



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. 387
RELATING TO HEALTH

REPRESENTATIVE JOHN H. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 31, 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 House Bill 387 (H.B. 387) as a measure to protect
5 the public's health.

6 The Department supports the restriction of shipping tobacco products to anyone other
7 than a licensed wholesaler. Unregulated shipping (or importing) of tobacco products,
8 particularly, electronic smoking devices (ESDs) ordered through remote sale or online,
9 undermine efforts to protect underage smokers who often circumvent the age verification process
10 for purchasing tobacco. This remains an egregious loophole allowing youth access to ESDs. In
11 Hawaii, 60 percent of high school and 64 percent youth who use e-cigarettes reported they
12 purchased the products from friends, compared to 10 percent from vape shops and stores. The
13 Department respectfully defers to the Department of the Attorney General for enforcement and
14 compliance with federal regulations.

15 The new definition of "e-liquid" is an important component as it is found nowhere else in
16 the Hawaii Revised Statutes. DOH supports the recommendation from DOTAX to include e-
17 liquid and the resulting taxation and regulation. Increasing the price is a proven strategy that
18 discourages youth access to these products.

19 DOH supports the proposed amendment that requires wholesalers and retailers of e-
20 liquids, to obtain the applicable license or permit. Currently, all that is required of these vendors

1 is a General Excise License. In adherence to Act 206, from the 2018 legislative session, the
2 Department of the Attorney General established an Electronic Smoking Device Retailer
3 Registration Unit, and 640 entities that sell ESDs have registered to date. Licensure and retail
4 permitting would bring e-liquid vendors in alignment with the traditional tobacco retailers and
5 would provide accurate data for compliance surveillance.

6 The Department further supports the proposed increases in licensure and permitting fees
7 which have remained unchanged since 1995, despite high tobacco taxes and ever-increasing
8 tobacco industry expenditures in marketing and advertising. Tobacco licensing is an effective
9 tool for limiting the negative public health consequences of tobacco use by ensuring that
10 wholesalers and retailers comply with responsible sales practices. This licensing would apply to
11 those who sell ESDs and e-liquids.

12 The Department supports the proposed increase in tax for cigarettes, little cigars, and
13 other tobacco products. The 2012 Report of the Surgeon General states regarding pricing,
14 “Federal, state, and local taxes that raise prices on tobacco products improve public health by
15 reducing initiation, prevalence, and intensity of smoking among young people. Comprehensive
16 reviews of the literature on the effect of price on tobacco consumption estimate a 3–5%
17 reduction in overall cigarettes consumed as a result of a 10% increase in cigarette prices, and
18 youth and young adults have proven to be even more responsive than adults to higher cigarette
19 prices.”¹

20 DOH supports H.B. 387 as a multifaceted public health measure to reduce access to
21 ESDs among youth and young adults and to encourage users to quit.

22 Thank you for the opportunity to testify.

23 **Offered Amendments:** None

¹ U.S. Department of Health and Human Services (HHS), *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health 2012, <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/index.html>



**STATE OF HAWAII
DEPARTMENT OF TAXATION**

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

Date: Thursday, January 31, 2019
Time: 9:30 A.M.
Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: H.B. 387, Relating to Health

The Department of Taxation (Department) offers the following comments on H.B. 387 for the Committee's consideration. A summary of the key provision of H.B. 387 are as follows:

- Adds a new section making it a misdemeanor to ship tobacco products in the State unlawfully;
- Adds a new definition for the term "e-liquid";
- 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 tax rate on cigarettes and tobacco products other than large cigars to unspecified amounts; and
- Is effective July 1, 2019.

First, the Department notes that it prefers the following definition of "e-liquid" contained in H.B. 1574 or H.B. 1047:

"E-liquid" means any liquid or like substance, which may or may not contain nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container. E-liquid shall not include prescription drugs; cannabis or manufactured cannabis

products under chapter 329D; or medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a).

Second, the Department prefers the following amended definition of "tobacco products," contained in H.B. 1574:

"Tobacco products" means [~~tobacco~~]:

- (1) Tobacco in any form, other than cigarettes or little cigars~~[, that is prepared or intended for consumption or for personal use by humans, including large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.];~~ or
- (2) E-liquid, that is intended for human consumption, or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by other means. Tobacco products includes but is not limited to large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, pipe tobacco, chewing or smokeless tobacco, snuff, snus, e-liquid, electronic smoking devices containing e-liquid, component parts containing e-liquid, and related products."

Third, the Department requests any changes to the fees be made effective January 1, 2020, to give the Department time to update its forms and make necessary computer system changes.

Fourth, the Department requests that the increase in cigarette tax be made effective no earlier than July 1, 2020 to allow the Department sufficient time make necessary changes, to the forms, instructions, computer system, and cigarette stamps.

Fifth, because the tobacco tax is imposed on "e-liquids" by this measure, the Department suggests that Chapter 28, part XII, Hawaii Revised Statutes (HRS), be repealed. This Chapter was enacted as part of Act 206, Session Laws of Hawaii 2018 and creates an electronic smoking retailer registration unit with the Department of the Attorney General. If this measure becomes law, all wholesale and retail sellers of "e-liquids" will need to be registered with the Department of Taxation making the registration with new unit of the Department of the Attorney General duplicative.

Finally, the Department suggests the deletion of section 245-17, Hawaii Revised Statutes,

which restricts delivery sales of electronic smoking devices because Section 2 of this measure restricts the shipping of all tobacco products including “e-liquid.” If this measure becomes law, section 245-17, HRS, would be duplicative.

Thank you for the opportunity to provide comments.

Date: January 31, 2019

To: The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members of the House Committee on Health

Re: Strong Support of HB387, RELATING TO HEALTH

Hrg: Thursday, January 31, 2019 at 9:30am at Capitol Room 329

Thank you for the opportunity to submit testimony in SUPPORT of HB387, which 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.

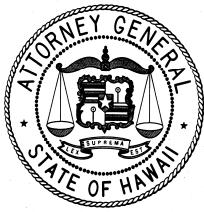
With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect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



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

ON THE FOLLOWING MEASURE:
H.B. NO. 387, RELATING TO HEALTH.

LATE

BEFORE THE:
HOUSE COMMITTEE ON HEALTH

DATE: Thursday, January 31, 2019 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Clare E. Connors, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General supports the apparent intent of this bill and provides the following comments and suggested amendments. The Department also wishes, however, to point out a possible constitutional problem relating to the title of this bill, "Relating to Health." Although the title may ultimately be defensible, it may be subject to constitutional challenge, and the Department therefore suggests that the Committee find another vehicle to pass the substance of this bill

This bill seeks to prevent shipment of tobacco products to anyone other than a licensee; makes unlawful the transport of tobacco products to anyone other than a licensee; includes "e-liquid" within the definition of "tobacco products" (section 3, page 5, line 8, to page 6, line 4); increases licensing and permit fees for wholesalers, dealers and retailers of cigarettes and tobacco products; and increases the tax rate on cigarettes and certain tobacco products.

Article III, section 14, of the Constitution of the State of Hawaii mandates that "[e]ach law shall embrace but one subject, which shall be expressed in its title." There are two parts to the analysis of this Constitutional provision – that there be only one subject, and that this subject be expressed in its title. The bill's title is "Relating to Health," which by itself appears to embrace only one subject – health.

The Hawaii Supreme Court has liberally construed the term "subject" with respect to the title of a law as having a "broad and extended meaning." Schwab v. Ariyoshi, 58

Haw. 25, 33, 564 P.2d 135, 140 (1977). Therefore, it is sufficient if the title of a law “fairly indicates to the ordinary mind the general subject of the act, is reasonably comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead.” Schwab, 58 Haw. at 34, 564 P.2d at 141.

