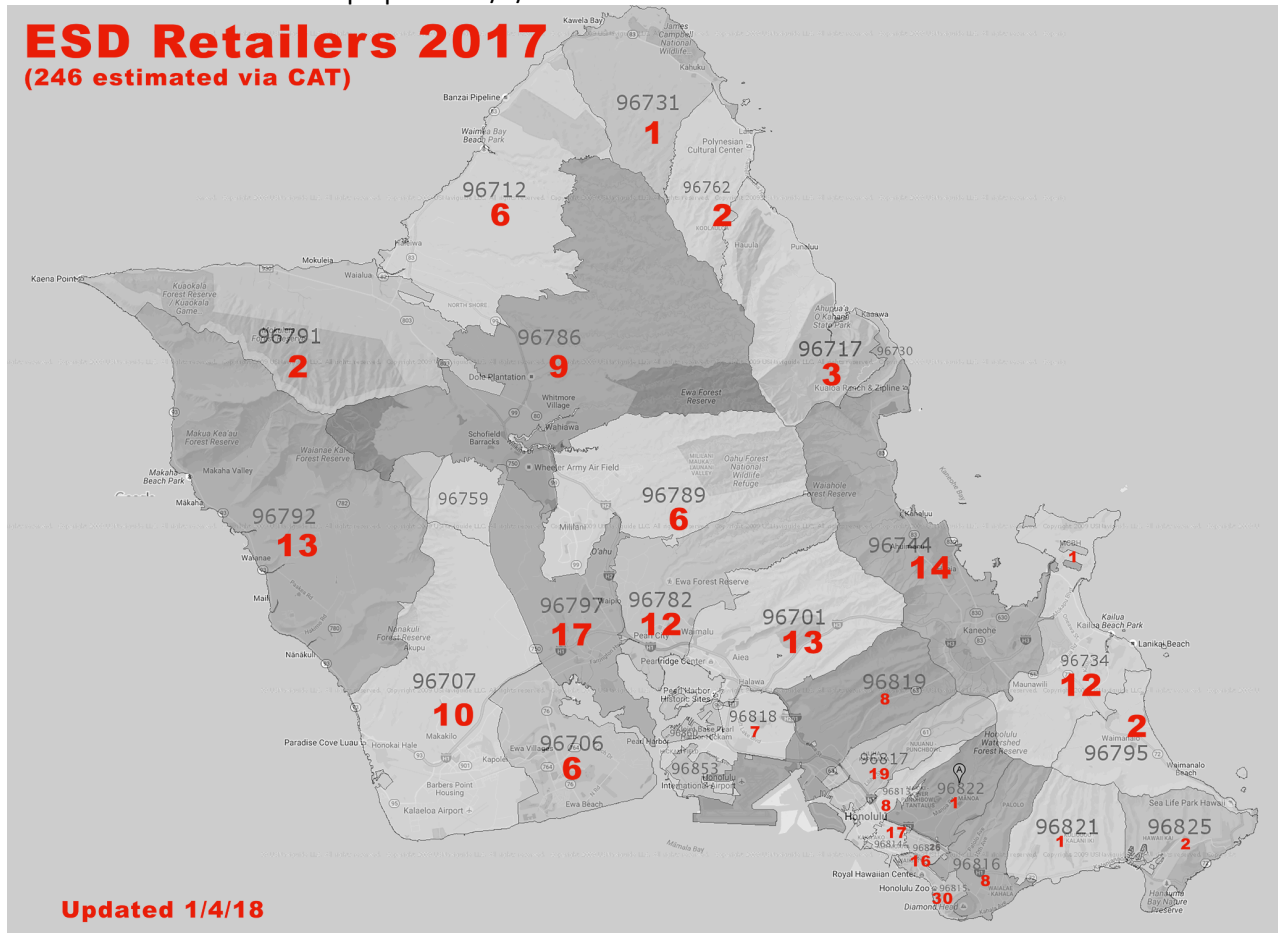
SB2304 HD1 would help to reduce youth exposure to tobacco advertising and access to tobacco products by reducing tobacco retailer density in areas that youth frequent, and as a result help to prevent youth from using tobacco products.

Mahalo,



Trish La Chica, MPA
Policy and Advocacy Director

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



ⁱ 96706 (Ewa), 96789 (Mililani), 96821 (Aina Haina), 96825 (Hawaii Kai)

ⁱⁱ 96786 (Wahiawa), 96792 (Waianae), 96817 (Kalihi), 96815 (Waikiki)

ⁱⁱⁱ 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.

^{iv} Euromonitor International. (2017). *Cigarettes in China*.

^v 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].

^{vi} 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.

