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JOSH GREEN M.D.  
LIEUTENANT GOVERNOR



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DEPUTY DIRECTOR

**STATE OF HAWAII  
DEPARTMENT OF TAXATION**

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

The Honorable Chris Lee, Chair  
And Members of the House Committee on Judiciary

Date: Tuesday, February 12, 2019

Time: 2:35 P.M.

Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director  
Department of Taxation

Re: H.B. 1574, H.D.1, Relating to Electronic Smoking Products

The Department of Taxation (Department) supports H.B. 1574, H.D. 1, and offers the following comments for the Committee's consideration. A summary of the key provisions of H.B. 1574, H.D. 1, are as follows:

- Adds a new section making it a misdemeanor or felony to ship e-liquid products in the State unlawfully;
- Adds a new definition for the terms "e-liquid," "electronic smoking device" and "smoke" or "smoking";
- Amends the definition of "tobacco products" to include e-liquid;
- Raises the fee for a tobacco wholesaler or dealer license from \$2.50 annually to \$250 annually;
- Raises the fee for a tobacco retailer permit from \$20 per location annually to \$50 per location annually;
- Amends the allocation of revenue collected under the cigarette stamp tax to provide \$200,000 to Hawaii Tobacco Prevention and Control Trust Fund; and
- Has a defective effective date of July 1, 2050.

In order to effectively ascertain what retailers are selling e-liquid or electronic smoking devices as opposed to exclusively selling other types of tobacco products, the Department suggests amending section 245-2.5, Hawaii Revised Statutes as follows:

(d) A separate retail tobacco permit shall be obtained for each place of business owned, controlled, or operated by a retailer. In seeking a retail

tobacco permit, the applicant shall specify whether each place of business sells e-liquid. A retailer that owns or controls more than one place of business may submit a single application for more than one retail tobacco permit. Each retail tobacco permit issued shall clearly describe the place of business where the operation of the business is conducted[-] and whether the place of business sells e-liquid.

The Department notes that it can implement this measure as currently written, provided a functional effective date of no earlier than January 1, 2020 is inserted. This effective date of will provide sufficient time for the Department time to update its forms and make necessary computer system changes.

Thank you for the opportunity to provide testimony in support of this measure.

**HB-1574-HD-1**

Submitted on: 2/9/2019 11:02:51 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Strongly Support

[www.WeAreOne.cc](http://www.WeAreOne.cc)



**Testimony to the House Joint Committee on Consumer Protection and Commerce, and  
Judiciary  
Tuesday, February 12, 2019; 2:35 p.m.  
State Capitol, Conference Room 329**

**RE: SUPPORTING HOUSE BILL NO. 1574, RELATING TO ELECTRONIC SMOKING PRODUCTS.**

Chair Takumi, Chair Lee, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1574, House Draft 1, RELATING TO ELECTRONIC SMOKING PRODUCTS.

The bill, as received by your Committee, would:

- (1) Apply the excise tax on tobacco products on e-liquid;
- (2) Require retailers of e-liquid to obtain a retail tobacco permit to sell, possess, keep, acquire, distribute, or transport e-liquid;
- (3) Prohibit the unlicensed wholesale and retail sale of e-liquid;
- (4) increase the license fee for the wholesale and retail sale of cigarettes and tobacco products;
- (5) Increase the fee for the retail tobacco permit;
- (6) Deposit \$200,000 in tobacco tax revenue to the Hawaii Tobacco Prevention and Control Trust Fund after June 30, 2019; and
- (7) Take effect on July 1, 2050.

**Testimony on House Bill No. 1574, House Draft 1**  
**Tuesday, February 12, 2019; 2:35 p.m.**  
**Page 2**

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of health.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

It is for this reason that the HPCA joins the Hawaii Public Health Institute and other advocates in strong support of all efforts to rid the marketplace of these products.

From a technical perspective, the legislative intent behind making the penalty for the unlawful shipment of e-liquid a C felony permissive rather than directive is unclear. (See, page 7, line 13.). If the intent is to provide the Court with discretion to levy penalties in the range of a misdemeanor to a C felony post-conviction, then there may be a need to provide a corresponding amendment to Chapter 706, Hawaii Revised Statutes, "Disposition of Convicted Defendants".

In advance, thank you for your consideration of our testimony.



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#### Executive Officers

**Toby Taniguchi**, KTA Superstores, *Chair*  
**Joe Carter**, Coca-Cola Bottling of Hawaii, *Vice Chair*  
**Charlie Gustafson**, Tamura Super Market, *Secretary/Treas.*  
**Lauren Zirbel**, HFIA, *Executive Director*  
**Beau Oshiro**, C&S Wholesale Grocers, *Past Chair*  
**Stan Brown**, Acosta Sales & Marketing, *Advisor*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**Barry Taniguchi**, KTA Superstores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*

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TO:

Committee on Consumer Protection & Commerce, and Committee on Judiciary  
Rep. Roy M. Takumi and Rep. Chris Lee, Chairs  
Rep. Linda Ichiyama and Rep. Joy A. San Buenaventura, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: Wednesday, Feb. 12, 2019

TIME: 2:35pm

PLACE: Conference Room 329

RE: HB1574 HD1 Relating to Electronic Smoking Products

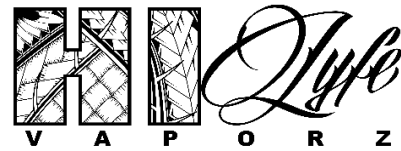
Position: Comments

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.

We oppose Sections 4 of this bill that seek to increase fees on retail tobacco licenses and permits. This measure would increase the license fee for tobacco by 10,000%, which is excessive and unnecessary.

Hawaii has the second highest tobacco taxes of any state. By attempting to increase license and permit fees, this bill unfairly and misguidedly targets retailers and wholesalers rather than tobacco users.

There is no nexus between license fees and smoking cessation. Retailer license fees exist to pay for the licensing process and enforcement; these fees were not created to fund other programs. Using licensing fees to fund programs for which they were not intended creates a situation where fees are likely to rise unpredictably, this impedes retailers' ability to budget and creates unnecessary financial and administrative burdens. We thank you for the opportunity to testify.



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2/8/2019

Dear Hawaii State Representatives,

Aloha,

My name is Jostin and I Strongly oppose the House Bill 1574 (HB1574). As a small business owner and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SALE OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose HB1574 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide.



This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

[https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W\\_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM](https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM)

Here is a statement by Senator Burr

[https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX\\_JvapjK2KmZUNLe0eW\\_D\\_G1AbPiLxgldNRnA--RQOfRFg61DLu8](https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8)

Please see statements below by CDC, FDA Surgeon General, U.S Department of Health, Human Services & Center for Tobacco Products.

Mahalo for your time and consideration Jostin Iriarte [jostin@hilyfevaporz.com](mailto:jostin@hilyfevaporz.com)



The Centers for Disease Control and Prevention

**"E-cigarettes have the potential to benefit adult smokers who are not pregnant if used as a complete substitute for regular cigarettes and other smoked tobacco products."**

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US Department of Health and Human Services

Secretary Alex Azar:

**"I want to reiterate: E-cigs could help many American adults end their addiction to cigarettes."**



Dec 18, 2018 (youtu.be/y0u2gooy80 @ 3:33)



**"If you could take every adult smoker and fully switch them to e-cigarettes, that would have a substantial public health impact"**



**FDA Commissioner Dr. Scott Gottlieb**

<https://www.c-span.org/video/?452001-1/fda-commissioner-scott-gottlieb-discusses-cigarettes-public-health-concerns>

**FDA Commissioner Dr. Scott Gottlieb**



**"E-cigarettes may present an important opportunity for adult smokers to transition off combustible tobacco products and onto nicotine delivery products that may not have the same level of risks associated with them."**



<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM620185.htm>



**Dr. Jerome Adams, U.S. Surgeon General**

**"E-cigs and vaping as harm reduction not inherently a problem (though we need to continue research to ensure overall & max harm reduction)"**

<https://twitter.com/JeromeAdamsMD/status/1058453736208412672>



**"How could the same compound associated with so much death and disease be so safe that you can buy it without a doctor's prescription?" he asks.**

**"The answer is that it's about the delivery mechanism, not the drug."**

**Mitch Zeller, JD, Director, Center for Tobacco Products**

<https://www.roll2stop.com/culture/culture-news/e-cigs-inconvenient-but-it-s-not-easy-to-veg-28972>



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**"If we can get all of those people to completely switch all of their cigarettes for one of these non-combustible products, that would be good for public health"**



<https://www.help.senate.gov/hearings/progress-and-challenges-the-state-of-tobacco-use-and-regulation-in-the-us> (01:59)



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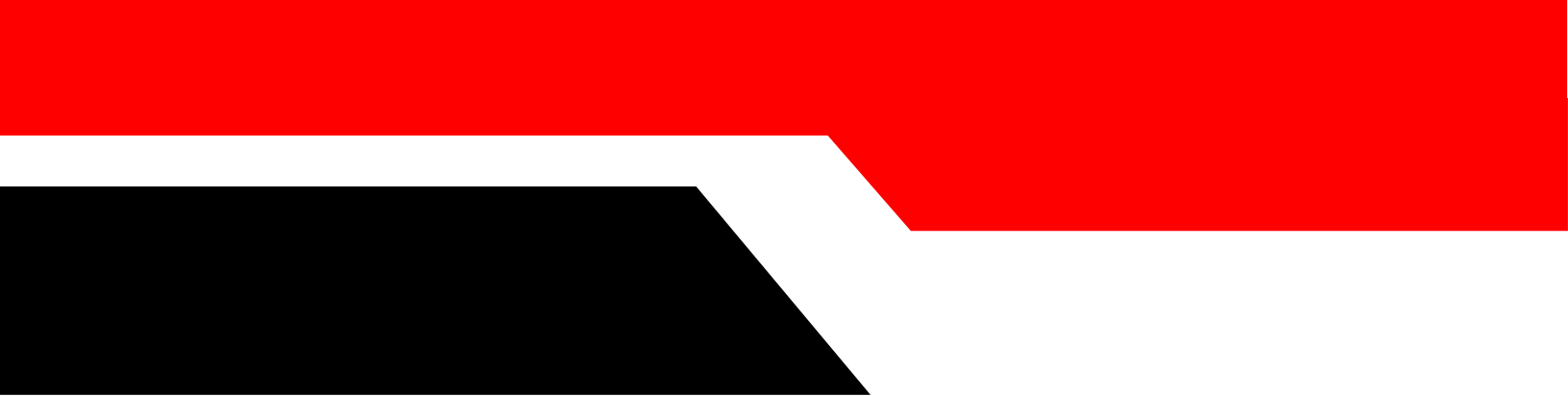
[wholesale@hilyfevaporz.com](mailto:wholesale@hilyfevaporz.com)