Here, the bill amends various sections of chapter 245, Hawaii Revised Statutes (HRS), relating to the taxation of cigarettes and other tobacco products. The title “relating to health” may not fairly indicate to the ordinary mind that this bill pertains to taxation of tobacco products. The title may not “comprehensive enough to reasonably cover all its provisions,” because there is no clear nexus between health and the taxation of cigarettes and tobacco products. Schwab, 58 Haw. at 34, 564 P.2d at 141.

The Department has some additional suggestions and comments. Because this bill would for the first time include e-liquid within the definition of tobacco products and thus subject to taxation under chapter 245, HRS, it is suggested that chapter 28, part XII, HRS, be repealed. This would keep the regulation of e-liquid products together with the retail tobacco permitting process already within the purview of the Department of Taxation, rendering the recently created Electronic Smoking Device Retailer Registration Unit within the Department of the Attorney General duplicative. This would conserve resources and make for a more efficient process for the public and the retailers.

Section 2 of this bill provides for exemptions to the offense of unlawful shipment of tobacco products, including an exemption if the person or entity engaged in the shipment in question includes a legible notice on the side of a shipping container. This wording appears to be derived from section 245-16(b)(3)(B), HRS, relating to cigarettes. The statutory wording in section 245-16(b)(3)(B), HRS, however, is predicated upon section 245-16(b)(3)(A), HRS, for entities who have “fully complied with all of the requirements of chapter 10A (commencing with section 375) of title 15 of the United States Code, otherwise known as the Jenkins Act.” The Jenkins Act pertains to cigarettes, not e-liquid and would therefore not fit here.

We respectfully suggest that the Committee find another vehicle to pass the substance of this bill. Thank you for the opportunity to testify and provide comments and offered amendments on this bill.

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 387

INTRODUCED BY: MIZUNO, AQUINO, CACHOLA, CREAGAN, CULLEN, DECOITE, HAR, HOLT, ICHIYAMA, KITAGAWA, MATAYOSHI, MORIKAWA, OHNO, PERRUSO, SAY, TARNAS, THIELEN, WILDBERGER, YAMANE, Okimoto

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, a person transporting tobacco products under federal control, or a customs bonded warehouse, the person commits the offense. Exceptions are provided if the tobacco products are exempt from Hawaii tobacco tax, a specified notice is placed on the shipment, or Hawaii tobacco tax on the products is already fully paid. The offense is a misdemeanor and the offender also may be subject to a civil fine of up to \$5000 per offense.

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, as defined in section 328J-1, 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 devices sold at a licensed medical cannabis dispensary.

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 245-3, HRS, to raise the tobacco tax for cigarettes and little cigars from 16 cents to an unspecified amount, and to raise the tax rate for other tobacco products, except for large cigars, from 70% of the wholesale price to an unspecified amount.

EFFECTIVE DATE: July 1, 2019.

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.

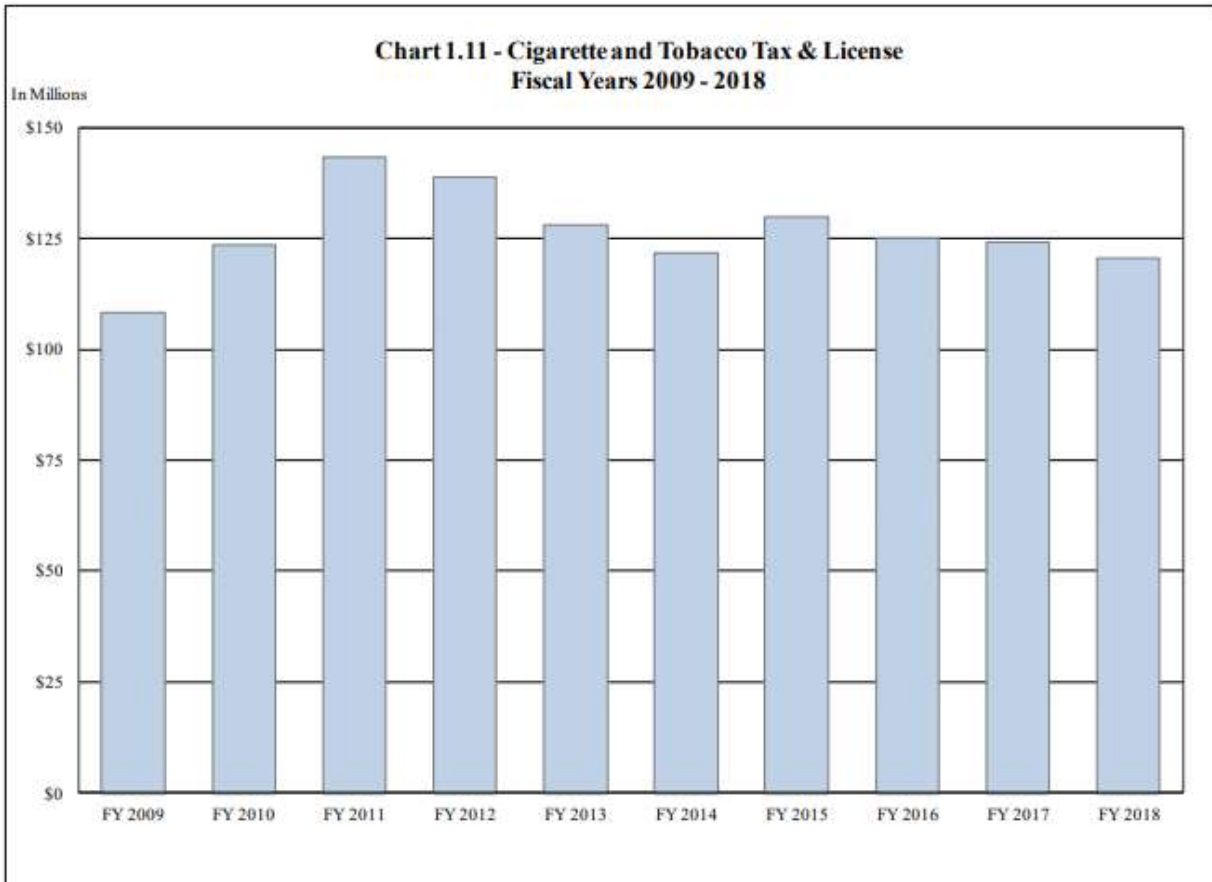
The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers 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 1/29/2019



**Testimony to the House Committee on Health
Thursday, January 31, 2019; 930 a.m.
State Capitol, Conference Room 329**

RE: SUPPORTING HOUSE BILL NO. 0387, RELATING TO HEALTH.

Chair Mizuno, Vice Chair Kobayashi, 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. 0387, RELATING TO HEALTH.

The bill, as received by your Committee, would:

- (1) Prohibit the shipment of tobacco products ordered or purchased through a remote sale to anyone in this State other than a licensee under Chapter 425, Hawaii Revised Statutes, the Cigarette Tax and Tobacco Tax Law (Chapter 425, HRS);
- (2) Establish civil and criminal penalties for violations;
- (3) Treat e-liquid designed for an electronic smoking device the same as tobacco under Chapter 425, HRS;
- (4) Increase the fees for permits under Chapter 425, HRS;
- (5) Establish unspecified excise taxes for:
 - (A) Each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer on or after November 1, 2019; and
 - (B) A percentage of the wholesale price of tobacco products other than large cigars sold by the wholesaler or dealer on or after July 1, 2019; and
- (6) Take effect on July 1, 2019.

Testimony on House Bill No. 387

Thursday, January 31, 2019; 9:30 a.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.

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.*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:
Committee on Health
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: January 31, 2019
TIME: 9:30am
PLACE: Conference Room 329

RE: HB387 Relating to Health

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.



