

SB2304

Measure Title: RELATING TO TOBACCO.

Report Title: Tobacco; Electronic Smoking Devices; Keiki Caucus

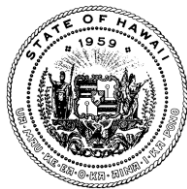
Description: Prohibits the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex.

Companion: [HB2158](#)

Package: Keiki Caucus

Current Referral: CPH/JDC, WAM

Introducer(s): K. RHOADS, GREEN, HARIMOTO, Keith-Agaran, Kim, Riviere



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on S.B. 2304
RELATING TO TOBACCO**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: 02/07/2018

Room Number: 229

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

4 **Department Testimony:** The DOH offers comments on Senate Bill 2304 (S.B. 2304) as a
5 measure to protect youth by reducing the use, access, and exposure to tobacco products. The
6 Department defers to the AGO on the legality and enforceability of the amendments proposed to
7 §712, Hawaii Revised Statutes (HRS), and to the DOTAX for implementation of tobacco
8 licensing, and permitting amendments to §245-2.5, HRS.

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

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

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

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

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

10 California, New York, and numerous other localities have implemented tobacco retailer
11 zones, ranging from three hundred to one thousand feet, where sales of tobacco products and
12 permits for tobacco retailers are prohibited near schools, parks, and other areas frequented by
13 youth. Comparable laws have been established that prohibit the sale of alcoholic beverages
14 within certain distances of schools and playgrounds. Youth and alcohol research has shown that
15 there is a positive association between outlet density and excessive alcohol consumption.⁵ The
16 concept of S.B. 2304 addresses the social determinants of health, that a person’s zip code is a
17 better predictor than the genetic code to predict life expectancy.⁶

18 Thank you for the opportunity to testify.

19 **Offered Amendments: None**

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

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

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

⁶ “Defeating The ZIP Code Health Paradigm: Data, Technology, And Collaboration Are Key, ” Health Affairs Blog, August 6, 2015. DOI: 10.1377/hblog20150806.049730



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2304, RELATING TO TOBACCO.

BEFORE THE:

SENATE COMMITTEES ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH AND ON JUDICIARY

DATE: Wednesday, February 7, 2018 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Richard W. Stacey, or Earl R. Hoke, Jr., Deputy Attorneys General

Chairs Baker and Taniguchi and Members of the Committees:

The Department of the Attorney General ("Department") appreciates the intent of this bill and provides the following comments.

The purpose of this bill is to reduce youth use, access, and exposure to tobacco products by prohibiting the issuance of retail permits and sale of a tobacco product or an electronic smoking device at a place of business within seven hundred and fifty feet of schools, public parks, and public housing projects or complexes.

As a threshold matter, Hawaii's current law generally prohibits the sale of any tobacco product to anyone less than twenty-one years of age regardless of the geographic location of the sale. Section 712-1258, Hawaii Revised Statutes (HRS), makes it unlawful to sell or furnish a tobacco product in any form including electronic smoking devices to a person less than twenty-one years of age. This law, in conjunction with section 245-2.5, HRS, which mandates retail permitting, allows properly permitted businesses to engage in the sale of tobacco products to consumers, over the age of twenty-one, who have the legal right to be able to purchase tobacco products that are legal commodities in the generalized stream of commerce.

By prohibiting sales of tobacco products within seven hundred and fifty feet of public or private schools, public parks, or public housing projects or complexes, this

measure may have the unintended consequence of presenting a Fourteenth Amendment of the United States Constitution challenge of equal access under the law to a legal commodity by members of the generalized population who are of legal age to purchase the tobacco products. This is particularly the case where public parks and public housing projects or complexes are located within the prohibited zones. Moreover, with regard to possession or consumption of tobacco by youth, section 321-211, HRS, prohibits the possession or consumption of a tobacco product including electronic smoking devices by a person less than twenty-one years of age in any public place.

With regard to the permitting issue, a number of businesses have had retail tobacco permits since the inception of the program in 2006. Accordingly, implementation of such a permitting restriction may give rise to a constitutional challenge under the Fifth Amendment of the United States Constitution. Under the Fifth Amendment, private property shall not be taken for public use without just compensation. While this provision has traditionally been applied to the physical taking of property, courts have extended this constitutional protection to regulatory takings as well. To determine whether a regulatory taking has occurred, the courts consider (1) the character of the government action; (2) the economic impact of the regulatory action on the property owner; and (3) the extent to which the action interferes with the property owner's reasonable "investment-backed expectations". This would normally occur when a regulation prohibits a use that was previously permitted. Given that gas stations, convenience stores, and other retailers that sell tobacco products may derive substantial profits from the sale of tobacco products, blanket restrictions to existing permit holders may well lead to such challenges. Possible remedies include grandfathering existing permit holders such that the existing businesses would be allowed to continue subject to the generalized restrictions against the sale of tobacco to anyone under twenty-one years of age. We would note that retail permits are subject to being suspended, declined, or revoked under Hawaii Administrative Rules section 18-245-2.5-4, which provides:

Good cause to suspend, revoke, or decline to renew a retail tobacco permit. (a) In addition to any other acts or conditions provided by law, the

department may suspend or, after hearing, revoke or decline to renew any retail tobacco permit whenever the department finds that the applicant or permittee has failed to comply with chapter 245 or any rule adopted under chapter 245, or for any other good cause. Good cause includes instances where an applicant, or permittee has:

. . .

- (6) Instances of noncompliance, violation, or conviction of any law directly pertaining to the sale, importation, acquisition, possession, stamping, distribution, transportation, or smuggling of cigarettes, counterfeit cigarettes, counterfeit tax stamps, or other tobacco products in violation of county, state, or federal law

Implementation is also a concern. To make provisions of this bill enforceable, it may be necessary to specify in what manner the distance is to be measured, e.g., by the shortest straight line, by the distance a pedestrian has to travel, or by some other method. An example of a "straight line" method found in the Berkeley Municipal code section 9.80.035 provides:

C. . . . six hundred (600) feet of any school as measured by a straight line from the nearest point of the property line of the parcel on which the school, is located to the nearest point of the property line on which the business is located.

The Department respectfully recommends that the above matters be considered in order to better promote the intent of this bill. Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF TAXATION**

830 PUNCHBOWL STREET, ROOM 221
HONOLULU, HAWAII 96813

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

Phone: (808) 587-1540 / Fax: (808) 587-1560

Email: Tax.Directors.Office@hawaii.gov

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

The Honorable Brian T. Taniguchi, Chair
and Members of the Senate Committee on Judiciary

Date: Wednesday, February 7, 2018
Time: 8:30 A.M.
Place: Conference Room 229, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 2304, Relating to Tobacco

The Department of Taxation (Department) offers the following comments on S.B. 2304 for the Committees' consideration.

S.B. 2304 makes it unlawful to sell tobacco products or electronic smoking devices within 750 feet of a school, a park, or public housing. S.B. 2304 further provides that the Department shall not issue retail tobacco permits for locations within 750 feet of a school, a park, or public housing. The bill is effective July 1, 2018.

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

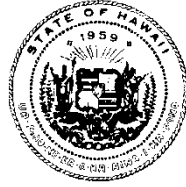
SECTION 3. Section 245-2.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The retail tobacco permit shall be issued by the department upon application by the retailer in the form and manner prescribed by the department, and the payment of a fee of \$20[-]; provided that the place of business for which the permit is sought shall not be within seven hundred fifty feet of a public or private school, public park, or public housing project

or complex. Permits shall be valid for one year, from December 1 to November 30, and renewable annually~~[-]~~; provided that a permit issued for a place of business that is located within seven hundred fifty feet of a public or private school, public park, or public housing project or complex shall be void. Whenever a retail tobacco permit is defaced, destroyed, or lost, or the permittee relocates the permittee's business, the department may issue a duplicate retail tobacco permit to the permittee for a fee of \$5 per copy."

Thank you for the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

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

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
And
SENATE COMMITTEE ON JUDICIARY

Wednesday, February 7, 2018
8:30 AM - Room 229, Hawaii State Capitol

In consideration of
SB 2304
RELATING TO TOBACCO

Honorable Chair Baker, Honorable Chair Taniguchi, and Members of the Senate Committee on Commerce, Consumer Protection, and Health, and Judiciary, thank you for the opportunity to provide testimony for Senate Bill (SB) 2304, relating to tobacco.