2/8/2019

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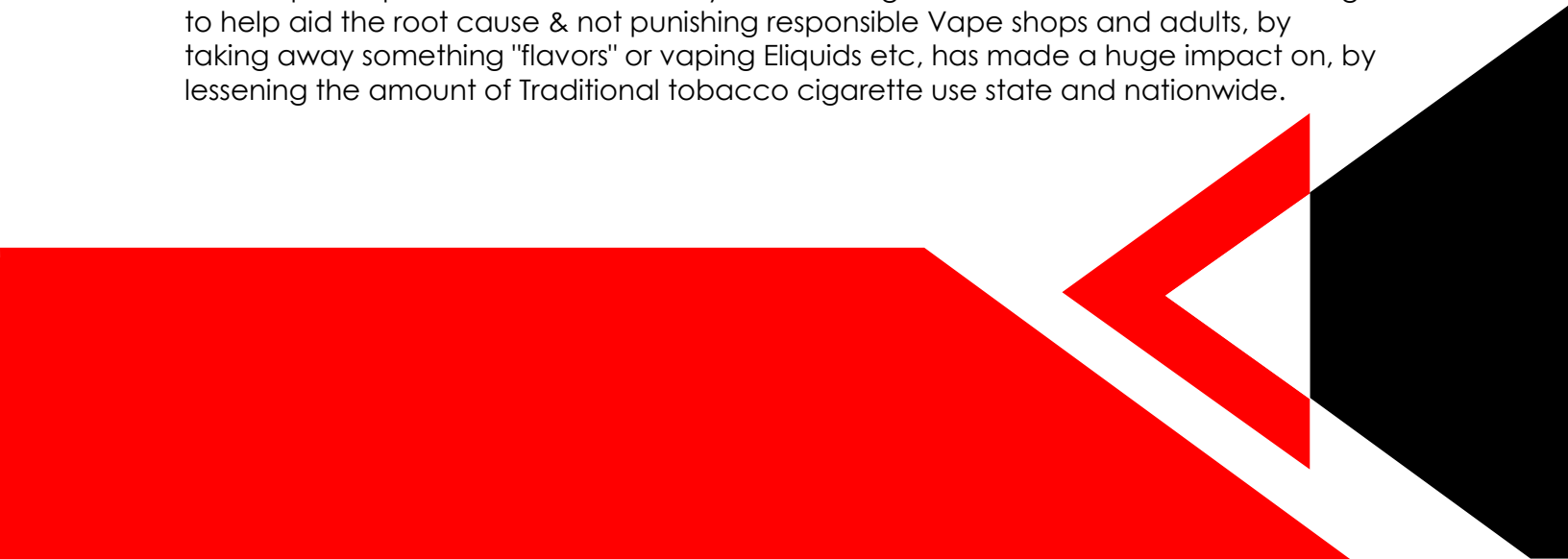
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Please see statements below by CDC, FDA Surgeon General, U.S Department of Health, Human Services & Center for Tobacco Products.

Mahalo for your time and consideration Jostin Iriarte [jostin@hilyfevaporz.com](mailto:jostin@hilyfevaporz.com)



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**"E-cigarettes have the potential to benefit adult smokers who are not pregnant if used as a complete substitute for regular cigarettes and other smoked tobacco products."**

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**FDA Commissioner Dr. Scott Gottlieb**



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**"How could the same compound associated with so much death and disease be so safe that you can buy it without a doctor's prescription?" he asks.**

**"The answer is that it's about the delivery mechanism, not the drug."**

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**Mitch Zeller, Director, Center for Tobacco Products**

**"If we can get all of those people to completely switch all of their cigarettes for one of these non-combustible products, that would be good for public health"**



<https://www.help.senate.gov/hearings/progress-and-challenges-the-state-of-tobacco-use-and-regulation-in-the-us> (01:59)



February 10, 2019

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

The Honorable Representative Chris Lee, Chair  
The Honorable Representative Joy A. San Buenaventura, Vice Chair  
Members, House Committee on Judiciary

From: Cory Smith, VOLCANO Fine Electronic Cigarettes®  
CEO and Owner

**RE: HB 1574 HD1 – oppose.**

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 16 locations statewide and employ over 110 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to HB 1574 HD1 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet **HB 1574 HD1 deceptively refers to vapor products as “Electronic Smoking Devices”** to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.
- **HB 1574 HD1 states in its justification that the bill and its regulations are needed to curb youth usage.** It states “The Surgeon General's report noted that e-cigarette use has increased considerably in recent years, growing an astounding nine hundred percent among high school students from 2011 to 2015”. **However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found 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.
  - <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>
  - <https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>



- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes
  - [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)
- A recent study published by the New England Journal of Medicine concluded that E-Cigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. We fail to see how this bill makes any sense.
  - <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.
  - <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myth-that-vaping-is-as-toxic-as-smoking/article/2646804>
  - [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)
  -
- HB 1574 HD1 States in its justification that the use of licensing and permit fees will help "protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit". **We fail to see how requiring retailers to obtain a permit will translate to 'protecting the public'.** Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.
- **HB 1574 HD1 would amount to a 9900% increase in licensing fees. This is a highly unreasonable increase that will result in a significant financial burden for all retailers included in the bills definition.**
- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. **Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.**
  - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/E-cigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)
- HB 1574 HD1's justification states that without taxing vapor products, "smokers may be tempted to purchase less expensive products such as e-liquid". This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in





# VOLCANO®

**comparison to tobacco cigarettes.** An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.

- **Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state.** We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

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

**HB-1574-HD-1**

Submitted on: 2/11/2019 6:05:25 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Chandler	Logic Technology Development, LLC.	Oppose	No

Comments:

Logic Technology Development, LLC, (“Logic”) headquartered in Princeton, New Jersey, is one of the largest suppliers of electronic cigarettes in the USA. On behalf of our employees, retailers and adult consumers, I am writing to state our opposition to the proposed legislation (**HB 1574**), which would redefine tobacco products to include e-cigarettes and thus impose a 70 percent tax on the wholesale price of electronic cigarettes.

Alongside the costly and burdensome regulatory requirements set out by the U.S. Food and Drug Administration in May 2016, the impact of a 70 percent wholesale tax will be crippling to the vapor industry in Hawaii and the jobs and economic activity it supports, while failing to produce the revenue the state estimates.

Our position is clear: minors should not use electronic cigarettes and should not be able to obtain these products. We market our products to adult smokers only, we abide by federal and state regulations that govern our industry and products, and we believe there is a role for taxation and regulation that is fair, evidence-based, and proportionate.

**Consistent with these beliefs, we take a reasonable approach when it comes to the taxation of our products. That is why we write to urge you to abandon your proposed 70 percent wholesale tax, and instead consider implementing a 10 cent per milliliter tax on the sale of all e-liquids, irrespective of whether they contain nicotine.**

Logic recognizes the fiscal realities faced by the state and the role reasonable taxation can play. We have supported efforts nation-wide to implement tax mechanisms that provide stable, predictable revenue, without doing irreparable harm to the category as a whole.

States that have implemented percentage-based tax structures have seen the category stagnate and businesses close, resulting in a loss of tax receipts as sales are pushed across state lines or to unregulated illicit market channels. We have seen the disastrous results of a high percentage-based tax in Pennsylvania, where a 40 percent wholesale tax resulted in 100 businesses closing in the first year, with 1,000 jobs lost, according to the Vapor Technology Association. Vapor product sales also declined by 1% in

Pennsylvania, while its border states grew by 22%, depriving the state of excise and sales tax revenue.

**Any percentage-based tax will inevitably advantage the cheapest products in the marketplace.** The result of this is larger price differentials between the highest and lowest quality products, a price incentive for adult consumers to move to the cheapest brands, and a race to the bottom for manufacturers that may compromise safety or quality. As adult consumers gradually migrate to the cheapest products on the market, the state will also take in less in tax revenue (both sales and excise) as they are applied as a percentage of the cost.

Logic supports proposals that would impose a moderate level of taxation that on the consumable part of our products and also help to limit incentives for tax evasion and avoidance, which undermine tax revenues. To achieve this, we believe it to be essential to define an optimal tax base, excise tax structure and rate.

**Data have shown that the optimal structure is a tax on the e-liquid, applied at a fixed level per milliliter of e-liquid sold.**

It is important that the tax be applied to all e-liquids, rather than just those containing nicotine, to ensure that adult consumers are not encouraged to purchase nicotine-free e-liquids and mix in liquid nicotine on their own, which is readily available online and in some specialty shops, and presents a very real public health risk.

**Critically, states that have enacted similar per milliliter taxes on e-liquids have reported little-to-no industry disruption or job loss.**

**Rather than imposing a percentage-based tax mechanism that would result in an unpredictable revenue stream for the state, our proposal would levy a fixed tax on the e-liquid, providing certainty and predictability over revenue, and ease and simplicity of administration. This proposal also overcomes the challenges presented by the significant variety of devices, e-liquids and pricing in the marketplace.**

As the regulatory burden continues to grow on responsible suppliers such as Logic, less scrupulous operators that are not concerned by regulatory obligations, youth access, product quality or consumer protection, will continue to exploit an unregulated environment, including online, avoiding all regulation and taxation compliance requirements. Anything other than a moderate excise approach would exacerbate this growing concern by pushing adult consumers toward these sales, which would result in the state struggling to realize even the most conservative revenue estimates.

We believe that adult smokers should be given the choice and opportunity to try electronic cigarettes. By levying an excessive tax on electronic cigarettes in Hawaii, adult consumers who already made the switch to electronic cigarettes may return to smoking, abandoning the products that may have the potential to lower risk.

\*\*\*

**In banning delivery/internet sales to consumers, this bill punishes responsible businesses that follow the law, and rewards unscrupulous internet vendors who have no regard for regulation, age verification, or consumer safety, and who will continue to operate outside of the law.**

Logic primarily relies on brick-and-mortar retail stores for our distribution. We also maintain a website where we sell directly to adult consumers and where we abide by a high, self-imposed standard of conduct for our internet sales:

- Logic does not sell to anyone under the age of 21 in any state, at any time, regardless of whether the local legal purchase age is 21 or not.
- Logic follows a detailed and stringent age-verification process prior to any purchase, which includes sophisticated age-verification software that verifies an individual's age and identity against public records and databases.
- Logic does not permit anyone to even browse products offered on our website without self-certifying they are age 21 or older.
- Logic complies with all state laws concerning delivery sales, including licensure, shipping requirements, and age verification steps.

In short, Logic has a rigorous, thorough process in place to help ensure our products only go to those of legal purchase age. We believe this can serve as a model for a rational regulatory structure that, paired with stepped up enforcement efforts around these requirements, will make meaningful progress in reducing and ultimately eliminating underage access to these products. Similar steps have already been taken in other states, such as Washington, Virginia, and Texas.

On the other hand, an outright prohibition will only benefit the illicit online market, where unlawful online vendors (who often are based in other countries or jurisdictions) will conduct their business without regard for regulatory compliance or age verification.

Finally, the proposed legislation will cause serious economic harm to responsible businesses like ours, as well as others in the state of Hawaii. The economic harm to businesses and workers in the state is difficult to understate, but is avoidable. At a federal level, the FDA has recognized the importance of online sales, and has set out age-verification expectations that should govern those. Online sales offer adult shoppers the opportunity to try or purchase vapor products they prefer that may not be available locally, and enable shoppers the chance to break away from a shopping routine associated with purchasing and consuming traditional cigarettes.

In conclusion, we thank you for your consideration of our concerns and hope that you will reevaluate this legislation with this perspective in mind. We firmly believe that effectively outlawing internet sales into Hawaii, as this bill would do, is the wrong direction and will not accomplish what this bill hopes to achieve. Instead, a

commonsense, fair regulatory structure for compliant businesses to adhere to, while stepping up enforcement efforts, is a better way.

It is our hope that the Legislature will take these points into full consideration as it considers its these policies and the significant impact it will have on jobs and state revenue.