January 29, 2019

To: The Honorable Representative John M. Mizuno, Chair
The Honorable Representative Bertrand Kobayashi, Vice Chair
Members, House Committee on Health

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

RE: HB 387 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 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 276 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 387 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.
- 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
- Recent studies have actually shown that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level:
 - <http://www.bmj.com/content/358/bmj.j3262>
- 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.**



VOLCANO®

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf
- **HB 387 would place restrictions on shipments of Vapor Products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable.**
- **HB 387 would not successfully remove vapor products from the Internet. It would simply restrict local based businesses from competing with businesses from the 49 other states who would not be subjected to this law further lowering jobs and revenues already being created in the state.**
- Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even worse, would force those people who do not have easy access to vapor products to return to smoking.

It is our belief that this 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

**TESTIMONY IN SUPPORT OF HB387
RELATING TO HEALTH**

I am writing in support of HB387, 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.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today’s youth who are using e-cigarettes could become tomorrow’s cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **HB387**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Huthitah Abduljawad
Print Name

Honolulu, Hawaii, 96817
City Zip Code

**TESTIMONY IN SUPPORT OF HB387
RELATING TO HEALTH**

I am writing in support of HB387, 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.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

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John Zhong

Print Name

Pearl City, Hawaii, 96702
City Zip Code

**TESTIMONY IN SUPPORT OF HB387
RELATING TO HEALTH**

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Irene Gonzalez Lopez

Print Name

Honolulu, Hawaii, 96822
City Zip Code

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RELATING TO HEALTH**

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Carla Abellan
Print Name

Honolulu, Hawaii, 96816
City Zip Code

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Kerri Hernandez

Print Name

Honolulu, Hawaii, 96819

City

Zip Code

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Jacob Rude

Print Name

Honolulu, Hawaii, 96826

City

Zip Code

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Kyle Agreghado
Print Name

Honolulu, Hawaii, 96818
City Zip Code

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Malia Ann Balbuena
Print Name

HONOLULU, Hawaii, 96819
City Zip Code

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Jared Sikkema
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Eric Chun
Print Name

Honolulu, Hawaii, 96816
City Zip Code

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Skylar Forbet
Print Name

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Ian Tsang

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Hee Jin Woo
Print Name

Honolulu, Hawaii, 96815
City Zip Code

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Jenn Lee

Print Name

Honolulu, Hawaii, *96815*

City Zip Code

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Walter Siefker

Print Name

Honolulu, Hawaii, 96822

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Zip Code

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kye Ji
Print Name

Honolulu, Hawaii, 96868
City Zip Code

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Print Name

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Kiran Datwani
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Sapoulyn Powave
Print Name

Pearl City, Hawaii, 96782
City Zip Code

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Gavin Armstead
Print Name

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Christal Rapp

Print Name

Honolulu, Hawaii, 96822

City

Zip Code

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RELATING TO HEALTH**

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Kristen Nguyen
Print Name

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City Zip Code

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Lori Ikenaga
Print Name

Hon, Hawaii, 96813
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Valerie Torres

Print Name

Honolulu, Hawaii, 96818
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City Zip Code

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Richelle Wenz

Print Name

Honolulu, Hawaii, *96817*

City Zip Code

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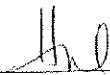
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Candice Shintani
Print Name

Mililani, Hawaii, 96789
City Zip Code

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LELONI CURTIS
Print Name

HONOLULU, Hawaii, 96815
City Zip Code

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Shana Takahashi
Print Name

Kaneohe, Hawaii, 96744
City Zip Code

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Carne Taramoto
Print Name

Hon, Hawaii, 968177
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Ryan Tsang

Print Name

Honolulu, Hawaii, 96820
City Zip Code

HB-387

Submitted on: 1/30/2019 1:55:34 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jostin Iriarte	Hi Lyfe Vaporz,LLC	Oppose	No

Comments:

Aloha,

My name is Jostin,

I oppose HB 387,

As a small business owner on the state of Hawaii we own several business within the Vape industry, we comply with all rules, laws & regulations set forth by the State of Hawaii, other states we do business in as well as remain up to date and compliant with The Federal Food & Drug Administration. We are a registered as a manufacture and a Retail business. We understand the teenage vaping epidemic is an issue but raising fees and adding taxes isn't the right way to go about resolving this issue. I personally support the fact and need for tobacco products to be taxed and understand fees to be inflated on a reasonable scale. But in all fairness the issues and epidemic of teen vaping is caused by certain tobacco product being easily accessible in stores and place who don't follow all the rules and regulations, there should be more stings and a group to follow up on that issues to stop the sale to teens, websites like ours follow all protocol and regulations for example our website has 2 verification process one is to enter and the much stricter one is to process payment and complete an order the "FDA" has already required us to implement a special age verification software, the process we have implemented is greatly effective we have tested our website many time and often check it. Please have in place to fine or otherwise Regulate those who aren't complying with all rules and regulations set by the state and FDA. If fees and taxes are to be implemented I/we HiLyfe Vaporz, LLC support fair practices when it comes to adding tax or inflating fees at a reasonable rate or percentages. Unfair fees, taxes or percentages may negatively impact small business like ours as well as employees and adults who have transitioned over to an alternative that has impacted Hawaii and the world's health and epidemic on combustible cigarettes. We will support the fact of having taxes and fees that won't negatively impact the public to resort back to combustible cigarettes. Mahalo Nui loa For Your Time asl belo is a statement by the "FDA"

Here 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.

Mahalo Nui Loa for your your time



American Cancer Society
Cancer Action Network
2370 Nu`uanu Avenue
Honolulu, Hawai`i 96817
808.432.9149
www.acscan.org

House Committee on Health
Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

HB 387 – RELATING TO HEALTH

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

Thank you for the opportunity to support HB 387 with recommendations, which restricts the remote sale of tobacco products, creates an unspecified on tax increase on cigarettes and other tobacco products other than large cigars, implements a tax on e-liquids, and increases the license fees for wholesalers and dealers.

The American Cancer Society Cancer Action Network (ACS CAN) is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

Tobacco Products are Cheap, but the Health Costs are High

Tobacco is an addictive and deadly product. 1,400 Hawaiians die each year from smoking. 21,000 kids alive today in Hawaii will die prematurely from smoking if nothing is done to reduce our tobacco use rates.¹

Significantly Increasing Taxes on Tobacco Reduces Tobacco Consumption

Regular, significant increases in the retail price of all tobacco products reduces the number of youth who begin using tobacco products and help increase the number of tobacco users who quit. Increasing Hawaii's cigarette tax to \$4.50 per pack would prevent 4,400 kids from starting to smoke and help 6,300 adults who smoke quit. Lower smoking rates translate into fewer smoking-related cancers and premature deaths, reduced spending on smoking-related health problems, and more productive workers. When tax increases are small, tobacco companies can adjust prices or offer coupons or discounts to reduce the impact.

¹ Source: Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated November 15, 2018. https://www.tobaccofreekids.org/facts_issues/toll_us/hawaii

Substantial increases in cigarette tax rates generate new revenue. In fact, increasing Hawaii's cigarette tax to \$4.50 per pack would generate \$15.78 million in new revenue and save \$218.67 million in long term health care costs. Increasing the tax on all other tobacco products at a parallel rate will further reduce tobacco use and generate even more revenue. Revenue increases from higher tobacco taxes substantially outweigh any decline in revenue due to fewer tobacco products being sold.

Risks of electronic smoking device use

Electronic smoking devices (ESDs) or e-cigarettes are devices that heat a liquid into an aerosol that the user inhales by using a battery to heat up the liquid that usually contains nicotine, flavorings, and other additives. The nicotine in e-cigarettes and regular cigarettes and other tobacco products is addictive. E-cigarettes are considered tobacco products because most of them contain nicotine, which comes from tobacco.

