



STATE OF HAWAII
DEPARTMENT OF HEALTH
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LATE

**Testimony COMMENTING on H.B. 1509
RELATING TO CIGARETTES**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 7, 2019

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) provides comments on the vision of
3 a Tobacco-Free Hawaii that this bill aspires to. The Department also suggests amendments to
4 include all tobacco products including ESDs, cigars, and smokeless tobacco products.

5 House Bill 1509 (H.B. 1509) amends Section 712-1258, Hawaii Revised Statutes (HRS),
6 to alter the definition of ‘tobacco product.’ It adds a new section to part IV which proposes an
7 age prohibition schedule wherein the minimum age of legal sale and furnishing of tobacco will
8 be gradually increased over a period of five years. This new section includes amendments to age
9 verification and signage requirements to accommodate the gradual raising of the minimum age
10 of legal sales.

11 All tobacco products contribute to the health burden of tobacco use in our state and
12 country. The evidence shows that smokeless tobacco and cigars cause serious harm to health.
13 According to the American Cancer Society, smokeless tobacco causes mouth, tongue, cheek and
14 gum cancers, cancers of the esophagus, and pancreatic cancer. Other health problems associated
15 with smokeless tobacco use include heart disease, and increased risk of heart attack, stroke and
16 increased risk of pre-term or still birth when used during pregnancy.ⁱ Cigars are causally related
17 to similar health outcomes. The Federal Food and Drug Administration (FDA) states “all cigars
18 are harmful and potentially addictive (including small cigars, cigarillos, large cigars, and
19 premium cigars). Cigar smoking is strongly related to certain cancers (including oral,
20 esophageal, laryngeal, and lung cancers), heart disease, and premature death. Cigar smoking can
21 cause cancers of the mouth and throat, even for smokers who do not inhale.”ⁱⁱ

22 New and novel products like electronic smoking devices (ESDs) also known as e-
23 cigarettes are evolving at unprecedented rates. Heated tobacco products are now marketed in

1 Asia and Europe and the industry is awaiting FDA approval for the U.S. market. These products
2 are slated to eventually replace traditional, combustible cigarettes. Hawaii, and the nation, are
3 currently witnessing a tobacco control crisis that threatens the progress made over the last three
4 decades.

5 Both the U.S. Surgeon General and the FDA Commissioner have raised concerns on the
6 epidemic of youth ESD use across the nation. From 2017 to 2018, high school youth e-cigarette
7 use rose by 78%, from 12% to 21% in the U.S.ⁱⁱⁱ The Hawaii youth e-cigarette use is 25%
8 statewide, and above 30% in the neighbor island counties.^{iv} The 2016 Report of the U.S. Surgeon
9 General warned that youth are more vulnerable to the negative consequences of nicotine
10 exposure. The brain is developing till 25 years of age, and the effects of nicotine include
11 “addiction, priming for use of other addictive substances, reduced impulse control, deficits in
12 attention and cognition, and mood disorders.” Fetal exposure can have negative consequences
13 including sudden infant death syndrome, altered corpus collosum, and deficits in attention and
14 cognition. Children are also at risk from ingesting the e-liquids that can cause acute toxicity and
15 even death.^v

16 The FDA has encouraged states and localities to enact strict laws for the legal age of sale
17 of tobacco products. The Department recommends that any graduated age strategy include other
18 tobacco products, including ESDs that are marketed to and addicting young people, and that the
19 definitions of Tobacco Products not be amended in Section 712-1258, HRS to exclude cigarettes.

20 Thank you for the opportunity to testify.

21 **Offered Amendments:** Recommend not amending and excluding cigarettes from the Tobacco
22 Products definition, therefore retaining the definition from Section 712-1258(7), HRS:

23 (7) For the purposes of this section:

24 "Electronic smoking device" means any electronic product
25 that can be used to aerosolize and deliver nicotine or other
26 substances to the person inhaling from the device, including but
27 not limited to an electronic cigarette, electronic cigar,
28 electronic cigarillo, or electronic pipe, and any cartridge or
29 other component of the device or related product.

1 "Tobacco product" means any product made or derived from
2 tobacco that contains nicotine or other substances and is
3 intended for human consumption or is likely to be consumed,
4 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or
5 ingested by other means. "Tobacco product" includes but is not
6 limited to a cigarette, cigar, pipe tobacco, chewing tobacco,
7 snuff, snus, or an electronic smoking device. "Tobacco product"
8 does not include drugs, devices, or combination products
9 approved for sale by the United States Food and Drug
10 Administration, as those terms are defined in the Federal Food,
11 Drug, and Cosmetic Act.