February 12, 2019

**RE: SUPPORT HB1574 HD1 Relating to Electronic Smoking Products**

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

At Blue Zones Projects we are working to make Hawaii a happier, healthier place to live, work and play. We support HB1574 HD1, which will help to regulate sales of electronic smoking devices. In Hawaii alone, smoking causes 1400 adult deaths per year and costs \$256 million. Limiting the use of tobacco would result in an extremely effective way to prevent a variety of chronic diseases and many other adverse health consequences.

An industry which is not regulated cannot be held accountable. This measure would mandate that e-cigarette retailers need to possess the appropriate retail tobacco permit to sell e-cigarettes and liquids, which would result in better oversight of this quickly growing industry. It is impossible to know if a retailer is selling to under 21 if there is no way to track the retailers.

The industry has been left to grow without paying the taxes it should be paying on its products. It is important to bring electronic smoking devices, and their parts, under the same tobacco taxes as other nicotine products. This alignment creates a more clear message to consumers. Furthermore, this measure will increase the cost for a tobacco license from \$2.50 annually to \$250 annually, and the cost of a retail permit will go from \$20 annually to \$50 annually. Even small businesses can pay these minimal raises in fees to be allowed to continue to profit from the sale of tobacco products.

Although Hawaii has one of the strictest laws in the nation prohibiting the sale of tobacco to individuals under the age of 21, our children are easily able to purchase cigarettes and other tobacco products via the Internet. This legislation will address this loophole by only allowing the online purchase and shipment of tobacco products to licensed retailers, where consumers can purchase.

Nationally, there was a 78% increase from 2017-2018 in current e-cigarette use among high school students and 48% increase among middle school students. Bringing the total number of middle and high school students currently using to 3.6 million, 1.5 million more than the previous year. Hawaii youth are part of this trend. There continues to be a steep rise in the use of electronic smoking devices, and the unregulated industry allows for a simple and easy way for children to purchase these relatively inexpensive, undertaxed products.

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Overall, there are a variety of issue this legislation will address. It is time to regulate an industry, to collect the appropriate taxes, raise the cost of licensing and permitting fees as well as ensure that there are no longer illegal online sales.

We are grateful to the Committee for hearing HB 1574 HD1, and hope that you will consider passing this bill that will better regulate tobacco products.

Sincerely,

*Peggy Mierzwa*

Peggy Mierzwa  
Statewide Policy Lead  
Blue Zones Project—Hawaii

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**HB-1574-HD-1**

Submitted on: 2/11/2019 9:49:51 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

I strongly oppose this bill. It is hard enough being a small business in Hawaii dealing with Big box stores, amazon, and other online sellers. We pay some of the highest fees in the nation for taxes, workers comp insurance, disability insurance, unemployment insurance, liability insurance, workers benefits, health insurance, license fees, and more when will it end! Doing business in Hawaii is very hard to all the regulations and fees please do not make it harder. I strongly oppose this bill. Mahalo for your time.





American Cancer Society  
Cancer Action Network  
2370 Nu`uanu Avenue  
Honolulu, Hawai`i 96817  
808.432.9149  
[www.acscan.org](http://www.acscan.org)

House Committee on Consumer Protection and Commerce  
Representative Roy Takumi, Chair  
Representative Linda Ichiyama, Vice Chair

House Committee on the Judiciary  
Representative Chris Lee, Chair  
Representative Joy San Buenaventura, Vice Chair

**HB 1574, HD1 – RELATING TO ELECTRONIC SMOKING DEVICES**

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

Thank you for the opportunity to provide testimony in support of HB 1574, HD1, which prohibits the remote sale of e-liquids, increases the license and permit fees for wholesalers, dealers and retailers engaged in the sale of tobacco products and allocates a portion of funds collected from excise taxes on tobacco products to tobacco control programs. Effective July 1, 2015.

According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.

The following statistics highlight the problem we are facing.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2018, more than 3.6 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 4.9% of middle school students and 20.8% of high school students.
- In 2017, 2.8% of U.S. adults were current e-cigarette users.
- In 2015, among adult e-cigarette users overall, 58.8% also were current regular cigarette smokers, 29.8% were former regular cigarette smokers, and 11.4% had never been regular cigarette smokers.
- Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Tobacco retail licensing is a policy tool that enables the state to regulate businesses that sell tobacco products to ensure they comply with tobacco laws, to reduce tobacco-related health disparities, and to combat the public health problems that tobacco use causes. Strong tobacco retail license laws are an effective way to limit youth access to tobacco by reducing illegal tobacco sales to youth and young adults. ACS CAN supports updating the state's licensing law and fees and we recommend revenues generated from the license fees be used for enforcement of tobacco control laws.

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

**HB-1574-HD-1**

Submitted on: 2/11/2019 12:44:49 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Betty Sestak	AAUW Windward	Support	No

Comments:

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Prohibits Shipment of Tobacco Products, Adds Electronic Smoking Devices, Hikes Rates and Fees

BILL NUMBER: HB 1574, HD-1

INTRODUCED BY: House Committee on Health

EXECUTIVE SUMMARY: Prohibits the shipment of tobacco products, and the transport of tobacco products ordered or purchased through a remote sale, to anyone other than a licensee. Makes all provisions of the cigarette tax and tobacco tax law that relate to tobacco products applicable to e-liquid. Increases the license fee for wholesalers or dealers and the retail tobacco permit fee. Amends the taxes on cigarettes and tobacco products. Increases the excise tax for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer. Increases the excise tax on the wholesale price of each article or item of tobacco products, other than large cigars, sold by the wholesaler or dealer. Our question is whether tax increases are an effective way to advance the social policy goals contained in this measure.

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of tobacco products. If a person is in the business of selling tobacco products and ships to a person in Hawaii that is not a tobacco tax licensee, the person commits the offense. Exceptions are provided if the tobacco products are exempt from Hawaii tobacco tax, or Hawaii tobacco tax on the products is already fully paid. The offense may be a class C felony if the products being shipped have a value of \$10,000 or more, otherwise it is a misdemeanor.

Amends section 245-1, HRS, to include "e-liquid" within the definition of tobacco products taxable under the Tobacco Tax Law, and to define "e-liquid" as any liquid or like substance that may or may not contain nicotine and that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container; except that E-liquid shall not include prescription drugs; medical cannabis or manufactured cannabis products; or medical devices used to inhale or ingest prescription drugs, including manufactured cannabis products sold or distributed in accordance with section 329D-10(a).

Defines "electronic smoking device" as any electronic product, or part thereof, that can be used by a person to simulate smoking in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. Electronic smoking device includes but is not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen or related product, and any cartridge or other component part of the device or product.

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20 to \$50.

Amends section 245-15, HRS, to add an earmark of \$200,000 to go to the Hawaii tobacco prevention and control trust fund.

Repeals chapter 28, part XII, HRS, relating to the electronic smoking device retailer registration unit within the Department of the Attorney General.

Repeals section 245-17, HRS, relating to delivery sales.

EFFECTIVE DATE: July 1, 2050.

STAFF COMMENTS: The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it's working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn't be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation's previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii's weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.

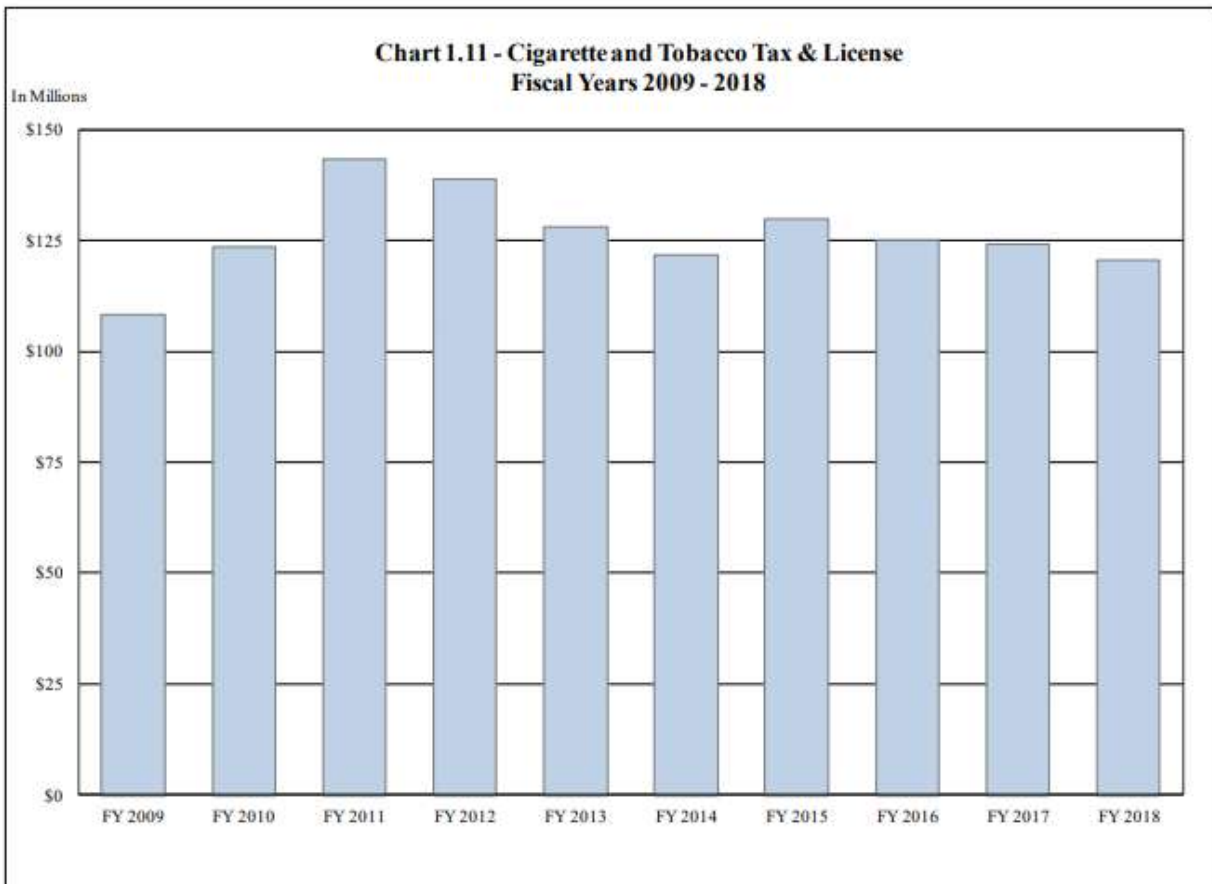
The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes is having an effect on smokers as, for the first time, tax collections on the sale of cigarettes have fallen below the previous year's tax collections. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian reservation outlets while others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases, and hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.



Source: Department of Taxation Annual Report (2017-2018), page 22.

Do we really need an elaborate study to tell ourselves that fiscal reliance on funds from a sin tax is inadvisable or outright dangerous? If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested 2/11/2019

Date: February 12, 2019

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

Re: Strong Support of HB1574, RELATING TO ELECTRONIC SMOKING PRODUCTS.

Hrg: Tuesday, February 12, 2019 at 2:35pm at Capitol Room 329

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Thank you for the opportunity to submit testimony in SUPPORT of HB1574, which establishes the offense of unlawful shipment of e-liquid products and includes e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect children from a lifetime of nicotine addiction and associated health risks.

According to the Hawaii Department of Health, 45 percent of high school students and 26 percent of middle schoolers across our state use e-cigarettes. This underscores the severity with which e-cigarette use has penetrated our state's middle and high schools.