Besides nicotine, e-cigarettes can contain harmful and potentially harmful ingredients, including:

- ultrafine particles that can be inhaled deep into the lungs
- flavorants such as diacetyl, a chemical linked to serious lung disease
- volatile organic compounds
- heavy metals, such as nickel, tin, and lead

E-cigarettes can also be used to deliver cannabinoids such as marijuana, and other drugs.

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. In Hawaii, 25.5 percent of high school students use e-cigarettes.

The youth epidemic is here. 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.

ACS CAN's Recommendation

We recommend that the committee allocate a portion of the tobacco tax revenue to implement evidence-based tobacco prevention and cessation programs and services, including education on the risks associated with ESD use, to prevent future generations from a lifelong addiction and to help those currently addicted to quit. We also recommend that the committee consider an increase in the tobacco tax to \$4.50 a pack and increase other tobacco products to ensure tax parity.

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

Date: January 29, 2019

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

Re: Strong Support of HB387, Relating to Health

Hrg: Thursday, January 31, 2019 at 9:30am at Capitol Room 329

Good morning to the members of the House committee on Health. Thank you so much for the opportunity to submit testimony in SUPPORT of HB387. My name is Chelsea Gonzales, and I'm a Senior at the University of Hawaii at Manoa. I'm majoring in Public Health and currently the President for Breathe Aloha, a student registered independent organization dedicated to promoting positive health practices and protect University of Hawaii students, employees, and visitors from exposure to secondhand smoke and other potentially harmful substances.

In 2016, The United States Surgeon General states in its national report, "Electronic cigarettes among youth is now a major public health concern...its an epidemic" In Hawaii, prevalence among e-cig use is much higher compared to the national average. While the State has done great measures to pass bills to prevent youth from picking up the poor habit, youth in Hawai'i are still able obtain these products. When you drive around after school hours, you see the youth in groups walking around and smoking. Close to school properties, in the parks, at the beach, and even at Ala Moana mall. These products are highly addictive, and so easy to obtain by minors.

These nicotine containing substances are the only tobacco product that does not have a tobacco tax levied against it in the State of Hawai'i. There is evidence to suggest that taxes tobacco products curbs usage specifically among youth. This is particularly due to the fact that youth in the high school and middle school range aren't working and don't make much income. They're more sensitive to these price hikes.

I have and will continue to support tobacco prevention legislation because I firmly believe that nothing good ever comes from smoking. There is no price too high for the future of our keiki, and that's why I support a creation of a tax on these addictive products. Thank you for your time, and I strongly urge you support the passing of this House Bill 387.

Mahalo,
Breathe Aloha Club

HB-387

Submitted on: 1/29/2019 10:41:47 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Iriarte	Hi Lyfe Vaporz,LLC	Oppose	No

Comments:

Aloha my name is Robin Iriarte I oppose HB387. E-Liquids and ends units shouldn't be classified as tobacco products. Nicotine is an optional item making not all of them a tobacco product. Taxing and regulating ENDS units and E-liquids is fine but, please be reasonable. Ends units and E-liquids have had the capability of helping individuals with substance abuse. They now are completely off and it's solely because of vaping. Below 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. There is also talk of restricting online sales. Most vape shops In Hawaii do not do online sales, so they understand why this would help limit access to teens ability to get access to ENDS. The majority of teens getting their hands on these products are not coming from Vape Shops. They are coming from Internet sales from retailers that do not have a robust age verification in place, or from stores that have no age restriction. All vape shops have a strict age verification in place. Following what the FDA is suggesting/recommending is a much better solution. If all flavors are banned, it will create an increase in adult use of combustible tobacco, which would be a step backwards. If adults no longer access to the flavor(s) they used to stop using combustible tobacco, they will ultimately go back to the use of combustible tobacco. We agree that teenage use of ENDS products is unacceptable, and Vape Shops throughout Hawaii have, and are taking steps towards stopping this. Almost all shops in Hawaii have stopped selling JUUL. The Vape community, as a whole, has a high distain for JUUL. They have solely created such a negative tone for the Vape community that most vape shops around the country, just as in Hawaii, have stopped selling their products. JUUL has always been a "Gas Station" product. As a community we can help put a stop to teens use of ENDS, without punishing adults that have successfully stopped combustible tobacco by using flavored e-liquids. Just as with flavored alcohol, which there is no shortage of, teens should not be easily able to get their hands on any product deemed to be for adult use. If we work together, we can stop, and prevent this from happening without it being at the expense of adults that have successfully used flavored e-liquid to stop smoking. Let's work together as a community, because I can guarantee that vape shops don't want teenage people vaping as much, if not more than everyone else. The Vape community has always had one sole purpose. That's to get adults off combustible, and non-combustible (Chewing Tobacco) tobacco. And it has done so with greater success than any other cessation

device. The Vape community is ready to work closely with all parties to put an end to teenage use of ENDS.

Thank you for your time!!



TO: Honorable members of the House Health Committee

RE: HB 387 – Prohibiting the online sale of tobacco products to anyone other than a licensee

DATE: January 28, 2019

Honorable Legislators:

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 387**), which would prohibit the online sale of tobacco products to anyone other than a licensed retail dealer or distributor.

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.

However, if adopted as written, HB 387 would not only cause significant economic harm to businesses inside and outside of Hawaii, but would also result in significant unintended consequences - potentially worsening the very issues this bill hopes to address.

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.

We are happy to work with you and your staff, on such revisions to this bill, or to provide any additional information you may require.

Yours respectfully,

A handwritten signature in blue ink, appearing to read 'Anthony Hemsley', with a long, sweeping tail extending to the right.

Anthony Hemsley
Head of Corporate Affairs & Communications



LATE

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MacKinnon LLP

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

En Young, MBA
Sansei, Lanai

Date: January 30, 2019

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

Re: Support for HB 387, Relating to Health

Hrg: January 31, 2019 at 9:30am at Conference Room 329

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Support of HB387** which (1) restricts the shipment of tobacco products to anyone other than a licensee; (2) includes e-liquid with the definition of tobacco products in the cigarette tax and tobacco tax law (establishing a tax on e-liquid); (3) increases the wholesale license and retailer license fee; (4) amends the taxes on cigarettes and tobacco products.

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. 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 adultsⁱⁱ.

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.

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 pollⁱⁱⁱ 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 scan of online e-liquid products show that a bottle of 60 mL e-liquid can be purchased on sale for as little as \$0.99. 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.

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.

The Coalition supports increasing the cigarette and other tobacco products (OTP) tax.

Raising taxes is a proven strategy to reduce consumption on tobacco products for both adults and youth. The Coalition notes that there has not been an increase in taxes on cigarettes and little cigars in the last eight years and for other tobacco products, other than large cigars, the last tax increase occurred in 2009. Majority of registered Hawai'i voters support an increase in cigarette taxes (74%) and nine in ten registered voters (94%) feel that it is important for the State to dedicate part of its tobacco tax revenue to tobacco prevention and cessation programs. The Coalition requests that HB387 dedicate a portion of the proposed revenue to tobacco prevention and control programs.

Tobacco use is still the number one preventable cause of death and costs our State \$526 million annually. According to the Campaign for Tobacco-Free Kids, an estimated 400 kids become new daily smokers each year^{iv}. Raising tobacco taxes encourages people to quit smoking and regulating vaping will help to prevent youth and young adult from using tobacco products. 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 support HB 387 and respectfully ask you to pass this measure out of committee.

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

ⁱⁱ 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

ⁱⁱⁱ 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.