12

ⁱ American Cancer Society. Health Risks of Smokeless Tobacco. November 13, 2015. Retrieved February 6, 2019 from <https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/smokeless-tobacco.html>

ⁱⁱ National Cancer Institute (NCI), Cigars: Health Effects and Trends, Smoking and Tobacco Control Monograph 9, 1998, <http://cancercontrol.cancer.gov/tcrb/monographs/9/index.html>

ⁱⁱⁱ Cullen, K.A., Gentzke, A.S., and Jamal, A. Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students- United States, 2011- 2018. Notes from the Field. Morbidity and Mortality Weekly Report. November 16, 2018.

^{iv} 2017 Hawaii Youth Risk Factor Surveillance Survey.

^v U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

LATE



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 7, 2019**

Re: HB 1509 Relating to Cigarettes

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

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We OPPOSE HB 1509 Relating to Cigarettes that would progressively bans the sale of cigarettes by raising the minimum age of persons to whom cigarettes may be legally sold to 30 years of age in 2020, 40 years of age in 2021, 50 years of age in 2022, 60 years of age in 2023, and then 100 years of age in 2024.

Bans are not the simple solution and will not stop adults from smoking – noting that it is already illegal for minors. This type of ban would only push the sale of cigarettes into the black market and make it even more attractive and lucrative for thieves to steal cigarettes.

We urge you to hold this measure. Mahalo again for this opportunity to testify.



LATE

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Date: February 6, 2019

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair
Members of the Health Committee

Re: Comments on HB1509, Relating to Cigarettes

Hrg: February 7, 2019 at 8:30am at Conference Room 329

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ provides **Comments on HB 1509** which would gradually raise the minimum age, effectively banning the sale of cigarettes in five years.

The Coalition supports the intent of this measure. We recommend however that the legislature consider other proven and effective interventions to prevent initiation and reduce adult smoking rates.

The CDC and U.S. Surgeon General recommend the following evidence-based interventions that have a proven history to reduce adult smoking rates:

- Fully funded comprehensive statewide tobacco control programs funded at levels recommended by CDC (\$13.7M compared to \$5.9 in current state funding);
- A higher average retail price of cigarettes through increases in tax or discount restrictions;
- Complete protection from exposure to tobacco smoke through comprehensive smoke free indoor air policies;
- High-impact media campaigns;
- Greater restrictions on sales;
- Full access to cessation treatment for nicotine addiction including counseling and medication for all smokers, especially those with mental and physical comorbidities.

The Coalition also requests that all tobacco products be included in this measure.

HB1509 exempts electronic smoking devices and other tobacco products which are included in our Tobacco 21 law. ESDs or e-cigarettes and other tobacco products are still harmful to our health. Hawaii has seen significant declines in our adult smoking rate, at 12.8%, yet our e-cigarette use rates continue to skyrocket. With more

than 1 in 4 high school students, and 1 in 6 middle schoolers using these products, we have an urgent need to act. Further, removing ESDs and other tobacco products may create confusion with the interpretation, enforcement, and implementation of our Tobacco 21 law. Although HB 1509 will help to accomplish our goal of a population free of tobacco-related disease “the tobacco end game”, the Coalition believes that the feasibility and application of any proposed end game intervention should be based on proven tobacco control strategies.

Thank you for the opportunity to provide testimony.

Mahalo,



Trish La Chica, MPA
Policy and Advocacy Director

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

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

HB-1509

Submitted on: 2/6/2019 3:23:12 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
maile rogers	Individual	Support	No

Comments:

HB-1509

Submitted on: 2/6/2019 3:59:30 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

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

Comments:

I like the idea. I just don't trust the Senate to keep the bill in its current state. And therefore oppose it. Because Someone is going to gut and replace it. Or make it worse.

HB-1509

Submitted on: 2/6/2019 4:14:00 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

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

Comments:

My name is Michael Bailey. I am a Special Forces veteran, having served in Afghanistan with 7th Special Forces Group(Airborne) as a Sensitive Site Exploitation Manager with a subject matter expert rating in chemical analysis. I am testifying to let it be known my absolute opposition to HB 1509. I am concerned that the bill is Orwellian in nature and attempts to set up a prohibition state. We have already witnessed the utter failure of such previous measures in regards to alcohol in the early 20th century and the epic debacle of the decades old "War on Drugs" Anytime a demand market is denied supply and fruitful regulation a black market will arise. This is the avenue this bill proposes. If the honorable concerned legislators were honestly worried about nicotine consumption in our youth, they would focus on the egregious nature of the e-liquid market and its' obvious advertisement to our youth with candy and fruity flavors, as well as launch education campaigns better marketed toward our youth. Instead they are risking posing a "nanny state" intent on subjecting lawful, of age citizens, to the will of the state. As smokers, we already pay some of, if not the highest taxes per commodity at \$3.20! First of all, those of us who choose what to do with our bodies are shamed in polite society as it is, secondly what will become of the missing revenue that 13% of our state's adults, who do smoke, have been contributing? And where do you plan to make up said revenue? And if you are truly concerned about our youth and not on imposing your ideas of health on a free populous, why not focus your efforts on the true enemy at hand, not the old one that has been essentially mitigated.

