



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/20/2019

Time: 02:00 PM

Location: 329

Committee: House Consumer Protection &
Commerce

House Judiciary

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 1009, SD2, HD1 RELATING TO FLAVORED TOBACCO PRODUCTS.

Purpose of Bill: Bans the sale of flavored tobacco products except for menthol or mentholated products. Prohibits mislabeling of e-liquid products containing nicotine. Establishes fines and penalties for violations. (SB1009 HD1)

Department's Position:

The Department of Education supports SB 1009, SD2, HD1, provided that its passage does not replace or adversely impact priorities as indicated in our BOE approved budget.

The 2017 Hawaii Youth Risk Behavior Survey data indicate that almost half of our high school students have tried e-cigarettes and 25% are now regular users. Although traditional cigarette use has declined in recent years, it is still concerning, with one out of every four youth saying that they have smoked a cigarette.

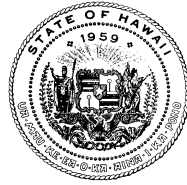
Flavored tobacco products are disproportionately used by youth, partially due to the false perception that fruit- and menthol-flavored products are less harmful than those that are tobacco-flavored. A 2013 US FDA report on the health impact of menthol cigarettes determined that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction and decreased success in quitting smoking.

The nicotine in tobacco products has been found to be addictive and is especially harmful to youth neurologic development. There are numerous other negative health consequences associated with the use of tobacco products and second hand exposure to tobacco smoke and e-cigarette vapor, including higher rates of asthma and respiratory infection. These health conditions may limit a student's ability to attend and participate fully in school and may have long term effects on their educational attainment.

The Department of Education is committed to supporting all students' well-being by providing a safe learning environment and helping them to develop health literacy skills in order to help them reach optimal academic success.

Thank you for the opportunity to provide testimony.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 1009, SD2, HD1
RELATING TO FLAVORED TOBACCO PRODUCTS**

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

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: March 20, 2019

Room Number: 329

1 **Fiscal Implications:** Hawaii saved one billion dollars in total health care savings from 2000 to
2 2017 through tobacco use prevention with youth and pregnant women and adult cessation efforts.
3 Reducing the initiation of tobacco use and helping people to quit tobacco products will
4 ultimately reduce health care costs and improve health outcomes.

5 **Department Testimony:** The Department of Health (DOH) supports Senate Bill 1009, Senate
6 Draft 2, House Draft 1 (S.B. 1009, SD2, HD1) which proposes to amend Chapter 712, Hawaii
7 Revised Statutes (HRS) by prohibiting the sale or distribution of all flavored tobacco products,
8 excluding products with menthol, prohibiting mislabeling of e-liquid products containing
9 nicotine as nicotine-free, and clarifying the fines and penalties for unlawful sales of flavored
10 tobacco products in the State of Hawaii, effective July 1, 2050. The Department defers to the
11 Department of the Attorney General (AG) for enforceability.

12 The availability of flavors is amongst the top reasons given by youth nationally, and the
13 number one reason in Hawaii for the use of e-cigarettes, also called electronic smoking devices
14 (ESDs). Moreover, a higher rate of Hawaii high school students than their national peers, 28

1 percent believe that ESDs are not dangerous. Peer influence is also a significant factor, with 44
2 percent of youth reporting their four closest friends are ESD users.^{1,2}

3 Youth vaping is a serious public health issue. Only 4.7 percent of adults report current
4 use of electronic smoking devices (ESDs) as compared to 26 percent of Hawaii public high
5 school students.^{3,4} Nationally, youth vaping surged 78 percent in one year between 2017 and
6 2018.⁵ Flavors serve as the enticement factor to lure youth through candy and fruit flavors along
7 with cartoon characters.⁶ Many ESDs and their refill liquids come in sweet flavors, such as
8 mango, chocolate, gummi bear, and strawberry. In 2017, researchers were able to identify more
9 than 15,500 unique e-cigarette flavors available online.⁷

10 While flavors attract youth to vaping, nicotine drives their addiction. Many youth are
11 unaware of the addictive properties of nicotine. The brain continues to develop until age 25 and
12 is the last organ to fully mature in the human body. Adolescence is a period of significant brain
13 development, and nicotine exposure can disrupt the growth of brain circuits that control
14 attention, learning, lead to increased impulsivity and mood disorders, and increase susceptibility
15 to addiction.⁸ Besides the impact on brain development, more youth who never tried cigarettes,
16 are now using ESDs, and research shows these youth are more likely to initiate cigarette use.
17 Smoking is still the leading cause of preventable deaths in Hawaii and the nation.

¹ U.S. Federal Food & Drug Administration. Youth Tobacco Use: Results from the National Youth Tobacco Survey.

² Hawaii State Department of Health 2017 Hawaii Youth Tobacco Survey, Hawaii Health Data Warehouse.

³ Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Population Health. BRFSS Prevalence & Trends Data [online]. 2015. [accessed Mar 08, 2019]. URL: <https://www.cdc.gov/brfss/brfssprevalence/>.

⁴ Hawaii State Department of Health 2017 Youth Risk Behavior Survey. Hawaii Health Data Warehouse

⁵ Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. Notes from the Field: Increase in use of electronic cigarettes and any tobacco product among middle and high school students — United States, 2011–2018. *MMWR Morbid Mortal Wkly Rep.* 2018;67(45):1276–1277.

⁶ Villanti, A. C., Collins, L. K., Niaura, R. S., Gagosian, S. Y., & Abrams, D. B. (2017). Menthol cigarettes and the public health standard: a systematic review. *BMC Public Health*, 17. <https://doi.org/10.1186/s12889-017-4987-z>

⁷ Zhu, S-H, et al., “Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites,” *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

⁸ U.S. Department of Health and Human Services (USDHHS). *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

1 In Hawaii, from 2011 to 2015, experimentation with vaping among middle school
2 students increased six-fold, and amongst high school youth the increase was four-fold.⁹
3 According to the Hawaii 2017 Youth Risk Behavior Survey (YRBS), 16 percent of middle
4 school and 26 percent of high school youth are current ESD users, and the rates are even higher
5 on the neighbor islands with Hawaii County at 34 percent, Maui County at 32 percent, and Kauai
6 County at 31 percent.¹⁰ These percentages are over twice as high as the national average of 13
7 percent, and data show that Hawaii has been leading the trend in ESD use by youth.¹¹ The
8 National Youth Tobacco Survey (NYTS) that reported the 78 percent increase from 2017 to 2018
9 was the first national survey to reflect the impact of rising sales of JUUL and other USB-shaped
10 ESDs.

11 The Department supports this legislation to ban flavored tobacco products, to prohibit the
12 mislabeling of any e-liquid product that contains nicotine as nicotine-free, and to clarify the fines
13 and penalties for unlawful sales of flavored tobacco products. Ending the sale of flavored
14 tobacco products is an issue of both health and social justice. Candy and fruit flavored tobacco
15 products are marketed to youth intentionally to replace smokers of traditional cigarettes.

16 The major tobacco companies continue to invest heavily in flavored products with their
17 own brands and are acquiring existing ESD companies. The global ESD industry has grown
18 dramatically and in 2017 was valued at 10.24 billion U.S. dollars. Altria, parent company of
19 Phillip Morris, invested 12.8 billion dollars for a 35 percent stake in JUUL, a product so popular
20 with youth that, “to JUUL” has become a synonym for vaping. A single flavored pod of JUUL
21 contains as much nicotine as 20 regular cigarettes.

22 On March 5, 2019, U.S. Food and Drug Administration (FDA) Commissioner Scott
23 Gottlieb resigned. He described teen vaping as an “epidemic” and was a harsh critic of ESD
24 companies and the proliferation of kid-friendly flavors. The Department respectfully requests the

⁹ Hawaii State Department of Health 2017 Youth Risk Behavior Survey. Hawaii Health Data Warehouse

¹⁰ Ibid

¹¹ US Department of Health and Human Services. E-cigarette use among youth and young adults: a report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2016

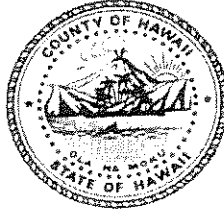
1 help of the State Legislature to support legislation to protect children in Hawaii, since a federal
2 ban on flavored tobacco products is still uncertain. The passage of S.B. 1009, SD2, HD1 would
3 be a significant policy to close the market of appealing products that are addicting our youth and
4 young adults to nicotine.

5 Thank you for the opportunity to testify.

6 **Offered amendment:** None

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL NO. 1009, SD 2,
HD 1

A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO
PRODUCTS

COMMITTEE ON CONSUMER PROTECTION &
COMMERCE

Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair
Rep. Joy San Buenaventura, Vice Chair

Wednesday, Marc 20, 2019, 2:00 p.m.
State Capitol, Conference Room 329

Honorable Chairs Takumi and Lee, Honorable Vice Chairs Ichiyama and San Buenaventura and Members of the Committees on Consumer Protection & Commerce and Judiciary. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 1009, SD 2, HD 1.

This measure bans the sale of flavored tobacco products.

Electronic smoking device (ESD) use among youth in Hawai'i has reached epidemic levels, and ESDs have surpassed cigarettes as the most used tobacco product among youth.

The tobacco industry claims they are not targeting children, but their actions tell a different story. The rise in youth use of EDSs has been in conjunction with the targeted branding of sweet, candy-flavored tobacco products. The toxic combination of enticing flavors and nicotine have led to a generation of youth addicted to tobacco products.

It is encouraging that the FDA has recognized flavors and ESDs as a national public health concern. It is also clear that we must act NOW to protect Hawai'i keiki from the enticement of candy-flavored tobacco products and a lifetime of addiction.

The Office of the Prosecuting Attorney, County of Hawai'i SUPPORTS the passage of Senate Bill No. 1009, SD 2, HD 1. Thank you for the opportunity to testify on this matter.

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Alice L. Lee
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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March 19, 2019

TO: Honorable Roy Takumi, Chair
House Committee on Consumer Protection & Commerce
Honorable Chris Lee, Chair
House Committee on Judiciary

FROM: Yuki Lei Sugimura
Councilmember

DATE: March 20, 2019

SUBJECT: **SUPPORT OF SB 1009 S.D. 2 H.D.1, RELATING TO FLAVORED TOBACCO PRODUCTS**

Thank you for the opportunity to testify in SUPPORT WITH REVISIONS of this important measure. The purpose of this measure is to ban the sale of flavored tobacco products.

According to the Campaign for Tobacco-Free Kids, flavored products play a major role in young people trying tobacco for the first time. Although there has been significant progress in reducing cigarette use amongst youth, overall use of tobacco products remains high due to the popularity of flavored products available for e-cigarettes. With over 15,000 flavors on the market, restricting the sale of kid-friendly flavors is necessary to protect them from a lifetime of nicotine addiction.

According to the Hawaii's 2017 Youth Risk Behavior Survey, the percentage of Hawaii high school and middle school students who have tried vaping are 42.3% and 27.0%, respectively. The percentage of Maui County high school and middle school students who have tried vaping are even higher at 50.7% and 32.1%, respectively. These figures show that the prevalence of e-cigarettes is a serious problem and more needs to be done to prevent the use of tobacco products amongst students.

The most current version of this measure includes an exception to the ban on flavored products for menthol and mentholated products. Menthol is a particularly insidious compound since its cooling properties mask the harshness of tobacco smoke and nicotine, making it the starter product of choice for new tobacco users. I would suggest banning the sale of all flavored tobacco products, including menthol and mentholated products.

SB-1009-HD-1

Submitted on: 3/15/2019 4:48:38 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
eduardo reboillos	Business: Eciggity	Oppose	No

Comments:

A ban against flavored is ridiculous. Banning flavors won't stop person(s) underage from using or obtaining the product. Alcohol has a plethora of flavors yet you don't see a ban against that.

SB-1009-HD-1

Submitted on: 3/15/2019 5:13:00 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I oppose this bill because it would affect me negatively. By banning flavors, it would convert me to go back to smoking, which would also increase my chances on obtaining cancer. Also, vaping has become a habit that I turn to whenever I feel stressed. I'd prefer to smoke with flavor than to stick to no flavor at all.

SB-1009-HD-1

Submitted on: 3/15/2019 9:49:27 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I strongly oppose SB1009. Adults ages 21 & over should not have their freedom to choose taken away from them. Also flavored vape is SAVING LIVES!

Just a few years ago the solution to curbing underage smoking was to raise the smoking age to 21. That did not work. All the age restriction did was take adults aged 18-20 rights away, take away access to a safer alternative to smoking, put lives in jeopardy, and hurt local business.

Now a ban on flavored tobacco products? How is hurting local businesses, forcing many businesses to close, forcing the employees of these businesses on hardship, forcing families on hardship, forcing local native HAWAIIAN owned businesses to close help underage smoking? The answer is IT WONT!

The availability of flavored tobacco products online is a problem. Parents who do not supervise their children is also a big part of the smoking problem!

We have the most strict smoking laws in the country already, If you people suspect stores of selling these products to underaged people, INVESTIGATE! Do not harm businesses and take the rights away of thousands of people!

How is it that flavored alcohol is fine but tobacco products are not? It is insane to think prohibition of flavored tobacco products will curb the underage smoking problem! Just like the prohibition of alcohol and FIREWORKS, PROHIBITION DOES NOT WORK!

I strongly oppose this bill which is takes away freedoms of Adults, will take away a safer alternative to smoking away from the people (an alternative that has been proven to work BETTER than BIG PHARMA poison do a search of how vaping works better than the patch or gum to STOP SMOING!! Also watch the documentry A BILLION LIVES), and will force many businesses including native HAWAIIAN woened businesses such as my own to CLOSE.

I ask all of you reading this to do PROPER RESEARCH before choosing to harm people using vape as a means to quit tobacco smoking, taking peoples freedoms away, and harming SMALL BUSINESS FAMILIES!

Call an expert like Dr Michael Wald on the Big Island a Toxicologist Doctor that will explain the pros and cons of vaping. A real professional scientific DR who specializes in SAFETY and biological effects of chemicals, drugs, agents and VAPING!

This bill is unfair and a BIG overreach of government! If passed this bill will claim lives, take away or freedom, and kill local businesses. Please do not support SB1009. Mahalo for your time.

SB-1009-HD-1

Submitted on: 3/16/2019 12:52:58 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Strongly Support SB1009

Stop poisoning our keiki.

www.WeAreOne.cc



**Testimony to the House Joint Committee on Consumer Protection and Commerce and
Judiciary
Wednesday, March 20, 2019 2019; 2:00 p.m.
State Capitol, Conference Room 329**

**RE: SUPPORTING SENATE BILL NO. 1009, HOUSE DRAFT 1, RELATING TO FLAVORED
TOBACCO PRODUCTS.**

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

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 1009, House Draft 1, RELATING TO FLAVORED TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Prohibit the sale, offer for sale, or possession with the intent to sell or offer to sell a flavored tobacco product beginning January 1, 2020;
- (2) Prohibit the mislabeling of e-liquid containing nicotine as nicotine-free;
- (3) Clarify that a statement or claim is made to the consumer or public that the product has or produces a characterizing flavor be prima facie evidence that the tobacco product is a flavored tobacco product beginning January 1, 2020;
- (4) Provide that any tobacco product or electronic smoking device in the retailer's possession at the time of the violation be seized and forfeited to the State, and following administrative or judicial proceedings finding that the violation was committed, be destroyed by law enforcement;
- (5) Authorize penalties on a retailer whose agent or employee violates the foregoing not to exceed \$500 for the first offense, and not less than \$500 but not more than \$2,000 for any subsequent offense;

Testimony on Senate Bill No. 1009, Senate Draft 2
Tuesday, March 12, 2019; 9:00 a.m.
Page 2

- (6) Allow any county to adopt rules or ordinances that place greater restrictions on the access of tobacco products and provide that the more stringent restriction prevail;
- (7) Include both savings and severability clauses ; and
- (8) Take effect on July 1, 2050.

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. From our perspective, the development of flavored products are intended specifically to introduce these products to younger consumers for the purpose of grooming the next generation of smokers, chewers, and vaporers.

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.

Thank you for the opportunity to testify on this measure.

SB-1009-HD-1

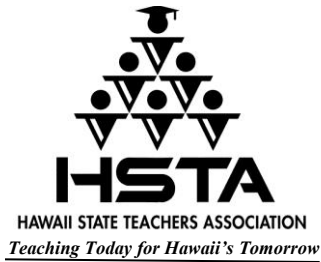
Submitted on: 3/17/2019 5:32:30 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

We are strongly opposed to the nonsense of sb1009. Let people make their own choices.



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Corey Rosenlee
President
Osa Tui Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE AND THE COMMITTEE ON
JUDICIARY

RE: SB 1009, SD2 , HD1- RELATING TO FLAVORED TOBACCO PRODUCTS

WEDNESDAY, MARCH 20, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

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

The Hawaii State Teachers Association **strongly supports SB 1009, SD2, HD1** banning the sale of flavored tobacco products.

This measure would ban the sale of flavored tobacco products in the state of Hawaii starting on 1/1/2020.

Flavored tobacco products have been proven as the entry point for youth to start smoking. According to the FDA's 2018 National Youth Tobacco Survey over two-thirds (67.8 percent) are using flavored e-cigarettes, which is a significant increase from 2017. The 2017 CDC, Youth Risk Behavior Surveillance System reported 8.1% of high school students smoked on at least one day in the past 30 days.

Locally the Hawaii's Youth Risk Behavior Survey of public high school students disclosed the following: over 42% of Hawaii high school students have tried using vapor products; over 25% of Hawaii high school students indicated that they are regular users; and neighbor islands high school students reporting even higher numbers with over 31% of Kauai students, over 32% of Maui students, and over 34% of Hawaii county students reported to be regular users.

This data is clear and the reason the Hawaii State Teachers Association asks your committee to **support** SB 1009, SD2, HD1. We need to protect our youth.

March 17, 2019

To: Rep. Roy M. Takumi, Chair
Rep. Chris Lee, Chair
House Committees on Consumer Protection and Commerce/Judiciary

From: Laura Nevitt, Director of Public Policy
Hawaii Children's Action Network

Re: **S.B 1009– Relating to Flavored Tobacco Products Hawaii**
State Capitol, Room 329, March 20 2019, 2:00 PM

On behalf of Hawaii Children's Action Network (HCAN), I am writing in SUPPORT of S.B. 1009, which bans the sale of flavored tobacco products. Effective 1/1/2020.

Tobacco use remains a serious threat to public health. Each year, Hawaii spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. With 81% of youth starting with a flavored product, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

This measure helps to protect our keiki from a lifetime of addiction. Hawaii is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products, to quit. We appreciate Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction.