^{iv} Coalition for Tobacco-Free Kids. "The Toll of Tobacco in Hawaii" from <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

LATE

HB-387

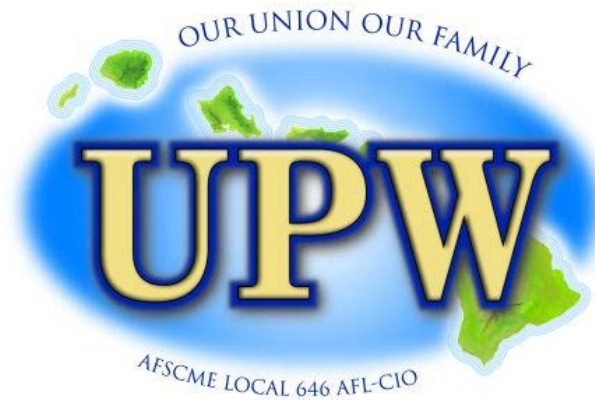
Submitted on: 1/30/2019 5:50:31 PM
Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

We are strongly opposed to HB387.

LATE



THE HAWAII STATE HOUSE OF REPRESENTATIVES

The Thirtieth Legislature
Regular Session of 2019

Committee on Health

Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Date of Hearing: January 31, 2019
Time of Hearing: 9:30 a.m.
Place of Hearing: Conference Room 329
State Capitol

TESTIMONY ON HOUSE BIL 160 Relating to Noise Control

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members in the private sector.

The UPW does not support HB160; if it is applied broadly to control noise in the community, it could negatively affect the UPW refuse operations on Oahu. Refuse pickup teams leave their base yards at 6:00 a.m. in the morning and travel to various routes. The heavy vehicles emit loud sounds at times during operations. We therefore request clarification on the application of the bill in the Liquor Commission enforcing the amended noise control law.

Thank you for the opportunity to submit this testimony.

HB-387

Submitted on: 1/30/2019 11:19:28 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:



American Heart Association testimony in SUPPORT of HB 387, Relating to Health

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

Andrew Rosen

Dave Underriner

Elisa Yadao

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your nearest AHA office.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Serviced by the Oahu
office

The American Heart Association supports HB 387 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, and increases the cigarette tax by an undisclosed amount. However, because HB 1574 is more comprehensive in its regulation of e-cigarettes, the AHA recommends passage of that bill unamended, and amending HB 387 to focus solely on increasing the cigarette tax.

A one-time sizeable cigarette tax increase of at least \$1 per pack (5-cents per stick) would have a greater impact on reducing smoking rates, especially on the lower income and youth markets, which are more price sensitive, and which are the most highly targeted by tobacco industry marketing and advertising.

Because smoking levels are highest among people with low incomes, the cigarette companies will try to argue that cigarette tax increases are regressive taxes that fall disproportionately hard on lower-income families and communities. But this argument turns reality upside down. These are the same companies that have been preying on low-income and poor communities for decades. The cigarette companies have no problem with levying new charges on low-income smokers when it increased their own profits. They only oppose the new charges when someone else (like a state government) gets the new revenues, instead. In fact, when the federal government implemented a new increase on cigarette taxes the cigarette companies wasted no time immediately after the law passed hiking the prices on their products to profiteer on the increase during the interim period between passage of the law and its implementation.

The fact that smoking rates are highest among lower-income groups means that lower-income families and communities currently suffer the most from smoking and will, consequently, benefit the most from any effective new measures to reduce smoking, including increased state cigarette taxes. Their health problems caused by tobacco use also disproportionately affect Medicaid costs to the state.

Smokers who do not reduce their smoking because of a cigarette tax increase will also still benefit economically, along with every other state taxpayer. In Hawaii alone, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs directly caused by smoking (\$141.7 million of that is covered by the state Medicaid program). Hawaii residents' state & federal tax burden from smoking-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. Smoking declines caused by state cigarette tax increases directly reduce these smoking-caused economic burdens for all taxpayers, and Hawaii businesses which bear the brunt of employee healthcare costs in our state.

Those who stop smoking in response to cigarette tax increases will greatly improve their own health, which could also significantly reduce their healthcare costs. Because of their higher rate of illness and disability, smokers have substantially higher annual and lifetime healthcare costs than nonsmokers or former smokers (despite living shorter lives).

Those who quit smoking as a result of a tax increase would also then have additional money to spend on taxable products that don't result in over a \$500 million in healthcare costs to the state. The money doesn't go up in smoke; instead it will likely be spent on more productive things that can benefit the smokers' families and our state.

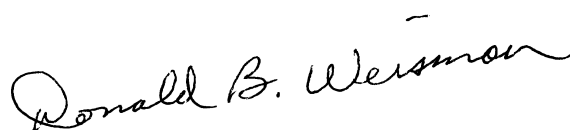
Hawaii has made great strides in reducing tobacco use, but despite these advances, tobacco use remains the leading cause of preventable death in our state and challenges to tobacco control still exist. Hawaii's current adult smoking prevalence (12.8%) remains higher than the national Healthy People 2020 target of 12%. Moreover, our low smoking rates can conceal the fact that smoking continues to disproportionately affect populations and community groups by race and ethnicity, income and education, mental health and substance abuse, and lesbian, gay, bisexual, and transgender (LGBT) orientation. These subpopulations silently bear the brunt of the tobacco use burden in our state. Additionally, the rapid rise in youth fascination with ESDs and other novel products which have proven to be gateway products to traditional tobacco product use and threaten our cumulative efforts to free the next generation from the deadly effects of nicotine addiction.

The AHA particularly supports the allocation of additional cigarette tax revenue to prevention and control programs. Low-income smokers and their communities disproportionately benefit when the new revenues from cigarette tax increases are directed to programs to help people quit smoking and prevent kids from starting – both because smoking is more prevalent among low-income persons and because they may have much less access or exposure to any such programs than people with higher incomes.

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii's \$5.3 million investment in tobacco prevention, control and cessation programs pale in comparison, and fall well short of the Centers for Disease Control's (CDC) best practice recommendation of a \$13.7 million annual investment. The Hawaii legislature last increased Hawaii's cigarette tax in 2006. Since that time, inflation of approximately 18% has decreased the value of the cigarette tax to below 85 cents on the dollar.

More community funding is needed to both address tobacco prevention, control and cessation in Hawaii's disparately-affected populations to reduce their smoking rates to levels comparable to Hawaii's broader adult population, as well as to address skyrocketing youth initiation into tobacco through use of electronic smoking devices. An increase in Hawaii's cigarette tax would help to provide the needed funding to address one of the leading major health risks among Hawaii's most vulnerable populations.

Please support HB 387 with the AHA's recommended amendments.



Donald B. Weisman

Respectfully submitted,

Donald B. Weisman
Hawaii Government Relations/Communications Director

HB-387

Submitted on: 1/28/2019 9:56:41 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Mizuno, Vice Chair and members,

Yes - strong support for this measure. It's high time the drug-pushing tobacco industry was reigned in...

Ann S. Freed

Mililani, HI 96789

HB-387

Submitted on: 1/29/2019 7:30:58 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-387

Submitted on: 1/29/2019 8:34:12 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

by requiring a statement on the outside of the box. you are opening up the chance for mail theft to the highest degree.

Taxing vaping, a lower risk alternative to traditional cigarettes. You would in fact be taxing them to a higher rate than a traditional pack. 70% of wholesale on devices that COST \$35-100. is a huge amount.

A black market will be made in an instant. And you would be back to nothing.

I really wish a compromise could be made with you people. But if we give you an inch, you take a mile. Gut a bill and replace it with whatever you want.