^{vii} U.S. Centers for Disease Control and Prevention. *Results of the 2017 Hawaii Youth Risk Behavior Survey*.

^{viii} 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



TO: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair

FROM: Richard Parry
President and CEO

HEARING

DATE: Tuesday, March 20, 2018
TIME: 2:00 p.m.
PLACE: State Capitol, Conference Room 329

RE: Testimony in Opposition to SB 2304 SD2 HD1 Relating to Tobacco

Chair, Vice Chair, and Members of the Committee on Consumer Protection & Commerce, I am Richard Parry, President and CEO of Aloha Petroleum, Ltd. ("Aloha Petroleum").

Aloha Petroleum opposes SB 2304 SD2 HD1 relating to Tobacco, which prohibits the issuance or renewal of retail tobacco permits and the sale of tobacco products and electronic smoking devices by businesses that are located within five hundred feet of a public or private school, or public playground utilized extensively by minors.

The Department of the Attorney General of Hawaii has already warned about the constitutional issues with this bill. Specifically, SB2304 SD2 HD1 may violate the Fifth Amendment of the United States Constitution, which prohibits the taking of private property for public use without just compensation, and the Fourteenth Amendment which requires equal access under the law to a legal commodity by members of the general public who are of legal age to purchase the tobacco products.

Accordingly, this bill is overreaching and would have serious adverse economic consequences. SB 2304 SD2 HD1 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. As recommended by the Department of the Attorney General of Hawaii, existing businesses should be grandfathered under this bill, and expressly allowed to renew their retail tobacco permits.

Testimony of Aloha Petroleum, Ltd.



SB 2304 SD2 HD1 re Tobacco

Hearing Date/Time:

March 20, 2018 at 2:00 p.m.

Finally, Hawaii's current laws already prohibit the sale of any tobacco product to anyone less than twenty-one years of age regardless of the geographic location of the sale. As you know, 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 strictly prohibited and routinely checked by government regulators. Any violation of these regulations result in large fines to the business, including the suspension or revocation of the required permit or license to sell tobacco and alcohol. Accordingly, like many other legitimate businesses, Aloha Petroleum has a rigorous training program for its employees for the sale of age restricted products. Aloha immediately suspends any sales associate without pay for any violation of these regulations and policies and terminates the employee 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 SB 2304 SD2 HD1.

SB-2304-HD-1

Submitted on: 3/19/2018 11:14:57 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	Yes

Comments:

This bill won't change a thing since underage can't buy tobacco legally anyways. All it will do is place yet another burden on retail shops.



March 12, 2018

To: The Honorable Representative Roy M. Takumi, Chair
The Honorable Representative Linda Ichiyama, Vice Chair
Members, House Committee on Consumer Protection & Commerce

From: Cory Smith, VOLCANO eCigs®
CEO and Owner

RE: SB 2304 SD2 HD1 – 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 SB 2304 SD2 HD1 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet **SB 2304 SD2 HD1 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.
- **SB 2304 SD2 HD1 equates to economic suicide for the state and would effectively equate to a ban on the retail sale of all tobacco and vapor products in thousands of existing retail locations statewide.** Considering the small land area of our islands thousands of businesses would be unable to comply with the restrictions and would in turn most likely be forced out of business resulting in massive economic turmoil, job losses and lost revenues.
- **SB 2304 SD2 HD1 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 do not 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>



VOLCANO®

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by tobacco users to quit using traditional tobacco cigarettes. **Access to vapor 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
- **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>
- SB 2304 SD2 HD1 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
- 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

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

hawaiiCigar

ASSOCIATION

To: Representative Roy M. Takumi, Chair, and Members of the House Committee on Consumer Protection & Commerce

Date: Tuesday, March 20, 2018

Time: 2:00 p.m.

Place: Conference Room 329, State Capitol

From: Les Drent
for the Hawaii Cigar Association (HCA)

Re: SB2304 SD 2 HD1, Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus

Representative Roy M. Takumi, Chair, and Members of the House Committee on Consumer Protection & Commerce,

The Hawaii Cigar Association (HCA) stands in strong opposition to SB2304 SD 2 HD1, a bill which would prohibit the issuance and renewal beyond 11/30/2019, of retail tobacco permits for businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Beginning on 12/1/2019, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Deems persons and entities in violation to have knowingly and recklessly failed to obtain a valid permit. Effective 7/1/2050. (SB2304 HD1).

The HCA is committed to protecting the freedom of legal-age adults to enjoy cigars. Large cigars are rarely--if ever--possessed or consumed by minors and therefore pose negligible risk to them. Children are not attracted to cigars, and their cost--between \$5 and \$30 apiece on average--prices them beyond the reach of most minors. The HCA stands united with the Legislature in ensuring that Hawai'i's youth be discouraged from using tobacco of any kind, including cigars.