The Hawaii Public Housing Authority (HPHA) supports the enactment of SB 2304, which prohibits the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex.

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

The HPHA appreciates the opportunity to provide the Committees with the HPHA's testimony regarding SB 2304. We thank you very much for your dedicated support.



Testimony

Date: February 7, 2018

Re: SB2304 RELATING TO TOBACCO.

I, ***Lisa Dau on behalf of Keiki Injury Prevention Coalition***, strongly support SB2304 which prohibits the issuance of retail tobacco permits and sale of tobacco products and electronic devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex. I strongly support and ask you to pass this bill.

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

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

I strongly support 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 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.

Mahalo,
Lisa Dau, RN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition



February 6, 2018

Senator Rosalyn Baker, Chair
Senator Jill Tokuda, Vice Chair
Honorable Members of the Senate Committee on Commerce, Consumer Protection & Health

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

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

Blue Zones Project–Hawaii strongly supports SB2304, which places zoning restrictions for the sale of tobacco products and electronic smoking devices within 750 feet of a school, public park, or public housing complex. By regulating the location of sale, the bill addresses areas with highly vulnerable populations to the advertising tactics of the industry.

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

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

The industry's major focus has always been on increasing their business and furthering their bottom line. It is time that we stand together as a community to more heavily regulate this industry. Please support SB2304.

Sincerely,

Cherie Andrade

Cherie Andrade
Blue Zones Project-Koolaupoko

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Hawaii by



An Independent Licensee of the Blue Cross and Blue Shield Association

SB-2304

Submitted on: 2/7/2018 7:24:30 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Chun	American Cancer Society Cancer Action Network	Support	No

Comments:

THE LIBERTARIAN PARTY OF HAWAII
TESTIMONY

c/o 1658 Liholiho St #205
Honolulu, HI 96822

February 5, 2018

RE: SB 2304 to be heard Wednesday February 7, in Room 229, at 8:30AM

To the members of the Senate Committees on Judiciary and Commerce

The Libertarian Party **opposes** this measure. People who smoke, including those in public housing are not going to stop because you have made them walk further to get cigarettes. There are already rules against selling cigarettes to minors. Telling merchants they must be more than 750 feet from a park or school is simple and pointless harassment. Most of downtown Honolulu is within these area restrictions.

Aloha



Tracy Ryan
For The Libertarian Party of Hawaii



American Heart Association testimony in support of SB 2304, “Related to Tobacco”

The American Heart Association supports SB 2304.

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

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

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

The American Heart Association urges legislators to support SB 2304.

Respectfully submitted,

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

Donald B. Weisman
Hawaii Government Relations/Communications Director

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

life is why™ es por la vida™ 全为生命™

Please remember the American Heart Association in your will.





February 6, 2018

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

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Re: **Strong Support for SB2304**

Hrg: February 7, 2018 at 8:30am room 329

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

HPHA strongly supports SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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



Date: February 4, 2018

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

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

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

Re: **STRONG SUPPORT for SB2304, Relating to Tobacco**

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of SB2304, which would create a tobacco-free buffer zone by prohibiting the issuance of new retail permits and prohibit the renewal of existing permits within 750 feet of schools, public parks, and public housing complexes.

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

Offered amendments:

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

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

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

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^{iv} conducted by Ward Research Inc. for the Coalition in November 2017, 85% of registered Hawai'i voters were in support of prohibiting the sale of tobacco products within a certain distance from schools or playgrounds.

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

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

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

- In zip codes where the average household income was \$103,518^v, there were 15 total ESD retailers.
- In zip codes where the average household income was \$57,070^{vi}, there were 70 total ESD retailers.

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

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

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

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

In addition, e-cigarettes have now surpassed cigarettes as the most commonly used tobacco product among youth. The 2017 Hawai'i Youth Risk Behaviors survey reports that 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vaping^{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 would help to reduce youth exposure to tobacco advertising and access to tobacco products by reducing tobacco retailer density in areas that youth frequent, and as a result help to prevent youth from starting to use tobacco products.

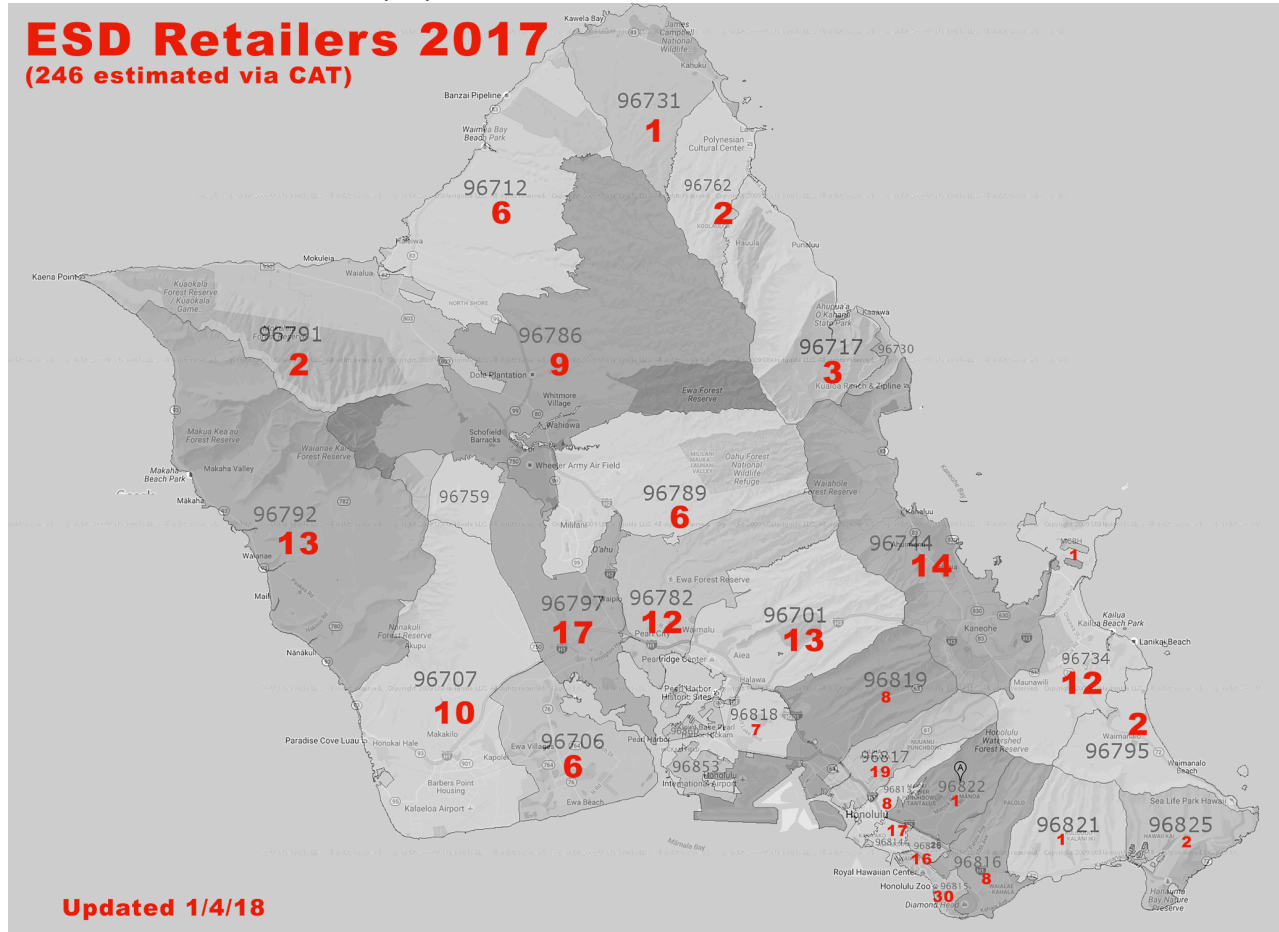
Thank you for the opportunity to testify. We strongly support SB2304 and respectfully asks you to pass this measure out of committee.