Under the Food and Drug Administration, electronic smoking devices are classified as a tobacco product, and yet they are the only product with that classification that does not have a tobacco tax. From the many decades of research done on tobacco control policy, it is clear that increasing the price of these products is a proven strategy that discourages access to these products, especially among youth.

We therefore urge you to support this measure. For the sake of our keiki and general public health, Hawaii should not allow e-cigarettes to continue to fly below the state's tobacco tax radar.

Mahalo,  
Student Health Advisory Council



Hawaii COPD Coalition  
700 Richards St., Suite 2410  
Honolulu, HI 96813  
[Valerie@hawaiicopd.org](mailto:Valerie@hawaiicopd.org)  
(808)699-9839

February 11, 2019

Honorable Chairs Representatives Roy Takumi and Chris Lee  
Honorable Vice-Chair Representatives Linda Ichiyama and Joy Buenaventura  
Members of the Committee on Consumer Protection & Commerce and Judiciary

RE: Strong Support of HB1574, regulating electronic smoking devices

Dear Representatives Takumi, Lee, Ichiyama, Buenaventura and members of the Committees on Consumer Protection & Commerce and Judiciary,

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of HB1574, regulating electronic smoking devices in Hawaii.

I am Executive Director of the Hawaii COPD Coalition and serve 46,015 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine.

We are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping.

With 168,000 young people in our schools and with 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. All our young people deserve protection from a lifetime of addiction.

This bill will regulate e-cigarettes by requiring tobacco licenses and/or permits to be obtained by e-cigarette retailers and wholesalers, establishing a tax on eliquid products, and only allow shipment of online sales of ESDs to those who have tobacco licenses. Additionally, this bill as originally drafted will appropriate \$200,000 to the Hawaii tobacco prevention and control trust fund.



There is currently very little education among those who are supposed to enforce current or future laws and regulations regarding ESD retailers. The current tobacco tax of \$2.50 annually and retail permit of \$20 annually is wholly inadequate to help reimburse for the education and outreach needed. The proposed increase of \$250 for a tobacco license and \$50 for a retailer permit is much lower than the \$2,640/year Honolulu wholesale liquor license.

There is currently no tobacco tax attached to e-cigarettes. Some e-liquids are being offered at prices as low as \$0.99/bottle! Taxing tobacco products and cigarettes are an extremely effective proven strategy to reduce youth initiation and encourage those who do smoke or use tobacco products to quit. There is a study in Hawaii showing that ESDs is significantly related to chronic lung conditions in users. This study is:

<https://www.ncbi.nlm.nih.gov/pubmed/30472577>

[Drug Alcohol Depend.](#) 2019 Jan 1;194:363-370. doi: 10.1016/j.drugalcdep.2018.10.004. Epub 2018 Nov 7. **E-cigarette use and respiratory disorder in an adult sample.** [Wills TA](#)<sup>1</sup>, [Pagano I](#)<sup>2</sup>, [Williams RJ](#)<sup>3</sup>, [Tam EK](#)<sup>4</sup>. This is the first study to show a significant independent association of e-cigarette use with chronic respiratory disorder.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please vote in favor of HB1574 and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

*Valerie Chang*

Valerie Chang  
Executive Director

**HB-1574-HD-1**

Submitted on: 2/11/2019 1:44:46 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

**HB-1574-HD-1**

Submitted on: 2/11/2019 1:07:51 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
thomas wills	Individual	Support	Yes

Comments:

Testimony:

Date: February 11, 2019

To: Rep. Roy M. Takumi, Chair

Rep. Linda Ichiyama, Vice Chair

Members of the House Committee on Consumer Protection & Commerce

Re: Strong Support of HB1574, Relating to Electronic Smoking Products

Hrg: February 12, 2019 at 2:35 PM at Capitol Conference Room 329

I strongly support HB1574-HD1, which would regulate e-liquids and electronic smoking devices (ESDs) as tobacco products through taxation, shipment, and licensing and permitting.

I support this bill because of findings from our research with Hawaii adolescents and adults conducted over the past 5 years. Recent studies have shown that ESD use is quite prevalent among Hawaii middle and high school students, in recent years over 40% of high school students having used e-cigarettes. Even at younger ages, the prevalence among middle school students is over 20% of the school population.

In addition to showing that e-cigarette use is prevalent among Hawaii school students, our studies have shown that ESD use is linked to several adverse outcomes. Notably, using e-cigarettes is related to initiation of cigarette smoking among previous

nonsmokers, hence is contributing to undesirable outcomes. Our findings from Hawaii have been reported in national and international scientific journals such as JAMA Pediatrics and have been confirmed in several different US sites as well as in Britain, Germany, Canada, and Mexico.

In addition, our research has shown that e-cigarette use is related to a higher likelihood of respiratory disease (asthma and COPD) among Hawaii adolescents and adults. This has recently been reported in the two scientific journals, the journal Preventive Medicine and the journal Drug and Alcohol Dependence. Thus there is now evidence that e-cigarette use may be linked to adverse health consequences as well as adverse behavioral consequences such as smoking initiation. Moreover, there is now considerable evidence to refute the belief that e-cigarettes help adults quit smoking. Rather, empirical studies of large populations have shown that people who use e-cigarettes are less likely to quit.

We have observed that e-cigarettes are aggressively marketed to Hawaii youth in television, print media, radio, and point-of-sale advertising venues. Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Because of the adverse consequences that are known to be related to e-cigarette use, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs. This bill will also require a permitting and licensing which will allow the state to know who is selling e-cigarettes in Hawaii and work with these merchants to educate and enforce current tobacco laws.

I strongly support HB1574-HD1 and ask you to pass this out of committee.

Yours sincerely,

Thomas A. Wills, Ph.D.

Director, Cancer Prevention in the Pacific Program

University of Hawaii Cancer Center

**List of Names in Support of HB1574 – American Cancer Society Cancer Action Network, Inc.**

Joy Uyeno	Masa Yhghmaie
Diana Molino	Mary Blewiti
Donna Mau	K. Shirau
Anne Wong	Gwen Lau
Valerie Kubota	Ashley Leigh
Garua Bethkam	Myrna Agustin
Char Higuchi	Dwayne Ancheta
Leaia Tauanuu	Liza Canady
Masumi Taki-Powell	Zoe Abrams
Christine Chu-Cheong	Shar Tamashiro
Ling Yee Tsang	Emily Kaneakua
Rachel Isara-Phan	Melina Sanchez
Maria Quartero	Maria Plovisde
Marca Woaver	Miriam Tauvola
Varden Lee	Gordon Choi
Cynthia Cruz	MaryAlice Evans
Linda Garrett	M. Florendo
Cory Monk	Brooke Benton
Robert Nieto	Ada Abendanio
Blaine Tasaka	Carinna Rose
Jennifer Hausler	Nancy Kang
Tracy Saito	Judina Carangihan
Gina Gipaya-Gima	Regina Manlic
Lisa Apilado	Catherine Colobong
Pa Song Uyeda	Beth Soriano
Denise Rentiquiano	Tristian Godfey-Ubando
Ramona Estavillo	Joshua Aliifua
Summer Spencer	Rowena Barret
Caroline Calaro	Nalani Ganoot
Art Koenig	Ben Mendiolo
William Bowmen	Kali McDonald
Phoebe Smart	

**TESTIMONY IN SUPPORT OF HB1574  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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JOY Uyeno  
Print Name

Hon, Hawaii, 96825  
City Zip Code

**List of Names in Support of HB1574 – American Cancer Society Cancer Action Network, Inc.**

Joy Uyeno	Masa Yhghmaie
Diana Molino	Mary Blewiti
Donna Mau	K. Shirau
Anne Wong	Gwen Lau
Valerie Kubota	Ashley Leigh
Garua Bethkam	Myrna Agustin
Char Higuchi	Dwayne Ancheta
Leaia Tauanuu	Liza Canady
Masumi Taki-Powell	Zoe Abrams
Christine Chu-Cheong	Shar Tamashiro
Ling Yee Tsang	Emily Kaneakua
Rachel Isara-Phan	Melina Sanchez
Maria Quartero	Maria Plovisde
Marca Woaver	Miriam Tauvola
Varden Lee	Gordon Choi
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Mahsa Yaghmaie  
Print Name

Honolulu, Hawaii, 96815  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Diana Molina  
Print Name

Honolulu, Hawaii, 96813  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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MARY BLEWITI  
Print Name

Honolulu, Hawaii, 96822  
City Zip Code



**TESTIMONY IN SUPPORT OF HB1574  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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K. Shiran  
Print Name

Honolulu, Hawaii, 96812  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Ann Wong  
Print Name

Hon, Hawaii, 96813  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Gwan LAM

Print Name

Honolulu  
City

Hawaii,

96821  
Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Valeve C. Kubota

Print Name

Honolulu, Hawaii, 96813

City

Zip Code



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Ashtleigh Garcia  
Print Name

Honolulu, Hawaii, 96822  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Blm Keim  
Print Name

Kaneohe, Hawaii, 96744  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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MYRNA AGUSTIN  
Print Name

WAIPAHUA, Hawaii, 96797  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Char Higuchi  
Print Name

Honolulu, Hawaii, 96822  
City Zip Code

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Dewayne Ameheta  
Print Name

Honolulu, Hawaii, 96813  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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LEATA TAUANUVU

Print Name

HONOLULU, Hawaii, 96813  
City Zip Code

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Liza Canady  
Print Name

HONOLULU, Hawaii, 96813  
City Zip Code

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Mutsumi Taki-Powell  
Print Name

Honolulu, Hawaii, 96818  
City Zip Code



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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Joe Abrams

Print Name

Hon, Hawaii, 96813  
City Zip Code

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Christine Cha-Oheong  
Print Name

Honolulu, Hawaii, 96813  
City Zip Code

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SUNIL THAKURSHING  
Print Name

HONOLULU, Hawaii, 96822  
City Zip Code

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Ling Yee Tsang  
Print Name

Honolulu, Hawaii, 96817  
City Zip Code

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Emily Kaneakua  
Print Name

Honolulu, Hawaii, 96734  
City Zip Code

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Rachel Isara-Phan

Print Name

Pearl City, Hawaii, 96782  
City Zip Code

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*Melina Sanchez*

Print Name

*AO Hon*

City

Hawaii,

*96825*

Zip Code

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MARIA QUARTERD

Print Name

Honolulu, Hawaii, 96817  
City Zip Code



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Maria Ploude

Print Name

Honolulu

City

, Hawaii,

96825

Zip Code

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Marisa Weaver

Print Name

Honolulu, Hawaii, 96806

City

Zip Code

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Miriam Tawala

Print Name

Waipahu, Hawaii, 96797

City

Zip Code

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Varden Lee  
Print Name

Honolulu, Hawaii, 96810  
City Zip Code

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Gordon Choy

Print Name

Honolulu, Hawaii, 96817

City

Zip Code

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Cynthia Cruz  
Print Name

Honolulu, Hawaii, 96821  
City Zip Code

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Mary Alice Evans  
Print Name

Waimanalo, Hawaii, 96795  
City Zip Code

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LINDA GARRETT  
Print Name

KAILUA, Hawaii, 96734  
City Zip Code



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M. Florendo  
Print Name

Honolulu, Hawaii, 96819  
City Zip Code

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Corey Mak  
Print Name

Honolulu, Hawaii, 96816  
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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Brooke Benton

Print Name

Honolulu, Hawaii, 96825  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Robert Nieto  
Print Name