When the legal age is already 21 to purchase a cigar in Hawaii, why is this law needed?

Sincerely,



Les Drent
for the Hawaii Cigar Association

For More Information on the Hawaii Cigar Association please visit

hawaiicigarassociation.org



To: Representative Roy M. Takumi, Chair, and Members of the House Committee on Consumer Protection & Commerce

Date: Tuesday, March 20, 2018

Time: 2:00 p.m.

Place: Conference Room 329, State Capitol

From: Les Drent
for the Kauai Cigar Company

Re: SB2304 SD 2 HD1, Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus

Representative Roy M. Takumi, Chair, and Members of the House Committee on Consumer Protection & Commerce,

The Kauai Cigar Company, its employees, and industry partners stand in strong opposition to SB2304 SD 2 HD1, a bill which would prohibit the issuance and renewal beyond 11/30/2019, of retail tobacco permits for businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Beginning on 12/1/2019, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Deems persons and entities in violation to have knowingly and recklessly failed to obtain a valid permit. Effective 7/1/2050. (SB2304 HD1).

This measure would be harmful to many of the small businesses we partner with, farmers, and our employees. This cuts to the core of why small businesses continue to suffer in this nation. This proposal is nothing more than a way to turn more Americans against government bureaucracy. This kind of regulation serves no purpose but to control another aspect of our lives.

When the legal age is already 21 to purchase a cigar in Hawaii, why is this law needed?

Sincerely,

Les Drent
Farmer/President

SB-2304-HD-1

Submitted on: 3/19/2018 12:06:08 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Kadota	Kadota Liquor	Oppose	No

Comments:

Dear Chair Takumi, Vice Chair Ichiyama, and Members of the Committee:

I am in strong opposition to SB2304 SD2 HD1, Relating to Tobacco.

This bill would have a direct negative impact on ours, and other family owned and operated businesses in Hawaii. The inability to sell tobacco products would adversely affect our revenues, affecting our ability to employ people and to just stay in business as it represents a significant part of our sales. I know we are not the only small business that would be harmed.

Our family has run Kadota Liquor for 54 years now. It was started by my grandparents Thomas and Kay Kadota in 1964. For more than half a century we have employed hundreds of people in the East Hawaii community. We have also been supportive of this community, giving both time and treasure where and when we are able.

I have been a board member of the Boys and Girls Club of the Big Island for seven years now, so I am very cognizant of tobacco and youth. We are vigilant about our verification of age for tobacco sales.

This legislation would have adverse effects on numerous small businesses around Hawaii. These small businesses provide jobs, pay taxes and support the community as they are rooted in where they are.

Thank you for your consideration.

Sincerely,

Ryan Kadota

SB-2304-HD-1

Submitted on: 3/19/2018 1:10:51 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Anderson	Black Lava Vape	Oppose	No

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 1:59:30 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 3:35:54 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Wolery	PCG Enterprises LLC	Oppose	Yes

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 9:42:17 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dillon Rellez	Irie Hawaii	Oppose	No

Comments:

There are many other ways to go about this issue, please do not be blind to all perspective. I disagree with this law because it will not do any good to the citizens in Hawaii. Thank you.

ichiyama2 - Naomi

From: mmg2b@everyactioncustom.com on behalf of Michelle Gray
<mmg2b@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:01 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Follow Up Flag: Follow up
Flag Status: Flagged

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair

The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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 and playgrounds matter 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.

SB2304 SD2 HD1 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.

Sincerely,
Michelle Gray
Honolulu, HI 96825

ichiyama2 - Naomi

From: kbraun2000@everyactioncustom.com on behalf of Kathryn Braun <kbraun2000@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:07 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

I am professor and director of Public Health at the University of Hawai'i, testifying as an individual. I have reviewed research on tobacco (including e-cigarettes) and am very concerned about the harms it causes to children, adults, communities, and our state. Reducing tobacco and nicotine use will improve the health of the people of Hawai'i and reduce tobacco-related health care costs for the state.

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 and playgrounds matter 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.

SB2304 SD2 HD1 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.

Sincerely,
Kathyrn Braun
Honolulu, HI 96813

SB-2304-HD-1

Submitted on: 3/16/2018 6:28:25 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SB-2304-HD-1

Submitted on: 3/16/2018 7:36:51 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SB-2304-HD-1

Submitted on: 3/16/2018 10:39:50 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

ichiyama2 - Naomi

From: worldmk007@everyactioncustom.com on behalf of Michael Kellar <worldmk007@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:10 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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 and playgrounds matter 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.

SB2304 SD2 HD1 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.