For these reasons, HCAN respectfully requests that the committee pass this bill.

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



March 17, 2019

To: Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

Re: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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

HPHA strongly supports SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. HPHA strongly supports SB1009 SD2 HD1 and ask you to pass this out of committee.

Thank you for the opportunity to provide testimony on important health issues affecting people in Hawai'i.

Respectfully submitted,

A handwritten signature in black ink that reads 'Holly Kessler'.

Holly Kessler
Executive Director
Hawaii Public Health Association



Testimony in Support of RE: SB 1009 SD2, HD1 Relating to Flavored Tobacco Products

Hawaii Dental Hygienists' Association

March 18, 2019

Dear Chair Takumi, Chair Lee and respected members of the Committee's on Consumer Protection & Commerce and the Committee on Judiciary:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports Senate Bill 1009 SD2, HD1** which proposes to prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State of Hawaii effective January 1, 5 2020.

We congratulate the Legislature for introducing a measure that seeks to address the health dangers caused by flavored tobacco products in Hawaii. The marketing of flavored tobacco products, clearly targets sales to Hawaii's youth as an initiation into the use of other nicotine products. In contrast to the positive decline in combustible tobacco smoking, use of electronic smoking devices (ESDs), also known as vaping or e-cigarettes, has increased dramatically over the last decade, making ESDs and flavored tobacco products the most common tobacco product used among youth.

HDHA believes that the nicotine in tobacco is clearly addictive and has been proven to be especially harmful to the oral health of those using it. Current research shows a direct correlation between smoking and periodontal disease. It has been shown to significantly increase the risk of tooth loss over time and decrease the ability for oral soft tissue to heal.

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports SB 1009 SD2, HD1** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.



**American
Heart
Association.**

**American Heart Association Testimony Supporting the INTENT
of SB 1009, SD2, “Relating to Flavored Tobacco Products,”**

Chairman of the Board

Mark Yamakawa

President

Kahealani Rivera, MD

Board Members

Rick Bruno, MD, FACEP

Brandt Farias

Mimi Harris

David Honma

Glen Kaneshige

Brandon Kurisu

Howard Lee

Michael Lui, MD

Kazuma Nakagawa, MD,

FAAN, FAHA

Barbara Petrus

Andrew Rosen

Dave Underriner

Elisa Yadao

The American Heart Association supports the intent of SB 1009, SD2, HD1 “Relating to Flavored Tobacco Products” but strongly recommends amending the bill to include menthol as a flavor included under the restrictions.

The 2014 Surgeon General’s Report projects that if current trends continue, 5.6 million of today’s youth under 18 will die prematurely in adulthood from smoking-related illness. To protect this vulnerable population, policymakers need to move quickly and ban the use of characterizing flavors, including menthol, from all tobacco products.

The evidence supporting a flavor ban is clear. As we discuss below, flavored tobacco products are highly attractive to youth and have led to increased initiation and use among children and adolescents. The number of flavored products on the market has also increased substantially with the tobacco industry marketing thousands of fruit, candy, and mint flavored products that appeal to children. Allowing these products to remain on the market puts a new generation at risk of a dangerous addiction.

While we understand that some adult tobacco users report using flavored products to transition or switch from combustible cigarettes, there is little evidence supporting their use as a cessation tool. In addition, there is some evidence that flavored tobacco products have enticed adult never smokers to try tobacco for the first time – just as they have with children. We encourage legislators to make protecting children its top priority when considering legislative options for flavored tobacco.

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Mission Statement:

“To be a relentless force for a world of longer, healthier lives.”

AHA feels that a blanket flavoring ban is needed because a wide array of flavors appeal to youth and young adults, which increases the risk of initiation and continued tobacco use. Also, many of the flavorings, including some of the most popular, contain known toxins. We believe this would make it extremely difficult to identify specific flavors to ban. Studies show that menthol cigarettes increase initiation, especially among youth.

For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

The number of flavored tobacco products on the market increased substantially after flavored cigarettes were banned. After the 2009 federal ban on flavored cigarettes took effect, the tobacco industry started producing different types of flavored tobacco products that were not subject to the prohibition. This led to the rise in the number of youth using flavored cigars, and especially in Hawaii, e-cigarettes. Both the tobacco industry and youth adjusted to the cigarette ban by moving to other tobacco products where flavors were still allowed. If the legislature were to pass a flavoring ban, but limit it to certain types of products or flavorings, we are likely to see the same thing happen again.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Serviced by the Oahu office

The availability of flavors is one of the main reasons youth and young adults use cigarettes and other noncombustible products. If the legislature wants to decrease

youth tobacco use, removing flavors from noncombusted products is key. In addition, current smokers will be motivated to move to noncombusted products – even if they are unflavored – when the nicotine content in cigarettes is reduced through federal regulation.

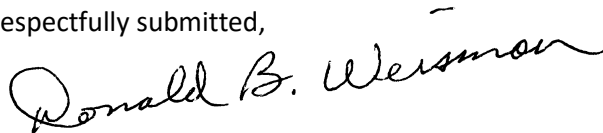
In Hawaii alone, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs directly caused by smoking (\$141.7 million of that is covered by the state Medicaid program). Hawaii residents' state & federal tax burden from smoking-caused government expenditures is \$836 per household. Hawaii's estimated tobacco tax revenue, estimated to be approximately \$110 million per year, 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 might quit tobacco addiction as a result of a comprehensive flavor ban would 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 or vapor; instead it will likely be spent on more productive things that can benefit the smokers' and/or their families and our state.

It's time to end the use of candy flavors and menthol to entice our children into a deadly addiction.

The American Heart Association asks for your support of SB 1009, SD2, HD1 with the suggested amendment to restore menthol as part of the flavor ban..

Respectfully submitted,

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

Don Weisman

Hawaii Government Relations/Communications Director

SB-1009-HD-1

Submitted on: 3/18/2019 12:27:16 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cori Takesue	Lanai Community Health Center	Support	No

Comments:

Aloha,

My name is Cori Takesue and I am a member of the Coalition for Tobacco-Free Hawai'i as well as a Behavioral Health Specialist and Tobacco cessation treatment provider at Lana'i Community Health Center. I'm writing today to request your support of our 2019 legislative priority to ban flavored tobacco, including e-cigarette products in Hawai'i.

Our Coalition supports the Coalition for a Tobacco-Free Hawaii Youth Council, which is made up of high school and college students from across the state. This year our Youth Council and the Coalition have selected this as our policy priority because we believe something must be done to stop the epidemic of vaping amongst youth. Hawai'i has some of the highest rates of vaping in the country, with 25% of high school students and 15% of middle school students reporting they vaped in the past 30 days. 81% of kids nationwide use a flavored tobacco product as their introduction to tobacco, including vaping. 30% of vapers start using combustible tobacco within 60 days of starting to vape and 95% of current smokers started before the age of 21. It's clear to the members of our Youth Council and our Coalition that banning flavored tobacco is key to breaking this cycle. Flavored tobacco has no place in Hawai'i and we hope you feel the same. We don't need candy flavored tobacco to entice youth into starting a potentially life-long addiction to nicotine.

Thank you for helping to keep Hawaii's keiki safe.

Sincerely,

Cori Takesue, PsyD

Post-Doctoral Psychology Fellow, Behavioral Health Specialist

Lanai Community Health Center

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 10, 2019

To: Representative Roy Takumi, Chair
And members of the Committee on Consumer Protection and Commerce

Representative Chris Lee, Chair
And members of the Committee on Judiciary

TESTIMONY IN SUPPORT OF SB 1009 SD 2 HD 1 RELATING TO FLAVORED TOBACCO PRODUCTS

Hawaii Youth Network Services, a statewide coalition of youth-serving organizations, supports SB 1009 SD 2 HD 1 Relating to Flavored Tobacco Products.

Elimination of flavored tobacco products across the state of Hawai'i will prevent addiction, reduce continued use of tobacco products throughout one's lifespan, and prevent chronic health conditions such as COPD and cardiovascular disease.

It is important to ban flavored tobacco products as today's marketing targets and encourages youth to take part in this unhealthy behavior. Hawaii has the fifth highest amount of vaping in the United States. E-cigarettes continue to grow in popularity leading to a potential health epidemic. With up to 15,500 flavors, e-cigarettes are of particular interest and attraction to Hawai'i's youth. Along with the enticing flavors and packaging, youth perceive e-cigarettes to be less harmful than other nicotine filled tobacco products. Students have shared that vaping is a popular activity that occurs both inside and outside of the academic setting. Youth have the ability to access flavorless tobacco through social media accounts, vape stores without regulation of the 21-year-old age law, and online orders with their parent's credit cards.

Youth do not understand the dangers of this harmful product. E-cigarettes contain toxic chemicals. These ingredients result in chronic health consequences including lung cancer, addiction, central nervous system damage, and delay of proper adolescent brain development.

808novape researchers have found that:

- 26% of Hawai'i high school students are using e-cigarettes
- 94% online purchases of e-cigarettes have been successful amongst teens

- 60% of teens believe occasional use of e-cigarettes does little to of harm
- 70% of middle and high schoolers have recently seen e-cigarette advertising

Four of five young people who use tobacco start with a flavored product. Tobacco is one of the leading causes of death and should not be accessible to Hawai'i's youth. Please ban the sale of flavored tobacco products.

Thank you for this opportunity to testify.



Judith F. Clark, MPH
Executive Director



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

Executive Officers

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

TO:

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: March 20, 2019
TIME: 2pm
PLACE: Conference Room 329

RE: SB1009 SD2 HD1 Relating to Flavored Tobacco Products

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

The federal government already has in place adequate regulations regarding flavored cigarettes. Tobacco regulations are handled at the federal level for good reason. Enforcing this type of ban on very specific kinds of a product, which are legal at the federal level would be a potentially logistically difficult and very expensive process. Any additional regulations of these types of products should occur at the federal level.

At the state level tobacco use in Hawaii is already restricted to those who are 21 and older. Kids and adults under 21 don't have legal access to these products and businesses already take measures to ensure that only those 21 and older are buying nicotine products.

This bill unfairly targets and penalizes those who choose to use certain types of products, and the businesses that serve these customers. This type of regulation is not really necessary and can be obtrusive. We thank you for the opportunity to testify.

March 20, 2019

RE: SUPPORT SB1009 SD2 HD1 Relating to Flavored Tobacco Products

Dear Chairs Takumi & Lee, Vice-Chairs Ichiyama & San Buenaventura, and Members of the Committees:

At Blue Zones Projects we are working to make Hawaii a happier, healthier place to live, work and play. We support SB1009 SD2 HD1, which will ban the sale of flavored tobacco products, ultimately reducing the number of users and potential users.

Youth are highly attracted to the variety, 15,500 + and growing, flavors. These are marketed to appeal to young people. With names like Fruit Hoops, Cali Colada, Space Jam, TrollzE, and Blizzard Berry-BRRRST, clearly the industry is targeting children under 21. By attracting young people, the next generation of consumers is being cultivated.

It is targeted, and the messaging is working phenomenally well. Nationally, there was a 78% increase from 2017-2018 in current e-cigarette use among high school students and 48% increase among middle school students. Bringing the total number of middle and high school students currently using to 3.6 million, 1.5 million more than the previous year. Hawaii youth are part of this trend, 42% of HIDOE high school students and 27% of middle school students report having ever used an electronic vaping product.

“Each day more than 2800 adolescents aged 12-17 try smoking with 10.9% of students trying before the age 13. Roughly 700 adolescents transition to daily smoking each day and more than 60% of teen smokers still smoke 5 years later.”¹ The fruity flavors are favored by teens because they mask the taste of the bitter nicotine. Children are the target consumer with these flavors that is shown by the increase in products by young people. Our children are becoming addicts, and although the schools have been given the ability to take ESDs away from students and turn the devices over to the police, it is impossible to stop addiction by simply removing the device. We need to target the source of the adolescent addiction.

Young people are the industry’s target through the sale of flavored tobaccos. This tactic gets children hooked. “Preventing youth from smoking is important because 90% of smokers start before the age of 18, and very few adults will begin to smoke or use smokeless tobacco products after age 26. An estimated 5.6 million youth <18 will die prematurely from a smoking-related illness; these deaths can be averted through concerted public health measures and regulatory measures.”² We cannot address this epidemic nationally, but we can address it here for our Hawaii youth, and be an example for others.

¹ Textbook of Pediatric Care 2nd Ed. (2017) Chapter 338, 2017.

² Merck Manual Professional Version, 2018.

This situation is a public health crisis that costs our state. The trajectory of teen vaping rates will surpass those of teen smoking rates at their peak. The levels of nicotine in one JUUL are making kids addicts immediately. It is not smoking, coughing and gagging on a combustible cigarette. It is enjoying the flavor of something that has the nicotine equivalent of 20 cigarettes. And most teens think they are only vaping flavors, not nicotine.³

There has been recent backstepping at federal level regarding this epidemic. As a state, we do not have the time to take a “wait and see” approach. The crisis is now. For years, we have done our keiki a disservice by ignoring the numbers and trusting that the industry has been acting ethically. We are allowing a generation to become addicted to nicotine through the hook of flavored e-liquids.

This measure is the top priority of the youth council. Our children are asking the adults to address the issue of their health and well-being; we can’t fail them. We are grateful to the committees for hearing SB1009 SD2 HD1 and hope that you will consider passing this bill.

Sincerely,

Peggy Mierzwa

Peggy Mierzwa
Blue Zones Project—Hawaii

³ Truth Initiative <https://truthinitiative.org/news/6-important-facts-about-juul>

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SB-1009-HD-1

Submitted on: 3/18/2019 10:50:55 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
dillon rellez	irie hawaii	Oppose	No

Comments:

I strongly oppose this flavor ban, I just came back from Las Vegas and they still let you smoke indoors there. While I was there I was withstanding so much second hand smoke and I have Asthma, it was recently getting better because I quit cigarettes by e cigarettes, but when I was in Vegas it brought it back. So I oppose and I think you should strongly reconsider that this is a better alternative to cigarettes and it truly helps people with their addiction to a truly hurtful substance! Thank you for your time.

Sincerely,

Dillon Rellez

SB-1009-HD-1

Submitted on: 3/18/2019 11:18:49 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessie Grace	Hamakua Cougars 2019 President (Pop Warner Association)	Support	Yes

Comments:

Yes if flights are booked from Kona to hearing.



Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports SB 1009 to ban the sales of flavored tobacco products in Hawaii.**

At Kapi'olani Medical Center for Women & Children, we often see pediatric patients who are adversely affected by tobacco products in multiple ways. There are babies in the NICU (neonatal intensive care unit) who were born early due in part to the effects of smoke exposure during pregnancy. We see young children routinely coming in with asthma and ear infections because they are being exposed to secondhand and thirdhand smoke. Now, we have teenagers and young kids who are screening positive for e-cigarette or vape use.

One of the biggest concerns with e-cigarettes is the lack of longitudinal studies on health and safety of these products. It took decades for the harmful side-effects of combustible cigarettes to become well-known, and we do not want our youth to be the ones to suffer from any potential health effects of e-cigarettes or vape products.

Initiation of e-cigarette use is almost always associated with a flavored product. Studies have shown that flavored tobacco-use is particularly enticing to youth. The e-cigarette and vape companies use attractive packaging and flavors that are very similar to candy products and sweets that are easily recognizable by children and teens. These flavors include common candies like cotton candy, sweet tart, blue raspberry, and even local Hawaii-inspired flavors like POG (passion orange guava), Hawaii Sweet Roll, and Pele's Papaya.

In the best interest of our local youth, we would like to **request the ban of flavored tobacco products** that have been enticing to the youth. Thank you for the opportunity to provide testimony on this measure.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII**

March 20, 2019

Re: SB 1009 SD2 HD1 Relating to Flavored Tobacco Products

Good afternoon Chairperson Takumi, Chairperson Lee and members of the House Committee on Consumer Protection & Commerce and the Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

We OPPOSE SB 1009 SD2 HD1 Relating to Flavored Tobacco Products. This measure would ban the sale of flavored tobacco products except for menthol or mentholated products; prohibits mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations.

This bill would essentially ban all electronic vapor products and e-liquids. As a result, people would be compelled to purchase these goods online, on the black market, trying to mix flavored e-liquids themselves and essentially force many small local businesses who sells these items to shut down, thus leaving many of our family, friends and neighbors out of work.

Furthermore, it is our understanding that electronic vaping devices has no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. And although almost every electronic vaping device and e-liquid available worldwide is “flavored” not all of the flavors contain nicotine and those that do, not all nicotine strengths are the same. And flavored e-liquids are enjoyed by many adults.

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

We are also aware that the US Food & Drug Administration has recently “deemed” various tobacco products, including e-vapor, to be subject to federal regulation. Under FDA’s regulatory authority, e-vapor products will face a number of important requirements, such as domestic manufacturer establishment registration, ingredient disclosures, reporting of harmful or potentially harmful constituents, and prohibitions on selling to minors. We urge you to hold this measure until the Federal product regulations come out.

Mahalo again for this opportunity to testify.

SB-1009-HD-1

Submitted on: 3/18/2019 3:12:02 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bette-Anne	Hamakua-Kohala Health	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 3:28:48 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
KATHIE TEXEIRA	HAMAKUA KOHALA HEALTH	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 3:36:54 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Dullum	Hamakua Health Center, Inc.	Support	No

Comments:

Must stop sale of candy flavored ejuice. Our kids in our community are all doing this. This must stop.



Ph: (808) 446-2032
Fax: (833) 565-3144
PediatricTherapiesHawaii@gmail.com

To: The Honorable Members of the Committee

From: Dr. Amy Peterson, Executive Director

I am in full support of banning flavored tobacco. Flavored tobacco is marketed to children and is a way for the tobacco industry to get kids hooked on this horrible drug. I am a mother and a health care professional and this bill is in the best interest of our children and our community. This is a common sense bill that will protect the health of our keiki. Please do the right thing and pass this bill.

Thank You,

Dr. Amy Peterson, PT

SB-1009-HD-1

Submitted on: 3/18/2019 4:06:52 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keanu Esser	Irie Hawaii	Oppose	No

Comments:

I oppose this bill.

SB-1009-HD-1

Submitted on: 3/18/2019 4:16:02 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn	Hamakua Health Center	Support	No

Comments:

They should make flavors like liver and onions and see if anyone purchases that garbage. It's obvious candy flavors are marketed to children. It only takes 2 years to get Popcorn Lung and it's not treatable. If you don't care about their health then consider:

The Hawaiian and Federal government will have to spend tax dollars to treat and maintain children handicapped by Popcorn Lung FOR THE REST OF THEIR LIVES.