Honolulu, Hawaii, 96826  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Ada Abernethy  
Print Name

Ewa Beach, Hawaii, 96706  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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BLAINE TASAKA  
Print Name

Waikoloa Beach, Hawaii, 96706  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Carinna Rose  
Print Name

Ewa Beach Hawaii, 96706  
City Zip Code

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Jennifer Hausler

Print Name

Pearl City, Hawaii, 96782

City

Zip Code



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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Nancy Kang  
Print Name

Pearl City, Hawaii, 96782  
City Zip Code

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Traci Saito

Print Name

Kailua, Hawaii, 96734  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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JUDINA CARANGI HAN  
Print Name

WAIPAHU, Hawaii, 96797  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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GINA GIRAYA - GIMA

Print Name

MILILANI, Hawaii,

City

96789  
Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Regina Manlic  
Print Name

Waipahu, Hawaii, 96797  
City Zip Code

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LISA APIKADO  
Print Name

MILILANI, Hawaii, 96789  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Catherine N Colobong  
Print Name

Waimanalo, Hawaii, 96797  
City Zip Code

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PA SONG WONG  
Print Name

EWABEACH, Hawaii, 96706  
City Zip Code



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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Beth Sokiano

Print Name

Ewa Beach, Hawaii, 96706

City

Zip Code

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*Denise Rentiquiano*

Print Name

*Ewa Beach*, Hawaii, *96706*

City

Zip Code

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Tristen Godfrey-Wabando  
Print Name

Ewa Beach, Hawaii, 96706  
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called "e-cigs," "vapes," "e-hookahs," "vape pens," and "electronic nicotine delivery systems (ENDS)." Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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RAMONA ESTAVILL

Print Name

Wahiawa, Hawaii, 96786

City

Zip Code

**TESTIMONY IN SUPPORT OF HB1574  
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JOSIUA ALIIFA  
Print Name

AIEA, Hawaii, 96701  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Summer Spencer

Print Name

Waipahu, Hawaii, 96797  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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ROWENA BARIT  
Print Name

WAIKAWA, Hawaii, 96786  
City Zip Code

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CAROLING CALARG

Print Name

WAIKAIHUA, Hawaii, 96797  
City Zip Code



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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Naiani Ganoat  
Print Name

Waipahu, Hawaii, 96797  
City Zip Code

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Art Koening  
Print Name

Hono, Hawaii, 96815  
City Zip Code

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Beau Mendelsohn

Print Name

Waipahu HI, Hawaii, 96797

City

Zip Code

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WILLIAM BAUMAN

Print Name

MIHLANI, Hawaii, 96789  
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Kali McDonald

Print Name

Honolulu, Hawaii, 96821

City

Zip Code

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Phoebe Smart

Print Name

Waipahu, Hawaii, 96979

City

Zip Code

**HB-1574-HD-1**

Submitted on: 2/8/2019 8:33:53 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
April Pacheco	Individual	Oppose	No

Comments:

FORM email Testimony (ON-Time) in Support of HB 475 HD1

Rev. Samuel. L Domingo	Lucian Minerbi
Deanna Espinas	Ashleigh Loa
Alana Busekrus	Winifred Ching
Robert H. Stiver	Elizabeth Nelson
Skye Darnell	Becky Gardner
Natalie Landis	Sylvia Ching
Lisa Grandinetti	Whitney Kim
Clementina Ceria-Ulep	Nathan Yien
William Bekemeier	



## ichiyama1 - Kaishu

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**From:** William Bekemeier <noreply@jotform.com>  
**Sent:** Monday, February 11, 2019 1:06 PM  
**To:** CPCtestimony  
**Subject:** In SUPPORT of HB 475 HD1 - Relating to Taxation of REITs

To: House Committee on Consumer Protection & Commerce  
Date of hearing: February 12, 2019 at 2:00 PM  
Location: Conference Room 329

Subject: In SUPPORT of HB 475 HD1 - Relating to Taxation of REITs

From: William Bekemeier  
Email: stuckonasandbar@gmail.com  
Will be attending the hearing: Yes

---

Dear Chairman Takumi, Vice Chair Ichiyama, and members of the Committee:

REITs operating in Hawai'i need to pay their fair share of state taxes.

As part of our community, they need to do their part in supporting our community. REITs already receive generous federal tax exemptions and benefit from Hawai'i's low property tax. They can operate and thrive in Hawai'i while still being a responsible community member and paying their share of the taxes needed build a strong Hawai'i for everyone.

Please pass HB 475 HD1 and eliminate the corporate income tax exemption on dividends paid out by REITs.

I am a member of Faith Action for Community Equity and I fully support this bill. Further, the taxes received must be directed to programs for affordable housing. As I understand it, this is one of the primary objectives of our elected officials.

Thank you for this opportunity to provide testimony in support of HB 475 HD1.

**HB-1574-HD-1**

Submitted on: 2/9/2019 4:46:24 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Stevenson	Individual	Oppose	No

Comments:

Aloha,

I oppose this bill HB1574 for the simple fact that majority of the post on social media are false. I propose that you include local shop owners and their staff that are educated on vaping to come to schools and educate the students. I work at Hilyfe Vaporz in Waianae. We have reached out numerous times to Waianae High School to come and educate students. No one from the school has returned any response from us. I don't have a problem with taxing and increasing fees if the funds generated will have a win win solution. Though if all the ads and promotions are one sided than in will not back this bill.

mahalo for your time

**HB-1574-HD-1**

Submitted on: 2/9/2019 7:47:18 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teikiheekua Taupu	Individual	Oppose	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/9/2019 7:50:12 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaenz	Individual	Oppose	Yes

Comments:

**HB-1574-HD-1**

Submitted on: 2/9/2019 8:17:47 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

Including eliquid as tobacco products in order to compensate for the loss of funding cigarette companies have loss is wrong. Adding and leaving open provisions to enforce laws that are being followed by the businesses here is unnecessary are quite frankly disrespectful to these companies. Clearly there are rules set in place for violating laws already set and just adding eliquid just to blanket it as a tobacco product regardless of nicotine or lack there of. Please do not pass this bill and consider the vapers and businesses in this state

**HB-1574-HD-1**

Submitted on: 2/9/2019 9:20:26 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tiffany L. Alana-Diones	Individual	Oppose	No

Comments:

Aloha my name is Tiffany, I would like to oppose bil HB 1574, because if you make shipping vape products I will lose my job. then i will have to get help from the state, with your hard working money. I would lose my house, and car. You would make my whole family homeless. So please "dont pass this bill"

Thank you.

**HB-1574-HD-1**

Submitted on: 2/9/2019 6:25:44 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Larson	Individual	Oppose	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/10/2019 9:48:28 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jostin A Iriarte	Individual	Oppose	No

Comments:

Aloha,

My name is Jostin and I Strongly oppose the House Bill 1574 (HB1574). As an individual and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii thathave nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. Vape shops DO NOT support teenage vaping; They DO NOT SALE OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; THEY MUST COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

It's ok if taxes are implemented into the right products " Actual" products that contain Tobacco Nicotine. Please dont tax product like devices and other things as they are already very expensive. Please enforce the laws of underage which is where the teenage vaping epidemic exists. We need enforcement on shops, and stores selling tobacco product to be sure they're properly checking age.

One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask



to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose HB276 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores, ect. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide. This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

[https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W\\_ge6WHKH6gg-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM](https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_ge6WHKH6gg-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM)

Here is a statement by Senator Burr

[https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX\\_JvapjK2KmZUNLe0eW\\_D\\_G1AbPiLxgldNRnA--RQOfRFg61DLu8](https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8)

Please take a look at the statements I've attached per some leaders ,from CDC, FDA etc.

Mahalo for your time and consideration Jostin  
Iriarte [jostin@hilyfevaporz.com](mailto:jostin@hilyfevaporz.com)

**HB-1574-HD-1**

Submitted on: 2/10/2019 12:20:11 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Chung	Individual	Oppose	Yes

Comments:

This bill, while well-intentioned is NOT the solution and has very negative unintended consequences.

**1. NOT ALL E-LIQUIDS CONTAIN NICOTINE**

I started at the highest level of nicotine (over 24 mg) and am now at ZERO nicotine. If you ask many of the local vape shops, their biggest sellers are 0 and 3 mg.

**2. E-LIQUIDS ARE NOT TOBACCO**

Those against e-liquids consistently mix-up the terms “tobacco”, “nicotine” and “e-liquids”. E-liquids are flavored fluid that produce vapor.

**3. BANNING E-LIQUIDS WILL DECIMATE HAWAII’S LOCAL MOM & POP STORES**

Anecdotally, there are about 200 local vape shops in Hawaii – each with about 10 employees. Banning e-liquids will close these local businesses, cause about 2000 workers to lose their jobs, and significantly reduce tax revenues to the state.

**4. LOCAL VAPE STORES DO NOT WANT KIDS VAPING**

Local vape owners have already followed FDA regulations and have re-packaged their products. They are all interested in working with organizations like the DOE to educate our keiki about vaping.

**5. BANNING E-LIQUIDS WILL CAUSE ADULTS TO GO BACK TO CIGARETTES**

According to a study by the International Journal of Environmental Research & Public Research, a ban will cause adults who successfully stopped smoking cigarettes by using flavored e-liquids – to go back to smoking cigarettes. This is a terrible unintended public health consequence of this bill.

I urge you to reconsider and defer this bill.

Mahalo for the opportunity to testify.

**HB-1574-HD-1**

Submitted on: 2/10/2019 1:40:12 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Alana-Duones	Individual	Oppose	No

Comments:

I oppose this bill HB1574. It's going to make it harder to get Products that help people get off smoking

**HB-1574-HD-1**

Submitted on: 2/10/2019 1:44:18 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
austin kelliinoi-westbrook	Individual	Oppose	No

Comments:

Date: February 10, 2019

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

The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair  
Members of the House Committee on Judiciary

Re: **Strong Support for HB1574 HD1**, Relating to Electronic Smoking Products

Hrg: February 12, 2019 at 2:35 PM in Capitol Room 329

Aloha House Committees on Consumer Protection & Commerce and Judiciary,

I am writing in **strong support of HB1574 HD1**, which requires a tobacco license and permit to sell electronic smoking products, applies a tobacco tax to these products, restricts online sales to license holders only, and allocates a portion of tobacco product taxes to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth.

Hawai'i is in the midst of an unprecedented youth vaping epidemic, and we must regulate electronic smoking devices (ESDs) and e-liquids to reverse this trend.

ESDs are the only tobacco products without a tobacco tax and retailers are not required to obtain a tobacco permit and license to sell them. Increasing tobacco prices through taxes is a proven strategy to reduce youth use. Establishing ESD licensing and permitting requirements identifies the retail establishments selling these products, allowing state agencies to readily and effectively communicate regulatory changes, product recalls and other important information to retailers.

I greatly appreciate that a portion of revenues generated from the tobacco tax will be dedicated to ESD education and prevention programs for youth.

Restricting online sales to retailers with a tobacco license will help reduce youth access to these products.