Sincerely,
Michael Kellar
Honolulu, HI 96821

SB-2304-HD-1

Submitted on: 3/17/2018 9:51:31 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David McCann	Individual	Oppose	No

Comments:

SB-2304-HD-1

Submitted on: 3/17/2018 12:41:26 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SB-2304-HD-1

Submitted on: 3/17/2018 1:30:07 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Orozco	Individual	Oppose	No

Comments:

SB-2304-HD-1

Submitted on: 3/17/2018 4:07:16 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Nettles	Individual	Oppose	No

Comments:

SB-2304-HD-1

Submitted on: 3/18/2018 1:38:45 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler Hamblin	Individual	Oppose	No

Comments:

In short, this may not be the best idea. Allowing existing establishments to be grandfathered in would be a step in the right direction while enforcing stiffer fines on the sale to underage customers. Doing this allows the possibility of allowing those existing shops to provide tax revenue and keeps new shops from opening too close to schools. Hawaii is very compact, killing the existing stores will eventually impact the tax base as a result. More education on the effects of nicotine should be provided in our schools via an ad campaign or presentations. Not by denying the free market to provide revenue.

Date: March 18, 2018

To: The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
Members of the House Committee on Consumer Protection and Commerce

Re: **SUPPORT for SB2304 SD2 HD1**, Relating to Tobacco

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

Respected Members of the House Committee on Consumer Protection and Commerce,

As a parent and health professional, I am writing in strong **SUPPORT of SB2304 SD2 HD1** 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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 and playgrounds 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 and playgrounds and tobacco stores to protect our keiki from an onslaught of advertising and retail availability of tobacco and e-cigarette products.

SB2304 SD2 HD1 is a policy solution that can protect our youth from being targeted for tobacco use, reduce tobacco-related health disparities, and encourage responsible tobacco retailing.

I strongly **support SB2304 SD2 HD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-2304-HD-1

Submitted on: 3/18/2018 10:50:07 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

[SB2304 SD2 HD1](#) would create tobacco-free buffer zones near preschools, public and private K-12 schools, and public playgrounds used by youth, helping to reduce the density of tobacco retailers. We know that minority populations, youth, and low-income communities are already disproportionately affected by tobacco. I support this measure.

ichiyama2 - Naomi

From: barbrick@everyactioncustom.com on behalf of Barbara Nosaka
<barbrick@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:17 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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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.

SB2304 SD2 HD1 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.

Sincerely,
Barbara Nosaka
Honolulu, HI 96822

SB-2304-HD-1

Submitted on: 3/18/2018 11:42:46 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

Please support tobacco free buffer zones around our schools!

SB-2304-HD-1

Submitted on: 3/18/2018 1:16:11 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Domizio	Individual	Support	No

Comments:

Children and schools must be protected from tobacco products and ESDs. Buffer zones will certainly help and will send an important message; these products are not good for you.

Thank you for this opportunity to testify.

ichiyama2 - Naomi

From: lbucon@everyactioncustom.com on behalf of Lee Buenconsejo-Lum
<lbucon@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:20 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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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.

SB2304 SD2 HD1 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.

Sincerely,
Lee Buenconsejo-Lum
Kaneohe, HI 96744

SB-2304-HD-1

Submitted on: 3/18/2018 2:00:16 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

ichiyama2 - Naomi

From: dshaw@everyactioncustom.com on behalf of Diana M Shaw
<dshaw@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:31 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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SB2304 SD2 HD1 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.

Sincerely,
Diana M Shaw
Lanai City, HI 96763

ichiyama2 - Naomi

From: jfernandez.rx@everyactioncustom.com on behalf of JACK FERNANDEZ
<jfernandez.rx@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:37 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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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.

SB2304 SD2 HD1 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.

Sincerely,
JACK FERNANDEZ
Honolulu, HI 96826

ichiyama2 - Naomi

From: cheryllt@everyactioncustom.com on behalf of Cheryll Aldridge
<cheryllt@everyactioncustom.com>
Sent: Sunday, March 18, 2018 11:02 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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 and playgrounds matter 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.

SB2304 SD2 HD1 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.