SB-1009-HD-1

Submitted on: 3/19/2019 8:14:50 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathryn Cantyne	Hamakua kohala health center	Support	No

Comments:



March 19, 2019

**Committee
Members**

House Committee on Consumer Protection & Commerce, Chair Roy M. Takumi
House Committee on Judiciary, Chair Chris Lee

Annaleah Atkinson
808 652-7743

Regina Floyd
702 292-2372

Doug Haigh
808 635-1120

Eve Hands
808 346-7799

Jonathan Lee
530 208-9738

Larry Lindsay
808 634-4559

Scott McCubbins
816 781-5883

Graeme Merrin
808 651-7211

Lelan Nishek
808 245-7747

Tommy Noyes
808 639-1018

Valerie Woods
808 822-2420

Elle Vitt
808 635-5221

Ron Wiley
808 245-9527

STRONG SUPPORT FOR
SB1009 SD2 HD1 RELATING TO FLAVORED TOBACCO PRODUCTS

Aloha Chair Takumi, Chair Lee, and Committee Members,

This testimony is submitted on behalf of the Friends of Kamalani and Lydgate Park, and we would like to register our strong support for SB1009.

March 20 is Kick Butts Day at the capitol. I hope you can make time to speak with the concerned youth—more than 70 students from six islands—visiting your offices. They are wearing hot pink Flavors Hook Kids t-shirts, and marched through downtown to rally at the capitol.

The Friends of Kamalani and Lydgate Park collaborated with appointed and elected officials to designate portions of Lydgate Beach Park as the County of Kauai's first tobacco-free park. We firmly believe in advancing the health and wellness of our youth by protecting them from becoming tobacco product addicts.

Flavoring tobacco products—especially but not limited to vaping compounds—is a pernicious practice clearly intended to assure tobacco industry profits by addicting children to nicotine. The detrimental long-term public health effects of tobacco use and nicotine addiction are established science.

As elected officials, please fulfill your allegiance to the people of Hawaii and advance Senate Bill 1009 SD2 HD1 as written and without dilution. It is your responsibility to protect our youths' health, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality of life impairments.

Sincerely,

Tommy A. Noyes
General Coordinator
The Friends of Kamalani and Lydgate Park

SB-1009-HD-1

Submitted on: 3/19/2019 9:22:39 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jhanella Shayne	Waipahu Intermediate Youth For Safety	Support	Yes

Comments:

My name is Jhanella, an 8th grader from Waipahu Intermediate. I am part of the Youth for Safety and also the Hawaii Public Health Institute's Youth Council.

I am testifying in favor of this bill.

As a student I use the city bus. I would always encounter students vaping in the stops and I would avoid them. There was this one time I avoided a student vaping by covering my nose and mouth. A bus driver noticed me avoiding and confronted me saying "It's only vaping. It's not harmful." I couldn't take the fact that adults would encourage our kids to vape and that they are blinded of the harmful effects vaping offers. It's because they think it's just "juices" like those apple juice children drinks. But it's more than that. It's targeting our students and the adults are supporting it. That's why I'm here, to share my voice and let my peers see that they are being targeted and how it's important to know the consequences they may face if they continue to let the tobacco industry and the adults tell them that it's "safe".

We believe that it's important to have a say on these matters, especially since this affects our generation and younger ones. We always witness our students being manipulated and affected by the tobacco industry. We want this to stop right now and protect our future generations.

SB-1009-HD-1

Submitted on: 3/19/2019 9:39:51 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariah Iris Ramo	Youth For Safety	Support	Yes

Comments:

Aloha Representative Takumi and Lee of Consumer Protection and Commerce Committee and Judiciary Committee,

I'm Mariah, an 8th grader from Waipahu Intermediate. Our generation has become well-exposed to the use of e-cigarettes and flavored tobacco products. Therefore, the youth had been impacted significantly for the past few years. When I drove by this candy shop, a vape store was right next to it. I questioned myself if the company had done this purposely. When I did some research, I found out that the tobacco industry has a lot of tactics to market their products. For instance, companies target low-income communities and advertise near schools. Likewise, they use flavored tobacco products to catch the attention of many people, especially students. That is why I see my peers owning e-cigarettes and exchanging their e-juice with each other. It's being done everywhere and anytime in or out of the campus. One memory that stuck with me from this day on is my encounters during science class. I was certain that I was going to faint from a "sweet" scent that flowed towards my side. I glanced to the left of me and there, I saw a cloud of smoke that came from a person's mouth. Then, one offered me to use their e-cigarette because it was simply cool. I was so frustrated and I didn't know what to do, so I asked to move to the other side of the class. In the end, I ended up reporting the problem to my teacher. A lot of my peers have actually faced the same situations but they aren't able to speak up. So, I am writing today to be their voice! Let us put an end to this epidemic.

Mahalo,

Mariah Iris

Waipahu Intermediate 8th Grader

Waipahu Intermediate National Junior Honor Society President

Waipahu Intermediate FFA 1st Vice President of Leadership

Waipahu Intermediate Student Government 1st Vice President

Waipahu Intermediate Youth for Safety Member

Hawaii Public Youth Coalition Member



Testimony of Jim Yates,
President of the Hawaii Petroleum Marketers Association

**IN OPPOSITION TO SENATE BILL 1009, SENATE DRAFT 2, HOUSE DRAFT 1,
RELATING TO FLAVORED TOBACCO PRODUCTS**

House Committee on Consumer Protection & Commerce
The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair

House Committee on Judiciary
The Honorable Chris Lee, Chair
The Honorable Joy San Buenaventura, Vice Chair

Wednesday, March 20, 2019 at 2:00 p.m.
Hawaii State Capitol, Conference Room 329

Chairs Takumi and Lee, Vice Chairs Ichiyama and San Buenaventura, and members of both Committees,

I am Jim Yates, president of the Hawaii Petroleum Marketers Association (“HPMA”). HPMA is a non-profit trade association comprised of members who directly market liquid motor fuel products across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and who buy liquid motor fuel products at the wholesale level and sell or distribute products to retail customers, other wholesalers, and other bulk consumers. HPMA’s primary purpose is to protect and advance its members’ legislative and regulatory interests in Hawaii and Washington, DC.

Senate Bill 1009, Senate Draft 2, House Draft 1 bans the sale of flavored tobacco products except for menthol or mentholated products; prohibits mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations.

HPMA is opposed to certain provisions in S.B. 1009, S.D. 2, H.D. 1 and asks for the committees’ consideration of two amendments.

While HPMA does support strict enforcement of laws governing underage tobacco product sales, this bill goes too far in banning most types of flavored tobacco products. The bill does exempt menthol and mentholated tobacco products from the ban. We believe all smokeless tobacco products should be exempt, as well. This group of products includes snuff and chewing tobacco, most of which are flavored beyond menthol and are labeled and marketed toward a narrow set of adult users.

Testimony by the Hawaii Petroleum Marketers Association
In Opposition to S.B. 1009, S.D. 2, H.D. 1, Relating to Flavored Tobacco Products
House Committee on Consumer Protection & Commerce
House Committee on Judiciary
Hawaii State Capitol, Room 329
Wednesday, March 20, 2019 at 2:00 p.m.
Page 2

Additionally, having a uniform statewide law in banning tobacco products is preferred. We believe allowing a county to adopt ordinances that place greater restrictions on the access to tobacco products than the State law may lead to an uneven regulatory landscape from county to county that would complicate compliance.

Therefore, HPMa respectfully requests including the following amendments in the bill:

§ 712 - __ Sale of flavored tobacco products

~~[(5) Any county may adopt a rule or ordinance that places greater restrictions on the access of tobacco products than provided for in this section. In the case of a conflict between the restrictions in this section and any county rule or ordinance regarding access to tobacco products, the more stringent restrictions shall prevail.]~~

(6) For the purpose of this section:

“Flavored tobacco product” means any tobacco product that contains a constituent that imparts a characterizing flavor, except for menthol or mentholated products and all smokeless tobacco products that are flavored.

Thank you for considering the HPMa’s suggested amendments and for providing this opportunity to submit written testimony.



HIPHI Board

Michael Robinson, MBA, MA
Chair
Hawaii Pacific Health

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John A. Burns School of Medicine, Department of Native Hawaiian Health

Bryan Mih, MD, MPH
John A. Burns School of Medicine, Department of Pediatrics

Rachel Novotny, PhD, RDN, LD
University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources

Catherine Taschner, JD
McCorriston Miller Mukai MacKinnon LLP

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

En Young, MBA
Sansei, Lanai

Date: March 19, 2019

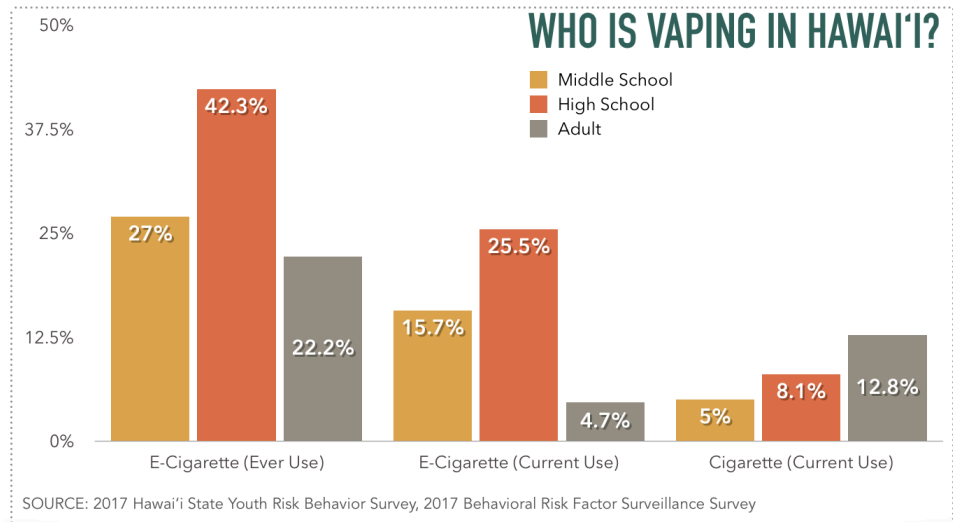
To: Representative Roy Takumi, Chair
Representative Linda Ichiyama, Vice Chair
Members of the Consumer Protection & Commerce Committee
Representative Chris Lee, Chair
Representative Joy San Buenaventura, Vice Chair
Members of the Judiciary Committee

Re: Strong Support for SB1009 SD2 HD1, Relating to Flavored Tobacco Products

Hrg: March 20, 2019 at 2:00pm at Conference Room 329

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Strong Support of SB 1009** which would end the sale of all flavored tobacco products in the state.

This measure helps to protect our keiki from a lifetime of addiction. Hawaii is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming.



With 42% of all high school students and 27% of middle schoolers reporting ever having used an “electronic vaping product” and 4.7%ⁱⁱ of adults regularly using ESDs in 2017, we have an urgent need to act.

In addition, the latest report released in Feb 2019 by the CDC (attached) is very concerning:

- E-cigarette use increased from 11.7% to 20.8% among high school students and from 3.3% to 4.9% among middle school students from 2017 to 2018.
- There were 1.5 million **more** current youth e-cigarette users in 2018 than in 2017.

The industry claims that they're not targeting kids, but their actions tell a different story.

With 15,500 e-cigarette flavors and growing, these products are not being responsibly marketed. Candy flavors such as Fruit Hoops, Sour Straws, Gummy Bears, and Cookie Monsta are designed to appeal to kids, and make nicotine go down easier. With 81% of youth starting with a flavored productⁱⁱⁱ, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests. The industry selects colorful packaging and ads that appeal to taste and pop culture. Tobacco companies have a long history of using these same tactics to entice new and younger users and make them repeat customers. In addition, despite our Tobacco 21 law, several stores continue to sell to underage minors, as reported in the FDA Compliance Check inspections site^{iv}:

Retailer Name	Street Address	City	State	Zip	Sale to Minor	Product Type	Decision Date	Inspection Result
HC DRIVE INN	94-210 LEOKANE STREET	WAIPAHU	HI	96797	Yes	E-liquid	11/10/2016	Warning Letter Issued
HELE SNACK EXPRESS	74-5590 PALANI ROAD	KAILUA KONA	HI	96740	Yes	E-liquid	01/12/2017	Warning Letter Issued
IMM 10TH AVE #1016	1451 10TH AVE	HONOLULU	HI	96816	Yes	E-liquid	08/10/2017	Warning Letter Issued
7-ELEVEN / HELE 54128	85-010 FARRINGTON HIGHWAY	WAIANAE	HI	96792	Yes	ENDS / E-liquid	11/29/2018	Warning Letter Issued
7-ELEVEN HAWAII 54127	1247 KAILUA RD	KAILUA	HI	96734	Yes	ENDS / E-liquid	08/16/2018	Warning Letter Issued
ALOHA ISLAND MART	95-280 KIPAPA DRIVE	MILILANI	HI	96789	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued
EXPRESS MINI MART / SHELL	94-380 PUPUPANI STREET	WAIPAHU	HI	96797	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued
VAPORFI	555 N KING ST	HONOLULU	HI	96817	Yes	ENDS / E-liquid	08/16/2018	Warning Letter Issued
VOLCANO	98-1005 MOANALUA ROAD, SPACE K 7	AIEA	HI	96701	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued
WALGREENS 10048	46-021 KAMEHAMEHA HIGHWAY	KANEOHE	HI	96744	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued

These new products are glamorizing nicotine addiction.

The vaping industry has taken full advantage of delays by the FDA to regulate these products. Large volume (30-60mL), highly concentrated (5-5.9%) nicotine sale e-liquids have entered the market in youth-oriented flavors. Most recently, pod-based systems such as Juul and Suoprin have disrupted the e-cigarette market by creating an easily concealable sleek device that can deliver higher concentrations of nicotine. Tobacco giant Altria, maker of Marlboro, spent \$12.8 billion to purchase a third of Juul, which has 76% of the e-cigarette market share and is worth \$38 billion.



Example of a high-dose nicotine e-liquid – 60mG/mL or 6% nicotine in gummy bear flavor.



JUUL introduced 5% nicotine salt solutions in 0.7mL pods (about the size of your thumb). The company claims that it releases the same amount of nicotine found in a pack of cigarettes.

At the risk of allowing these products to remain on the market, we are addicting a new generation to these deadly products. The health of Hawaii’s keiki must be protected from the predatory marketing of tobacco companies.

Hawai’i has an opportunity to act now and be the first state to end the sale of flavored tobacco.

Over 180 localities^v have passed restrictions on the sale of flavored tobacco products, and over two dozen restrict the sale of menthol cigarettes. FDA’s proposed plan aims to restrict the sale of flavored e-cigarettes in convenience stores and gas stations, however, it still allows e-cigarette products to stay on the market and online without review by the FDA until August 2022. Since recognizing flavors and vaping as a national public health concern, the FDA has only sent warning letters to 18 manufacturers since May 2018. We know rulemaking at the federal level is often a long process, which is why state-level action on menthol and other flavored products is needed now. E-cigarettes are not FDA-approved tobacco cessation products. We have yet to see any scientific evidence, beyond anecdotal data, that e-cigarettes have helped smokers to quit completely from tobacco use. The concern is that with the aggressive and deceptive marketing of these products, we are seeing other consequences: **1) people who have never smoked are using e-cigarettes, 2) children are picking them up as a path to smoking, and 3) smokers are using them to perpetuate their habit instead of to completely quit.**

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products, to quit. We appreciate

Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction. We respectfully urge the committee to **pass SB1009 SD2.**

Page 4-5: List of organizations and leaders supporting the #FlavorsHooksKidsHI campaign
Page 7: CDC Feb 2019 report: Tobacco Use by Youth Is Rising, E-cigarettes are the main reason

Mahalo,



Trish La Chica, MPA
Policy and Advocacy Director

As listed on

<https://flavorshookkidshi.org>

HEALTH ORGANIZATIONS

'Ohana Health Plan
Adventist Health - Castle
Akamai Recovery Maui
American Academy of Pediatrics - Hawaii Chapter
American Cancer Society Cancer Action Network (ACS CAN)
American Heart Association
American Lung Association
American Pharmacist's Association - Academy of Student Pharmacists (APhA-ASP)
Big Island Substance Abuse Council
Blue Zones Project
Campaign for Tobacco-Free Kids
Coalition for a Drug-Free Hawaii
Coalition for a Tobacco-Free Hawai'i
Get Fit Kauai
Hamakua Kohala Health Centers
Hana Lima Physical Therapy
Hawaii Association for Health, Physical Education, Recreation & Dance (HAHPERD)
Hawaii COPD Coalition
Hawaii Dental Hygienists' Association
Hawai'i Nurses' Association
Hawaii Pacific Health
Hawaii Primary Care Association
Hawaii Public Health Association
Hawai'i Public Health Institute
Hui Malama Ola Na Oiwi

I Ola Lahui
Kaho'omiki; Hawaii Council of Physical Activity and Nutrition
Kapiolani Medical Center for Women & Children
Kauai Rural Health Association
Keiki Injury Prevention Coalition
Lāna'i Community Health Center
National Community Pharmacist Association - Hawaii Student Chapter
Oahu Kidney Care LLC
Papa Ola Lōkahi
Pediatric Therapies Hawaii
Project Vision Hawai'i
Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy
West Hawaii Community Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

Ahuimanu Elementary's School Community Council
Alexander Academy of Performing Art
American Youth Soccer Organization (AYSO)
Baldwin HS Peer Education
Bridge Club Hawaii
Hale 'Ōpio Kaua'i Inc.
Hawaii Appleseed Center for Law & Economic Justice
Hawaii Association of Independent Schools (HAIS)
Hawaii Children's Action Network
Hawaii Health and Harm Reduction Center
Hawaii High School Athletic Association

(HHSAA)
Hawaii Job Corps Center
Hawaii Youth Services Network
Hui Ola Pono (UH Public Health's Student Organization)
Kauai Path Inc.
Kiwanis Club of the Valley Island
Konawaena HS Wellness Committee
Maui Interscholastic League (MIL)
Moanalua HS Peer Education Program
Pacific American Foundation
Pono Hawaii Initiative
The Food Basket, Hawaii Island's Food Bank
The Friends of Kamalani and Lydgate Park-Beach Cleanup Team
Waiakea High School PTSA
Waimānalo Health Center
Waipahu Int. Youth for Safety Club
We Are One Inc.