Mahalo,



Trish La Chica, MPA
 Policy and Advocacy Director

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



ⁱ 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.

ⁱⁱ Euromonitor International. (2017). *Cigarettes in China*.

ⁱⁱⁱ 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].

^{iv} 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.

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

^{vi} 96786 (Wahiawa), 96792 (Waianae), 96817 (Kalihi), 96815 (Waikiki)

^{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: SENATE COMMITTEE COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

SENATE COMMITTEE ON JUDICIARY
Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair

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

HEARING

DATE: Wednesday, February 7, 2018
TIME: 8:30 a.m.
PLACE: State Capitol, Conference Room 229

RE: Testimony in Opposition to SB 2304 Relating to Tobacco

Chairs, Vice Chairs, and Members of the Senate Committee on Commerce, Consumer Protection, and Health, and the Senate Committee on Judiciary, I am Thomas A. Grimes, Vice President of Aloha Petroleum, Ltd. ("Aloha Petroleum").

Aloha Petroleum opposes SB 2304 relating to Tobacco, which prohibits the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing project.

SB 2304 takes the same approach as the existing Hawaii law that prohibits the distribution of a controlled substance within seven hundred fifty feet of a school, public park, or public housing project. Comparing tobacco products to controlled substances such as opioids, narcotics and stimulants and other illegal drugs, is illogical and ill-considered. To underscore this point, the penalty for distribution of a controlled substance within seven hundred fifty feet of a school, public park, or public housing project, is a felony subject to up to 10 years in prison! Equating the sale of legal tobacco products to illegal controlled substances seems extreme and potentially harmful. We also note that SB2304 allows medical marijuana dispensaries to be located within seven hundred fifty feet of a school, public park, or public housing project.

Testimony of Aloha Petroleum, Ltd.



SB 2304 re Tobacco

Hearing Date/Time:

February 7, 2018 at 8:30 a.m.

This bill is also poorly drafted and would have serious adverse economic consequences. SB 2304 would unfairly target and penalize existing small businesses in Hawaii. As drafted, hundreds of businesses in Hawaii would be shut down or their economic viability would be threatened. Consider Ala Moana Center which is right across the street from Ala Moana Beach Park and all the small businesses within the restricted zone which would be adversely affected. At a minimum, existing businesses should be grandfathered in under this bill.

While the studies referenced in SB 2304 deal with K-12 schools, this bill also attempts to include public parks and public housing complexes in the restriction. This bill is clearly overreaching by making an illogical leap that the studies would also apply to users of parks and public housing residents. In addition, SB 2304 unfairly penalizes low income and minority neighborhoods since residents of those areas will likely have to travel farther to purchase groceries and other convenience items once the mom and pop stores in their neighborhoods go out of business. Accordingly, the restrictions relating to public park and public housing need to be removed from the bill.

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

Finally, the sale of age restricted products like tobacco and alcohol is already highly regulated by the federal, state and county government agencies. Adults have the right to buy such products if they wish, and the sale of tobacco and alcohol to minors is 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.



VOLCANO®

February 5, 2018

To: The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Jill N. Tokuda, Vice Chair
Members, Senate Committee on Commerce, Consumer Protection, and Health
The Honorable Senator Brian T. Taniguchi, Chair
The Honorable Senator Karl Rhoads, Vice Chair
Members, Senate Committee on Judiciary

From: Cory Smith, VOLCANO eCigs®
CEO and Owner

RE: SB 2304 – 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 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 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 equates to economic suicide for the state and would effectively equate to a ban on the retail sale of all tobacco and vapor products.** Thousands of businesses would be unable to comply with the vaguely defined restrictions and would in turn most likely be forced out of business resulting in massive economic turmoil, job losses and lost revenues.
- **SB 2304 states in its justification that the bill is needed to curb youth usage. However, it fails to reference the most recent CDC report and data that shows youth use of tobacco products are at the lowest levels ever. Also, youth use of vapor products has been reported to be in decline since 2015 and recent studies have shown that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine** - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco cigarettes. <https://www.cdc.gov/media/releases/2017/p0615-youth->



VOLCANO®

[tobacco.html](#)

<https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by tobacco users to quit using traditional tobacco cigarettes. Access to these products should be improved not restricted further.
http://www.journalnow.com/business/business_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html
- 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 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®



VOLCANO®

1003 Bishop Street #1260
Honolulu, HI 96813
cory@volcanoecigs.com



To: Senator Rosalyn H. Baker, Chair, and Members of the Committee on Commerce, Consumer Protection, and Health & Senator Brian T. Taniguchi, Chair, and Members of the Committee on Judiciary,

Date: Tuesday, February 7, 2018
Time: 8:30 a.m.
Place: Conference Room 229, State Capitol

From: Les Drent
for the Kauai Cigar Company

Re: SB2304, Relating to Tobacco

Dear Senator Rosalyn H. Baker, Chair, and Members of the Committee on Commerce, Consumer Protection, and Health & Senator Brian T. Taniguchi, Chair, and Members of the Committee on Judiciary,

The Kauai Cigar Company, its employees, and industry partners stand in strong opposition to SB2304, a bill which would prohibit the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex.

This 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.

SB2304 neither protects consumers, or promotes fair commerce.

Sincerely,

Les Drent
Farmer/President



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

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

TO:

Committee on Commerce, Consumer Protection, and Health
Committee on Judiciary
Senator Rosalyn H. Baker and Senator Brian T. Taniguchi, Chairs
Senator Jill N. Tokuda and Senator Karl Rhoads, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Wednesday, February 7, 2018
TIME: 8:30am
PLACE: Conference Room 229

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.

hawaiiCigar

ASSOCIATION

To: Senator Rosalyn H. Baker, Chair, and Members of the Committee on Commerce, Consumer Protection, and Health & Senator Brian T. Taniguchi, Chair, and Members of the Committee on Judiciary,

Date: Tuesday, February 7, 2018
Time: 8:30 a.m.
Place: Conference Room 229, State Capitol

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

Re: SB2304, Relating to Tobacco

Dear Senator Rosalyn H. Baker, Chair, and Members of the Committee on Commerce, Consumer Protection, and Health & Senator Brian T. Taniguchi, Chair, and Members of the Committee on Judiciary,

The Hawaii Cigar Association (HCA) stands in strong opposition to SB2304, a bill which would prohibit the issuance of retail tobacco permits and sale of tobacco products and electronic smoking devices by businesses that are located within seven hundred fifty feet of a school, public park, or public housing complex.

The 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.

SB2304 neither protects consumers, or promotes fair commerce.

Sincerely,



Les Drent
for the Hawaii Cigar Association

For More Information on the Hawaii Cigar Association please visit
hawaiicigarassociation.org

February 6, 2018

To: Senator Rosalyn Baker, Chair
Senator Jill Tokuda, Vice Chair
Senate Committee on Commerce, Consumer Protection and Health

Senator Brian Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary

From: Mandy Finlay, Director of Public Policy
Hawaii Children's Action Network

Re: **HB 2304 – Relating to Tobacco – STRONG SUPPORT**
Hawaii State Capitol, Room 229, February 7, 2018, 8:30 AM

On behalf of the Hawaii Children's Action Network (HCAN), we are writing in strong support of SB 2304 which would reduce the use, access, and exposure to tobacco products by youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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. SB 2304 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.

For the above reasons, HCAN respectfully requests your Committees to pass this measure.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.



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

Re: SB 2304 RELATING TO TOBACCO

Good morning Chair Baker and Chair Taniguchi and members of the Senate Committee on Commerce, Consumer Protection and Health and the Senate Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

The Retail Merchants of Hawaii acknowledges the importance of preventing underage sales and smoking and is a goal we all share. However we are strongly opposed to SB 2304. By banning the sale of tobacco products or electronic smoking devices within 750 feet of a public or private school, public park or public housing project or complex is not the simple answer.

In 2016 the Hawaii State Legislature passed a measure in which persons have to be 21 years old or older to purchase electronic devices and tobacco products. E cigs and tobacco products are not our on store shelves next to the snacks, but behind the counters or locked up. Anyone interested in purchasing these items would have to ask an employee and show proof of age with an ID.