HB-387

Submitted on: 1/29/2019 8:59:08 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Oshiro	Individual	Oppose	No

Comments:

HB-387

Submitted on: 1/29/2019 10:09:12 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I oppose bill HB387. It does not clarify how much of an increase in tax will be enforced on each article of tobacco related products. Though I am torn on the remote sales restriction. Local brick and mortar shops will be seeing a lot more of the clients in person and it will probably cut down on underage teens circumventing the sites that don't have better age verifications in place. Although that may seem like a win of some sorts. Some customers like E-liquids that are not locally sold or manufactured. So the only way to get those products is to purchase online and have it sent to your home. That online traffic will suffer for sales to a premium Vape shop like Hillye Vaporz in Waianae. We send product to soldiers overseas and various other places. A lot of the customers that we meet at shows are adults and they love the flavors available to them. Their only option is to purchase online. If a business can not thrive and make money. Where will your taxes come from? With vaping on the rise it would make sense to help an industry that will be profitable so your taxes can continue and it will be a win win for ALL.

HB-387

Submitted on: 1/29/2019 10:38:42 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I mostly oppose this bill as it infringes on the rights of adult residents and visitors to purchase and receive legal products from lawfully operating companies. Moreover, while these products may be available from local retailers, these retailers may not provide a full inventory of products and may not provide the same inventory in rural areas of the state, as may be available on Oahu. Growing up on the Neighbor Islands in the days of the territory, we depended on mail order suppliers long before there was an internet. We shopped locally but still waited for the Sears Roebuck catalog to come in the mail.

If you want to prevent minors from purchasing e-liquids, spend money on education, not on trying to bring back Prohibition.

And much as in the case of Prohibition, merely making something illegal to purchase, certainly does not make it impossible to purchase - aerial fireworks have been illegal for decades, and yet, people are still able to purchase them.

Finally, I support fair and equitable taxation, so I support a cap on taxes on tobacco products and oppose increasingly punitive taxes.

For these reasons, I am opposed to this bill.

To whom it may concern,

I oppose bill HB387, I am a ex smoker due to transitioning to e-cigarettes since 2014. By labeling e-cigarette products as tobacco, you're restricting thousands of Hawaii residents the benefits of safer alternative to deadly actual tobacco products like cigarette and cigars. There are many small e-cigarette shops here in Hawaii, if you decide to ban the shipments of e-cigarette products, hundreds of people will be out of jobs and businesses will be moved to the mainland. E-cigarettes were meant to help adults quit cancer causing traditional tobacco cigarettes. By removing this innovative products you're sentencing ex-smokers to their grave.

HB-387

Submitted on: 1/29/2019 11:25:12 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-387

Submitted on: 1/29/2019 5:01:57 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-387

Submitted on: 1/29/2019 6:52:27 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

Businesses especially local businesses make the most profit from being able to branch out of state. They already get hit up with taxes to ship quantities. As far as the regular consumer I for example should be able to buy products if I should choose to do so, but to ban myself from being able to purchase a product a shop may not have or to tell me that I cannot purchase a product because of the fact of lack of parenting or lack of gas stations or grocery stores to secure there products is very negative. That's like saying the obesity rate is high in children because healthy products are not as cheaply available so I cannot order snacks online to the state. Fix the problem internally with actual enforcement of these products within stores known for violating law not punish the masses who lawfully follow the law

HB-387

Submitted on: 1/29/2019 8:06:20 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

Dear Committee,

I strongly support the passage of HB 387 bill in its entirety. Thank you for the opportunity to testify.

Lynn Murakami-Akatsuka

HB-387

Submitted on: 1/29/2019 8:57:51 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
JamesDustin Ling	Individual	Oppose	No

Comments:

I oppose HB387. We live in a state where the ocean separates all the islands, I have chosen to support a local business that I believe helps the community and keeps money in the state. but Mostly major companies from out of the state of Hawaii are capable to open on multiple islands. I feel that by passing this bill you will hurt many smaller stores that ship regularly to persons on different islands, while boosting sales to physical shops that are owned by mainland companies. I oppose HB387.

HB-387

Submitted on: 1/29/2019 11:45:18 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anden Gaballo	Individual	Oppose	No

Comments:

I have been smoking cigarettes for almost 20 years and I have completely quit by vaping candy flavored e-liquid. I oppose this bill because vaping actually helped me quit smoking, when nothing else did and paid for my vaping needs at a reasonable price.

HB-387

Submitted on: 1/30/2019 12:08:03 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Luna-Gaballo	Individual	Oppose	No

Comments:

This bill will make it harder for those who are legally making a living by following all the right laws to be able to sale to those who are trying to quit smoking cigarettes with vaping necessities such as electric e-cigarettes and e-liquid. There are already high expensive fees that licensed wholesalers have to pay to be able to sale reasonable priced merchandise, which helps those trying to quit smoking save money.

HB-387

Submitted on: 1/30/2019 12:15:05 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Adrian-Marie Luna-Gaballo	Individual	Oppose	No

Comments:

This bill will make it harder for those who are legally making a living by following all the right laws to be able to sale to those who are trying to quit smoking cigarettes with vaping necessities such as electric e-cigarettes and e-liquid. There are already high expensive fees that licensed wholesalers have to pay to be able to sale reasonable priced merchandise, which helps those trying to quit smoking save money

HB-387

Submitted on: 1/30/2019 7:37:13 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I'm opposed unless you plan on lower the taxes.

HB-387

Submitted on: 1/30/2019 9:19:17 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monika Lopez	Individual	Oppose	Yes

Comments:

HB-387

Submitted on: 1/30/2019 10:01:20 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teikiheekua Taupu	Individual	Oppose	No

Comments:

HB-387

Submitted on: 1/30/2019 10:01:43 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Helene	Individual	Oppose	No

Comments:

HB-387

Submitted on: 1/30/2019 10:21:10 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
puna	Individual	Oppose	No

Comments:

Aloha,

My name is Puna am a former smoker of 6 year's, I oppose HB387, 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.

Mahalo Nui Loa for your your time

HB-387

Submitted on: 1/30/2019 11:01:33 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

The vapor from e-cigs is harmless. The taxes are too high already.

Mahalo,

Chris

HB-387

Submitted on: 1/30/2019 11:51:02 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-387

Submitted on: 1/30/2019 12:53:23 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

This bill will make it harder for those who are legally making a living by following all the right laws to be able to sale to those who are trying to quit smoking cigarettes with vaping necessities such as e-cigarettes and e-liquid. There are already high expensive fees that licensed wholesalers have to pay to be able to sale reasonable priced merchandise, which helps those trying to quit smoking.

HB-387

Submitted on: 1/30/2019 12:56:54 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I don't feel like picking one particular product to tax to improve the revenue of the state is the correct way to raise revenue for the state of Hawaii. In this case, e-cigarettes which have been wrongly categorized as tobacco products, happen to be the biggest product effected by this bill. I feel that if the Hawaii state politicians want to raise more revenue for Hawaii we should raise the excise tax on all products. By simply increasing the tobacco tax, the government will not raise as much money as if they were to raise the general excise tax on all products by 1%-2%. Most states in the United States have sales taxes or what we call in Hawaii "excise tax", at rates from 8%-10%. If we raised the excise tax by just 2% we can generate a significant amount of revenue.

HB-387

Submitted on: 1/30/2019 1:25:55 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sheldon	Individual	Oppose	No

Comments:

I oppose HB 387 because it is another helpful advantage to get these vape products. If tobacco companies can get there own businesses which is a lot more harmful towards the human body, why cant vapers have the same freedom as them? To be able to sell these products will benfit not only the buisness but for also the people out there trying to change for the better. If vaping goes away there it will be worst to have all these vapers to go back to using tobacco supplements which will be mor harmful to them.

From: [Gerald Honma](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 1:14:18 PM

Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.

Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as "Electronic Smoking Devices". It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

Studies Show That They Are Being Used to Curb Traditional Smoking Rates:

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.

A 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. This is an important fact, and something to consider if health is truly what you are concerned about:

http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level:

<http://www.bmj.com/content/358/bmj.j3262>

Restricting Delivery Is Only Going to Hurt Local Business

HB 387 would place restrictions on shipments of vapor products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable. This would not successfully remove vapor products from the Internet. It would simply restrict local businesses from competing with businesses from the 49 other states and countries around the world who would not be subjected to this law. Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even

worse, would force those people who do not have easy access to vapor products to return to smoking.

Please vote against this bill.

Thank you for considering this testimony.

Aloha,

Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products.⁹ Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase.

This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the lose of my business and creation of a black market and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,

Gerald Honma
Smokeless Hawaii Enterprises

HB-387

Submitted on: 1/30/2019 2:11:57 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

Aloha,

As an individual in the vape industry and as customer, a former smoker

I oppose HB 387,

As a law abiding citizen and a smoker of 20 years many vape shops comply with all rules, laws & regulations set forth by the State of Hawaii, as well as remain up to date and compliant with The Federal Food & Drug Administration. They are a registered as a manufacture and or Retail business. I understand the teenage vaping epidemic is an issue but raising fees and adding taxes isn't the right way to go about resolving this issue. I personally support the fact and need for tobacco products to be taxed and understand fees to be inflated on a reasonable scale. But in all fairness the issues and epidemic of teen vaping is caused by certain tobacco products like "Juul" being easily accessible in stores and places who don't follow all the rules and regulations, there should be more stings and a group to follow up on that issues to stop the sale to teens, websites like some I purchase from follow all protocol and regulations, for example our www.hilyfevaporz.com has a 2 verification process one is to enter and the much stricter one is to process payment and complete an order, the "FDA" has already required businesses to implement a special age verification software, the process that has been implemented is greatly effective. Please have in place a way to fine or otherwise Regulate those who aren't complying with all rules and regulations set by the state and FDA. If fees and taxes are to be implemented I support fair practices when it comes to adding tax or inflating fees at a reasonable rate or percentages. Unfair fees, taxes or percentages may negatively impact small business their employees and adults who have transitioned over to an alternative that has impacted Hawaii and the world's health and epidemic on combustible cigarettes. I will support the fact of having taxes and fees that won't negatively impact the public to resort back to combustible cigarettes. Mahalo Nui loa For Your Time also below is a statement by the "FDA"

Here 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.

Mahalo Nui Loa for your your time

LATE

HB-387

Submitted on: 1/30/2019 4:18:45 PM
Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-387

Submitted on: 1/30/2019 5:27:41 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

LATE

HB-387

Submitted on: 1/30/2019 5:33:23 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
warren	Individual	Oppose	No

Comments:

i dont support HB387 because it would be unfair to not only me as a consumer but the businesses as well. Raising the taxes for the businesses would not only hurt them but me as well because i wouldnt be able to purchase the products

LATE

HB-387

Submitted on: 1/30/2019 5:43:11 PM
Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
keanu kaopuiki	Individual	Oppose	No

Comments:

I oppose HB387 because it should be right for me to choose my own flavors

LATE

HB-387

Submitted on: 1/30/2019 6:01:48 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zelsha Keo	Individual	Oppose	No

Comments:

I disagree with bill "HB387" in terms of adding on more fees and transporting products. I agree that YES, it shouldnt be shipped/transported to anyone under the legal age (21 y/o) but I STRONGLY disagree on the fact of including E-liquid with definition of tobacco products used in my device as well as others. It's MY RIGHT as an American Citizen.

LATE

HB-387

Submitted on: 1/30/2019 6:56:37 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Santiago	Individual	Oppose	No

Comments:

LATE

From: [Alyn Hiramoto](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 4:57:18 PM

Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.

Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

Studies Show That They Are Being Used to Curb Traditional Smoking Rates:

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.

A 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. This is an important fact, and something to consider if health is truly what you are concerned about:

http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262>

Restricting Delivery Is Only Going to Hurt Local Business

HB 387 would place restrictions on shipments of vapor products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable. This would not successfully remove vapor products from the Internet. It would simply restrict local businesses from competing with businesses from the 49 other states and countries around the world who would not be subjected to this law. Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even worse, would force those people who do not have easy access to vapor products to return to smoking.

Please vote against this bill.

Thank you for considering this testimony.

Aloha,

Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products.⁹ Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

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This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the lose of my business and creation of a black market and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,

Allyn Hiramoto

LATE

From: [Ellen Benton](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 6:07:44 PM

Dear Chair Mizuno and The House Committee on Health,

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Please vote against this bill.

Thank you for considering this testimony.

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A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

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Thank you for considering this testimony.

Aloha,

Sent from my iPhone

LATE

From: [Nick DiTomaso](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 5:59:41 PM

Dear Chair Mizuno and The House Committee on Health, I am writing in STRONG OPPOSITION to HB387. Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine. Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different. Studies Show That They Are Being Used to Curb Traditional Smoking Rates: 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. A 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. This is an important fact, and something to consider if health is truly what you are concerned about:

http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262> Restricting Delivery Is Only Going to Hurt Local Business HB 387 would place restrictions on shipments of vapor products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable. This would not successfully remove vapor products from the Internet. It would simply restrict local businesses from competing with businesses from the 49 other states and countries around the world who would not be subjected to this law. Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even worse, would force those people who do not have easy access to vapor products to return to smoking. Please vote against this bill. Thank you for considering this testimony. Aloha, Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely. Approximately 90% of adult e-vapor consumers report using flavored products.⁹ Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing

tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke. A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings. 21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase. This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the lose of my business and creation of a black market and increased online sales of unregulated products. Thank you for considering this testimony. Aloha,

--

- Nick DiTomaso

LATE

From: dskye10@gmail.com
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 6:02:43 PM

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A 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. This is an important fact, and something to consider if health is truly what you are concerned about: http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262>

Restricting Delivery Is Only Going to Hurt Local Business

HB 387 would place restrictions on shipments of vapor products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable. This would not successfully remove vapor products from the Internet. It would simply restrict local businesses from competing with businesses from the 49 other states and countries around the world who would not be subjected to this law. Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even worse, would force those people who do not have easy access to vapor products to return to smoking.

Please vote against this bill.

Thank you for considering this testimony.

Aloha,

Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health

Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products.⁹ Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase.

This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the lose of my business and creation of a black market and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,

Sent from my iPhone

From: [Katelyn Kapua](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 6:03:06 PM

LATE

Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.
Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

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Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level:
<http://www.bmj.com/content/358/bmj.j3262>

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Please vote against this bill.

Thank you for considering this testimony.

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Thank you for considering this testimony.

Aloha,

Katelyn Kapua

Sent from my iPhone

From: [Vin Kim](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 4:35:39 PM

LATE

Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.

Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

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http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

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Please vote against this bill.

Thank you for considering this testimony.

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Thank you for considering this testimony.

Aloha,

From: [Ashley Mattos](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 5:42:25 PM



Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine. Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

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Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262>

Restricting Delivery Is Only Going to Hurt Local Business

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Please vote against this bill.

Thank you for considering this testimony.

Aloha,

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Thank you for considering this testimony.

Aloha,
Ashley Mattos

Sent from my iPhone

From: [Rafael Montero](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 4:35:05 PM



Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.

Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

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Please vote against this bill.

Thank you for considering this testimony.

Aloha,

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Thank you for considering this testimony.

Aloha,
Rafael

LATE

From: [Valentino Miranda-kepa](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Wednesday, January 30, 2019 4:49:26 PM

Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

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Please vote against this bill.

Thank you for considering this testimony.

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Thank you for considering this testimony.