ELECTED OFFICIALS & GOVERNMENT

Sen. Stanley Chang
Rep. Stacelynn Eli
Rep. Sharon Har
Maui County Councilmember Kelly King
Hawai'i County Councilmember Sue Lee Loy
Kuliouou-Kalani Iki Neighborhood Board #2
Makakilo/Kapolei/Honokai Hale Neighborhood Board #34
Mililani/Waipio/Melemanu Neighborhood Board #25
Pearl City Neighborhood Board #21
Waipahu Neighborhood Board #22
County of Kauai Office of the Prosecuting Attorney
Department of Education
Office of Hawaiian Affairs (OHA)

HEALTH & COMMUNITY LEADERS

Tina Alcain
Frank R. Baum, M.D.
Danielle Bergan
Janet Berreman, M.D.

Gregg Brenes, pastor
Jeenna Canche
Clifford Chang, MPH
Valerie Chang, JD
Michelle Ching, JD
Jeffrey H. Chester, DO
Carmen Cook, LMFT
Patti Cook
Joan Craft, RN
Keawe Kaholokula. PhD
Gary Hooser
Carol R. Ignacio
Colleen F Inouye, M.D.
Mark Levin, J.D.
Jasmin Kiernan, RN
Bryan Mih, M.D.
Michael Robinson, MBA, MA
Janice Shishido
Elizabeth K. Tam, M.D.
Catherine Taschner, J.D.
Jill Tokuda
John A. H. Tomoso, MSW, ACSW, LSW
Linda Weiner, M.D.
Stacy Woodson
Cassiopia Yamashita

SCHOOLS

Chiefess Kamakahahei Middle School
Maui Preparatory Academy
Mid Pacific Institute
Sacred Hearts Academy
Saint Louis Schools
Waiakea High School
Waimea Middle Public Conversion Charter School

BUSINESSES

Emma Whitney Photography
Ganesha Body Piercing
Heartlight Montessori Homeschool
Home Remedies Interior Design
Paia Tattoo Parlor
The Man Cave
The Root Cellar Studio Maui

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 2016 Behavioral Risk Factor Surveillance System (BRFSS).

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

ⁱⁱⁱ Ambrose BK, Day HR, Rostron B, et al. Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. JAMA. 2015;314(17):1871-1873. doi:10.1001/jama.2015.13802

^{iv} US Food and Drug Administrations. Compliance Check Inspections of Tobacco Product Retailers (through 01/31/2019) from https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm

^v States and Localities That Have Restricted the Sale of Flavored Tobacco Products, Campaign for Tobacco Free Kids. January 22, 2019, from <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

CDC Vitalsigns™

Tobacco Use By Youth Is Rising E-cigarettes are the main reason



Want to learn more?
www.cdc.gov/vitalsigns/youth-tobacco-use

1.5M

There were 1.5 million **more** current youth e-cigarette users in 2018 than 2017.

4.9M

4.9 million youth were current tobacco product users in 2018.

38.3%

Use of any tobacco product grew by 38.3% among high school students (2017-2018).

Overview:

Tobacco product use among US youth is increasing. More than 1 in 4 high school students and about 1 in 14 middle school students in 2018 had used a tobacco product in the past 30 days. This was a considerable increase from 2017, which was driven by an increase in e-cigarette use. E-cigarette use increased from 11.7% to 20.8% among high school students and from 3.3% to 4.9% among middle school students from 2017 to 2018. No change was found in the use of other tobacco products, including cigarettes, during this time.

Among youth:

- E-cigarettes are still the most commonly used tobacco product, ahead of cigarettes, cigars, smokeless tobacco, hookah, and pipes.
- E-cigarettes are the most commonly used product in combination with other tobacco products.
- E-cigarette use is highest for boys, whites, and high school students.



PROBLEM:

Nearly all tobacco product use begins in adolescence.

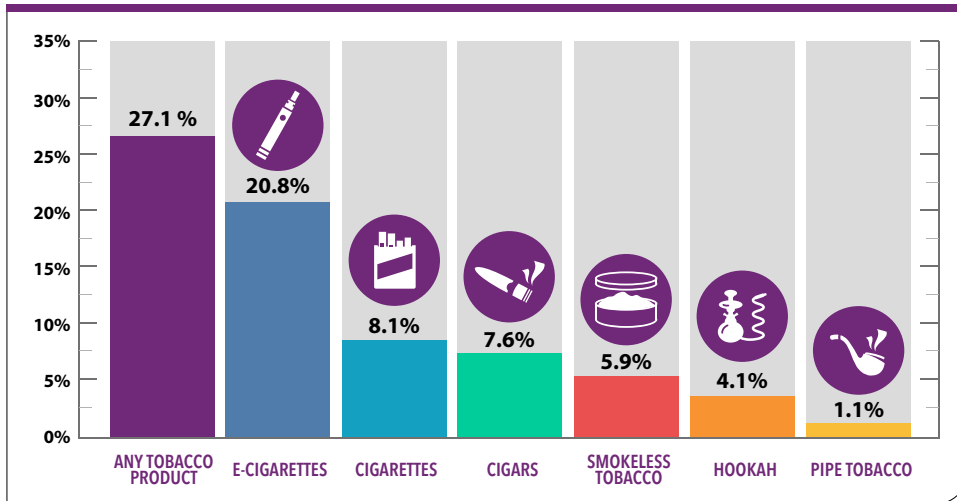
Any tobacco product use among youth is unsafe, including e-cigarettes.

- Cigarette smoke contains over 7,000 chemicals, including about 70 that cause cancer.
- Nearly all tobacco products, including e-cigarettes, contain nicotine.
- Youth nicotine use can lead to addiction and can harm the developing brain, impacting learning, memory, and attention.



Centers for Disease Control and Prevention
National Center for Chronic Disease Prevention and Health Promotion

Tobacco product use among high school students—2018



SOURCE: Tobacco Product Use Among Middle and High School Students — United States, 2011-2018. Morbidity and Mortality Weekly Report (MMWR), February 2019.

High school e-cigarette users are using them more often.

2017 **20%** 2018 **28%**

Use more than 20 days in the past 30 days

Advertising

Flavors

Youth e-cigarette use

Increase in youth e-cigarette use happened at same time as increased JUUL sales.

JUUL PODS & FLAVORS

NICOTINE LEVELS

1 JUUL Pod = 1 Cigarette Pack

JUUL is now the most commonly sold e-cigarette in the US.

- JUUL is an e-cigarette shaped like a USB flash drive and is easy to conceal.
- JUUL uses liquid nicotine refills called “pods,” which contain at least as much nicotine as a pack of cigarettes and are available in flavors that appeal to youth.
- JUUL devices are being used by youth in schools, including inside bathrooms and classrooms.

THE WAY FORWARD

PARENTS AND EDUCATORS CAN:

- Set a positive example by not using tobacco products themselves.
- Learn about different types and risks of tobacco products, including e-cigarettes.

HEALTHCARE PROVIDERS CAN:

- Ask specifically about e-cigarettes when screening for tobacco product use.
- Warn youth about the risks of all tobacco product use, including e-cigarettes.

SCHOOLS CAN:

- Adopt and enforce tobacco-free campus policies that include e-cigarettes.
- Reject tobacco industry-sponsored prevention programs, which are proven not to work.

STATES AND COMMUNITIES CAN:

- Prohibit smoking and e-cigarette use inside workplaces and public places.
- Increase the minimum age of sale of tobacco products to 21 years.
- Prohibit the sale of flavored tobacco products.

For more information

1-800-CDC-INFO (232-4636)
TTY: 1-888-232-6348 | Web: www.cdc.gov

Centers for Disease Control and Prevention
1600 Clifton Road NE, Atlanta, GA 30333

Publication date: February 11, 2019

SB-1009-HD-1

Submitted on: 3/19/2019 11:01:09 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I oppose the flavor ban on E cigs. The flavor ban is supported by those who say it targets underage consumers. Adults like flavors too, so to say that having fruit flavors and/or other flavors besides tobacco is targeting children is incorrect. If you really want to curb underage usage pass 'Possession' laws like we have for alcohol. It is illegal for people under 21 to buy both cigarettes and ecigs/ejuice so banning flavors would only hurt those already following the law. By making it illegal for minors to possess cigarettes/ecigs it would greatly decrease public use by them. Minors currently don't face any sort of consequence for using or possessing. All consequences are placed on the seller. Possession Laws work. We already have strict laws and rules governing the sales of cigarettes and ecigs but because we don't have the accompanying Possession Law we are failing to solve the problem of underage usage. The key words are 'Usage' and "Possession", to stop usage of minors make it illegal for them to possess it. Its already illegal for minors to buy 'any' flavor. Stop taking away the rights of hard working, tax paying, law abiding adults who are using ecigs as an alternative to cigarettes and/or a way to quit smoking cigarettes.

Mahalo for your time.

Wednesday, March 20, 2019 at 2:00 PM
Conference Room 329

House Committee on Consumer Protection & Commerce

To: Representative Roy Takumi, Chair
Representative Linda Ichiyama, Vice Chair

House Committee on Judiciary

To: Representative Chris Lee, Chair
Representative Joy San Buenaventura, Vice Chair

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

**Re: Testimony in Support of SB 1009, SD2, HD1
Relating to Flavored Tobacco Products**

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 SB 1009, SD2 which would ban the sale of flavored tobacco products effective as of January 1, 2020.

Tobacco use remains the leading cause of preventable disease and death in the United States and in Hawai'i. Tobacco use is a serious public health problem in terms of the human suffering and loss of life it causes, as well as the financial burden it imposes on society and our healthcare system. Annually, \$526,000,000 in health care costs are directly attributed to smoking in the State. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products. Menthol, in particular, is used by the tobacco industry because it has a cooling and numbing effect and can reduce the throat irritation from smoking, thus making menthol cigarettes an appealing option for youth who are initiating tobacco use. Candy and fruit flavors improve the taste and reduce the harshness of tobacco products, making them more appealing and easier for beginners to try tobacco products and ultimately become addicted. The popularity of electronic cigarettes among youth is concerning, as these products contain nicotine.

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. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Products are glamorized in order to appeal to our youth, using flavors such as candy, fruit, chocolate, mint, Kona coffee, Maui Mango, Shaka strawberry, and Moloka'i hot bread.

Recognizing the increasing public health concerns of flavored tobacco products, other jurisdictions have enacted bans on the sale of those products. Hawaii should also take the step to impose a similar ban.

Thank you for the opportunity to testify.

March 19, 2019

TO: Chair Roy M. Takumi
Vice Chair Linda Ichiyama
Members of the House Committee on Consumer Protection & Commerce

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

FROM: Cigar Association of America, Inc. (CAA)
(William Goo)

RE: **SB 1009, SD2 HD1** - Relating to Flavored Tobacco Products
Hearing Date: March 20, 2019
Time: 2:00 pm

CAA **opposes SB 1009, SD2 HD1** which seeks to ban the sale of flavored tobacco products except for menthol and mentholated products to the extent that it includes a ban on cigars and pipe tobacco. The primary focus of this bill is to address the rising use of flavored tobacco products especially with electronic smoking devices by youth in Hawaii. CAA strongly supports a ban on youth smoking. Cigars and pipe tobacco are primarily the choice and custom of mature, responsible and informed adults. Cigars and pipe tobacco are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars and pipe tobacco.

Thank you for considering this testimony.



March 19, 2019

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

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

RE: SB 1009 SD2 HD1 – 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 SB 1009 SD2 HD1 for the following:

- **SB 1009 SD2 HD1 would decimate the Hawaiian vapor industry by banning the sale of all electronic cigarette liquids and cartridges. Every electronic cigarette available on the worldwide market is “flavored.” Because they do not contain tobacco, electronic cigarettes have no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. Even electronic cigarettes advertised as coming in “tobacco flavor” are actually just the result of the blending of several different flavorings such as caramel and nut flavors in an attempt to mimic the flavor of tobacco.** To use the language of the proposed statute, every electronic cigarette imparts to the user a “distinguishable or distinctive” aroma, or taste other than tobacco. As a result, SB 1009 SD2 HD1 will act as a de facto ban of the manufacture and sale of all electronic cigarettes.
- Even if SB 1009 SD2 HD1 permitted the sale of electronic cigarettes flavored to taste like tobacco, its enactment would still ban the manufacture and sale of the vast majority of our products. **This bill would present more than just a competitive disadvantage for local suppliers and retailers. It would be a death knell for vapor industry in Hawaii.** Local consumers will either flavor liquids themselves or purchase from out of state, causing a loss of jobs and tax revenues for the state. Similarly, we will be forced to close our stores and move all or most of our business and operations to the mainland, taking with us jobs and tax revenue that has grown every year since our founding.
- Enactment of SB 1009 SD2 HD1 will deal a similar fate to our competitors in the electronic cigarette industry. Between them these businesses have likely created 1000 jobs in Hawaii. All or more of these jobs will be lost as a result of this legislation. Additionally, convenience



stores and other businesses that sell vapor products will feel the impact of consumers purchasing products from the mainland.

- **The baseless claims that electronic cigarettes flavors are made to attract children must be weighed against the significant evidence that electronic cigarette flavors are very popular with adult users.** The International Journal of Environmental Research and Public Research recently published the most expansive survey performed on the subject. We urge you to read the full text of this study, which we have attached to our testimony. Below are some highlights:
 - Researchers conducted an Internet survey of over 4,500 adult electronic cigarette consumers. The participants' average age was 40 years old. The vast majority (90%) of those surveyed were ex-smokers, with the average respondent having been cigarette-free for approximately one year.
 - Among the survey respondents, the most commonly used flavors were fruits, followed by sweets and tobacco.
 - Those electronic cigarette users who were still smoking ("dual users") were actually more likely to use tobacco flavors than those vapers who had quit smoking.
 - On a scale of 1-5, the average score given by the respondents for the importance of flavor variability in reducing or quitting smoking was 4 ("very important").
 - **Almost 50% of the respondents answered that a lack of flavor availability would increase their cravings for tobacco cigarettes and would decrease their chances of remaining abstinent from smoking.**
 - <https://www.mdpi.com/1660-4601/10/12/7272>

- **The use of flavorings in electronic cigarette liquids is one of the driving factors in helping prevent adult former smokers who switch to e-cigarettes from going back to traditional cigarettes.** Most users report that after switching to electronic cigarettes and experiencing the pleasant tastes one can enjoy with an electronic cigarette, they no longer find the taste of traditional tobacco cigarettes appealing.

- **Enactment of this bill will actually benefit Big Tobacco by stifling their competition.** Analysts credit electronic cigarettes, not government intervention, nor traditional nicotine replacement therapy products, with causing cigarette sales to experience larger than forecasted declines in the U.S. and Europe. Regardless of the good intentions involved, every step taken to reduce adult access to electronic cigarettes is really a step towards protecting cigarette markets.

- SB 1009 SD2 HD1 exempts traditional Nicotine Replacement Therapy (NRT) products that contain nicotine even though electronic cigarettes have been shown to be a much more effective tool for helping people quit smoking and have been demonstrated to have a similar risk profile as NRT's.
 - <http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract>
 - http://m.circ.ahajournals.org/content/130/Suppl_2/A14945.short

- 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

- A recent study published by the New England Journal of Medicine concluded that E-Cigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for adult smokers to these products, not tighter regulations that steers current vapers back to tobacco cigarettes
 - <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- If flavors are not important in helping adult smokers switch from, or quit traditional cigarettes, why is GlaxoSmithKline's nicotine gum exempt from this bill and sold in flavors?



- SB 1009 SD2 HD1 would not successfully remove all flavored e-liquid products from the market. It would simply force local customers to go online and purchase them from vendors across the 49 other states who would not be subject to this ban. It would severely impact 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.

While we agree that curbing youth usage and enforcing our current laws prohibiting the sale and use of vapor products is of utmost importance, doing so at the detriment to adults who use these products every day as an alternative to traditional tobacco is not the right way to do it. This bill is 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.



VOLCANO®

Sincerely,

Cory N. Smith

CEO & Owner

VOLCANO Fine Electronic Cigarettes®

1003 Bishop Street #1260, Honolulu, HI 96813

cory@volcanoecigs.com



House Committee on Consumer Protection & Commerce

Representative Takumi, Chair

Representative Ichiyama, Vice Chair

House Committee on Judiciary

Representative Lee, Chair

Representative San Buenaventura, Vice Chair

Re: SB1009 SD2 HD1 Hearing 3/20/19 2:00PM

I Strongly OPPOSE SB1009. Vape Kings LLC, which I own and operate, has two branches, one in the McCully District and one in Kapolei. I do not have an online store, and cherish the relationships built between my staff and the community of Adults who frequent my stores. We curate Vaporizers to fit the needs of our customers and sell only quality devices and E-liquids. This is our business, and we have happy customers! Please take a look at our Yelp reviews, we are rated among the best in Hawaii!

I don't currently sell an open system tobacco flavor that would qualify under the proposed new restrictions. The closest flavor I do carry out of roughly 80, is labeled as a vanilla, custard, and tobacco blend, which would not qualify under this proposed bill. Please note that RY4 Flavors, which are traditionally labeled as Tobacco, are a blend of Tobacco base, Caramel, and Vanilla. Labeling, rather than ingredients would determine if an e-Liquid would qualify under this proposed bill. An example would be a bottle of RY4 E-Liquid which states the flavor profile on the retail packaging making it illegal, while another brand may use the same formula, but label only as a Tobacco Flavor, making it legal. The industry standard for a Tobacco Flavor is RY4, so please understand that when we consider Tobacco as a flavor, this is traditionally what is available for legal sale in the US. Smell would be identical, though arbitrary.

Tobacco flavored E-Liquids are more than unpopular, they simply do not sell. I do not understand how artificially forcing a market towards an unfavorable product will reduce underage sales without severely impacting Adult sales. A flavor ban would be a de facto ban on Hawaii based, specialty stores like mine. I have found only one Manufacturer that derives flavoring from Tobacco, and would find it impossible to compete with any online retailer that will be able to sell the same E-Liquid, as well as flavored E-liquids that are FDA regulated through the PMTA process. It is also impossible to sustain a business that only sells ENDS, much in the way a Cigar Store that can only sell one cigar but has a variety of lighters, or a Liquor store that can only sell one flavor of alcohol and a variety of cups.

The FDA has recently released a list of Retailers under the header "Statement from FDA Commissioner Scott Gottlieb, MD, on Forceful New Actions Focused on Retailers, Manufacturers to Combat Youth Access to E-Cigarettes as Part of FDA's Youth Tobacco Prevention Plan" This statement included some of the worst offenders in the nation, many of which were convenience stores and gas stations. This bill will not punish those types of businesses as their income is not solely dependent on E-Liquids or ENDS.