I **strongly support HB1574 HD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

**HB-1574-HD-1**

Submitted on: 2/10/2019 9:49:35 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
devan ferreira	Individual	Oppose	No

Comments:

Aloha my name is Devan Ferreira, and I strongly oppose HB 1574. I oppose HB 1574 because this bill will be taking away the right for adults of legal smoking age to have the option to choose other electronic smoking products besides what is being sold at shops in state. I was a 2 pack a day smoker for 4 years before i was introduced to the less harmful option of vaping. With out vaping and being able to buy e-liquids and other electronic smoking devices off line and have them shipped here I would probably still be smoking regular computable cigarettes every day. Smoke shops here in Hawaii have a very small selection of electronic smoking products, with that being said online shopping and having the items shipped here gives smokers who are trying to quit more options and a wider variety. If this bill does pass and shops will have to get special licenses and pay an annual fee to the state some shops may close down limiting the options more and leaving their employees without a job. This is why I Devan Ferreira oppose HB 1574

**HB-1574-HD-1**

Submitted on: 2/11/2019 12:53:54 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DANIEL DRAPESA	Individual	Oppose	No

Comments:

My wife smoked a pack a day for more than fifteen years. She tried quitting many times with no success. After trying vaping she was able to quit over night. She has been smoke free for over a year and a half now. Her health has dramatically improved and she can run and play with our children. This bill would increase prices on a important tool for adult smokers who want to quit like my wife. It could even effect businesses that sell Vape products to the extent of them closing their doors for good. If this was to become law many ex smokers would most likely go back to traditional cigarettes. Aside from my wife's story, I work at brick and mortar Vape shop. My coworkers and I would have our careers threatened by this bill passiing. That would take away our livelihood and the means that we provide for our families. I meet people daily who tell me vaping has helped them quit and stay off smoking. Studies show its 95% less harmful. Studies also show vaping gives smokers twice the likelihood of quitting over other methods (l.e. patches, gum, etc.) It would work better to presue stricter punishments for retailers that sell to underage and for parents of kids caught vaping or with parafanalia. Parents need to be accountable for their children. Often times they are the ones buying it for the kids. Aside from my wife's story, I myself work at brick and mortar Vape shop. My coworkers and I would have our careers threatened by this bill passing and becoming law. That would take away our livelihood and the means that we provide for our families. On a daily basis at work I meet adults who are of age who tell me how vaping has helped them quit and stay off smoking for a month, a year, five years or more. They tell me that vaping was the only way that truly worked for them. Studies show its 95% less harmful. Studies also show vaping gives smokers twice the likelihood of quitting over other methods (l.e. patches, gum, etc.) I oppose HB1574



**HB-1574-HD-1**

Submitted on: 2/11/2019 9:40:00 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Molly Mamaril	Individual	Support	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/11/2019 10:52:12 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

**HB-1574-HD-1**

Submitted on: 2/11/2019 11:02:00 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

Vapor products should not be taxed! The fda has confirmed that it is the most effective way to get people to stop using conventional tobacco. Vapor products have been confirmed to be at least 90% less harmful than smoking, from actual scientific studies from all over the globe. There still has not been a confirmed case of any sickness from the use of e-cigarettes. Vapor products are actually the solution to the current tobacco problem in the world. They reduce the amount of people that smoke and in turn reduce the amount of people suffering from tobacco related illnesses.

**HB-1574-HD-1**

Submitted on: 2/11/2019 12:06:58 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle K.	Individual	Support	No

Comments:

I strongly support HB1574 HD1, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 HD1 and ask you to pass this out of committee.

**HB-1574-HD-1**

Submitted on: 2/11/2019 12:08:48 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

**HB-1574-HD-1**

Submitted on: 2/11/2019 12:31:30 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Craig Petty	Individual	Support	No

Comments:

I'm writing in support of this bill. It shouldn't be easier for an individual or entity to sell e-cigarettes than it is for an individual to obtain a drivers license.

Absent of banning e-cigarettes all together, the only way to make them less accessible to our youth is to more strictly regulate this industry that has been using loopholes for years.

**HB-1574-HD-1**

Submitted on: 2/11/2019 1:08:46 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
K. McGlone	Individual	Support	No

Comments:

Support to reduce the use of these products by young people.

**HB-1574-HD-1**

Submitted on: 2/11/2019 1:12:36 PM

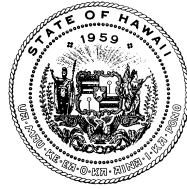
Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dora	Individual	Support	No

Comments:

Tobacco products are detrimental to your health. E - cigs have an exponential level of nicotine. I wish to support this bill. Hopefully through this process, it will discourage our young from getting involved with this dangerous fad and they will receive more education on they should never start in the first place





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

**Testimony in SUPPORT of H.B. 1574, H.D.1  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

REPRESENTATIVE ROY M. TAKUMI, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 12, 2019

Room Number: 329

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation  
2 (DOTAX) for fiscal implications of implementation and to the Department of the Attorney  
3 General (AG) for fiscal implications for enforcement.

4 **Department Testimony:** The DOH supports the intent of House Bill 1574, House Draft 1 (H.B.  
5 1574, H.D. 1) as a measure to protect the public's health, especially youth, from the harmful  
6 effects of tobacco use and initiation, and offers an amendment. The bill makes unlawful the  
7 shipping of e-liquid products to consumers except for licensed wholesalers or dealers. It  
8 provides for the inclusion of e-liquid in the definition of tobacco products, the imposition of an  
9 excise tax, the requirement for licensing and permitting fees, and increase in licensing and  
10 permitting fees. The DOH defers to DOTAX for implementation, and to the AG regarding the  
11 enforcement of the shipping regulations.

12 Despite tremendous progress in reducing smoking, tobacco use is still the leading cause  
13 of preventable illness and death in the United States and in Hawaii.<sup>1</sup> It is crucial that the  
14 progress made in reducing cigarette smoking among youth and young adults not be  
15 compromised by the initiation of electronic smoking devices (ESDs), also known as vaping or

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<sup>1</sup> Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs, 2014*. Atlanta: 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, 2014

1 e-cigarettes. Most ESDs purchased in the US contain nicotine, which is highly toxic and  
2 addictive.<sup>2</sup> Several studies have shown that youth who use e-cigarettes are more likely to use  
3 regular cigarettes.<sup>3,4,5</sup>

4 New findings from the 2018 National Youth Tobacco Survey (NYTS) demonstrated a  
5 dramatic increase in youth use of ESDs. From 2017 to 2018, there was a 78% increase in  
6 current e-cigarette use among high school students and a 48% increase among middle school  
7 students.<sup>6</sup> In a rare advisory in December 2018, the U.S. Surgeon General, Dr. Jerome Adams,  
8 officially declared “e-cigarette use among youth an epidemic in the United States”.<sup>7</sup> Likewise,  
9 Dr. Scott Gottlieb, Commissioner of the U.S. Food and Drug Administration, in his press  
10 statements described his shock at the alarming surge in youth uptake of ESD and that youth  
11 vaping is an epidemic.<sup>8,9</sup> Hawaii rates of youth ESD use is higher, with 25% of high school  
12 students reporting being regular users, and 42% had tried them, and rates for neighbor islands  
13 are consistently higher than state rates.<sup>10</sup> The DOH supports the restriction of shipping tobacco  
14 products to anyone other than a licensed wholesaler/dealer, that is engaged in the business of  
15 selling tobacco products and is on the DOTAX authorized list. This will strengthen protections  
16 for youth and young adults and provide a public health policy to the preferred purchasing

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<sup>2</sup> Marynak, et al. Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015. *Research and Practice, AJPH*, published online March 21, 2017.

<sup>3</sup> Watkins SL, Glantz SA. Association of Noncigarette Tobacco Products Use with Future Cigarette Smoking Among Youth in the Population Assessment of Tobacco and Health (PATH) Study, 2013-2015. *JAMA Pediatric*. Published online January 2, 2018.

<sup>4</sup> Barrington-Trimis, JL, Urman, R, Berhane, K, Unger, JB, Cruz, TB, Pentz, MA, Samet, JM, Leventhal, AM, McConnell, R. E-Cigarettes and Future Cigarette Use. *Pediatrics*. 2016-0379.

<sup>5</sup> Wills, TA, Knight, R, Williams, RJ, Pagano, I, Sargent JD. Risk Factors for Exclusive E-Cigarette Use and Dual E-Cigarette Use and Tobacco Use in Adolescents. *Pediatrics*. 2014-0760.

<sup>6</sup>Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students- United States, 2011-2018. (n.d.), 2.

<sup>7</sup> Health (ASH), A. S. for. (2018, December 17). Surgeon General releases advisory on E-cigarette epidemic among youth [Text]. Retrieved January 26, 2019, from <https://www.hhs.gov/about/news/2018/12/18/surgeon-general-releases-advisory-e-cigarette-epidemic-among-youth.html>

<sup>8</sup> Commissioner, O. of the. (n.d.). Press Announcements - Statement from FDA Commissioner Scott Gottlieb, M.D., on new data demonstrating rising youth use of tobacco products and the agency's ongoing efforts to confront the epidemic of youth e-cigarette use [WebContent]. Retrieved January 30, 2019, from <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM620185.htm>

<sup>9</sup> Commissioner, O. of the. (n.d.). Press Announcements - Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use [WebContent]. Retrieved February 11, 2019, from <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm631112.htm>

<sup>10</sup> Hawaii School Health Survey/ Youth Risk Behavior Survey (2017)

1 method by middle and high school student ESD users, 64 percent and 60 percent, respectively  
2 said they purchase from friends.<sup>11</sup>

3 Hawaii is among five states (including California, Oregon, New Jersey, and Maine) in  
4 the country that prohibit the sales of tobacco products to any person under the age of twenty-one  
5 years. Such legislation specifically addresses face-to-face transactions and is meant to prevent  
6 youth access and initiation of tobacco use. However, the acceleration of online tobacco product  
7 sales has created a dangerous loophole, undermining efforts to protect public health, by  
8 providing an appealing option for underage smokers. In the current unregulated online market,  
9 youth easily, and often, circumvent the age verification process for purchasing tobacco. In some  
10 transactions age verification simply requires the consumer to acknowledge that a person is over  
11 the legal age to purchase by clicking the word, “agree,” to advance the transaction.

12 The Internet Tobacco Vendors Study (ITV), supported by the National Cancer Institute  
13 and the United States Food and Drug Administration (USFDA) Center for Tobacco Products, has  
14 monitored the online tobacco industry for over fifteen years, to assess sales practices and public  
15 health impacts. In 2016, its study found that minors were successful in buying ESDs online 93%  
16 of the time despite age restrictions and another study found that ESDs were often shipped from  
17 internet vendors without instructions or health warnings. Due to the easy access for minors  
18 through online marketing, researchers recommend more vigorous policies to prohibit sales to  
19 minors.<sup>12,13</sup>

20 Unregulated online access provides a way for the purchaser and tobacco industry to avoid  
21 federal and state taxes, resulting in loss of revenue and evasion of an important public health tool  
22 for prevention.<sup>14</sup> Youth are price sensitive and online purchasing options are a less expensive  
23 method for acquiring tobacco products including ESDs. Hawaii has seen ESD use by youth and

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<sup>11</sup> Hawaii School Health Survey/Youth Tobacco Survey (2017)

<sup>12</sup> Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563.  
doi:10.1001/jamapediatrics.2015.63.