Vr,

Michael Bailey

U.S. Army Veteran, Univ Of Hawaii at Hilo Senior

808-430-6369

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HB-1509

Submitted on: 2/6/2019 4:37:05 PM
Testimony for HLT on 2/7/2019 8:30:00 AM

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

Comments:

I strongly oppose this bill. This bill is a gross OVERREACH of government. If this bill were to pass whats next? A ban on junk food? Every year our liberties are taken away by various laws this is bill by far is one of the best examples of government trying to run people's lives. I strongly oppose HB1509!

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HB-1509

Submitted on: 2/6/2019 5:02:23 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Oppose	No

Comments:

Back in the 1920's there was something called the Prohibition that banned alcohol consumption, because it was believed to lessen crime, promote a healthier population...Fiction wise, there's countless incidents where for the 'greater good' and in the name of a healthier (also called happier) population. I.e. DemolitionMan and books with dystopian worlds where being considered 'over weight' places people in a "Fat Farm" and foods that can potentially kill or cause health risks are banned. Now Cigarette's back in the day were promoted as the 'sexy, cool people' addiction.

Now, tobacco and Marijuana, both plants, one having the 'mind altering' drug known as THC. With the reason behind the tobacco issue now, is that *manufacturer's are adding chemicals to the product to make it addictive and a health risk*. So, instead of infringing on a person's choice, why not go after the manufacturer's - as THC can be eliminated from marijuana, which supposedly makes it a safe smoking alternative and huge 'medical' benefit, and prevent manufacturer's from adding the items that are causing the issue. As while I've heard of people who are on Marijuana (high) in states that have allowed Marijuana to be legal to 'forget' their infant or child in the car, and the children died - never heard of a 'forget' the child due to cigarette inhalation though.

Also on a side note - the 'attraction' to cigarettes due to "flavor" - there are brownies/cookies, candy, 'protein bars', dinner recipes, etc. all geared to Marijuana sales. Not to mention the e-liquid form of Marijuana. If anything, Marijuana is geared toward children.

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HB-1509

Submitted on: 2/6/2019 5:09:19 PM
Testimony for HLT on 2/7/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dau	Lisa Dau, RN, representing Keiki Injury Prevention Coalition	Support	Yes

Comments:

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HB-1509

Submitted on: 2/6/2019 7:43:56 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Glenn Abe	Individual	Oppose	No

Comments:

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HB-1509

Submitted on: 2/6/2019 8:57:17 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

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

Comments:

Aloha,

I oppose this bill because the age limits are crazy. 100 years of age by 2024. Most people no matter if they smoke regular cigarettes dont even live that long. And even if youre still smoking at 100 years old , you would be a phenomenon. The world would make any video of you go viral. Raising the age limit to 40 by 2021 will cause such an outrage in the public. A ten year increase for the next couple of years is nuts to me. I dont even smoke traditional cigarettes and I am appalled by this bill. I dont think that this bill is fair for an individual with their right to choose any lifestyle no matter if they smoke or vape. With all the proposed limits to attain cigarettes or vape products and the all out attack to make smoking illegal in 5 years, where will all the money you have proposed to allocate to research , tobacco prevention , UH medical facilities will come from ? I have no other pleasant words at this time other than I oppose this bill.

Thank you for your time.

Shannon Stevenson

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HB-1509

Submitted on: 2/6/2019 11:34:05 PM

Testimony for HLT on 2/7/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Oppose	No

Comments:

LATE

HB-1509

Submitted on: 2/7/2019 2:40:05 AM

Testimony for HLT on 2/7/2019 8:30:00 AM

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

Comments:

Dear Chair Mizuno & House Committee on Health:

I am writing in OPPOSITION to HB1509. Let me begin by stating that I am not a cigarette smoker at all; however this proposed Bill will have a direct correlation to the measurable decline in the tourism industry coming from Asia. Also, by proposing this Bill the State of Hawaii is opting out of the Hawaii tobacco settlement fund and the tobacco tax revenue that is heavily earmarked for Department of Health research. I recommend this Committee consult with the Department of Taxation and the Finance Committee, prior to committing to or supporting this proposed Bill. Thank you for your time.

A concerned constituent,
Johnathon Myers

HB-1509

Submitted on: 2/6/2019 10:40:27 PM

Testimony for HLT on 2/7/2019 8:30:00 AM



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

Comments:

This bill crosses the line between public interest and infringement on individual rights. People have a general right to live as they choose even if it may be harmful to their own health.

The age progression in this legislation is ludicrous and insulting on its face. This is prohibition. Prohibition is not the right approach and simply turns many Hawaii residents into criminals who are just trying to live their lives.