IF the legislature truly wants to reduce the 526 Million in healthcare costs attributed to Smoking in the state, shouldn't we continue to explore the potential harm reduction of non-combustible systems like ENDS which are very, very promising? There is also further data that was recently published in the New England Journal of Medicine that shows that middle-aged smokers of combustible cigarettes more easily made the switch to vaping versus any other non-combustible nicotine delivery system. The combination of lower costs associated with refillable ENDS (when compared to other nicotine delivery systems) and the availability of flavors, I believe was the deciding factor. My customers actively search out flavors that they enjoy, to continue to Vape rather than to smoke.

Yes, a nicotine addicted pool of youth that may later adopt cigarettes, would be a disaster. It is scary, but I don't believe that a reduction in responsible business owners like myself will help the situation at all. The only way to truly curb underage use of tobacco products is a combination of responsible LOCAL business owners, public education, and further legislation that penalizes under-age sales and transfer. I believe that we as a state can continue to explore vaping as a viable alternative to combustible cigarettes, while minimizing youth access to tobacco products. In this respect, I believe we can have our cake and vape it too.

Thank you again for your time and consideration.

Paul Azuma

Owner

Vape Kings LLC



News & Events

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FDA Statement

Statement from FDA Commissioner Scott Gottlieb, M.D., on forceful new actions focused on retailers, manufacturers to combat youth access to e-cigarettes as part of FDA's Youth Tobacco Prevention Plan

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For Immediate Release March 4, 2019

Statement

As the number of children using e-cigarettes remains at epidemic levels, our enforcement work has been one cornerstone of our efforts to protect youth from the dangers of tobacco products. In recent months our vigorous enforcement efforts as part of the agency's [Youth Tobacco Prevention Plan](#) have included a number of [actions to combat the illegal sales](#) of e-cigarettes to youth at brick-and-mortar and internet storefronts, as well as steps to [target companies engaged in kid-friendly marketing](#) that can increase the appeal of these products to youth.

Today, we're taking several new actions, focused on both retailers and manufacturers, as part of our commitment to combat youth access to e-cigarettes. Because tobacco use is almost always initiated and established during adolescence, early intervention – including making sure tobacco products aren't being marketed to, sold to, or used by kids – is critical.

First, we sent a [letter](#) today to the corporate management of Walgreen Co. to request a meeting to discuss whether there is a corporate-wide issue related to their stores' track record of violating the law by illegally selling tobacco products to kids. As we [noted last month](#), in total, the company's stores have racked up almost 1,800 violations across the country. They're currently the top violator among pharmacies that sell tobacco products, with 22 percent of the more than 6,350 stores that we inspected having illegally sold tobacco products to minors. Both the rate of violations and sheer volume of violative inspections of Walgreens stores are disturbing, particularly since the company positions itself as a health-and-wellness-minded business. This cannot possibly come as a surprise to corporate leadership, which is why I want to sit down with them to discuss the important role they

played, as a nationwide retailer, in curbing this epidemic.

But we know that Walgreens isn't alone. There are a number of other national, corporate-owned chains and franchise stores with disturbingly high rates of violations for illegal sales of tobacco products to minors. In total, we've identified 15 national retail chains, either corporate-owned or franchised, whose rates of violative inspections exceed 15 percent of their total inspected stores since the inception of the FDA's retailer compliance check inspection program in 2010.

Inquiries

Media

Michael Felberbaum
240-402-9548

Consumers

888-INFO-FDA

Related Information

- CTP Letters to Industry
- FDA's Youth Tobacco Prevention Plan
- Center for Tobacco Products Compliance, Enforcement & Training

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Violation Rates Between 35-44 Percent of All Inspected Stores

- Marathon
- Exxon
- Sunoco
- BP
- Citgo
- Mobil

Violation Rates Between 25-34 Percent of All Inspected Stores

- Shell
- Chevron
- Casey's General Stores
- 7-Eleven

Violation Rates Between 15-24 Percent of All Inspected Stores

- Family Dollar
- Kroger
- Walgreens
- Circle K
- Wal-Mart

We plan to similarly hold them accountable. We will ask them to share with us what policies they have in place and what more they can commit to do to prevent youth tobacco sales. Companies should be on notice that the FDA is considering additional enforcement avenues to address high rates of violations.

Ignoring the law and then paying associated fines and penalties should not simply be viewed as a cost of doing business. The stakes are too high for our young people and our country's decades-long fight to reduce the morbidity and mortality that accompanies tobacco product use. Retailers are on the frontlines of these efforts to reduce the health consequences of tobacco use and nicotine dependence. Walgreens, and other retail chains, should take seriously not only their legal obligations, but also the substantial public health importance of preventing tobacco product sales to minors at their stores.

Today, we're also announcing that we've sent [letters to more than 40 companies](#) seeking information about whether more than 50 products – including a variety of flavored e-cigarette products – are being illegally marketed and outside the agency's current compliance policy. Some of these companies may be attempting to capitalize on the troubling popularity of products like JUUL among kids by illegally selling similar products and outside of the compliance policy. We also need to determine if any of these products may be counterfeit knockoffs. If tobacco products are being unlawfully marketed and sold outside the FDA's compliance policy, we'll take action. We simply cannot tolerate this behavior and will take additional action as needed.

We also today sent our first [warning letters](#) to several companies for, among other things, selling electronic nicotine delivery system (ENDS) products and a waterpipe tobacco product with labeling and/or advertising that failed to include the required nicotine warning statement. This is an important public health warning and it's imperative that consumers are adequately informed of the presence of nicotine in tobacco products and understand the risks – especially kids, who research shows are mistaken or unaware of the risks and the presence of nicotine in e-cigarettes. We're requesting these companies to submit a written response within 15 working days describing corrective actions, including dates on which the company discontinued the violative labeling, advertising, sale, and/or distribution of these tobacco products. Continued failure to comply with the law could result in enforcement action.

Part of our enforcement work also includes ensuring retailers know their responsibilities under the law and the consequences for violating them. Toward that end, the FDA continues to utilize our voluntary national retailer education program called "[This is Our Watch](#)," which includes free resources designed to support retailers' efforts to educate their staff on enforcing federal laws and regulations. We hope retailers will partner with the FDA to protect youth in their communities by knowing the law and making use of tools that make it easier to prevent underage sales. The FDA has also developed a retailer education online platform to provide state and territorial officials with educational tools and information on retailer regulations. The program also facilitates peer-to-peer sharing, and fosters conversations around promising practices, lessons learned, and program feedback.

Our boots-on-the-ground presence across the country is also a critical part of our work to ensure retailers aren't selling tobacco products to minors. This past fall, we marked a historic milestone of conducting a total of one million tobacco retailer inspections since the program began in 2010. This work has resulted in more than 81,570 warning letters to retailers for violating the law as well as the issuance of more than 19,800 civil money penalties and about 145 no-tobacco-sale orders for repeated violations. This major achievement couldn't have been done without the help of our state partners who are often the ones doing our undercover compliance checks to make sure these products aren't being sold to kids. That's why today we sent letters to a number of governors across the country thanking them for their work to support our efforts that led to this significant accomplishment and reminding them we still have work to do to keep tobacco products out of the hands of kids. We're confronting a deeply troubling public health epidemic with youth e-cigarette use that's threatening the progress we've made in reducing youth tobacco use. The sharp rise in the number of teens using e-cigarettes illustrates the need to work together with diverse stakeholders and remain vigilant in our shared effort to reverse these trends.

We all share the important responsibility of keeping harmful and addictive tobacco products out of the hands of kids. And we realize change can also happen at the grassroots level, which is why we are also working on a plan to go into local communities to highlight areas of the country that have high rates of violations, underscore the importance of not selling tobacco products to minors and encourage concerned parents and others to [report potential violations](#) to the FDA. We are also exploring ways that we might partner with state attorneys general to help combat youth e-cigarette use in their states.

We'll continue vigorous enforcement activities, with a sustained campaign to monitor, penalize and help prevent e-cigarette sales to minors in retail locations, including manufacturers' internet storefronts, as well as take additional steps to tackle other concerns related to the youth access and appeal of these products. The FDA is also exploring additional enforcement avenues to target violative sales and marketing practices by manufacturers and retailers.

Soon we'll be providing further information on our [proposed new steps](#) announced in November to address youth access to flavored tobacco products, including e-cigarettes and cigars. We're aware that some retailers and manufacturers have taken some initial positive steps aimed at reducing youth access to e-cigarettes and other tobacco products. While we recognize those who have taken some positive steps to confront this epidemic, we also know there's more for them to do and that bad actors continue to put youth at risk despite knowing the law and for their own financial gain.

As illustrated by today's actions, we're using our compliance and enforcement tools as part of our work to combat the epidemic level of youth e-cigarette use we're currently experiencing. But our work is not done. We also have studies underway, including investigations that FDA commissioned, to look at the potential for direct effects of harm from e-cigarettes on the lungs and other health factors. This includes the potential for products to cause changes that could be a precursor to cancer. While we believe that e-cigarettes offer a potentially safer alternative to combustible tobacco for currently addicted adult smokers who completely switch to these products, these products are not without risks. This is one reason why we strongly believe that no child should be using an e-cigarette or any other tobacco product.

We'll also be sharing additional planned policy changes and actions soon. I still believe that e-cigarettes present an important opportunity for currently addicted adult smokers to transition off combustible products and onto nicotine delivery products that may not have the same level of risks associated with them. But if these trends of youth e-cigarette use persist, we'll be forced to consider regulatory steps that could constrain or even foreclose some of the opportunities for currently addicted adult smokers to have the same level of access to these products in order to protect youth.

Our opportunity to preserve these opportunities for adults for the long run means that retailers and manufacturers need to take their responsibilities to keep these products out of the hands of kids seriously and ensure these products don't become a gateway to hooking an entire generation of children on tobacco and nicotine.

The FDA, an agency within the U.S. Department of Health and Human Services, protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices. The agency also is responsible for the safety and security of our nation's food supply, cosmetics, dietary supplements, products that give off electronic radiation, and for regulating tobacco products.

###

SB-1009-HD-1

Submitted on: 3/15/2019 4:23:52 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 4:32:15 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha Board,

I strongly oppose bill SB1009. This bill is written to protect under age vaping but hurt all the people that vape helped quit traditional cigarette. It's a move in the wrong direction I've tried quitting cigarette's a few time's with your traditional gum, patches, pills and even hypnotism and only thing work for me is VAPE. After smoking for 15 years I am now free of cigarette PLEASE DON'T TAKE THIS AWAY FROM ME. And under age vaping could be controlled with a possession law like alcohol.

With Aloha, Valentino Miranda-Kepa

To whom it may concern,

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

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

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

-Homelessness

-Alcohol, Flavored Alcohol, deaths caused by drunk driving.

-Over budgeted rail funds which is going nowhere, while we're still being Taxed here and there for years.

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

Hawaii is slowly becoming an anti-local and anti-small business State. These bills only cater to the wealthy, deep pocket businessmen who can afford high tax and interest rates. With these bills you're only pushing local businesses away to the mainland where they can survive.

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

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

Sincerely, Vince Tran of Honolulu, Hawaii

SB-1009-HD-1

Submitted on: 3/15/2019 4:37:14 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Flavors help smokers quit smoking. Banning it will not help smoker's quit.

SB-1009-HD-1

Submitted on: 3/15/2019 4:37:43 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 4:39:22 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 4:45:03 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 4:57:15 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina Spencer	Individual	Oppose	No

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 5:24:14 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Strongly opposed to any flavoring ban.

SB-1009-HD-1

Submitted on: 3/15/2019 5:28:01 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Bainum	Individual	Oppose	No

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 5:31:49 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Miyakado	Individual	Oppose	No

Comments:

Hi

I oppose this bill as the flavors are not the key factor for individuals switching from smoking to vaping. vaping has help me quit cigarettes which most people don't like the smell and the medical issues associated with tar from cigarettes. with vaping there are no secondary effects like cigarettes.

Creating this bill is equivalent to banning flavored alcohol or wine. Alcohol causes more innocent deaths than vaping ever will. This bill will set a precedent for banning flavored alcohol.

Might i suggest that bills be passed to prevent drinking and driving which i see on an almost daily basis. Too many innocent people have died especially the last accident on Ala Moana Blvd.

Please do not pass this bill as it takes away an individuals rights to make choices as to what they consume.

Thank You

Sheldon Miyakado

SB-1009-HD-1

Submitted on: 3/15/2019 5:34:40 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Chan	Individual	Oppose	No

Comments:

You want the stinking government to tell me what flavors I can like. Where does commie crap like SB1009 come from?

SB-1009-HD-1

Submitted on: 3/15/2019 7:51:23 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
April Pacheco	Individual	Oppose	No

Comments:

SB-1009-HD-1

Submitted on: 3/15/2019 7:48:28 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katelyn Kapua	Individual	Oppose	No

Comments:

I oppose this bill because, I myself use flavored tobacco. As an individual citizen i should have the freedom to be able to buy flavored tobacco. It has helped not only me but a lot of other individuals to kick the habit of smoking cigarettes.

SB-1009-HD-1

Submitted on: 3/16/2019 12:08:38 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Alvarez	Individual	Oppose	No

Comments:

Prohibition does not work! One only needs look back at history to see this.

Thank you.

SB-1009-HD-1

Submitted on: 3/16/2019 9:39:04 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/16/2019 10:47:40 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	No

Comments:

This bill is vastly unfair and wrong. Let the people choose what flavors they want.

SB-1009-HD-1

Submitted on: 3/16/2019 1:36:55 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I oppose ALL OF THIS BILL.

SB-1009-HD-1

Submitted on: 3/16/2019 1:42:19 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Somebody doesn't like what flavor I like. Then they need to grow up and get a life.

SB-1009-HD-1

Submitted on: 3/16/2019 3:49:32 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/16/2019 4:16:49 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/16/2019 4:25:28 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monika Lopez	Individual	Oppose	No

Comments:

SB-1009-HD-1

Submitted on: 3/16/2019 5:37:26 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dallas Nelson	Individual	Oppose	No

Comments:

SB1009 is so nasty to people who vape.

SB-1009-HD-1

Submitted on: 3/16/2019 5:46:32 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Winternitz	Individual	Support	No

Comments:

Please support this important bill to protect our keiki from targeted marketing of harmful tobacco products.

SB-1009-HD-1

Submitted on: 3/16/2019 6:57:56 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/17/2019 8:16:02 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Strong opposition.

SB-1009-HD-1

Submitted on: 3/17/2019 8:31:27 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Davis	Individual	Support	No

Comments:

Aloha, I am Christine Davis from Kihei. As a 12th grade student from Kihei Charter School and an active member of the Maui Nui Youth Council and Coalition for a Tobacco-Free Hawaii, I am testifying in support of SB1009.

Smoking is harmful to people, the environment, and the economy. Not only does smoking cost the state lots of money, \$526 million every year to be exact, it also harms the consumer's body. Kids my age don't realize how harmful smoking and vaping is. With 81% of youth who ever tried tobacco products started with a flavored product, it is evident that flavors are a big lure to get youth using vapes and other smoking devices, leading to a lifetime of addiction and health problems.

Please protect the youth in Hawaii from becoming addicted and harmed by tobacco. SB1009 is a step in the right direction, and I strongly support it as a high school student.

SB-1009-HD-1

Submitted on: 3/17/2019 2:30:24 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Inouye	Individual	Support	No

Comments:

Chairs Takumi and Lee, Vice-Chairs Ichiyama and San Buenaventura, and Members of the Committee on Consumer Protection and Commerce and Judiciary,

I am in full support of SB 1009 SD2 HD1. This bill would ban the sale of flavored tobacco products.

The US Surgeon General has declared youth e-cigarette use/vaping a national epidemic. He is emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use and flavored tobacco products. Current e-cigarette use has increased nationally to 78% among high school students during the past year. In Hawaii County, 49% of our kids are trying e-cigarettes at the high school level and about 35% of middle school students. There is a daily use rate of 34% amongst high school students. At the state level, about 27% of high school students are trying these devices. E-cigarette aerosol is not harmless. Most e-cigarettes contain nicotine—the addictive drug in regular cigarettes, cigars, and other tobacco products. A typical JUUL cartridge or pod contains about as much nicotine as a pack of 20 regular cigarettes. Nicotine exposure during adolescence can harm the developing brain – which continues to develop until about age 25. Nicotine exposure during adolescence can impact learning, memory, and attention. Now the e-cigarettes industry has produced kid-friendly flavors. In addition to making e-cigarettes more appealing to young people and addicting them, some of the chemicals used to make certain flavors may also have health risks.

Please support SB1009 SD2 HD1. As the Surgeon General stated earlier this year we need to protect the health of our nation’s young people. We can stop addiction from e-liquid products that are promoted through flavored products now or pay for the healthcare costs later.

Sincerely,

Colleen F Inouye MD MMM CPE FAAPL FACOG Jefferson Univ Population Health

SB-1009-HD-1

Submitted on: 3/17/2019 3:31:38 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Young	Individual	Oppose	No

Comments:

Don't take away the flavors I like. Don't do it!

SB-1009-HD-1

Submitted on: 3/17/2019 5:16:01 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/17/2019 6:47:18 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Not only no, but hell no!

SB-1009-HD-1

Submitted on: 3/18/2019 5:43:27 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 8:13:31 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cyrus Howe	Individual	Support	No

Comments:

Aloha!

I have been fortunate to meet, work and guide thousands of children, parents and co-workers for four decades in various roles in the private and public sectors.

Through these experiences, I have seen the devastating effects of tobacco use on health, family life, academics, hygiene and interpersonal relationships. Because of this, I will do my part to prevent the onset or addiction of children or adults towards a career in tobacco use.

Please consider a ban on candy flavored tobacco products.

Observations

Work Performance = as a supervisor in the service and transportation industries, I have seen employees terminated for continuing to smoke in restricted areas or regularly calling in sick due to respiratory illness, causing financial hardship for their families.

Non-attendance = as a teacher, I have seen the symptoms of asthmatic and/or sick children worsened by second smoke leading to absenteeism and educational implications when coupled with rising academic standards.

Reckless Behavior = as a high school counselor, I know of minors who chose to run or find other places to stay because they realized the hazards of second hand smoke or could not tolerate the overwhelming stench of their home. In other situations, minors avoided going inside their homes until very late and loitered outside which led to reckless behaviors and tragic events.