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

We respectfully ask that you hold this measure.

Mahalo again for this opportunity to testify.

SB-2304

Submitted on: 2/6/2018 6:25:15 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol R. Ignacio	Blue Zones Project	Support	No

Comments:

Aloha Kakou honorable Senators,

Please support SB2304. An example of the seriousness of the issue of sales of tobacco, tobacco products and e-cigs as well of vaping parlors is Waimea on the Big Island. A vaping shop just opened right in the vicinity of 4 schools: Waimea Elementary, Waimea Public Charter, HPA Elementary, and Parker School. This is a serious situation for our community and keiki, Please support this bill which will provide a much needed buffer zone around schools.

Thank you so very much.

Carol R. Ignacio

SB-2304

Submitted on: 2/5/2018 3:08:44 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

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

Thank You,

Gerald Honma

Smokeless Hawaii

SB-2304

Submitted on: 2/5/2018 2:53:54 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jess Lovely	Island Vapor	Oppose	No

Comments:

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

SB-2304

Submitted on: 2/1/2018 4:13:22 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/1/2018 6:35:47 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

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

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/2/2018 1:42:02 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Chai		Oppose	No

Comments:

SB-2304

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

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

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

SB-2304

Submitted on: 2/2/2018 6:33:24 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

Please support SB2304 to help young people avoid a health damaging, life-long and expensive habit.

SB-2304

Submitted on: 2/3/2018 11:22:24 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

I am a pediatrician and writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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.

SB-2304

Submitted on: 2/3/2018 10:52:04 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

More unfair over-regulation. Some stores can sell and some can't. Not fair.

SB-2304

Submitted on: 2/3/2018 11:57:06 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan kaeo jr		Oppose	No

Comments:

SB-2304

Submitted on: 2/3/2018 12:12:46 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
taeleipu liliu		Oppose	No

Comments:

SB-2304

Submitted on: 2/3/2018 12:19:05 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
michael echiverri		Oppose	No

Comments:

SB-2304

Submitted on: 2/3/2018 12:24:10 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kameran self-gomes		Oppose	Yes

Comments:

By doing this it affects all of local shops that are trying to help people quite the use of tobacco and using the safer product of vaping. If people could quit the one habit that kills more people effectively (tobacco) then why not do it? A lot of local shops in the area that are here to help people and not just making money are just gonna put people back in the streets and back to killing themselves faster along with other people around them.

SB-2304

Submitted on: 2/3/2018 12:35:39 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

I oppose this bill. 750ft from any public park or school etc... I live on the Waianae coast. Every store that we have sells tobacco products within the proposed bill. So if this bill passes than each individual store will have to stop selling tobacco products. You must be nuts. You will create a community of VERY ANGRY INDIVIDUALS. We all know none of you want to come to Waianae already. Guarantee you wont show your face once you take away a stress/anxiety outlet like Vaping or smoking. I oppose, I oppose , I oppose.

SB-2304

Submitted on: 2/3/2018 1:29:04 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
justin richards		Oppose	No

Comments:

SB-2304

Submitted on: 2/3/2018 3:04:53 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jason graham		Oppose	No

Comments:

I feel targeting vape shops that are already established is unfair. It is like saying to close schools supported by soda and fast food companies. The lack of observing that passing this bill would make sure the unemployment rate as well as the homeless raised. Focus on drugs in hawaii or illegal gambling houses instead of ruining small business

SB-2304

Submitted on: 2/3/2018 3:24:43 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

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

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

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

Thank you for your time.

SB-2304

Submitted on: 2/3/2018 3:35:14 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Medeiros		Oppose	No

Comments:

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

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

Therefore, I oppose this measure.

SB-2304

Submitted on: 2/3/2018 4:57:23 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
rhonda benigno		Oppose	No

Comments:

Don't let these small business close for it is not causing any harm to the kids. They are giving back to the community by helping the parents and relatives of these kids break the dangerous habits that's caused by smoking in the home. The vaping community helped thousands of people quit smoking. smoking

SB-2304

Submitted on: 2/3/2018 7:37:27 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher I. Miggins		Oppose	No

Comments:

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

SB-2304

Submitted on: 2/4/2018 7:23:30 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mercedes		Oppose	No

Comments:

SB-2304

Submitted on: 2/4/2018 12:14:15 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

Date: February 4, 2018

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

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

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

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

Aloha Senate Committee on Commerce, Consumer Protection & Health and Senate Committee on Judiciary,

I am writing in strong **SUPPORT of SB2304** that would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

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

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

Mahalo nui for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-2304

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

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

To: Committee on CPH/JDC

Re: Opposition to SB2304

Hearing: Wednesday, February 7, 2018 8:30am

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

Section 2 of SB2304 states that “it shall be unlawful to sell a tobacco product or an electronic smoking device at a place of business located within seven hundred fifty feet of a public or private school, public park, or public housing project or complex.”

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

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

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

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

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

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

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

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

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

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



PearlRidge would be almost entirely non-compliant.

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



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

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

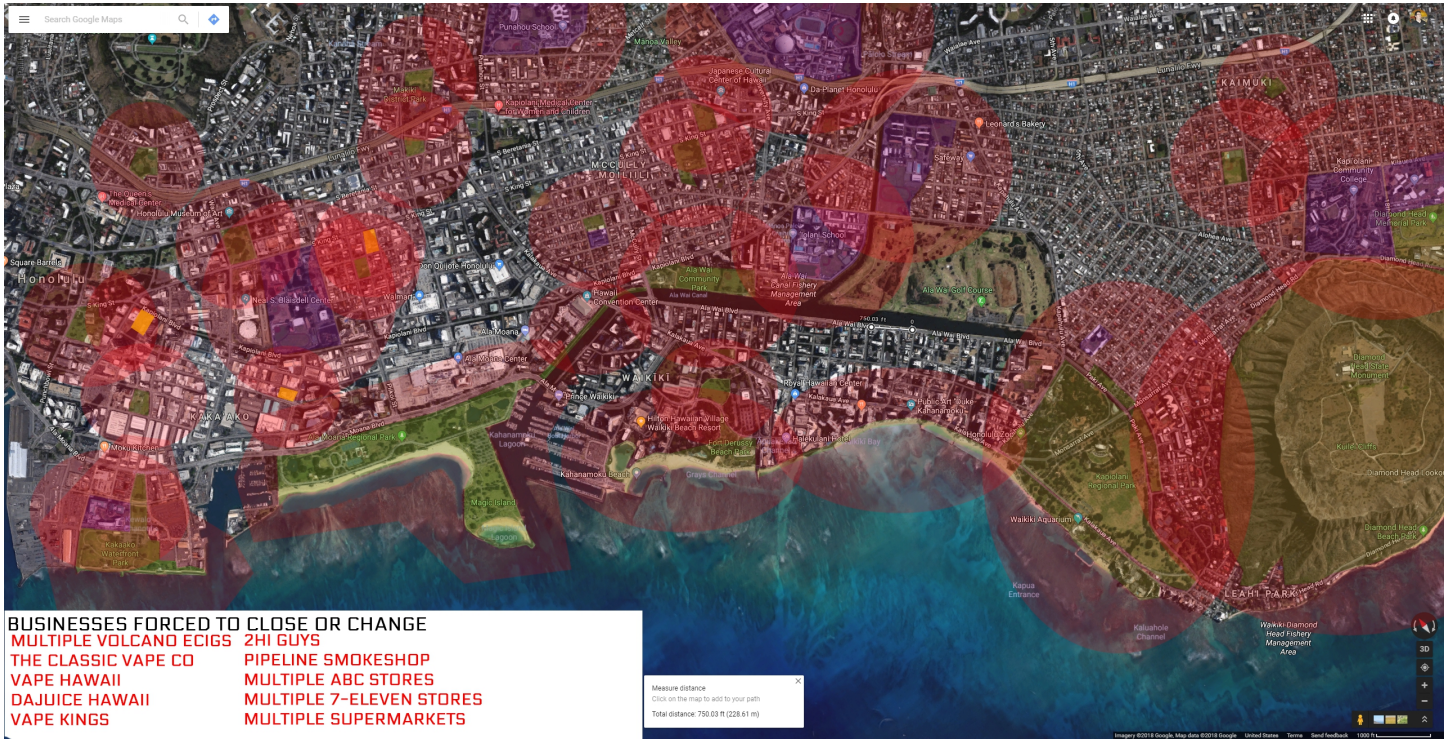


Wahiawa Would be non-compliant. Especially if school stays undefined or includes any of the types listed above.