<sup>13</sup> Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features. Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

<sup>14</sup> *The National Association for Convenience and Fuel Retailing*: <http://www.nacsonline.com/Advocacy/Issues//Tobacco/Pages/RemoteSalesofTobacco.aspx>

1 young adults increase at an alarming rate.<sup>15</sup> ESDs are now the most commonly used tobacco  
2 product among youth in the nation, and in Hawaii.<sup>16,17</sup> The electronic cigarette industry is  
3 growing rapidly, with retail and online sales of electronic smoking devices projected to reach 10  
4 billion dollars in 2017.<sup>18,19</sup> The pricing, marketing, and variety of youth-friendly flavors are  
5 contributing to the increased use of ESDs.<sup>20</sup>

6 The DOH supports the measure's proposed amendment that requires wholesalers and  
7 retailers of e-liquids, to obtain the applicable license or permit. Previously, all that was required  
8 of these vendors was a General Excise License. In adherence to Act 206, of 2018 session laws,  
9 requiring the AG to establish an Electronic Smoking Device Retailer Registration Unit, 640  
10 entities that sell ESDs have registered to date. Licensure and retail permitting would bring e-  
11 liquid vendors in alignment with the traditional tobacco retailers and would provide accurate data  
12 for compliance surveillance.

13 The proposed increases in licensure and permitting fees have remained unchanged since  
14 1995, despite high tobacco taxes and ever-increasing tobacco industry expenditures in marketing  
15 and advertising. Tobacco licensing is an effective tool for limiting the negative public health  
16 consequences of tobacco use by ensuring that wholesalers and retailers comply with responsible  
17 sales practices. The proposed licensing would apply to those who sell e-liquids.

18 The DOH supports H.B. 1574, H.D.1 as a multifaceted public health measure to help  
19 prevent access to e-liquid, e-cigarettes, cigarettes and tobacco products among youth and young  
20 adults and to encourage users to quit.

21 Thank you for the opportunity to testify.

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<sup>15</sup> Hawaii State Department of Health, *2016-2020 Tobacco Use Prevention and Control in Hawaii, Five-Year Strategic Plan*, p.25.

<sup>16</sup> U.S. Centers for Disease Control and Prevention (CDC), "Tobacco Use Among Middle and High School Students — United States, 2011- 2015," *Morbidity and Mortality Weekly Report (MMWR)* 65(14):361-367, April 14, 2016, <http://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6514a1.pdf>

<sup>17</sup> Hawaii State Department of Health, *Youth Risk Behavior Survey (2015)*

<sup>18</sup> Herzog B, Gerber J. *E-Cigs revolutionizing the tobacco industry*, 2013. <http://www.smallcapfinancialwire.com/wp-content/uploads2013/11/E-Cigs-Rvolutionizing-the-Tobacco-Industry-Interactive-Model.pdf>

<sup>19</sup> Craver, R. (September 15, 2013). Analyst projection: *E-cigs will overtake traditional tobacco revenue at Reynolds in 2021*. *Winston-Salem Journal*. [http://www.journalnow.com/business/business\\_news/local/analyst-projection-e-cigs-will-overtake-traditional-tobacco-revenue-at/article\\_948674ca-1ca9-11e3-a0ae-0019bb30f31a.html](http://www.journalnow.com/business/business_news/local/analyst-projection-e-cigs-will-overtake-traditional-tobacco-revenue-at/article_948674ca-1ca9-11e3-a0ae-0019bb30f31a.html)

<sup>20</sup> *ibid*

1 **Offered Amendments:** The Department offers the following amendment for clarity and  
2 enforceability of the proposed violation, by reverting the language to the original form in  
3 H.B.1574.

4 Section 245(c), page 7, lines 13 to 16.

5 (c) Unlawful shipment of e-liquid products ~~may be~~ is a  
6 class C felony if the person or entity knowingly ships or causes  
7 to be shipped e-liquid products with a value of \$10,000 or more  
8 in violation of subsection (a).

9



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1574, H.D. 1, RELATING TO ELECTRONIC SMOKING PRODUCTS.

**BEFORE THE:**

HOUSE COMMITTEES ON CONSUMER PROTECTION AND COMMERCE  
AND ON JUDICIARY

**DATE:** Tuesday, February 12, 2019                      **TIME:** 2:35 p.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Delanie D. Prescott-Tate, Deputy Attorney General

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Chairs Takumi and Lee and Members of the Committees:

The Department of the Attorney General strongly supports the bill and provides the following comments and suggested amendments.

The bill seeks to address the health dangers caused by the rapidly growing use of electronic smoking devices in Hawaii, especially among the youth. This bill establishes the offense of unlawful shipment of e-liquid products to a person or entity that is not a licensee; increases licensing and permit fees for wholesalers, dealers and retailers of cigarettes and tobacco products; funds health education and prevention programs; repeals chapter 28, part XII, Hawaii Revised Statutes (HRS); and repeals section 245-27, HRS (Supp. 2018), relating to delivery sales.

This bill also seeks to include e-liquid, for the first time, within the definition of "tobacco products" under section 245-1, HRS, which would place its regulation within the existing framework of the Department of Taxation. Retailers of e-liquid would now be required to obtain retail tobacco permits, and wholesalers and dealers of e-liquids would be required to obtain a license. This bill would allow the regulation of e-liquid products to be combined with the retail tobacco permitting process, a function already within the purview of the Department of Taxation, and would render the Electronic Smoking Device Retailer Registration Unit, recently created by 28-163, HRS (Supp. 2018), unnecessary.

As such, the Department of the Attorney General supports the repeal of part XII, chapter 28, HRS (Supp. 2018), based upon this bill's goal of subjecting e-liquids to taxation and regulation under chapter 245, HRS. Including e-liquids within the same regulatory framework as other tobacco products would conserve resources and make the regulation of e-liquids a more efficient process for the public and retailers.

The bill further purports to make the unlawful shipment of e-liquid products with a value of \$10,000 or more a class C felony, and unlawful shipment of e-liquid products with a value of less than \$10,000 a misdemeanor offense. The Department of the Attorney General would suggest that a method of determining the value of e-liquid products be added to this bill. For example, the \$10,000 amount may be assessed at wholesale, retail, or fair market value. Additionally, section 708-801, HRS (2014) contains a detailed discussion on the method of valuation, including as it relates to a specific state of mind. A comparable addition to this bill would provide clarity and strengthen the State's ability to successfully prosecute the newly proposed criminal offenses.

Thank you for the opportunity to provide testimony and comments in support of this measure.

*From the office of -*  
Council Member  
District 3



Office: (808) 961-8396  
Fax: (808) 961-8912  
Email: [sue.leeloy@hawaiicounty.gov](mailto:sue.leeloy@hawaiicounty.gov)

**SUSAN L.K. LEE LOY**  
25 Aupuni Street, Hilo, Hawai'i 96720

February 11, 2019

The Honorable Representative Roy Takumi, Chair  
The Honorable Representative Linda Ichiyama, Vice-Chair  
Members of the House Committee on Consumer Protection & Commerce  
The Honorable Representative Chris Lee, Chair  
The Honorable Representative Joy San Buenaventura, Vice Chair  
Members of the House Committee on Judiciary

Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**Re: Strong Support of HB 1574, HD1, relating to Electronic Smoking Products  
2:35pm, February 12, 2019, Conference Room 329**

Dear Rep. Takumi, Rep. Lee and Members of the Committees on Consumer Protection & Commerce and Judiciary:

I am writing this letter in strong support of bill to regulate tobacco/nicotine products.

We, as the responsible adults in our "family" that is the State of Hawaii, must stand up for our children and young people. The industry says it wants to keep tobacco out of the hands of our children, but they don't want to do anything about it. The surest proof that nicotine/tobacco is infiltrating our schools is from the DOE. With 168,000 young people in our schools and with 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. All our young people deserve protection from a lifetime of addiction.

The requirement of a tobacco license and permit is critical to educating and enforcing current laws applicable to Electronic Smoking Devices. The proposed increase in licensing fees is negligible in comparison to the alcohol licensing fees.

In 2016, ESDs were deemed as tobacco products by the FDA. However, there is no tax attached to e-cigarettes. This bill would tax e-liquid products (including e-juice, cartridges and pods). The proposed tax is the SAME AS other tobacco products. Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

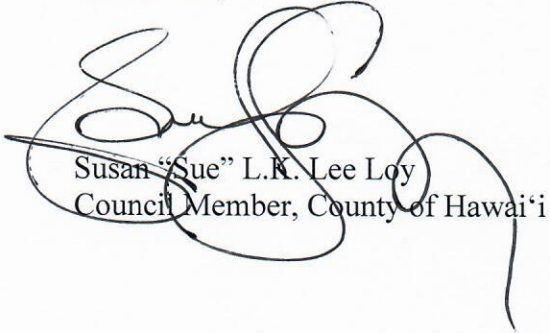
In addition, this bill would prohibit online shipment of tobacco products to consumers. This way, only a tobacco licensee is able to purchase and ship e-cigarettes online, thus helping to curtail

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use by youth. Addiction is the opposite of freedom. We're fighting to keep our children free from the deadly addiction to these products. The health of Hawaii's keiki must be protected from the predatory marketing of tobacco companies.

Aloha Piha,



Susan "Sue" L.K. Lee Loy  
Council Member, County of Hawai'i



## HIPHI Board

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John A. Burns School of  
Medicine, Native Hawaiian  
Research Office

En Young, MBA  
Sansei, Lanai

Date: February 11, 2019

To: Representative Roy M. Takumi, Chair  
Representative Linda Ichiyama, Vice Chair  
Members of the Consumer Protection & Commerce Committee

Representative Chris Lee, Chair

Representative Joy A. San Buenaventura, Vice Chair

Members of the Judiciary Committee

Re: Strong Support for HB 1574 HD1, Relating to Electronic  
Smoking Products

Hrg: February 12, 2019 at 2:35 pm at Conference Room 329

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> is in **Strong Support of HB1574 HD1** which imposes a tax on e-liquid, including disposable electronic smoking devices (ESDs), dedicates a portion of the revenue to tobacco prevention and control efforts, requires wholesalers and retailers to obtain a license and a retail tobacco permit, and restricts the shipment of tobacco products to anyone other than a licensee.

### **E-cigarette use among youth and young adults has become a public health concern.**

In 2017, 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vaping<sup>ii</sup>. Hawai'i has the third highest high school e-cigarette rate in the Country. Because ESDs remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that e-cigarettes are dangerous and a health threat to youth and young adults<sup>iii</sup>. According to a recent article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations<sup>iv</sup>."

**Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax.**

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll<sup>v</sup> conducted by Ward Research Inc. for the Coalition in November 2018, 77% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. A local retailer is selling 15mL of e-liquid, some with strengths up to 50 mg of nicotine per mL, for as little as \$5.00<sup>vi</sup>. Some companies have starter kits for \$0.99. Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption for both adults and youth.

The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs.

**ESD licensing and permits protect both consumers and merchants.**

The Coalition recommends that ESD sellers and vendors obtain a tobacco permit and/or license which is currently required for any tobacco retailer or wholesaler. This consistency would assist with the communication and enforcement of current tobacco tax and purchase laws. In addition, the Coalition supports the proposed increased fees for the tobacco permit and license.

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

Online ESD sellers simply ask users to click a button to verify their age – a process that is both ineffective and inadequate. This measure helps to correct this loophole by requiring that ESD products be shipped to a registered and licensed seller allowing the State to enforce current tobacco selling and taxation laws.

To reiterate, 25.5% of our high school youth reported that they are regularly vaping. However, our adult rate is 4.3%<sup>vii</sup>. We need to take action and regulate electronic smoking devices for our kids. The current Surgeon General, VADM Jerome Adams issued an advisory last December “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people<sup>viii</sup>.” Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support HB 1574 HD1 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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<sup>i</sup> 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.