Meltdowns = as a middle school counselor, I guided students through emotional episodes and mediated family relationships because children could not fully understand their parent's addiction or why adults would continue to sicken or poison loved ones at home or in their cars.

Athletics = as an athlete, Assistant Athletic Director and coach, I have seen participation and performance of student-athletes diminished by tobacco use or the effects of regular exposure to second hand smoke in family settings.

Cultural Implications = as an urban garden and foodie, it is disheartening when children cannot enjoy the natural fragrances of native and other flora and cuisine because their senses have been compromised.

Mahalo for your consideration!

Sam Kakazu Jr.

Educator and School Counselor, Department of Education (retired)

Assistant Athletic Director, J.B. Castle High School

Service Committee Chair, UH Letterwinners Club

Blue Zones Project (Koolaupoko), Schools Committee, Tobacco Policy

Supervisor, HawkTree International/Island Movers (retired)

SB-1009-HD-1

Submitted on: 3/18/2019 8:28:42 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kirstin Kahaloa	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 8:55:21 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Aloha,

My name is Daniel Drapesa. I am writing you today to express my opposition to Senate Bill 1009.

I am an employee of a brick and mortar Vape shop that produces our own brand of Eliquid . We proudly make our product right here in Hawaii Nei, following all FDA regulations and procedures. This being said, I fear the repercussions of this bill passing into law. My Livelihood and the means by which I support my family could be compromised and even taken away completely.

On a daily basis I meet of aged individuals who's lives have been changed for the better because of harm reduction/smoking cessation products such as "ENDS" (electronic nicotine delivery systems) and Eliquid .

You say smoking traditional combustable cigarettes is at an all time low for Hawaii's youth, well this is true for adults as well. Smoking, drinking, and drug use is declining at the exact and opposite rate to the rise in Vaping in america.

The fact that children are able to get a hold of these products is the main problem. As a Vaper who checks out many shops and ad a vape shop employee I can tell you the main reasons Youth have ENDS and Eliquid. Retailers such as gas stations, convenience stores, and even some vape shops neglect to idcustomers. The easy fix: Increase penalties for said retailers and more enforcement. Family and friends also buy these items for youth. I've seen parents come in to shops and turn to their children and ask "what did you want to get again ?" Parents need to be accountable also. Make stricter punishment for the parents when youth get caught vaping or with paraphernalia. That way parents do what they are supposed to and teachtheir children to abide by the laws!

Mahalo for considering my testimony

SB-1009-HD-1

Submitted on: 3/18/2019 9:12:35 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Molliane Gotter	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 9:14:18 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Aloha,

I strongly OPPOSE sb1009. This proposed flavor ban will take away our RIGHTS to choose products we like as adults. I work at Hilyfe Vaporz in Waianae. We have stringent protocol for our website and we ID everyone that purchases in store. We do our part as a company and individuals that work in the vaping industry to stay current on laws, bills and changes in our industry. We educate beginner vapers that are transitioning from traditional combustible cigarettes and avid regular vapers as well. We educate our clients on safety , proper handling of their products and a huge array of ethical practices while vaping in public. The flavor ban will interrupt a business with such a positive spin to its customers and community. The flavor ban has the potential to shut down a business that does an annual christmas food and gift drive for our community. We have organized food and clothe drive for the big island when Pele was reclaiming her aina not that long ago. The problem is children who gain access to vaping products through shady means. Some parents are to blame as well. Kids are kids and will always try to beat the system. Though for us at Hilyfevaporz we continue to not serve minors. Like I mentioned above we ID all customers. No one under the age of 21 is allowed to purchase from our store. I strongly do not believe that flavored tobacco products are to blame. I as an adult love cereals, candy, creamy, desserts, coffee flavors. I believe the solution resides in making all vape stores or lounges to be 21 to even enter. Although we do sell products like hats and t-shirts that does not have a age limit to purchase. I believe if you must be 21 to enter a vape store it will cut down the access of such products to underage persons. Vape stores should be an adult content retail location. No kiosks or express accessible types of business. Contain vaping products to just that a vaping store/lounge. No electronic nicotine delivery system should be sold at convenient stores / gas stations/ liquor stores. Make them ONLY accessible at a VALID ACCREDITED LICENSED vape shop

SB-1009-HD-1

Submitted on: 3/18/2019 9:23:41 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I am a 35 year old vaper who strongly opposes this bill. I oppose this bill simply due to the fact that flavors or more specifically variety is the reason adults go to an alternative to smoking as well as a proven way in my opinion to quit smoking combustible cigs. This has been the way I have quit cigarettes and honesty would be smoking to this day without the variety vaping provides. Prior to this I have had two heart surgeries as well as unmanageable high blood pressure. I can only imagine how horrible my health would have been without vaping.

SB-1009-HD-1

Submitted on: 3/18/2019 9:42:50 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimana Brummel	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 10:27:48 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laksmi M Abraham	Individual	Support	No

Comments:

RE: SUPPORT SB1009 Relating to Flavored Tobacco Products

I support SB1009, which will ban the sale of all flavored tobacco products, ultimately reducing the number of users and potential users.

Youth are highly attracted to the variety, 15,500 + and growing, flavors. These are marketed to appeal to young people. With names like Fruit Hoops, Cali Colada, Space Jam, TrollzE, and Blizzard Berry-BRRRST, clearly the industry is targeting children under 21. By attracting young people, the next generation of consumers is being cultivated.

It is targeted, and the messaging is working phenomenally well. Nationally, there was a 78% increase from 2017-2018 in current e-cigarette use among high school students and 48% increase among middle school students. Bringing the total number of middle and high school students currently using to 3.6 million, 1.5 million more than the previous year. Hawaii youth are part of this trend, 42% of HIDOE high school students and 27% of middle school students report having ever used an electronic vaping product.

In our Maui community, vaping is a problem. Because he could not be here today, I wanted to share a recent testimony from Josh Ooka, Baldwin High School Senior to the Maui County Council.

Every day when I use social media, I see at least one video or image of someone vaping. I see people posting videos of them using vapes at beaches, parks, and in their cars doing tricks and vaping with their friends. The use of social media to showcase vaping popularized it and made it widespread. At school vapes are small and can be easily hidden, so it's not a surprise to me when I'm walking to my next class, and I see someone vaping in the hall because it's become so ordinary and normal to see. When I go into the bathrooms, it is filled with sweet and fruity scents, and I get pressured to try vaping every time I go into the bathroom.

Some may think that only students in regular classes or “the bad kids” vape, but I am involved in athletics, clubs, and take AP and Honors classes and vaping is so widespread it affects everyone at every level in every activity. Even in my top-level classes, there are kids hiding their vape in their hands occasionally taking a “rip” because they can’t resist. I see my peers vaping in class when the teacher isn’t looking, and they have a trick to breathe it out clear because they are so addicted they have to find a way to do it in class, and it is more common in other classes.

Because of his experience, Josh took it upon himself to coordinate a Breathe Aloha Day, where he hosted vape prevention and awareness activities to help his fellow students fight this growing epidemic.

As a state, we do not have the time to take a “wait and see” approach. The crisis is now. For years, we have done our keiki a disservice by ignoring the numbers and trusting the industry that were acting ethically. We are allowing a generation to become addicted to nicotine through the hook of flavored e-liquids. This measure is the top priority of the youth council. Our children are asking the adults to address the issue of their health and well-being; we can’t fail them.

We are grateful to the Committee for hearing SB1009 and hope that you will consider passing this bill.

SB-1009-HD-1

Submitted on: 3/18/2019 10:34:31 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Royce Fukuroku	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 10:51:15 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 11:38:06 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Bumatay	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 11:58:28 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly Taga	Individual	Support	No

Comments:

We need to ban the sale of candy flavored Ejuices to end the epidemic of Ecigs and the big tobacco companies hold over people. So kids can grown up healthier and tobacco free.

SB-1009-HD-1

Submitted on: 3/18/2019 12:00:55 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
naomi muronaka	Individual	Oppose	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 12:13:22 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
shea prueger	Individual	Oppose	No

Comments:

Aloha,

I am a 32 year old ex cigarette smoker. I use to smoke up to two packs of cigarettes a day, usually the harshest I could find. I switched over to flavored tobacco products about a decade ago. My use decreased to about less than a pack a day. I also started to feel better and realized I might eventually want to stop smoking. I then switched to buying a pen and using flavored vape products. This dramatically reduced my use and I started to feel substantially better. My health improved, I was able to attend family functions without scrutiny, and I also had more of an interest in quitting nicotine all together. I have now been nicotine free for over four years.

It would be tragic to ban the sell of a harm reduction tool. Time and time again prohibition has not worked. What we need is education and harm reduction measures being put into place. Without flavored tobacco products, I would still be smoking two packs of Marlboro or Newport reds a day. My health would be a lot worse. I am now an avid runner, yogi, and freediver. My health matters to me.

As a law abiding adult and a contributing member to society, I feel that I have the right to choose if I want to buy flavored tobacco products or if I don't. I think this should apply to all adults over the legal age of buying tobacco. There are many studies that show how effective these flavored tobacco products are. Those who want to smoke will always find ways, banning the lesser of the two evils is not the answer.

I am a committed voter and resident of Hawaii. I work with substance abuse and often work with people who are battling nicotine abuse. I urge the opposition of this bill. I will be watching who votes to support and oppose it and will be voting in the future with those who oppose.

Mahalo,

Shea Prueger

SB-1009-HD-1

Submitted on: 3/18/2019 12:24:19 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daphnie Alpiche	Individual	Support	No

Comments:

Please accept my humble plea in support of SB1009. Mahalo

SB-1009-HD-1

Submitted on: 3/18/2019 12:26:24 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 12:45:37 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Shishido	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 2:10:42 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Manant	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 2:21:07 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 3:52:53 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ricky Alaniz	Individual	Oppose	No

Comments:

I oppose to Flavor bans because its an easier option for people who have a hard time quitting cigarettes. I feel its such a better alternative.

SB-1009-HD-1

Submitted on: 3/18/2019 3:55:40 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Ullrich	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 3:57:46 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Denny Diez	Individual	Oppose	No

Comments:

Wow, was SB1009 intended just to piss off voters? If so, you're doing a great job of it.

SB-1009-HD-1

Submitted on: 3/18/2019 4:03:21 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I strongly oppose this bill!! There are so many people who quit smoking cigarettes because of vaping devices and flavored e-liquid. Why are you trying to take away the right for people to choose what they want to vape? Not everyone wants to use menthol/tobacco flavored e-liquids. You will also be taking away from busnissess that sell thses products.

SB-1009-HD-1

Submitted on: 3/18/2019 4:07:03 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
chase yoshida	Individual	Oppose	No

Comments:

SB-1009-HD-1

Submitted on: 3/18/2019 4:24:54 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rylen Corpuz	Individual	Support	No

Comments:

Even though the flavors seem harmless the effects that vaping has on your body and the bodies of anyone around you is very harmful. It doesn't take long to develop conditions such as bronchitis, or popcorn lung. Some individuals will even develop asthma, or if they already have asthma it could worsen. We should ban flavors that target children and teens. As a former Vape user i can confirm that I made my selections based on the flavors that reminded me of the candies or treats that i loved growing up. If the only flavors available were tobacco and menthol I probably wouldn't have vaped for as long as i did.

Date: March 18, 2019

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

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

Re: **Strong Support of SB1009 SD2 HD1**, Relating to Flavored Tobacco Products

Hrg: March 20, 2019 at 2:00 PM in Capitol Room 329

Aloha House Committees on Consumer Protection & Commerce, and, Judiciary,

As a father, community member and health professional, I am writing in **strong support of SB1009 SD2 HD1**, which bans the sale of flavored tobacco products except for menthol or mentholated products; prohibits mislabeling of e-liquid products containing nicotine; and, establishes fines and penalties for violations.

Hawai'i is in the midst of a youth vaping epidemic, with 25.5 percent of high school and 15.7 percent of middle school students vaping regularly. To put this into perspective, less than 5 percent of adults in Hawaii vape.

Flavors attract kids. More than 80 percent of youth who vape say that they started because of the flavors and continue because of the flavors. 75 percent say that if flavored vape was not available they would quit. The reality is that youth who start vaping don't seek nicotine – many don't even know that most vape products contain nicotine, which is derived from tobacco plants.

I ask the Committees to amend SB1009 SD2 HD1 to include menthol in the flavor ban. Menthol is a particularly insidious flavor in tobacco and vape products. Its cooling properties mask the harshness of nicotine, making it the starter product of choice for new tobacco users. The tobacco industry's long history of marketing menthol cigarettes to vulnerable populations has led to higher tobacco use and higher rates of lung cancer among Native Hawaiians and Filipinos.

Although many teenagers may vape with what manufacturers claim is "just flavored fluid," the crux of the issue is the exposure of youth to the highly-addictive drug, nicotine, which is as addictive as heroin and cocaine. Nicotine doesn't just interfere with brain development into the mid-20s, it permanently changes kids' brains who are exposed to it. Kids who use nicotine products will experience impaired behavior and learning, reduced development of impulse control, as well as increased anxiety and depression. Once nicotine changes their brains, kids are at higher risk for other addictions in their youth and in adulthood.

Because advertising of vape products targets them, kids think vaping is harmless. If it is legal to sell it must be safe, right? What kids don't appreciate is that vape products are not regulated. Federal rules to regulate vaping products that were set to start in 2018 were pushed back to 2022. To this day, no vape product has been reviewed by FDA for safety or quality. We see this in the regular reports of exploding e-cigarettes, including 133 documented injuries between 2009 and 2016, and a recently reported death.

After more than 20 years of consistent reductions in youth tobacco use, from 36 percent of high school seniors smoking in 1997 to 8 percent in 2018, the fast-growing youth vaping epidemic is threatening public health. With the confluence of thousands of fun-sounding flavors and new generation, sleek, easily-concealable devices, kids are vaping in unprecedented numbers in school and at home. Considering that vaping was essentially a non-existent habit in 2011, the best indicator that we are not doing enough is that U.S. high school student use of e-cigarettes jumped 78 percent in just one year, from 2017 to 2018.

Proponents of vaping will argue that using e-cigarettes has helped them to quit smoking tobacco cigarettes. For long-time established adult smokers, e-cigarettes may lower health risks for the individual user compared with the risk of smoking cigarettes or using other forms of tobacco. However, while any health benefits of switching have yet to be proven, this should not outweigh the overwhelming evidence that e-cigarettes are addicting kids who have never smoked to nicotine in record numbers.

Given the rapid escalation of youth vaping in Hawai'i, SB1009 SD2 HD1 is our best chance to reverse this disturbing and harmful trend. SB1009 SD2 HD1 does not ban vaping for adults – it will significantly reduce the appeal and attraction of vaping to young people. Adults will continue to have access to tobacco-flavored and unflavored products if they choose. We need this bold policy action to protect current youth from a lifetime of addiction and harm.

Think of your kids or kids you know and love. Think of how bright their future could and should be. Hawai'i has a long history of putting the well-being of our keiki first.

Arguments against the flavor ban are distractions from the real issue. The sad reality is that youth who vape may never reach their full potential and the long-term health consequences of vaping will not be known for many years. It is time to end the sale of all flavored tobacco products throughout Hawai'i for the sake of our kids and future generations.

I strongly support SB1009 SD2 HD1, respectfully ask you to amend this bill to include menthol in the flavor ban and pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-1009-HD-1

Submitted on: 3/18/2019 4:57:29 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendi Sanchez	Individual	Support	No

Comments:

I support SB1009 to END the sale of CANDY FLAVORED EJUICE making it less enticing to our kids so they won't get hooked! This industry is profiting while using our youth, and adults as the Guinea pigs/lab rats for their products - where the true side effects of daily use of these chemicals won't be evident for years (but by then the damage will have been done). Protect our youth, and keiki and pass this bill!

Jamil Folio
The Man Cave
1993 S. Kihei Rd Suite 18
Kihei, Hawaii 96733



To our Distinguished Legislators:

My name is Jamil Folio, I am the Administrative Manager for “The Man Cave” retail business in Kihie, Hawaii. I am a property owner, father of young keiki, concerned citizen and a small business advocate who is proud to call Maui my home.

I am writing in STRONG support of SB1009, the tobacco flavor ban. We sell tobacco products in our store, and understand the trepidation of other business owners/operators concerning potential lost revenue. BUT, we cannot jeopardize the health of our youth and our community by focusing on short term profit.

An alarming number of Maui high school students, 30%, are using flavored vapor products, or e-cigarettes. A good portion of them will go on to use more traditional tobacco products and in case you are unaware that carries significant health risks. Children are 3 to 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

21,000 children under the age of 18 currently living in Hawaii will die prematurely from smoking.

If you could please read the previous sentence one more time. Then consider the financial cost associated with long term cancer and end of life care. Any lost short term revenue from banning the sales of flavored tobacco products is a minor rounding error in the long term costs associated with cancer for tens of thousands of Hawaii’s citizens.

We are not talking about the rights adults have to make informed discussions. We are talking about middle school children being hooked on bubble gum and cotton candy flavored addiction. And that is what is being sold: addiction. This is a tried and true campaign of influence from tobacco companies who have been marketing to children for decades (as proven in their own internal documents multiple times).

For every potential sale that would be lost, a life might be saved. So please represent your constituents, our community and our island ohana by doing the right thing. No child or adult needs candy flavored cancer causing products.

Thank you for your time.

Mahalo,

Jamil Folio

SB-1009-HD-1

Submitted on: 3/18/2019 5:38:04 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Madeleine McCurdy	Individual	Support	No

Comments:

I am Madeleine McCurdy from Kapolei Hawaii. I am a Sophomore at Kapolei High School and am part of the Coalition for a Tobacco-Free Hawaii's Youth Council. I am in support of HB276 or SB1009. I am in support of the prohibition of flavored tobacco products because the fact that the use of tobacco products, specifically vaping, is extremely prevalent in high school. I see students vaping every day, whether it's outside during recess or inside the classroom while the teacher looks the other way. It not only affects the students vaping affects all students in school. According to tobaccofreekids.org, 400 kids (under 18) become new daily smokers each year in Hawaii and 21,000 kids who are now under 18 and alive in Hawaii, will die prematurely from smoking. That means my classmates, my friends, could become a part of this statistic. Something has to be done about this, that is why I support HB276 / SB1009.