Sincerely,
Cheryll Aldridge
Honolulu, HI 96821

ichiyama2 - Naomi

From: patriciablair@everyactioncustom.com on behalf of Patricia Blair
<patriciablair@everyactioncustom.com>
Sent: Sunday, March 18, 2018 11:22 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Patricia Blair
Kailua, HI 96734

ichiyama2 - Naomi

From: morenochow@everyactioncustom.com on behalf of Maria Moreno-Chow
<morenochow@everyactioncustom.com>
Sent: Sunday, March 18, 2018 11:35 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Maria Moreno-Chow
Kailua, HI 96734

ichiyama2 - Naomi

From: shay.chanhodges@everyactioncustom.com on behalf of Shay Chan Hodges
<shay.chanhodges@everyactioncustom.com>
Sent: Sunday, March 18, 2018 12:33 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Shay Chan Hodges
Haiku, HI 96708

SB-2304-HD-1

Submitted on: 3/18/2018 5:33:31 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SB-2304-HD-1

Submitted on: 3/18/2018 5:52:28 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SB-2304-HD-1

Submitted on: 3/18/2018 6:14:05 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 5:54:54 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jake J. Watkins	Individual	Oppose	No

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 8:31:41 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Krystal Baba	Individual	Support	No

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 9:52:39 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ASHLEY MATTOS	Individual	Oppose	No

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 11:32:50 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

SUBJECT: I am writing in **STRONG Opposition to SB2304 HD1**

Dear House Consumer Protection and Commerce Committee,

I am writing you **in strong opposition to Bill SB2304 HD1.**

While this bill was amended last week, it may still unfairly strip businesses that currently have licenses due to no fault of their own. This type of regulation is unfair and needs to be stopped to prevent legal, law-abiding businesses from losing their licensee to make a living. [Tell the committee how this would affect you specifically]. It is also unclear as to whether grandfathered permit holders can transfer those licenses upon sale or other action. This greatly diminishes the value of a business!

While the goal of preventing youth smoking is more than admirable, I think this bill goes too far, and is trying to solve a problem that does not exist. Youth smoking rates have continued to fall over the past decade, and this coupled with last year's raising of the legal age to purchase tobacco and vapor products to 21 should be considered when considering a measure that would put many retailers out of business.

Thank you for considering this testimony and I hope you will defer this bill.

Aloha,

To whom It may concern,

I oppose bill **SB2304 SD2 HD1**. I've been a heavy smoker of traditional tobacco cigarettes for over a decade 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 tired. 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 myself it's easier said than done. The best route would be to have options for a healthier & better 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. Also! there's no actual "**Tobacco**" in e-cigarettes!

Yet our U.S. Government continues to deny and ignore these facts and studies due to potential loss in tobacco tax revenues which each State including Hawaii receives. It's 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 as Americans, this bill is detrimental to small businesses here in Hawaii. Small businesses will "**Go Out of Business**" if this bill is pass, there is no doubt in my mind. Thousands will be out of jobs, unable to support their family and will struggle to survive in a high cost living situation here in Hawaii which many Hawaii residents faces each day. It will force small businesses to move to the mainland which is the total opposite of what we've been trying to do here in Hawaii which is to create more jobs and opportunities.

I implore you to re-review these bills relating to e-cigarettes, look pass all the politics/political gains and see the negative impact it will have on many residents here in Hawaii.

Sincerely, *Vince Tran*

Resident of Honolulu, Hawaii

SB-2304-HD-1

Submitted on: 3/19/2018 11:36:40 AM

Testimony for CPC on 3/20/2018 2:00:00 PM

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

Comments:

ichiyama2 - Naomi

From: hbonmaui@everyactioncustom.com on behalf of Helen Barrow
<hbonmaui@everyactioncustom.com>
Sent: Sunday, March 18, 2018 12:46 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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SB2304 SD2 HD1 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.

Sincerely,
Helen Barrow
Makawao, HI 96768

ichiyama2 - Naomi

From: nihipalim001@everyactioncustom.com on behalf of Michele Nihipali <nihipalim001@everyactioncustom.com>
Sent: Sunday, March 18, 2018 1:40 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Michele Nihipali
Hauula, HI 96717

ichiyama2 - Naomi

From: mgagen@everyactioncustom.com on behalf of Marilyn Gagen
<mgagen@everyactioncustom.com>
Sent: Sunday, March 18, 2018 1:45 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Marilyn Gagen
Kamuela, HI 96743

ichiyama2 - Naomi

From: atrinh3@everyactioncustom.com on behalf of Alan Trinh <atrinh3@everyactioncustom.com>
Sent: Sunday, March 18, 2018 2:05 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Alan Trinh
Hilo, HI 96720

ichiyama2 - Naomi

From: aborrego@everyactioncustom.com on behalf of Alyson Borrego
<aborrego@everyactioncustom.com>
Sent: Sunday, March 18, 2018 2:59 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Alyson Borrego
Honolulu, HI 96816

ichiyama2 - Naomi

From: noelk@everyactioncustom.com on behalf of Noel Kent
<noelk@everyactioncustom.com>
Sent: Sunday, March 18, 2018 3:12 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in support of SB2304 SD2 HD1 We need to protect the health of our youth and help deter them from become future smokers with all the personal and societal costs that means.