<sup>ii</sup> 2017 Youth Risk Behavior Surveillance System (YRBS).

<http://www.hawaiihealthmatters.org/indicators/index/dashboard?id=83016762154173692>

<sup>iii</sup> U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General (2017)*. From [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Exec\\_Summ\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)

<sup>iv</sup> Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796. <https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>

<sup>v</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=804 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between October 8 and November 2, 2018.

<sup>vi</sup> <https://www.volcanoecigs.com/strawberry-nicotine-salt-15ml-by-solace-vapor.html>

<sup>vii</sup> 2016 Behavioral Risk Factor Surveillance System (BRFSS).

<http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

<sup>viii</sup> Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>



## American Heart Association testimony in SUPPORT of HB 1574, HD1 Relating to Electronic Smoking Products

### Chairman of the Board

Mark Yamakawa

### President

Kahealani Rivera, MD

### Board Members

Rick Bruno, MD, FACEP  
Brandt Farias  
Mimi Harris  
David Honma  
Glen Kaneshige  
Brandon Kurisu  
Howard Lee  
Michael Lui, MD  
Kazuma Nakagawa, MD,  
FAAN, FAHA  
Barbara Petrus  
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Elisa Yadao

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Neighbor Islands:

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office

The American Heart Association **supports** HB 1574, HD1 which makes unlawful shipment of E-liquid products to anyone other than a licensee or permittee, includes e-liquid within the definition of “tobacco products” within existing cigarette tax and tobacco tax state law, increases the license fee for wholesalers or dealers and the retail tobacco permit fee, and allocates a portion of the tobacco tax revenue into the State Tobacco Prevention and Control Trust Fund.

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

Internet sales of tobacco products and e-cigarettes are a significant public health concern because they evade state taxes and significantly undermine tobacco control efforts. In Hawaii, it is currently illegal to sell tobacco products, including e-cigarettes, to those under the age of 21. Hawaii’s age to 21 law plays a critical role in preventing youth initiation and addiction to tobacco products, yet internet sellers can circumvent this restriction by providing easy access to these products.

E-cigarettes are now the most popularly used tobacco product among Hawaii’s youth. According to recent Department of Health data, approximately 42 percent of Hawaii’s youths have tried e-cigarettes, and 25 percent are now regular users. On neighbor island, regular use of e-cigarettes by youths tops 30 percent. This is concerning because e-cigarettes often contain nicotine and serve as a gateway to traditional cigarette use. Recent studies also indicate that e-cigarettes produce the same cardiovascular and respiratory risks as traditional cigarettes. A study presented at the American Stroke Association’s International Stroke Conference held last week at the Hawaii Convention Center finds that using e-cigarettes may increase the odds of having a stroke, heart attack and coronary heart disease. The researchers found compared with non-users, e-cigarette users had:

- 71 percent higher risk of stroke;
- 59 percent higher risk of heart attack or angina;
- 40 percent higher risk of coronary heart disease; and
- Double the rate of cigarette smoking.

By adding e-liquid within the definition of the state’s “tobacco products” it would apply the tobacco tax to those products. This would have the greatest impact on reducing e-cigarette use rates among the youth market, which is more price sensitive, and which is the most highly targeted by tobacco industry marketing and advertising.

In Hawaii, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs (\$141.7 million of that is covered by the state Medicaid program).

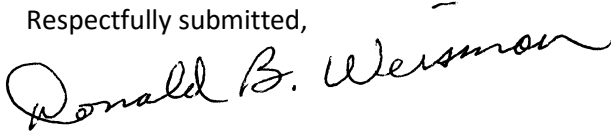
Hawaii residents' state & federal tax burden from tobacco-caused government expenditures is \$836 per household. Hawaii's estimated tobacco tax and license revenue, estimated to be almost \$138.8 million does not come close to offsetting the losses to the state caused by tobacco use. Tobacco use declines related to state taxes directly reduce these smoking-caused economic burdens for all taxpayers, and Hawaii businesses which bear the brunt of employee healthcare costs in our state.

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. Allocating revenue generated from taxing tobacco products to community prevention, education and cessation programs would help to increase the desired impact of this legislation by further reducing the use of electronic smoking devices by our youth and most health vulnerable populations.

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

Please support HB 1574, HD1.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

Donald B. Weisman

Hawaii Government Relations/Communications Director



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 12, 2019**

**Re: HB 1574 HD1 Relating to Electronic Smoking Products**

Good afternoon Chairperson Takumi and members of the House Committee on Consumer Protection and Commerce. 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 1574 HD1 Relating to Electronic Smoking Products. This bill would establishes the offense of unlawful shipment of e-liquid products; include e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; allocates a portion of collected excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. E-cigarettes contains NO tobacco and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article recently found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

Retail has changed over the years in how products are purchased. We are seeing a surge in online sales for all types of merchandise. It almost impossible for anyone under the age of 21 to purchase vape products from reputable law abiding local online or at a brick and mortar retail stores. The online verifications vetting process is intense to ensure those purchasing are 21 or older and retailers do check IDs. We are seeing that the vape products are being purchased by those who are legitimately 21 and older like parents, friends and siblings and then they gift the product to those under 21. Once the product leaves the store, we have no control over who it is given to. We are also aware that organized crime sells products on the black market - where people are reselling stolen items and not caring what the age the person it purchasing it.

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean the convenient corner store would be gone and leaving people out of work.

We should be focused more on those how those under 21 are obtaining these products and who are selling these items illegally and on the black market.

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

**HB-1574-HD-1**

Submitted on: 2/12/2019 5:15:34 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:



Joseph Keawe'aimoku Kaholokula	Kim Swartz
Lee Buenconsejo-Lum	Cortney Crocker
Barbara Nosaka	Patricia Blair
Marion McHenry	Kirsten Ralston
Linda Weiner	Ellen Train
Julie Dinius	Selene Legare
Frances Miller	Wilson Datatrio
Hella Kihm	Elicia Lujan
Holly Sereni	Elieen McCool
Shay Chan Hodges	Howard Markowitz
Rianne Graves-Grant	Allison Rodden-Lee
Michelle Schiffli	Kim Holokai
Mae Kyono	Chelsea Jane Gonzales
Dayna Mersberg	Kerri Okamura
Judy Beaver	

## ichiyama1 - Kaishu

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**From:** keawe9@everyactioncustom.com on behalf of Joseph Keawe'aimoku Kaholokula <keawe9@everyactioncustom.com>  
**Sent:** Monday, February 11, 2019 2:08 PM  
**To:** CPCtestimony  
**Subject:** Strong Support of HB1574 HD1, Relating to Electronic Smoking Products

Dear House Committee on Consumer Protection and Commerce,

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

The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair Members of the House Committee on Judiciary

Hrg: February 12, 2019 at 2:35 PM at Capitol Room 329

I strongly support HB1574 HD1, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

State lawmakers have been trying to regulate ESDs for the last five years. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 HD1 and ask you to pass this out of committee.

Sincerely,  
Joseph Keawe'aimoku Kaholokula  
Honolulu, HI 96813

**HB-1574-HD-1**

Submitted on: 2/11/2019 2:01:17 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Devin Wolery	Individual	Oppose	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/11/2019 3:01:35 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

To whom it may concern,

I am opposing the bill presented. As a long time vaper of 7+ years, vaping has been a huge help in my life and my health. I've been cigarette free for the last 4 years due to vaping and my doctor has commended me for the improvement of my overall health condition.

I believe this bill is unfair and unconstitutional to what us Americans believe in, which freedom of choice. It's unfair that something like vaping which is so innovative in helping millions of Americans quit dangerous traditional tobacco cigarette is being ignored and demonized as being far more dangerous, even though there's hundreds of studies saying otherwise or opposite.

This bill will cause thousand of Hawaii residents to go right back to smoking and thousand who work at small mom and pop vape shops to be unemployed, and their shops shut down and go out of business. There are much bigger issues here in Hawaii:

-Homelessness

-Alcohol, Flavored Alcohol, deaths caused by drunk driving which was recently in the news.

-High cost of living and limited homes and apartments for locals born and raised here, causing thousand each year to leave their homes to live in the mainland.

I implore you to please look over this bill you're trying to pass and see if it's in the best interest for the people of Hawaii.

I vape and I use flavored e-liquids and it saved my life along with millions around the world. Please don't take that away from us.

Sincerely, Vince Tran of Honolulu, Hawaii

**HB-1574-HD-1**

Submitted on: 2/11/2019 3:23:45 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laksmi M Abraham	Individual	Support	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/11/2019 4:12:38 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry weaver	Individual	Oppose	No

Comments:

My name is Henry I am a former smoker of 20 year's, I oppose HB276, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away to legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because place other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use state and nation wide, will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.

Thank you for your your time

**HB-1574-HD-1**

Submitted on: 2/11/2019 4:23:44 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Watanabe	Individual	Oppose	No

Comments:



**HB-1574-HD-1**

Submitted on: 2/11/2019 4:29:05 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

Regulating electronic smoking devices (ESDs), also called e-cigarettes, is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to disposable ESDs and vape liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to the Hawai'i Tobacco Prevention and Control Trust Fund.

**HB-1574-HD-1**

Submitted on: 2/11/2019 9:34:03 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaimana Brummel	Individual	Support	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/12/2019 4:11:48 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
P Kuromoto	Individual	Oppose	No

Comments:

E-cigarettes are scientifically proven to be better than FDA-approved nicotine replacement therapy in promoting smoking cessation. They are important tobacco harm reduction products and online /mail order sales are one of the most important differentiators between them and combustible tobacco products.

Banning online/mail order sales is both economically harmful to Hawaii businesses and harmful to the health of Hawaii consumers.

Furthermore, the concept of counseling youth about "risks and dangers of the use of electronic smoking devices" is highly dishonest and inappropriate as these risks are poorly defined and at least 95% lower than smoking tobacco.

E-cigarettes are the best tobacco harm reduction device known and the campaign against them must end.

**HB-1574-HD-1**

Submitted on: 2/12/2019 5:57:22 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shani Gacayan	Individual	Support	No

Comments:

I, Shani Gacayan, community health worker, community member, and mother of 4 young children STRONGLY SUPPORT HB1574 to restrict online tobacco sales to license holders only, preventing youth from easily accessing and purchasing tobacco products.

**HB-1574-HD-1**

Submitted on: 2/12/2019 8:29:23 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carol R. Ignacio	Individual	Support	No

Comments:

On-line sales are creating serious problems for our youth. Please pass this bill. Mahalo.

Carol R. Ignacio

Hawaii Island

**HB-1574-HD-1**

Submitted on: 2/12/2019 11:27:59 AM

Testimony for CPC on 2/12/2019 2:35:00 PM

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

Comments:

I Taeleipu Liliu Jr. oppose hb1574 because It states that I will not be able to purchase tobacco products online. As a consumer I have been to sites where they have a stricter guidelines such as HiLyfeVaporz where they have a age verification and for purchase require identification where it is verified by an actual person. I know this because I have actually talked to the owners and they have verified my order. So I am opposing this bill

**HB-1574-HD-1**

Submitted on: 2/12/2019 2:42:58 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

**HB-1574-HD-1**

Submitted on: 2/12/2019 2:43:49 PM

Testimony for CPC on 2/12/2019 2:35:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carissa Holley	Individual	Support	No

Comments:

I support the ban of all sales of electronic smoking devices.