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



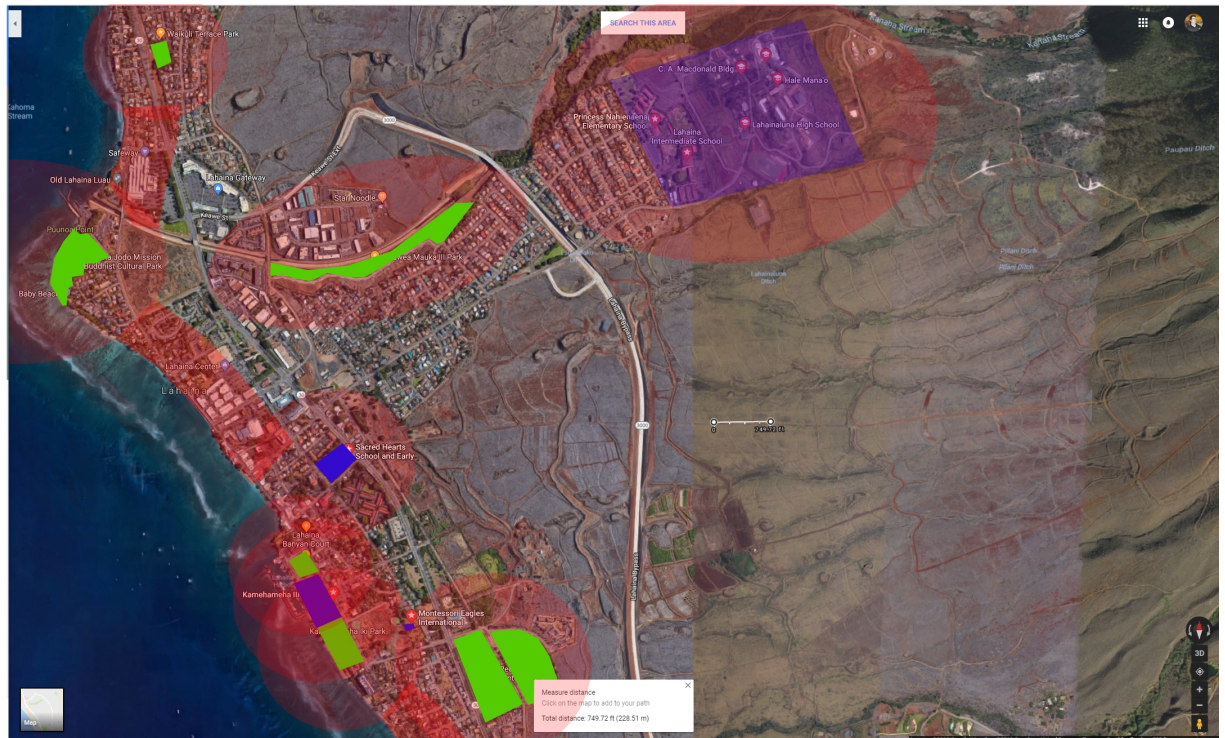
Honolulu to Diamond Head Would be non-compliant. The TOURISM industry will suffer greatly here. The 37 ABC stores in Waikiki alone, 7-Eleven stores and locally owned and operated stores will be affected. Wholesale stores would be restricted, causing even more financial problems to the rest of the small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



What about Outer Islands? Lets check out Maui.

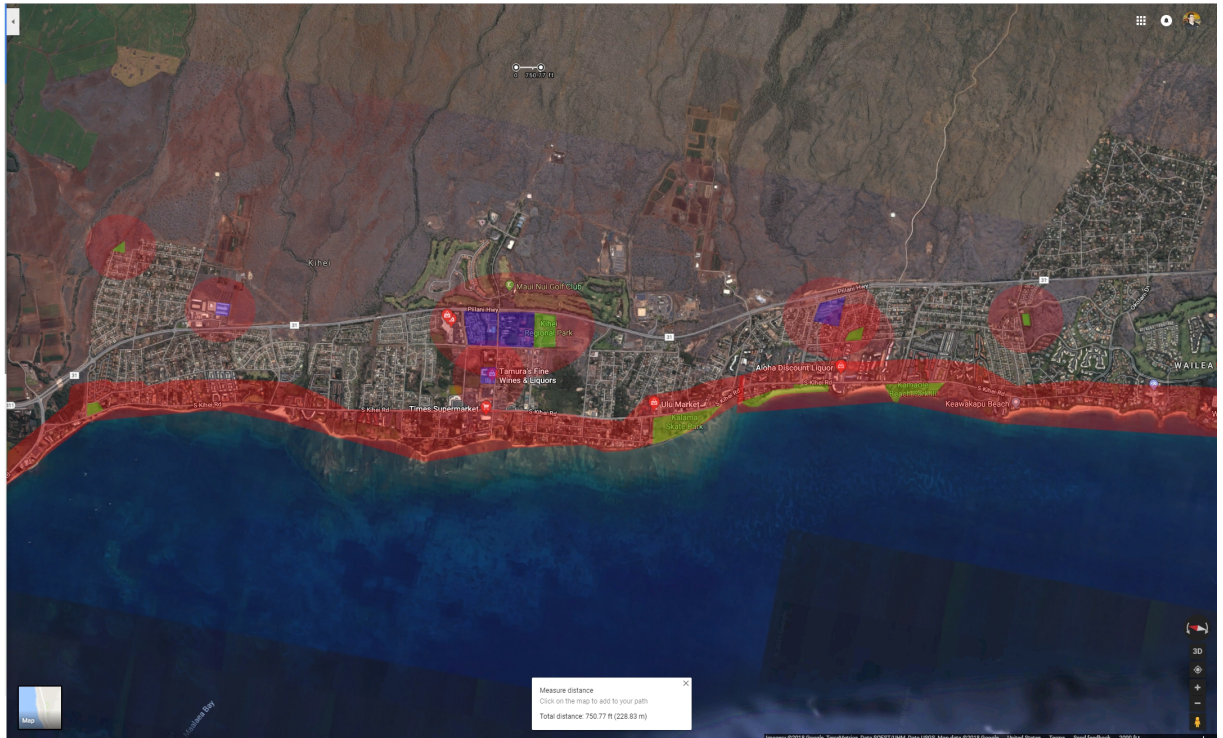
Here is Lahaina

BUSINESSES FORCED TO CLOSE OR CHANGE



Kihei Maui

BUSINESSES FORCED
TO CLOSE OR CHANGE



Kahului Maui

BUSINESSES FORCED
TO CLOSE OR CHANGE



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

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

Thank you for reading my testimony!

SB-2304

Submitted on: 2/5/2018 6:26:19 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/5/2018 8:22:06 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariner Revell		Oppose	No

Comments:

I oppose SB2304. If this bill passes my livelihood, a business I have been building for over a decade and the livelihood of over 30 of my employees, as well as the livelihood of hundreds or people state wide would come to a screeching halt.

I own tobacco shops, our businesses are located in down town Hilo and Kona. Our shops have been open for nearly 10 years. Due to the central location of our shops, if this law were to pass we would be forced to close our stores as they are within zone proposed.

Tobacco does not impair judgement, affect your ability to operate machinery, or give you hallucinogenic affects like drugs or alcohol. The livelihood of our 30 employees, and hundreds more across the state depends on our business to provide for them and their families. Please do not pass this unfair law.