So 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.

SB2304 SD2 HD1 is a policy solution that can limit sale of tobacco in a responsible manner and in support of our young people. Noel Kent University of Hawaii Manoa

Sincerely,
Noel Kent
Honolulu, HI 96822

ichiyama2 - Naomi

From: nikaelabusekrus@everyactioncustom.com on behalf of Nikaela Busekrus
<nikaelabusekrus@everyactioncustom.com>
Sent: Sunday, March 18, 2018 5:12 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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Sincerely,
Nikaela Busekrus
Kailua, HI 96734

ichiyama2 - Naomi

From: snharris@everyactioncustom.com on behalf of Stephen Harris
<snharris@everyactioncustom.com>
Sent: Sunday, March 18, 2018 5:47 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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Sincerely,
Stephen Harris
Honolulu, HI 96816

ichiyama2 - Naomi

From: hilarysfnc@everyactioncustom.com on behalf of Hilary Smith
<hilarysfnc@everyactioncustom.com>
Sent: Sunday, March 18, 2018 6:36 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Hilary Smith
Kamuela, HI 96743

ichiyama2 - Naomi

From: dream@everyactioncustom.com on behalf of Martha Yamada
<dream@everyactioncustom.com>
Sent: Sunday, March 18, 2018 7:21 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Martha Yamada
Hilo, HI 96720

ichiyama2 - Naomi

From: dgkahalas@everyactioncustom.com on behalf of Tyler Ralston
<dgkahalas@everyactioncustom.com>
Sent: Sunday, March 18, 2018 7:28 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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The Honorable Roy Takumi, Chair
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Sincerely,
Tyler Ralston
Honolulu, HI 96816

ichiyama2 - Naomi

From: scstensrud@everyactioncustom.com on behalf of Scott Stensrud
<scstensrud@everyactioncustom.com>
Sent: Sunday, March 18, 2018 7:49 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair

The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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 and playgrounds matter 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.

SB2304 SD2 HD1 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.

Sincerely,
Scott Stensrud
Kapolei, HI 96707

ichiyama2 - Naomi

From: pat.fleckconsulting@everyactioncustom.com on behalf of Patricia Fleck
<pat.fleckconsulting@everyactioncustom.com>
Sent: Sunday, March 18, 2018 9:35 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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SB2304 SD2 HD1 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.

Respectfully Submitted,

Patricia Fleck

Sincerely,
Patricia Fleck
Kailua Kona, HI 96740

ichiyama2 - Naomi

From: bmih@everyactioncustom.com on behalf of Bryan Mih
<bmih@everyactioncustom.com>
Sent: Sunday, March 18, 2018 10:02 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

As a pediatrician in Honolulu and medical director of the Kapiolani Smokefree Families Tobacco & Nicotine Cessation Program, I strongly support SB2654 SD2 HD1, which would regulate disposable electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, shipment restrictions, and licensing and permitting.

Electronic smoking devices are clearly products meant to approximate the use of cigarettes and other tobacco products. Electronic smoking devices take a mixture of chemicals, including nicotine, and vaporize it at high temperatures. These devices emit nicotine byproducts and a variety of other chemicals, and they have not been fully studied in regards to safety. E-cigarette vapor has been shown to include carcinogens and toxins including nicotine, nitrosamines, diethylene glycol, formaldehyde, and acetaldehyde. The U.S. Food and Drug Administration has exhibited concern regarding the safety of electronic smoking devices as well.

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

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Now that the FDA has deemed ESDs as tobacco products, I urge the legislature to regulate and tax disposable e-cigarettes and e-liquid the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs.

Thank you for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP
Pediatrician

Sincerely,
Bryan Mih
Honolulu, HI 96822

ichiyama2 - Naomi

From: mauikini@everyactioncustom.com on behalf of Jeny Bissell
<mauikini@everyactioncustom.com>
Sent: Sunday, March 18, 2018 11:01 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Jeny Bissell
Kihei, HI 96753

ichiyama2 - Naomi

From: lisakehl@everyactioncustom.com on behalf of Lisa Kehl
<lisakehl@everyactioncustom.com>
Sent: Monday, March 19, 2018 8:38 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Lisa Kehl
Honolulu, HI 96822

From: rddiaz@everyactioncustom.com on behalf of Ruthie Diaz
<rddiaz@everyactioncustom.com>
Sent: Sunday, March 18, 2018 11:04 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Ruthie Diaz
Honolulu, HI 96813

ichiyama2 - Naomi

From: levin@everyactioncustom.com on behalf of Mark Levin
<levin@everyactioncustom.com>
Sent: Monday, March 19, 2018 11:02 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Mark Levin
Honolulu, HI 96822

From: Valentino Miranda-kepa <jaisaea521@gmail.com>
Sent: Monday, March 19, 2018 10:56 AM
To: CPCtestimony
Subject: Oppose bill SB2304 SD2

SB2304 SD2 will kill my small business, force the lay off of 31 jobs on The Big Island, and negatively affect the the livelihood of 31 families.