SB-1009-HD-1

Submitted on: 3/18/2019 5:40:19 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paige McCurdy	Individual	Support	No

Comments:

I am Paige McCurdy from Kapolei Hawaii. I am a Sophomore at Kapolei High School and am part of the Coalition for a Tobacco-Free Hawaii's Youth Council. I am in support of HB276 or SB1009. I am in support of the prohibition of flavored tobacco products because the use of tobacco products, specifically vaping, is extremely prevalent in high school. I can't count how many times I have seen someone vaping. I see people vaping in the school bathroom, outside by the gym, by the cafeteria, and sometimes in class when the teacher is looking the other way. There is nothing worse than getting a headache from the smell of chemical cotton candy when you're just trying to get an education. According to tobaccofreekids.org, 400 kids (under 18) become new daily smokers each year in Hawaii and 21,000 kids now under 18 and alive in Hawaii who will ultimately die prematurely from smoking. That means my classmates who made a horrible mistake when they were young could die. All because of a Molokai sweet bread flavored tobacco product that got them to nicotine. Enough is enough, my classmates lives are at risk and I am not going to stand by and watch it happen. That's why I support HB276 or SB1009.

SB-1009-HD-1

Submitted on: 3/18/2019 6:03:13 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

I am a mother of two young children, and I am an attorney. I strongly support passage of SB1009 to prohibit the sale and distribution of flavored tobacco products. It is undisputed that tobacco products are harmful and dangerous. Flavored tobacco products are designed for and marketed at children. Tobacco companies have a direct financial interest in getting customers addicted as early as possible. The intent to entice youths to smoke by creating flavored tobacco is pointedly malicious and wrong. Flavored tobacco products should be banned as they are akin to putting nicotine in jolly ranchers. We are responsible for creating a healthier Hawaii and it starts with common sense measures like this one. Fighting nicotine addiction after it has taken hold is far more difficult than fighting it before the addiction has even begun.. With a third of school age children smoking or vaping, action must be taken. I am seriously considering my options in sending my children to school because of the tobacco product crisis in Hawai'i. The crisis is caused by greedy companies trying to secure a large customer base in school age children and it is our government's job to regulate this and protect our keiki. Please pass SB1009.

SB-1009-HD-1

Submitted on: 3/18/2019 6:43:18 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

Unfair flavor ban.

SB-1009-HD-1

Submitted on: 3/18/2019 6:48:53 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Hernandez	Individual	Oppose	No

Comments:

March 20, 2019

RE: SUPPORT SB1009 Relating to Flavored Tobacco Products

Aloha Chairs Takumi & Lee Vice-Vice Chairs and Members of the Committees,

My name is Malia Mierzwa, and I am in the 7th grade at Kailua Intermediate School.

I asked my mom to come here today to ask you to please support SB1009 SD2 HD1 Relating to Tobacco Products. Flavored products are the reason kids vape. Kids really like smoking the flavored products. That's what they prefer. Banning flavors will help to decrease kids from using vaping products.

Everyday at my intermediate school, I see kids vaping. In some of my classes my friends and I see kids secretly vaping on the side of class. Kids also skip class to go to the bathrooms or to sneak to restricted places on campus to vape or smoke. Before and during lunch and recess kids hide from the security guards to vape and smoke too.

Kids will hotbox the bathrooms, which means filling the bathroom up with a vaping cloud. If you just want to use the bathroom, you have no choice but to walk into that vape cloud. Another problem is that parents will just buy products for their kids.

I have also been asked on campus to try vaping by my schoolmates. Most of the kids really think it is harmless, and they say it's safe, that it won't hurt you. That's not true, it can harm your blood vessels, which bring oxygen throughout our bodies. It can also harm your lungs, and there are still studies being done to learn more about what vaping does to teenagers. Kids become addicted to nicotine because of these products.

If there were no flavors for kids to use, they just wouldn't do it. Please consider banning flavored products to help stop more kids from becoming addicted.

Thank you for listening to my testimony. Please pass SB1009 SD2 HD1 to ban the sale of all flavored tobacco.

Sincerely,

Malia Mierzwa

SB-1009-HD-1

Submitted on: 3/18/2019 7:31:24 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	No

Comments:

NO!

SB-1009-HD-1

Submitted on: 3/19/2019 6:52:08 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
arieh levine	Individual	Support	No

Comments:

Flavored tobacco products are clearly created and marketed for use by children. This is unacceptable. It is a major reason why over 40% of high school students are currently known to use vape tobacco products.

There is no reason vape products need to be flavored beyond marketing to children. These products are dangerous and addictive. One major tobacco settlement has already been made as a result of tobacco companies marketing addictive products to children. I would think they had learned a lesson from that lawsuit but it's clear that they stand to make even more money than they will lose by selling vape products to our children.

Please do not allow the sale of flavored tobacco products

SB-1009-HD-1

Submitted on: 3/19/2019 7:55:11 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lehuanani Angay	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/19/2019 8:00:09 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonah K Manuel	Individual	Oppose	No

Comments:

I oppose this bill because it affects people's choice on tobacco flavor and it helps people quit.

SB-1009-HD-1

Submitted on: 3/19/2019 8:08:20 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Punahele Victorino	Individual	Oppose	No

Comments:

I personally use flavored eliquid products- I am 30 years old. My health has improved greatly due to switching from traditional tobacco to eliquid. I am 100% sure that without these products I will go back to smoking traditional cigarettes. I have three young children who I do not want to expose to the smell and possible second hand smoke effects from residue on my clothing etc. My life has changed in so many positive ways by using vape products, it would be a shame to no longer have this option available.

SB-1009-HD-1

Submitted on: 3/19/2019 9:25:29 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paula Seguerre	Individual	Support	No

Comments:

PLEASE END THE SALE OF FLAVORED JUICE FOR VAPING!

I SUPPORT SB1009 which will END the sale of CANDY FLAVORED EJUICE making it less enticing to our kids so they won't get hooked!

This is harmful to our children and they dont even know it! We need to STOP this NOW! Vapeing is not okay and tricking children into it by having enticing flavors is wrong.

Our children are our future! We need to keep them healthy and do whats right...end sale of flavored tobacco so children can stop using it!

Thank you!

SB-1009-HD-1

Submitted on: 3/19/2019 9:34:26 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
HANALEI BENN	Individual	Oppose	No

Comments:

I'm highing againt this bill if i can say, being bale to have this option to help me stop smoking has been a blessing really. i had smoked for 10 years and two years ago when I was intruduced to vape and e-juice it was the easiest way to help to get off of cigarettes. Am I also add why would menthol be the only exception? I was never a menthol smoker and still isnt so to have the one product I do enjoy be taken way BUT still allow the "menthol" vaper to be able to maintain that?! Very unfortunate to think that our rights are being taken away over another bill that seems to happen every year.

SB-1009-HD-1

Submitted on: 3/19/2019 10:54:07 AM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald	Individual	Oppose	No

Comments:

This bill won't do a damn thing for public health. Flavors don't harm anyone.

SB-1009-HD-1

Submitted on: 3/19/2019 12:14:48 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Chung	Individual	Oppose	Yes

Comments:

I humbly ask you to consider creating a WORKING GROUP including LOCAL small businesses that are impacted by this and other legislation regarding e-cigarette usage to come up with appropriate policies to ensure that our keiki are not going to use e-cigarettes. Speaking with many local small mom & pop vape shops, it is clear that NO ONE wants our under-age youth to vape and they are eager to work with organizations like the DOE to address youth vaping. Banning electronic devices and e-liquids will NOT solve the problem. Kids will still be able to access these through the internet because most of the small businesses do not sell on the internet. Banning e-cigarettes/e-liquid will only hurt our local small businesses.

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

1. NOT ALL E-LIQUIDS CONTAIN NICOTINE

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

2. E-LIQUIDS ARE NOT TOBACCO

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

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

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

4. LOCAL VAPE STORES DO NOT WANT KIDS VAPING

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

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

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

SB-1009-HD-1

Submitted on: 3/19/2019 12:16:44 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph dowell	Individual	Oppose	No

Comments:

I SMOKED FOR 8 YEARS AND QUIT USING LAVA FLOW VAPE JUICE

SB-1009-HD-1

Submitted on: 3/19/2019 12:17:37 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
thomas wills	Individual	Support	Yes

Comments:

Testimony:

Date: March 19, 2019

To: Rep. Roy M. Takumi, Chair

Rep. Linda Ichiyama, Vice Chair

Members of the House Committee on Consumer Protection and Commerce

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Members of the House Committee on Judiciary

Hrg: March 20, 2019 at 2:00 PM at Capitol Conference Room 329

I strongly support SB 1009-SD2-HD1, which would ban the sale of flavored tobacco products.

I support this bill because previous research has shown that flavorings make tobacco products, particularly e-cigarettes, attractive to adolescents. Recent data from Hawaii and other states have shown that e-cigarette use is quite prevalent among school students, even among middle school students who are 12-14 years of age. This is resulting in a high rate of addiction to nicotine, which was previously not known in Hawaii because rates of cigarette smoking were relatively low and the high taxes on cigarettes in Hawaii result in less frequent smoking among students who do smoke. It looks like e-cigarettes are changing this situation and that a number of students may graduate from school being addicted to nicotine.

In addition to showing that e-cigarette use is prevalent among Hawaii school students, our studies have shown that e-cigarette use is linked to several adverse outcomes. Using e-cigarettes is related to initiation of cigarette smoking among previous nonsmokers, hence is contributing to nicotine addiction through another mechanism. It is also related to asthma and bronchitis.

Recent authoritative articles by physicians and pharmacologists in the New England Journal of Medicine have emphasized that nicotine is as addictive as heroin, that flavored tobacco products increase the likelihood of adolescents becoming addicted, and that there is increasing evidence of harmful respiratory effects from e-cigarette vapor. (See, for example, "The Dangerous Flavors of E-Cigarettes," New England Journal, January 30, 2019.) Many public health experts have noted that the current epidemic of e-cigarette use among adolescents is creating risk for public health and that steps should be taken to reduce use among teenagers. All the research I have seen indicates that eliminating flavorings would be a large and effective step toward this goal.

I have heard some people argue that the FDA is going to take action against flavorings soon.

I don't believe it. I have heard similar arguments for years about tobacco policy. The tobacco companies agreed in 2006 to run ads about the risks of cigarette smoking and nicotine addiction, but IT TOOK 12 YEARS before they finally agreed to do this. (You are just seeing the se ads in the newspapers now.) The FDA tried to use its legal authority to put graphic warning labels on cigarette packages beginning in 2010, but THIS NEVER HAPPENED because the tobacco companies kept filing lawsuits against it. The writing on the wall is that if FDA tries to take action against flavored tobacco products, the tobacco companies will just do the same thing all over again and delay action for 10 or 20 years. Meanwhile a new generation of teenagers will become addicted to nicotine.

For the reasons given above, I strongly support SB 1009-SD2-HD1 and ask you to pass this out of committee.

Yours sincerely,

Thomas A. Wills, Ph.D.

Director, Cancer Prevention in the Pacific Program

University of Hawaii Cancer Center

SB-1009-HD-1

Submitted on: 3/19/2019 12:21:16 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

i smoked for 20 years and quit using sour worms vape juice

SB-1009-HD-1

Submitted on: 3/19/2019 12:24:40 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

i smoked for 8 years and quit using lava flow vape juice

Gina Kaufman
642 Ulukahiki St., Suite 105
Kailua, HI 96734

March 19th, 2019

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

TESTIMONY IN SUPPORT OF SB 1009, SD2, HD1 (HSCR 1373), relating to Flavored Tobacco Products

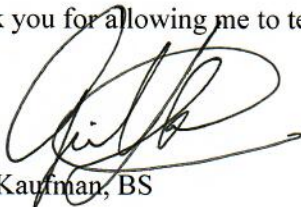
I am a Tobacco Treatment Specialist from Adventist Health Castle, - however, today I am testifying as a former e-cigarette user. I can attest to the extremely addictive effects flavored nicotine had on myself and my adolescent peers just a few years ago - right before vaping exploded in popularity.

Like many others, I was 17 when I first tried vaping and 18 when I bought my first-generation e-cigarette online with no verification of my age or identity. I was drawn to vaping because I was about to start college and falsely thought it would help me fit in with older students, lose weight, and cope with stress. The array of menthol, candy, and fruit flavors tipped my decision (as well as many of my friend's) to initiate vaping. In fact, the first bottle of e-juice I bought was menthol-melon, labeled "0-nicotine" and I told myself "I will just try it out. If I don't like it - I will stop". I began to buy flavored e-juice with higher levels of nicotine than I ever intended, with no knowledge of the potential consequences. Everyone said it was harmless vapor. Marketed as more fun than cigarettes with none of the harm - I, like many 18-year-olds, wasn't informed or mature enough to question it.

Luckily, I went on to get my degree in addiction science, work in drug rehabilitations, and get trained as a tobacco treatment specialist. After some personal experiences, I wanted to help others live balanced and healthy lives free of addiction. I now realize the full extent of what nicotine addiction can do by perpetuating addictive behaviors, financial hardship, and chronic health consequences. This includes new evidence on vaping that points to increases in coughing, wheezing, and exacerbation of COPD in adolescents, as well as the presence of known cancer-causing chemicals. This is not what I intended to sign up for when I was 18 and deciding between watermelon and root beer e-juice.

If I hadn't gotten my education in chemical addiction, I would have remained hooked. I know not all teens will choose to follow the same path as I did. I feel it is my duty to pass on my experience and keep Hawaii youth informed, protected, and on track for their bright futures.

Thank you for allowing me to testify.



Gina Kaufman, BS

Concerned Citizen and Tobacco Treatment Specialist

SB-1009-HD-1

Submitted on: 3/19/2019 12:27:06 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

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

Comments:

i smoked for 18 years and quit using sour worms vape juice

SB-1009-HD-1

Submitted on: 3/19/2019 12:50:31 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deanna Espinas	Individual	Support	No

Comments:

SB-1009-HD-1

Submitted on: 3/19/2019 1:04:46 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Garett Uyesugi	Individual	Oppose	No

Comments:

Dear our elected officials

I oppose this bill because its not the flavors that are the sole reason that are causing this youth epidemic. Like everything else in life flavors give a choice and desire in the foods vve eat, the drinks vve drink as adults. The youth epedemic has been constantly pointed out by the FDA being caused by JUULS and like devices sold in C-stores in a lax age verification enforcement. The FDA has also said that the best age deterrent is in the Specialized vape stores. After the first hard stance came about from the FDA against JUULS and like devices quite the opposite happened in the specialized vape stores. JUULS doubled down on selling its products thru C-stores and the specialized vape stores actually lost its ability to get the JUULS in a competitive price. Meaning the C-stores could get the product far easier and cheaper then the specialized vape store.

The problem is not flavors. The problem is youth being able to get the product that seems to be attracting them...JUULS

Please look at facts and research done around the vworld showing ecigs as the greatest tool to help adult smokers get off of tobacco. the number 1 preventable death

By essentially banning ecigs you vwill force ex smokers back to smoking and the CDC graph shovving the unprecedented decline in tobacco smoking vwill once again be on a major upsving.

ecigs is a tool for adult smokers to get off of tobacco and then get off of ecigs by vveening off the nicotine. the JUUL devices use 5 percent nicotine. the specialized vape store best selling liquid is 0.3 percent nicotine and it accounts for 2/3 of sales. the average specialized vape store sells about 98 percent of its e-liquid in the range of 0, 0.3 and 0.6 percent nicotine

SB-1009-HD-1

Submitted on: 3/19/2019 1:25:57 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Irene Papaconstadopoulos	Individual	Support	No

Comments:

I am a Board Certified Pediatrician practising for more than 10 years and now recently moved to work as a Pediatrician on Maui.

More than 20,000 kids now under 18 and alive in Hawaii will ultimately die prematurely from smoking. Smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined — and thousands more die from other tobacco-related causes — such as fires caused by smoking (more than 1,000 deaths/year nationwide) and smokeless tobacco use.

Published research studies have found that kids are twice as sensitive to tobacco advertising as adults and are more likely to be influenced to smoke by cigarette marketing than by peer pressure. One-third of underage experimentation with smoking is attributable to tobacco company advertising.

The flavoring and lower costs of non-cigarette smoked tobacco products and of smokeless tobacco products make them especially appealing to youth. Flavored tobacco products are widely considered to be starter products. Studies have shown that youth erroneously believe flavored tobacco products are less harmful than their non-flavored counterparts. Candy and fruits flavors mask the bad taste of tobacco, making it easier for youth to start using. • Flavored tobacco products are helping to create a new generation of lifelong nicotine addicts. The design and contents of tobacco products make them more attractive and addictive than ever before, according to the 2012 Surgeon General’s report. Since 1988, nicotine has been established to be as addictive as heroin and cocaine. Adolescents’ bodies are more sensitive to nicotine, and adolescents are more easily addicted than adults. Compared to cigarettes, smokeless tobacco products like chew and dip can contain more nicotine.

SB-1009-HD-1

Submitted on: 3/19/2019 1:34:11 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
TIMOTHY OISHI	Individual	Oppose	No

Comments:

Aloha

The island of Oahu has many issues concerning its residents and visitors that should be addressed by the board to whom I am writing this to. One of the issues that you are discussing right now pertains to flavored tobacco products and the use of them by residents of the state especially underage users. I do agree that the use of flavored tobacco products by minors is a problem but bill SB1009 which is proposed is not the right way of dealing with the issue. I don't know a right way to address this problem, but I can point out ways that will prevent this bill from working and in return hurting Hawaii's residents and tax payers of this beautiful state.

I started using tobacco products at the age of sixteen and have been using them ever since then. I started smoking Marlboro Lights and later moved to stronger ones like Marlboro Reds. None of the tobacco products that I started with or kept using were flavored in anyway including using menthol. Flavor did not attract me to start using tobacco products, but the curiosity of a sixteen-year-old kid did. The age to use tobacco products at that time was 18 but that doesn't prevent a curious teenager from getting what they want, and if anything, it makes it more desirable if they do. Minors these days are not getting flavored tobacco products from retail stores and they never will till they are of age. The easiest way of getting them today would be to get them online or from someone they know of age and willing to buy it for them. Many online websites don't require much to obtain flavored tobacco products like e-liquid for vaporizers. At the most they require either a birthdate which you select the month, day and date of the year you were born or just clicking the yes button saying that you are over 21 years of age. Any minor that is old enough to order something online will be able to figure out the birthdate they need to put to make it seem like they are of legal age to the site. Once they gain access, the whole inventory of that site is available to them and all they need is a credit card or visa gift card to purchase it. I currently work at a vaporizer store in the city of Honolulu and our establishment is strict on ID checking and making sure that no minor enters/purchases anything from the establishment or that any of the products that we sell are to our knowledge, being bought for a minor. Everyday we have to turn away eighteen to twenty-year-old kids that try to sneak by and hope that we are lenient or can slip by without us knowing. We even must turn away parents and grandparents that come in with minors that try to buy it for them to be the "cool" one in the minor's eyes. We constantly get from guardians that come in with minor why is it that they can't buy

the products since the kid just was telling them what to buy but they are the ones buying it.