From: sgacayan@everyactioncustom.com on behalf of [Shani Gacayan](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 6:11:14 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Shani Gacayan
PO Box 494 Paauilo, HI 96776-0494

From: shay.chanhodges@everyactioncustom.com on behalf of [Shay Chan Hodges](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 6:12:19 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
Shay Chan Hodges
37 Puu Koa Pl Haiku, HI 96708-5117

From: cricketlachica@everyactioncustom.com on behalf of [Christopher La Chica](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 6:13:00 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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SB2304 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,
Christopher La Chica
94 -1410 Lanikuhana Ave Mililani, HI 96789-2452

From: aseales@everyactioncustom.com on behalf of [Allison Seales](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 6:34:02 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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SB2304 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,
Allison Seales
1441 Kapiolani Blvd Ste 1802 Honolulu, HI 96814-4408

SB-2304

Submitted on: 2/6/2018 8:18:40 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andy Takaaze		Oppose	No

Comments:

this bill prohibiting the sale of tobacco products within 750 ft (roughly 2 football fields) of public parks, both private/piblic schools, beach and public housing is too wide spread. in rural communities like mine, Hilo, it pretty much covers the entire town. Holders of tobacco licenses already adhere to stiff rules and answer to stiff penalties inorder to retain license and keep their businesses. this bill will in effect prevent the sale of tobacco in our town, costing hundreds of jobs and in affect lose 100s of thousands in tax revenue. Vote NO

From: angelina@everyactioncustom.com on behalf of [Angelina Mercado](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 8:03:25 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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SB2304 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,
Angelina Mercado
2930 Laelae Way Honolulu, HI 96819-2920

From: morenochow@everyactioncustom.com on behalf of [MARIA MORENO-CHOW](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 8:08:50 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
MARIA MORENO-CHOW
548 Ulua St Kailua, HI 96734-4341

From: barbrick@everyactioncustom.com on behalf of [Barbara Nosaka](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 8:48:45 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
Barbara Nosaka
2216 Hoonanea St Honolulu, HI 96822-2427

From: [Johnny Remigio](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Monday, February 5, 2018 5:40:00 AM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

I write you in strong opposition to SB2304.

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

750ft is a Long Way

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

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

This Is Not Going to Effect Adult Users, Not Children

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

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

Tax Implications:

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

Blackmarket Concerns:

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

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

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

Aloha,

Sent from my iPhone

From: mkyono@everyactioncustom.com on behalf of [Mae Kyono](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 11:11:11 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

The Hawaii Chapter of the American Academy of Pediatrics (AAP) is a voluntary organization of over 200 pediatricians in Hawaii. Our mission is to attain optimal physical, mental and social health and well being for infants, children, adolescents and young adults in Hawaii.

I am the president of the Hawaii Chapter of the American Academy of Pediatrics, we are in strong support of SB2304 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.

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SB2304 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,
Mae Kyono
1319 Punahou St Honolulu, HI 96826-1001

From: crismel.juan@everyactioncustom.com on behalf of [Crismel Juan](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 12:00:59 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
Crismel Juan
152056 29th Ave Keaau, HI 96749

From: 77coconuts@everyactioncustom.com on behalf of [Jen Azuma Chrupalyk](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 1:21:37 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
Jen Azuma Chrupalyk
106 Waimaluhia Ln Apt 103 Wailuku, HI 96793-2353

From: kbraun2000@everyactioncustom.com on behalf of [Kathryn Braun](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 7:57:29 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 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.

I am professor and director of Public Health at the University of Hawai'i, testifying as an individual. In this role, I have reviewed research on tobacco and am very concerned about the harms it causes to children, adults, communities, and our state. Reducing tobacco 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, public parks, and public housing matters because minority populations, youth, and low-income communities are already disproportionately affected by tobacco. When tobacco store proximity and presence is strong in the community, it perpetuates social norms about tobacco use. Whether you are keiki walking to school or playground, daily exposure to these promotions suggest that smoking or vaping is acceptable.

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

SB2304 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,
Kathryn Braun
625 Iolani Ave Apt 504 Honolulu, HI 96813-1811

From: mauimindfulness@everyactioncustom.com on behalf of [Tanya Gabriel](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 8:08:09 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Tanya Gabriel
3483 Malina Pl Kihei, HI 96753-9246

From: carolr.ignacio@everyactioncustom.com on behalf of [Carol Ignacio](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 8:17:30 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

Please, please pass this legislation. An example of this is Waimea on Hawaii Island. There are 4 schools: Parker, HPA Middle School, Waimea Elementary and Waimea Public Charter and a Vaping parlor just opened up within feet of these schools. There also is a gas station that sells full on tobacco and vaping products. This bill will mitigate as much as possible, our keiki having easy access to these products. There are several low-income housing projects in the area and the establishments make it so easy to get tobacco and vaping products.

Thank you so much for passing this bill. mahalo.

Carol R. Ignacio

Sincerely,
Carol Ignacio
PO Box 317 Paauilo, HI 96776-0317

From: ctakesue@everyactioncustom.com on behalf of [Cori Takesue](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 10:35:37 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Cori Takesue
165 Fraser Ave # 3 Lanai City, HI 96763

From: hbarrow@everyactioncustom.com on behalf of [Helen Barrow](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 4:39:34 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

Aloha Honorable Senators Baker, Tokuda, Taniguchi, Rhoads and Honorable Members of the Committees, Mahalo nui loa for all your tireless work to protect the health of our keiki. Mahalo also for this opportunity to provide testimony in strong support of SB2304 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 stores sell tobacco and vapes in close proximity to schools and our kids 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. I thought this was already a law and was concerned when a grocery store on Maui that sells these items was built in close proximity to a high school

SB2304 is a policy solution that can protect our ohana from being disproportionately snared by the long arm of the tobacco and now vaping industry, reduce tobacco-related health disparities, and encourages responsible tobacco retailing.

Thanks again for your consideration in this matter!!

Sincerely,
Helen Barrow
165 Mahiai Pl Makawao, HI 96768-7213

From: dneubert18@everyactioncustom.com on behalf of [Diane Neubert](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 10:53:51 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Diane Neubert
78 -7030 Alii Dr Apt 201 Kailua Kona, HI 96740-2502

From: mgagen@everyactioncustom.com on behalf of [Marilyn Gagen](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 2:18:55 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Marilyn Gagen
59 -398 Ka Nani Dr Kamuela, HI 96743-8500

From: snharris@everyactioncustom.com on behalf of [Stephen Harris](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Sunday, February 4, 2018 8:40:46 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Stephen Harris
3703 B Pelu Pl Honolulu, HI 96816-3811

From: mrahmer@everyactioncustom.com on behalf of [Mealani Rahmer](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Sunday, February 4, 2018 3:21:27 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Mealani Rahmer
PO Box 1455 Paha, HI 96778-1455

From: bmih@everyactioncustom.com on behalf of [Bryan Mih](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Sunday, February 4, 2018 11:38:42 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

As a pediatrician and medical director of the HEALTHY Quit Smoking Program at Kapi'olani Medical Center for Women & Children, I strongly support SB2304 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.

The close proximity of tobacco retailers to areas typically frequented by youth tends to result in easy access to tobacco and electronic smoking devices for our young people. They are exposed to the advertising and other marketing that is geared to make smoking and vaping interesting and acceptable. 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.

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.

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.

I respectfully ask that you support SB2304 to protect our communities from being disproportionately targeted by tobacco and reduce tobacco-related health disparities.

Sincerely,
Bryan Mih
1944 Naniu Pl Honolulu, HI 96822-1758

From: sonyaniess@everyactioncustom.com on behalf of [Sonya Niess](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 7:20:04 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Sonya Niess
326 Aliiolani St Makawao, HI 96768-8314

From: lisakehl@everyactioncustom.com on behalf of [Lisa Kehl](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 8:45:32 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 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.

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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 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,
Lisa Kehl
1914 University Ave Honolulu, HI 96822-2472

From: tenayajackman@everyactioncustom.com on behalf of [Tenaya Jackman](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 9:18:42 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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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.

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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 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,
Tenaya Jackman
3324 Monsarrat Ave Honolulu, HI 96815-4450

From: lbucon@everyactioncustom.com on behalf of [Lee Buenconsejo-Lum](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Sunday, February 4, 2018 9:41:01 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 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.