Our tobacco shops Irie Hawaii are a dying breed of business, a locally owned and family operated small retail business. Our company employees 31 people. We are a brick and mortar retail stores located in small Hawaii towns HILO, Kailua Kona, and PAHOA. If you are familiar with these towns you know if you are located in the center of town, odds are you are within 500 feet of a park, school (public or private) every church has a pre school.

Our main product is tobacco products. We built our business from a s small store in 2009 to a 5 location business that now employs 31 people. We are a LOCAL native Hawaiian owned and operated business. We regularly hold community events such as the free concert featuring the Band Kapena which was held at uncle Roberts in Kalapana, fund raiser event that raised nearly \$4000 for non profit groups Aloha Illo dog rescue and KDEN productions a local non profit theater production, or the free food and refreshments we held in front of our Pahoia store after hurricane Iselle, and numerous donations and fund raisers for community members in need. We don't just do business in our communities we support our community!

Following the law and keeping underaged people off tobacco is of the utmost importance to all of us. It is the law and it is our policy!

All of our businesses are located in commercial retail zoned areas. The towns we are located in are small and close to everything! This bill is not reasonable and will cost us our livelihoods. This bill will not only shut down our stores, it will bankrupt me due to all of the leases I have on my locations. Please do not pass SB2304 SD2.

ichiyama2 - Naomi

From: Jenna22@everyactioncustom.com on behalf of Jenna Lee <Jenna22@everyactioncustom.com>
Sent: Monday, March 19, 2018 10:24 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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

SB2304 SD2 HD1 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.

Sincerely,
Jenna Lee
Honolulu, HI 96822

ichiyama2 - Naomi

From: bbrody1@everyactioncustom.com on behalf of Bev Brody <bbrody1@everyactioncustom.com>
Sent: Monday, March 19, 2018 9:10 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Bev Brody
Kilauea, HI 96754

ichiyama2 - Naomi

From: tenayajackman@everyactioncustom.com on behalf of Tenaya Jackman
<tenayajackman@everyactioncustom.com>
Sent: Monday, March 19, 2018 9:11 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Tenaya Jackman
Honolulu, HI 96815

ichiyama2 - Naomi

From: twinkle_toez54@everyactioncustom.com on behalf of Stephanie Moir <twinkle_toez54@everyactioncustom.com>
Sent: Monday, March 19, 2018 9:28 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Stephanie Moir
Lawai, HI 96765

ichiyama2 - Naomi

From: tita@everyactioncustom.com on behalf of Charity Kaiwi
<tita@everyactioncustom.com>
Sent: Monday, March 19, 2018 9:36 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

As a mother of two growing boys, I am writing in strong support of SB2304 SD2 HD1 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 500 feet of preschools, public and private K-12 schools and public playgrounds used by youth.

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Sincerely,
Charity Kaiwi
Makawao, HI 96768

ichiyama2 - Naomi

From: kahala.howser@everyactioncustom.com on behalf of Kahala Howser
<kahala.howser@everyactioncustom.com>
Sent: Monday, March 19, 2018 11:08 AM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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Sincerely,
Kahala Howser
Honolulu, HI 96813

ichiyama2 - Naomi

From: patti.ornellas@everyactioncustom.com on behalf of Patti Ornellas
<patti.ornellas@everyactioncustom.com>
Sent: Monday, March 19, 2018 12:41 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Patti Ornellas
Lihue, HI 96766

SB-2304-HD-1

Submitted on: 3/19/2018 12:23:45 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly King	Individual	Support	No

Comments:

SB-2304-HD-1

Submitted on: 3/19/2018 1:31:45 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments:

I strongly support this measure.

ichiyama2 - Naomi

From: bob-marion@everyactioncustom.com on behalf of Marion McHenry <bob-marion@everyactioncustom.com>
Sent: Monday, March 19, 2018 1:52 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Marion McHenry
Princeville, HI 96722

ichiyama2 - Naomi

From: kperezhults@everyactioncustom.com on behalf of Kim Perez Hults
<kperezhults@everyactioncustom.com>
Sent: Monday, March 19, 2018 2:26 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

Hrg: March 20, 2018 at 2:00pm at Capitol Room 329

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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 and playgrounds matter 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.

SB2304 SD2 HD1 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.