Aloha,

Valentino Miranda-kepa

LATE

HB-387

Submitted on: 1/30/2019 7:25:55 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
devan ferreira	Individual	Oppose	No

Comments:

Aloha my name is Devan Ferreira and I'm a resident of the island of Hawaii. Living in Hawaii all my life it's been hard, because everything is already being taxed at a high rate. Shipping especially to Hawai'i is already bad enough, and being Hawaiian I have to get almost all clothes, shoes, etc., mailed to me. Although there is shops that I can buy various vaping items, shopping online gives me an even more wide variety of options to choose from. With that being said I am strongly opposing HB 387 because Hawai'i is already far away from everything.

LATE

HB-387

Submitted on: 1/30/2019 8:19:03 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
DANIEL DRAPESA	Individual	Oppose	No

Comments:

Aloha,

My Name is Daniel. My wife smoked cigarettes for more than fifteen years. She would constantly get sick. Would get winded easily. 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 with out the urge to return. Her health has dramatically improved and she can run and play with our children. This Bill will limit accessibility to eliquid for Vapers like my wife. We won't be able to order affordable products online. The licencing fees and taxes on Eliquid would raise prices at local shops. If she could not easily and affordably get Eliquids she would most likely got back to traditional cigarettes despite all the negative health effects. In addition, I work at a brick and mortar Vape Shop. If this bill were to pass the fees and taxes that our business would incur would be passed along to the customers in a raising of prices. This could seriously lower our customers/sales which could compromise the business itself, my career and my ability to provide for my family. I highly oppose bill HB387. Thank you for your time and consideration.

LATE

HB-387

Submitted on: 1/30/2019 8:53:57 PM
Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

Thursday, January 31, 2019 at 9:30 AM
Conference Room 329

House Committee on Health

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

**Re: Testimony in Support of HB 387
Relating to Health**

My name is Michael Robinson, Vice President, Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in support of HB 387 would prohibit the shipment of tobacco products and the transport of tobacco products ordered or purchased through a remote sale to anyone other than a licensee. The measure also makes all provisions of the cigarette tax and tobacco tax law applicable to e-liquid and increases the wholesale license fee for wholesalers or dealers and the retain tobacco permit fee.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have decreased through the years, ESD use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

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

Now that the FDA has deemed ESDs as tobacco products, this measure timely and appropriately seeks to regulate the transport of tobacco products ordered or purchased through a remote sale unless the recipient is a licensee, and to tax e-liquids, which are not currently taxed, the same way as other tobacco products.

Thank you for the opportunity to testify.

LATE

HB-387

Submitted on: 1/30/2019 9:38:50 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Calmentina Himalaya Kutzen	Individual	Oppose	No

Comments:

I oppose this bill. My husband been trying to quit cigarettes and it is hard for him. Along with that, I don't like him smoking cigarettes around me, our kids, and our grandchildren. My husband just did an umbilical hernia repair surgery yesterday and doctor says that he rather have my husband vape (to try quit cigarettes) instead of smoking cigarettes. So if his doctor says its ok to vape, I don't mind my husband vaping.

LATE

HB-387

Submitted on: 1/30/2019 9:51:05 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melvin C Baldwin	Individual	Oppose	No

Comments:

LATE

HB-387

Submitted on: 1/30/2019 10:08:28 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cerelia Bustamante	Individual	Oppose	No

Comments:

Greetings!

My name is Cerelia Bustamante and I oppose bill HB387. I was a cigarette smoker for 31 some years and have turned to vaping liquid ejuice as a better health alternative as being a type 2 diabetic for over 8 plus years and vaping has lowered my numbers of my health issues since I started vaping. So please let the vaping community continue on with vaping. I think we should focus on the high crime rates that is affecting our state!!

Mahalo!!

LATE

HB-387

Submitted on: 1/31/2019 5:53:00 AM
Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Higa	Individual	Oppose	No

Comments:

From: [Mariner Revell](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Thursday, January 31, 2019 2:28:23 AM



Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.

Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

Studies Show That They Are Being Used to Curb Traditional Smoking Rates:

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.

A 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. This is an important fact, and something to consider if health is truly what you are concerned about: http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level:

<http://www.bmj.com/content/358/bmj.j3262>

Restricting Delivery Is Only Going to Hurt Local Business HB 387 would place restrictions on shipments of vapor products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable. This would not successfully remove vapor products from the Internet. It would simply restrict local businesses from competing with businesses from the 49 other states and countries around the world who would not be subjected to this law. Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even worse, would force those people who do not have easy access to vapor products to return to smoking.

Please vote against this bill.

Thank you for considering this testimony.

Aloha,

Mariner Revell
1040 Kukuau St
Hilo HI 96720

From: [Omi Muronaka](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Thursday, January 31, 2019 6:25:17 AM



Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

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Please vote against this bil

Thank you for considering this testimony.

Aloha,
Naomi muronaka

Sent from my iPhone

From: [Jericho Tobin](#)
To: [HLTtestimony](#)
Subject: Flavor ban
Date: Wednesday, January 30, 2019 8:33:52 PM

LATE

I Jericho Tobin, age 25, born and raised in Hawaii, work at and frequent the vape shops/tobacco shops of the state for years. And I have not once seen anything including electronic cigarettes or flavored vape juice influence the sale to a minor. These products can't be sold to an underage person. I started smoking cigarettes at a young age like many smokers do. However, it was a Marlboro red that started me down my path of nicotine addiction. It was NOT a flavored tobacco product! It does not matter if its flavored or not to stop people from starting. After my habit grew to two packs a day within three years, I started feeling the effects on my lungs and taste buds as well. This was particularly bad due to me working in a kitchen. I looked to vaping as a way to help cut back my smoking and possibly quit cigarettes. Within three months I had stopped smoking cigarettes all together! This was due to my variety of nicotine levels and flavor options. These are extremely helpful because everybody needs to take different steps on their road to quitting and finding a flavor and nicotine level that suits you can make it or break it! And all of this I was able to do thanks to vape shops and the like where ADULTS can go and learn about options and talk about what might work for them. I quit using flavored vape juice and I say DO NOT ban any flavored tobacco products and vape products!!



From: [Francis Luu](#)
To: [HLTtestimony](#)
Subject: I write you in STRONG OPPOSITION to HB387
Date: Thursday, January 31, 2019 8:35:42 AM

Dear Chair Mizuno and The House Committee on Health,

I am writing in STRONG OPPOSITION to HB387.

Vapor Products Are Not the Same as Tobacco: They Contain No Tobacco and Often NO Nicotine.

Vapor products and e-liquids contain NO tobacco, and often contain NO nicotine at all. They emit NO smoke, only water vapor and yet this bill tries to deceptively refers to vapor products as “Electronic Smoking Devices”. It is misleading to the public and wrong by definition. Vapor products are not the same as tobacco products and should be viewed, controlled, and talked about differently than traditional tobacco products. They are fundamentally different from tobacco products in every way, and many of its users use them because they are less harmful and different.

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Studies show that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262>

Restricting Delivery Is Only Going to Hurt Local Business

HB 387 would place restrictions on shipments of vapor products to only licensees and would thus act as a ban on Internet sales & purchases by the public and would be unenforceable. This would not successfully remove vapor products from the Internet. It would simply restrict local businesses from competing with businesses from the 49 other states and countries around the world who would not be subjected to this law. Internet sales provide access to vapor products for many local customers who live in remote locations. By restricting local Internet retailers, those purchases would simply be sent to mainland based suppliers or even worse, would force those people who do not have easy access to vapor products to return to smoking.

Please vote against this bill.

Thank you for considering this testimony.

Aloha,

Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products.⁹ Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase.

This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the lose of my business and creation of a black market and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,

Regards,

Francis