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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 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
47 -671 Nukupuu St Kaneohe, HI 96744-5510

From: kellar@everyactioncustom.com on behalf of [Michael Kellar](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Friday, February 2, 2018 8:48:48 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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
435 Haleloa Pl Apt E Honolulu, HI 96821-2251

From: tita@everyactioncustom.com on behalf of [Charity Mauiola](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 10:57:52 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

As a mother of two, the health and well being of my children are my top priorities. Thus, I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Charity Mauiola
135 Haulani St Makawao, HI 96768-8657

From: kcorpuz4@everyactioncustom.com on behalf of [Kathleen Corpuz](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 11:12:55 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Kathleen Corpuz
815 N Vineyard Blvd Apt B18 Honolulu, HI 96817-3578

SB-2304

Submitted on: 2/5/2018 9:52:27 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

To whom It may concern,

I oppose bill **SB2304**. I've been a heavy smoker of traditional tobacco cigarettes for over 7 years and only quit the last 3 years after being introduced to the lifesaving technology which we know now as electronic cigarettes or e-cigarettes. I am no longer out of breath doing minor chores, getting up in the morning coughing, feeling sick and having bad breath. All this due to switching over to e-cigarettes and have been tobacco cigarette free since.

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

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

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

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

Sincerely, Vince Tran

Resident of Honolulu, Hawaii

SB-2304

Submitted on: 2/5/2018 10:49:35 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

Hello,

Thank you for taking the time to read my testimony. I believe that this bill will hurt all businesses no matter what they sell. Hawaii is a very small State therefore everything is very close to each other. The law changed to 21 to purchase tobacco so I do not understand why you will have to take away tobacco license from businesses. This will make a huge impact on the economy and businesses in Hawaii.

SB-2304

Submitted on: 2/5/2018 5:56:45 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

I write you in strong opposition to SB2304.

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

750ft is a Long Way

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

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

This Is Not Going to Effect Adult Users, Not Children

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

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

Tax Implications:

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

Blackmarket Concerns:

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

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

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

Aloha,

Francis Luu

Francis

SB-2304

Submitted on: 2/5/2018 6:36:40 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

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

SB-2304

Submitted on: 2/5/2018 7:23:33 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/5/2018 8:27:52 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

Anything that can be done to control or curtail the sale of tobacco products and electronic smoking devices is welcome and is in the best interests of our children and citizens.

SB-2304

Submitted on: 2/6/2018 12:42:57 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/6/2018 8:44:07 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Folio		Support	No

Comments:

My name is Katie Folio and I am writing in strong support of SB2304 as a private citizen from Kula on Maui. I believe tobacco products, particularly vaping products, should be more heavily regulated, especially when it comes to our kids. We need to protect our youth from the marketing tactics used to target youth. Maui County has among the highest youth use rates of electronic smoking devices ("vaping") in the country, and it is vital to their individual health and the long term health of our community that we bring this number down. Please consider restricting sales near schools and sensitive areas - this could have a long lasting effect on improved health for our keiki. Mahalo nui loa,

Katie Folio

Kula, HI

From: [Ellen Benton](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 8:32:55 AM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

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

Tax Implications:

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

Blackmarket Concerns:

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

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

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

Aloha,

Sent from my iPhone

SB-2304

Submitted on: 2/6/2018 8:48:39 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Heaukulani		Oppose	No

Comments:

If this bill passes, it will affect the livelihood of my four children and pregnant wife. My family depends on me and my job. I strongly oppose this bill from taking away from my family!

SB-2304

Submitted on: 2/6/2018 8:49:41 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

From: [Paul Davis](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 10:13:25 AM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

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

Aloha,

Sent from my iPad

SB-2304

Submitted on: 2/6/2018 8:57:38 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
LOVEY SILVA		Oppose	No

Comments:

I OPPOSE THIS BILL IM A STORE MANAGER AT IRIE HAWAII THIS JOB IS MY ONLY RESOURCE OF INCOME TO PROVIDE FOR MY FAMILY.

SMOKE SHOPE PROVIDE A CHEAPPER WAY TO SMOKE TOBACCO IN THIS ECONOMY TODAY

SB-2304

Submitted on: 2/6/2018 9:01:31 AM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

From: [Dean Kroh](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 8:10:41 AM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND
HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

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

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

Aloha,

From: [Valentino Miranda-kepa](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 7:40:15 AM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND
HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

I write you in strong opposition to SB2304.

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Tax Implications:

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

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

Aloha, Valentino Miranda-kepa

From: ddella@everyactioncustom.com on behalf of [Denise Della](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 11:41:35 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

I am writing in strong support of SB2304 which would reduce the use, access, and exposure of tobacco products to youth by prohibiting the issuance of retail tobacco permits and sale of a tobacco product or an electronic smoking device within 750 feet of schools, public parks, and public housing complexes.

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

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

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

SB2304 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,
Denise Della
Kapolei, HI 96707

From: michelle.tagorda@everyactioncustom.com on behalf of [Michelle Tagorda](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 4:05:17 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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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. The daily exposure of tobacco product promotions to keiki who walk to school or to a playground 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 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 Tagorda
Honolulu, HI 96826

From: rsavereux@everyactioncustom.com on behalf of [Rachel Savereux](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 1:37:09 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
Rachel Savereux

Sincerely,
Rachel Savereux
Honolulu, HI 96826

From: kmedeiros@everyactioncustom.com on behalf of [Kendra Medeiros](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Monday, February 5, 2018 12:40:24 PM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Hrg: February 7, 2018 at 8:30am at Capitol Room 229

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Sincerely,
Kendra Medeiros
Lanai City, HI 96763

From: [Amber Crystal](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 10:04:54 AM

I'm Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

I write you in strong opposition to SB2304.

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

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

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

Aloha,
Amber Crystal

Sent from my iPhone

From: mmg2b@everyactioncustom.com on behalf of [Michelle Gray](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB2304, Relating to Tobacco
Date: Saturday, February 3, 2018 10:34:45 AM

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

The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
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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, public parks, and public housing matters because minority populations, youth, and low-income communities are already disproportionately affected by tobacco. When tobacco store proximity and presence is strong in the community, it perpetuates social norms about tobacco use. Whether you are keiki walking to school or playground, daily exposure to these promotions suggest that smoking or vaping is acceptable.

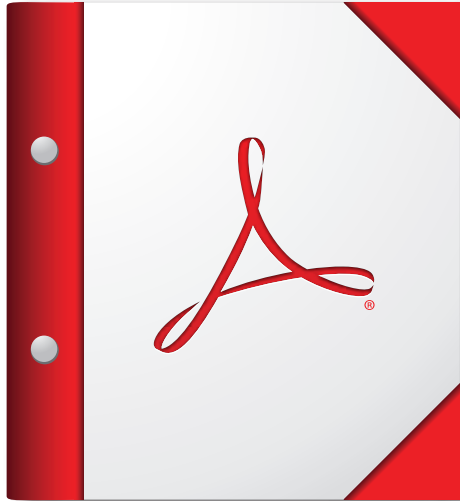
I strongly support changing our tobacco zoning restrictions to create an area between schools and tobacco stores where our youth will be protected from onslaught of advertising and retail availability of tobacco and e-cigarette products.