Sincerely,
Kim Perez Hults
Kailua, HI 96734

ichiyama2 - Naomi

From: cricketlachica@everyactioncustom.com on behalf of Christopher La Chica
<cricketlachica@everyactioncustom.com>
Sent: Monday, March 19, 2018 2:50 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

Dear House Committee on Consumer Protection and Commerce,

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Christopher La Chica
Mililani, HI 96789

ichiyama2 - Naomi

From: anelalani@everyactioncustom.com on behalf of Lorrie Santos
<anelalani@everyactioncustom.com>
Sent: Monday, March 19, 2018 3:09 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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Sincerely,
Lorrie Santos
Kaneohe, HI 96744

March 19, 2018

Committee on Consumer Protection and Commerce
Honorable Roy M. Takumi, Chairman
Honorable Linda Ichiyama, Vice Chair

I write you in strong opposition to SB2304

The resale of Tobacco products to include Cigarettes, Cigars, Moist Tobacco, SNUS, RYO Tobacco, and Electronic Vape products, to adults 21 years of age or older is legal in the United States and therefore in the State of Hawaii.

There are rules and regulations enacted by our State Legislature and enforced by various Law Enforcement and Regulatory agencies in the State of Hawaii that state emphatically that sales of all Tobacco products are prohibited to anyone under the age of 21 years.

I am employed by a responsible retailer, Minit Stop. We offer as part of our product mix various Tobacco products to adults over 21 years of age because there is a legal and responsible desire from these adults to partake in Tobacco use through smoking, dipping, or chewing, the products offered.

Minit Stop employs members of the community who have no desire to entice people underage to use Tobacco in any form. We have back bar tobacco displays that do not allow shopping or handling of the Tobacco products offered by folks other than those employed in our store. Cigarettes are sold as Red, Green, Gold, or Blue, formats that do not encourage or suggest flavors as enticements. These color designations are not appealing to anyone underage as they do not convey sweet, cool, or hip, to folks younger than 21 years of age.

As a retailer we adhere to the rules and regulations which is not an easy but needs to be done. We agree with the rules in place and agree it makes retailers responsible in making sure Tobacco is sold correctly and never to anyone underage. There are a few bad apples but not many who choose to circumvent the law for monetary gain. As a responsible retailer we believe retailers like these make it difficult for everyone else hence if caught they need to be fined and have their license placed in jeopardy and subject to review.

I can speak for Minit Stop and state unequivocally that we place a huge emphasis on working to educate all store employees throughout our chain that **we do not sell age restricted products to anyone under 21** years of age to a point where we card anyone of any age regardless if you look under 21 or over 50 years old!! We take a lot of heat for this but folks know you can't buy at Minit Stop if you are underage.

Because of this we find SB2304 an affront to our efforts to date. Our reward for doing a good job on the front of age restricted sales is to create a law that gains nothing except place retailers like Minit Stop in jeopardy of losing part of our commerce simply because we have a property 500' from a school or park.

Our government and regulatory agencies should embrace all responsible retailers who follow the law to the "T" and who have the track record to prove it and encourage us to continue to operate responsibly in the areas that we do. To place our business in jeopardy with a law like this hurts our responsible employees and management, and puts their jobs on the line.

Let's be fair and enforce the laws on the books. Please do not punish those of us who follow the law by creating a regulation that paints all retailers good and bad with the same brush, suggesting none of us are responsible enough to sell age restricted products near schools or parks to law abiding adults over the age of 21. All we ask is a fair shake and allow us to run our business under the laws in place and not add any like SB2304 based on statistical information that did not include the integrity and track record of a retailer like Minit Stop who the law would like to restrict.

Mahalo for allowing me to testify on this bill. I consider it an honor and a privilege afforded to us by our wonderful country and State of Hawaii.

Sincerely & With Aloha,

Kim A. Robello

SB-2304-HD-1

Submitted on: 3/19/2018 4:35:39 PM

Testimony for CPC on 3/20/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vince Yamashiroya, MD	Individual	Support	No

Comments:

ichiyama2 - Naomi

From: kmedeiros@everyactioncustom.com on behalf of Kendra Medeiros
<kmedeiros@everyactioncustom.com>
Sent: Monday, March 19, 2018 4:14 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair Members of the House Committee on Consumer Protection and Commerce

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Sincerely,
Kendra Medeiros
Lanai City, HI 96763

ichiyama2 - Naomi

From: mkyono@everyactioncustom.com on behalf of Mae Kyono
<mkyono@everyactioncustom.com>
Sent: Monday, March 19, 2018 4:52 PM
To: CPCtestimony
Subject: Strong Support of SB2304 SD2 HD1, Relating to Tobacco

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Sincerely,
Mae Kyono
Honolulu, HI 96826