SB2304 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
430 Lanipua St Honolulu, HI 96825-2302

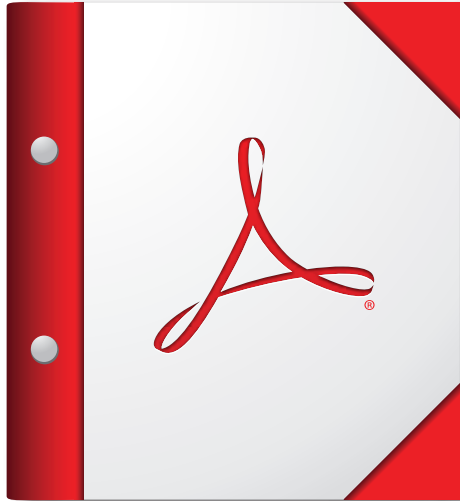
From: [Paul Davis](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 9:46:25 AM

Dear Senator Rosalyn H. Baker, Chair, Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH & Senator Brian T. Taniguchi, Chair Members of the COMMITTEE ON JUDICIARY, I write you in strong opposition to SB2304. With all due respect this bill is ill-conceived and would revoke the licenses of virtually every gas station, supermarket, convenience store, 7-11, vape shop, hookah bar, cigar store in the State. 750ft is a Long Way 750ft is equivalent to 2 and a half football fields, or about the distance from the center of the Capitol to the front gated of Iolani Palace on King St. That distance if extended from the edge of every park, school and public housing complex would completely ban tobacco sales from all of Waikiki, Downtown, Chinatown, Hanalei town, most of Haleiwa, Lihue, Makiki, McCully, Manoa, every commercial part of Maui and Kauai, most the West side and Kailua Town. These were just the ones I had time to look at. This Is Not Going to Effect Adult Users, Not Children I realize that this is not your intention, it is more the instinct to keep children safe and away from adult products as they walk to and from school. I can understand this instinct, and applaud it. It must be noted that we already have laws making it illegal to sell to children. In fact that law was strengthened last year when it was raised to 21. If there are stores selling to under age consumer they should be punished to the full extent of the law. But what this law really does is to deny adults the right to purchase a product that is legal. Tax Implications: This is not to mention the calamitous effect this will have on tax revenue, taxes that support services and tobacco prevention and all kind of other things the State needs to pay for. If you shut down all the places that sell the products, there will obviously be a significant drop in tax revenue. Blackmarket Concerns: If this bill were to pass, and tobacco sales were limited to just a couple stores on each island, this would increase prices incredibly and lead to more stores and consumers participating in the already burgeoning black market. This means less revenues to the State and less control over the industry. I hope you take this testimony seriously and kill this bill, which would prove worse than the problem it is trying to solve. Thank you for listening and considering this testimony. I hope you will look at the issue more closely. Aloha,



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Date: February 6, 2018

To: The Honorable Rosalyn Baker, Chair
The Honorable Jill Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection & Health

The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2304, Relating to Tobacco
Hrg: February 7, 2018 at 8:30am at Capitol Room 229

Thank you very much for your time and consideration as I present my testimony in **strong support** of SB2304, 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. My name is Maggie Morris and I am a Masters of Public Health student at the University of Hawaii at Manoa.

E-cigarettes are a tobacco product that has become a popular trend and although individuals in Hawaii are smoking cigarettes less, numbers in ESD use are rising rapidly. Despite our tobacco 21 law and tobacco youth access laws, many middle school to high school students still use e-cigarette devices which allows them to get addicted to the small amounts of nicotine.¹ Although vaping has a much lower impact on the lungs than that of a traditional cigarette, ESD usage contributes to cardiovascular disease and impaired brain development found in regular smoking.² Our youth in Hawaii should not have to worry about the long-term heart and brain damages because of how easy accessing an ESD device is.

We have many tobacco retailers located in Hawaii, but there is an overwhelming presence and marketing surrounding our residents and youth in local communities. We need to restrict the sale of tobacco products and electronic smoking devices near schools, public parks, and public housing because minority populations, youth, and low-income communities are already disproportionately affected by tobacco.³ As found in growing research and prevention measures, implementing a tobacco zoning restriction will create

¹ Hawaii School Health Survey/ Youth Risk Behavior Survey (2017)

² Annual Review of Public Health. *E-Cigarettes: Use, Effects on Smoking, Risks, Policy Implications, Vol. 29. 2018*

³ Center for Disease Prevention and Control. *Tobacco-Related Disparities (2017)*.

<https://www.cdc.gov/tobacco/disparities/index.htm>

a safety area between schools and tobacco stores where our youth will be protected from advertising and retail availability of tobacco and e-cigarette products.

I strongly support SB2304 and ask you to pass this out of committee.

Mahalo,
Maggie Morris

SB-2304

Submitted on: 2/6/2018 5:28:07 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/6/2018 5:33:30 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

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

Comments:

SB-2304

Submitted on: 2/6/2018 7:14:32 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lopaka Kapanui	Mysteries of Hawaii	Oppose	No

Comments:

Good Sirs and Madams,

I must oppose SB2304 as it seems that this bill is obviously a personal vendetta against one particular business owner. Rather than being a ban on smoking near schools or restaurants for all persons who smoke, this bill is targeting establishments that sell tobacco-related items and paraphernalia. I am not a smoker myself but I assure you that I have not yet heard of anyone causing an accident as the result of being under the influence of a pack of KOOLS cigarettes. Nor have I witnessed tobacco-related brawls after a night of inhaling e-cigs at a club. What's next? Police cigarette checkpoints? We have much bigger issues to tackle in our island state instead of going after someone who owns a few tobacco establishments. Please re-direct your attention to the things that will serve the people of our state better by improving their quality of life.

Robert Lopaka Kapanui

SB-2304

Submitted on: 2/6/2018 8:00:45 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon		Oppose	No

Comments:

The ban of selling electronic devices within 750 ft of school, beaches, ect is unfair. The amount of people that runs business in the area will go bancrupt and effect their families. Small business is a staple of Hawaii and by doing this ban will effect them personally. They will end up being homeless from this banand that is a big problem in Hawaii. This bill is not fair to the small business and will hurt them badly. This bill needs to be regeted so small businesses can survive and families wont end up homeless.

From: [Jon Au](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 8:05:10 PM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

I write you in strong opposition to SB2304.

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

750ft is a Long Way

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

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

This Is Not Going to Effect Adult Users, Not Children

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

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

Tax Implications:

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

Blackmarket Concerns:

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

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

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

Aloha,

Sent from my iPhone

From: [Sharon Lewis](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Tuesday, February 6, 2018 8:41:52 PM

Dear Senator Rosalyn H. Baker, Chair,
Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
&
Senator Brian T. Taniguchi, Chair
Members of the COMMITTEE ON JUDICIARY,

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

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

Aloha,
Sharon Lewis

SB-2304

Submitted on: 2/7/2018 1:41:36 PM

Testimony for CPH on 2/7/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jesus Avila		Oppose	No

Comments:

HB2158 is a bill that isn't adequately defined & will hurt many business & retailers both large & small with it's current language.

Not only will this bill greatly hurt local business & retailers, it will greatly impact the tourism industry in terms of income for the state.

From: [Lovey Silva](#)
To: [CPH Testimony](#)
Subject: I strongly Oppose SB2304 - Too many unintended consequences
Date: Wednesday, February 7, 2018 11:31:34 AM

Dear Senator Rosalyn H. Baker, Chair, Members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH & Senator Brian T. Taniguchi, Chair Members of the COMMITTEE ON JUDICIARY, I write you in strong opposition to SB2304. With all due respect this bill is ill-conceived and would revoke the licenses of virtually every gas station, supermarket, convenience store, 7-11, vape shop, hookah bar, cigar store in the State. 750ft is a Long Way 750ft is equivalent to 2 and a half football fields, or about the distance from the center of the Capitol to the front gated of Iolani Palace on King St. That distance if extended from the edge of every park, school and public housing complex would completely ban tobacco sales from all of Waikiki, Downtown, Chinatown, Hanalei town, most of Haleiwa, Lihue, Makiki, McCully, Manoa, every commercial part of Maui and Kauai, most the West side and Kailua Town. These were just the ones I had time to look at. This Is Not Going to Effect Adult Users, Not Children I realize that this is not your intention, it is more the instinct to keep children safe and away from adult products as they walk to and from school. I can understand this instinct, and applaud it. It must be noted that we already have laws making it illegal to sell to children. In fact that law was strengthened last year when it was raised to 21. If there are stores selling to under age consumer they should be punished to the full extent of the law. But what this law really does is to deny adults the right to purchase a product that is legal. Tax Implications: This is not to mention the calamitous effect this will have on tax revenue, taxes that support services and tobacco prevention and all kind of other things the State needs to pay for. If you shut down all the places that sell the products, there will obviously be a significant drop in tax revenue. Blackmarket Concerns: If this bill were to pass, and tobacco sales were limited to just a couple stores on each island, this would increase prices incredibly and lead to more stores and consumers participating in the already burgeoning black market. This means less revenues to the State and less control over the industry. I hope you take this testimony seriously and kill this bill, which would prove worse than the problem it is trying to solve. Thank you for listening and considering this testimony. I hope you will look at the issue more closely. Aloha,