Kids are always going to find a way to get what they want and what they are most curious about and in return the adults that are trying to get off from tradition tobacco products are the ones that will be most affected by this bill. Many adults were successful in getting off tobacco products like cigars, cigarettes and chew by switching to vaping. Most cigar and cigarette users were able to make the switch using flavored e-liquid. The flavors helped by making it enjoyable to vape and if they would get the urge to smoke a cigar or cigarette, it would make them taste horrible as well as the smell. Many ex-smokers can't go back to cigarettes or cigars after vaping because of how horrible it tastes and the smell that lingers from the smoke. The flavors would help keep them from smoking and stay off the tobacco products that we for sure know kills. The whole reason that smokers switch to vaping is so that they can stay away from traditional tobacco. A flavor ban will take away a very big part of vaping that plays a positive role in helping people switch and not want to go back. Banning flavored e-juice will also force many ex-smokers to get their products online which will result in vaporizer stores statewide to close their doors come January 1, 2020. There will be hundreds of residents that are part of the industry that will be without a job once that happens and all the money that would have been spent in the state would be going elsewhere. Money will be leaving our state economy, hundreds will be out of a job and no taxes can be collected from any of the businesses that were forced to close.

This is the reason why I don't believe that bill **SB1009** will be effective in a positive way for the residents and tax payers of the state of Hawaii. I am writing this testimony because **I STRONGLY OPPOSE SB1009 AND FEEL THAT IT SHOULD NOT BE PASSED**. One group of the population should not have to be sacrificed for the other's sake. Just because some of the population is obese doesn't mean that we should ban everyone from eating rice and gravy. That's why we educate kids and adults about proper nutrition and a well-balanced diet. Everyone has the right to make choices including children and the only way we can help in making the best decisions for us would be through education. The vaping industry along with teachers, parents and government officials should work together to help solve this problem of underage vaping. Everyone in this state is part of one big Ohana and as an Ohana we should be coming together when trying to fix a problem involving all of us. Thank you for taking the time to listen to me.

Much Mahalo,

Timothy M. Oishi

SB-1009-HD-1

Submitted on: 3/19/2019 1:46:45 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Rittenberry	Individual	Oppose	No

Comments:

Aloha. Thank you for considering my testimony. As someone whose husband quit smoking cigarettes, which have a proven plethora of negative consequences (unlike vape juice) with the help of flavored tobacco vape products, I am very opposed to the idea of banning all flavored e-liquid products. I'm not sure he would have given up cigarettes if flavored liquid was not available, as "regular" flavor would not be as appealing to him to draw him away from cigarettes.

I think the statistic that has been used of 8 out of 10 'kids' starting with flavored products is misleading because the majority of e-juice is flavored. (Parentheses used on 'kids' bc over 18 and you're considered an adult, which is how old you have to be to buy tobacco products, if not 21 now)

There are better ways to protect keiki than completely banning an option for adults, that many people use to quit smoking. **For example, my husband switched to e-juice that only has 3 mg nicotine in it, a very low amount. Whereas Juul pods, most popular among youth, contain 40mg!** You could limit the amount of nicotine found in cartridges, as nicotine addiction seems to be the only concern of opponents to ejuice, since THERE HAVE BEEN NO NEGATIVE HEALTH IMPACTS found in connection with vaping. Other options include education and parental involvement for curbing.

I don't understand why we need to limit the choices of fully grown adults concerning something that has not been proven to have negative health impacts. On the other hand, you may be limiting the number of people who leave cigarettes behind in favor of the much safer vaping. Please leave the ability of choice for the citizens of Hawai'i for a product that is helping people quit cigarettes. Adults like flavors too.

Mahalo for your time

Alicia Rittenberry

ar31@hawaii.edu

808-298-9337

SB-1009-HD-1

Submitted on: 3/19/2019 1:47:12 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randi Derego	Individual	Oppose	No

Comments:

Aloha,

we already have so many laws.. end the possession law

SB-1009-HD-1

Submitted on: 3/19/2019 1:58:56 PM

Testimony for CPC on 3/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Tabata	Individual	Support	No

Comments:

From: susan.wurtzburg@gmail.com <Susan Wurtzburg>

Message:

Indisputable links between tobacco and cancer exist, so limiting the desirability of these items for children is common sense!

Aloha Chairman Takumi, Chairman Lee and members of the Committees on Consumer Protection and Commerce and Judiciary,

I am writing in SUPPORT of S.B. 1009, which bans the sale of flavored tobacco products except for menthal or mentholated products. Prohibits mislabeling of e-liquid products containing nicotine. Establishes fines and penalties for violations. (SB1009 HD1)

Tobacco use remains a serious threat to public health. Each year, Hawaii spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking.

Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. With 81% of youth starting with a flavored product, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

This measure helps to protect our keiki from a lifetime of addiction. Hawaii is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products, to quit. We appreciate Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction.

For these reasons, I respectfully request that the committee pass this bill.

Susan Wurtzburg

Kailua

Hawaii

sanbuenaventura2 - Kevin

From: Susan Wurtzburg <zrocinleouujap@ujoin.co>
Sent: Monday, March 18, 2019 2:21 PM
To: JUDtestimony
Subject: Support SB 1009, SD2, HD1 - banning flavored tobacco

From: susan.wurtzburg@gmail.com <Susan Wurtzburg>

Message:

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For these reasons, I respectfully request that the committee pass this bill.

Susan Wurtzburg

Kailua

Hawaii

sanbuenaventura2 - Kevin

From: Dana Ciacci <vzwsimnnvojzuj@ujoin.co>
Sent: Monday, March 18, 2019 9:46 AM
To: JUDtestimony
Subject: Support SB 1009, SD2, HD1 - banning flavored tobacco

From: danaciacci@yahoo.com <Dana Ciacci>

Message:

Aloha Chairman Takumi, Chairman Lee and members of the Committees on Consumer Protection and Commerce and Judiciary,

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For these reasons, I respectfully request that the committee pass this bill.

Dana Ciacci

Kaneohe

Hawaii



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

ON THE FOLLOWING MEASURE:

S.B. NO. 1009, S.D. 2, H.D. 1, RELATING TO FLAVORED TOBACCO PRODUCTS.

BEFORE THE:

HOUSE COMMITTEES ON CONSUMER PROTECTION AND COMMERCE AND ON JUDICIARY

DATE: Wednesday, March 20, 2019 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 329

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

Chairs Takumi and Lee and Members of the Committees:

The Department of the Attorney General appreciates the intent of the bill and provides the following comments and suggested amendments.

The bill seeks to address the health dangers caused by the use of flavored tobacco products in Hawaii.¹ The bill makes it unlawful for retailers or their agents or employees to sell a flavored tobacco product or mislabel as nicotine-free or sell as nicotine-free any e-liquid product containing nicotine. The bill creates an exception from the prohibition on the sale of flavored tobacco products for menthol and mentholated products. In addition the bill defines “e-liquid” and “flavored tobacco product.”

We note three legal inconsistencies in the bill that should be addressed. First, the bill makes it “unlawful for any retailer or any agents or employees of the retailer” to sell the flavored tobacco products or mislabeled products containing nicotine. Page 4, lines 19 – 20, to page 5, lines 1 - 6. The penalty section, however, specifies that only “[a]ny retailer whose agents or employees violate this section may be sentenced to a

¹ See *Grusendorf v. City of Oklahoma City*, 816 F.2d 539 (10th Cir.1987) (the act of smoking a cigarette does not rise to the level of a fundamental right), as cited by *City of North Miami v. Kurtz*, 653 So. 2d 1025, 1028 (Fla. 1995). In addition, in 2009, the U.S. Food and Drug Administration (FDA) banned cigarettes with characterizing flavors other than menthol (e.g., cherry, chocolate), which are known to appeal to youth and young adults, U.S. Food & Drug Administration, Menthol and Other Flavors in Tobacco Products, available at <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm2019416.htm#reference>. Last visited January 30, 2019. In November 2018, the FDA announced new planned restrictions on certain flavored products related to e-cigarettes. <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625884.htm>. Last visited January 30, 2019.

fine not exceeding \$500. Any subsequent offenses shall subject the person to a fine of not less than \$500 nor more than \$2,000.” Page 6, lines 1 - 4. This wording would appear to make only the retailer and not its agents criminally liable.

We suggest amendments to the wording of the penalty section to clarify exactly who will be held criminally liable and what the penalty will be. Retailers selling tobacco products are often incorporated. In addition, persons acting on behalf of a corporation are held legally accountable for their own actions. Section 702-228, HRS (a person performing conduct on behalf of a corporation is legally accountable for that conduct “to the same extent as if it were performed in the person’s own name or behalf.”)

To make the wording of the penalty consistent with the described offense, we suggest that the penalty section be amended to read “any retailer and any agents or employees of the retailer who violate this section may be sentenced to a fine not exceeding \$500. Any subsequent offenses shall subject the offender to a fine of not less than \$500 nor more than \$2,000.” Because retailers can include individuals, corporations, unincorporated associations and other entities, we suggest including the following definitions:

“Entity” means one or more individuals, a company, corporation, a partnership, an association, or any other type of legal entity.

Additionally, because e-liquids are separately defined in the bill and not included in the definitions of “electronic smoking device” or “tobacco product” as defined in section 712-1258(7), HRS, we suggest amending the definition of “retailer” by adding the words “or e-liquids” after the words “tobacco products” on page 8, line 14, to expressly include the sellers of e-liquids within the definition of “retailer.”

Second, the bill (page 6, lines 5 – 10) allows counties to “adopt a rule or ordinance that places greater restrictions on the access to tobacco products than provided for in this section,” with the more stringent restrictions prevailing in the case of a conflict. This wording conflicts with section 328J -11.5, HRS, which states in part that “[a]ll local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted, and existing local laws and regulations conflicting with this chapter are null and void.” Although the conflict might

be interpreted to give the newer law its intended effect,² we suggest that to make the Legislature's intent clearer, the phrase "Notwithstanding any other law to the contrary," be inserted in the beginning of the subsection, before the phrase "[a]ny county" (page 6, line 5).

Third, the use of the phrase "tobacco products" (page 6, lines 6 and 9) is broader than the title of the bill, "Relating to Flavored Tobacco Products," raising a concern about the single subject requirement of article III, section 14 of the State Constitution. A suggested solution would be to add the word "flavored" before the phrase "tobacco products" in lines 6 and 9.

We also note that the wording of the criminal offense states "[b]eginning January 1, 2020," page 4, line 19, therefore the bill's effective date, currently July 1, 2050 (page 9, line 11), will need to take this into account.

Thank you for the opportunity to provide comments on and recommend amendments to this bill.

² In re Castro, 44 Haw. 455, 461 (1960)(where "later enactments and the earlier provision dealing with this same subject cannot be harmonized, the new provisions should prevail as the latest declaration of the legislative will.")

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
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Alice L. Lee
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 19, 2019

TO: Honorable Representative Roy M. Takumi, Chair
House Committee on Consumer Protection & Commerce

Honorable Representative Chris Lee, Chair
House Committee on Judiciary

FROM: Tasha Kama
Presiding Officer Pro Tempore

DATE:

SUBJECT: **Hearing of March 20, 2019; Testimony in SUPPORT of SB 1009 SD2
HD1, Relating to Flavored Tobacco Products**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to address the sales of flavored tobacco products and prohibits the mislabeling of e-liquid products containing nicotine.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Flavored tobacco products are a primary method of attracting the young to try tobacco products. Banning these products will assist the State and the County in curtailing the adoption of tobacco products by impressionable youth, some of whom, despite protestations by the industry, are clearly the target audience for these products.
2. Consumers must be able to rely on product packaging to know what those products contain. The mislabeling of e-liquid products as "nicotine-free" when they contain nicotine undermines the consumers' reliance on labeling to be correct.

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

The Honorable Roy Takumi, Chair

The Honorable Linda Ichiyama, Vice Chair

Members of the House Committee on Consumer Protection and Commerce

The Honorable Chris Lee, Chair

The Honorable Joy San Buenaventura, Vice Chair

Members of the House Committee on Judiciary

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Mahalo,

Cristeta Ancog

Aiea, HI 96701-1854

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

The Honorable Roy Takumi, Chair
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We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

These flavors are CLEARLY aimed at children!

Mahalo,
Stephanie Austin
Haiku, HI 96708-5555

3/19/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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

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

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

THIS IS A PRIORITY ISSUE

I am a retired Certified Abuse Prevention Specialist.
I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Mahalo,
Rev. Dennis Barger
Kihei, HI 96753-7024

3/19/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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The Honorable Chris Lee, Chair

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Members of the House Committee on Judiciary

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

I am a middle schooler and I always see people vaping in and out of school and these are only middle schoolers. This has become a huge problem for the next generations to deal with. Too much kids and teens are vaping these days and this will have a major impact on our future.

Mahalo,

Tihani Belena

Kahului, HI 96732-2578

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

The Honorable Roy Takumi, Chair

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Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

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We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee. There really is no other alternative for good health.

Mahalo,

Patricia Blair

Kailua, HI 96734-2746

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

The Honorable Roy Takumi, Chair

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Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

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We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee. This will save teens or younger from addiction for life, which will undoubtedly be shortened as a result.

Sincerely,

Barbara Dinoff

Honolulu, HI 96815-3535

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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

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

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

STOP letting the industry win in our fight to protect keiki.

I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Mahalo,
Suzanne Fields
Haiku, HI 96708-5847

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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Respectfully Submitted,

Patricia Fleck

Kailua Kona, HI 96740-4449

3/19/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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As a former high school student, I have experienced first hand of high school students vaping. Whether it's during classes when the teacher turns their back, in the bathrooms, in the student's cars, or just by the edge of the school's campus, students are sharing their vapes amongst their friends and getting them from older people with or without their knowledge. It's really sad to see my generation falling into the same traps that tobacco companies have made many years ago when they were first advertising cigarettes.

We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Mahalo,

Kawena Kekuewa

Kahului, HI 96732-1378

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

The Honorable Roy Takumi, Chair

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We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Stop poisoning my patients.

www.WeAreOne.cc

Mahalo,

Joseph Kohn MD

Wailuku, HI 96793-2641

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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

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

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

I am a pediatrician, I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Mahalo,
Mae Kyono
Honolulu, HI 96826-1001

3/19/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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

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

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

As a parent, pediatrician, and medical director of the Kapiolani Smokefree Families program, I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

The rates of vaping use in our keiki is more than twice the national average for high schoolers and more than five times the national average for middle schoolers. 1 in 5 Hawaii youth are now vaping, and the rates are continuing to increase dramatically. 60% of kids do not even realize there is nicotine in the products, but once they try vaping, they have a higher risk of becoming addicted.

Please end the sale of flavored tobacco and nicotine products, with flavoring and marketing that is directed towards our keiki. The time to act is now, as each day more and more youth are becoming hooked on nicotine.

I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Sincerely,

Bryan Mih, MD MPH FAAP
Honolulu, HI 96822-1758

3/19/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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According to Consumer Reports (3/18/2019), the FDA has proposed restrictions in an effort to combat "an epidemic" of underage vaping. The U.S. Surgeon General issued a sharply worded advisory for steps to rein in e-cigarette use.

We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Mahalo,

Lorrie Santos

Kaneohe, HI 96744-5909

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

Hawai'i is already experiencing a youth vaping epidemic. Our state has one of the highest per capita uses of flavored tobacco products among middle school and high school students in the US. After the tremendous success of the Tobacco Free Coalition, the legislature, and many others in drastically reducing teen tobacco use in Hawaii, tobacco use among teens has made a drastic U-turn with the introduction and promotion by tobacco companies of flavored, "cool," e-cigarettes. These products have deliberately targeted children by adding many, many flavors with candy names like "Fruit Hoops", using colorful candy-like packaging directed toward children, and advertising that stresses good taste and smell of these products. In fact, the taste and packaging of flavored tobacco products are so enticing that young children have ingested the flavored juice with tragic results.

These electronic products were originally marketed as a safe way to wean off cigarettes. This assertion has no scientific evidence to back it up and misleads our keiki who feel that using ESP's is not only cool, but also safe. Ironically, tobacco companies have cynically taken advantage of gullible consumers by significantly increasing the nicotine concentration in the flavored "juices" so that new users are instantly hooked on nicotine, which is one of the most addicting substances known to man. This means that our keiki are rapidly becoming addicted to nicotine, instantly creating a life-long market for tobacco companies.

Unfortunately, the FDA has been slow to recognize the harmful potential of vaping despite frantic warnings from the American Academy of Pediatrics. Finally the head of the FDA has suggested some control of flavored ESP's in gas stations and convenience stores, which doesn't at all cover on line or tobacco store purchases, and there is no review of sales to minors until 2022. Also, flavored smokeless tobacco and hookah are not addressed. This is reminiscent of the long and difficult push to control tobacco sales, which was violently opposed by tobacco companies and their lobbyists. I am sure we all remember the insistence by Big Tobacco that there was no health risk from tobacco products.

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. I strongly support HB276 and ask you to pass this out of committee.

Linda Weiner, MD
Pediatrics, Kauai

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
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I strongly support SB1009 SD2 HD1, which would end the sale of flavored tobacco products, including flavored e-liquids.

The cloud of sweet smelling vapor that emanates from the vaping devices is so alluring to young people. It really needs to be better regulated! Please do the right thing and do not bow to industry.

As a former smoker, I appreciate that there will be stiff opposition to this, particularly as it includes menthol. Perhaps menthol tobacco could be allowed but not as a vaping product. If you want to inhale menthol, get some Viks vapo-rub! :)

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

We must end the sale of flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 SD2 HD1 and ask you to pass this out of committee.

Mahalo,
Susan Yamamoto
Honolulu, HI 96826-3553

3/18/2019

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Mahalo,

Cherie Andrade

Kailua, HI 96734-3507

3/18/2019

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Mahalo,

Judith Armstrong

Honolulu, HI 96815-1506

3/18/2019

RE: Strong Support of SB1009 SD2 HD1, Relating to Flavored Tobacco Products

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The Honorable Chris Lee, Chair

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Members of the House Committee on Judiciary

Hrg: March 20, 2019 at 2:00 PM at Capitol Room 329

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Mahalo,

Helen Barrow

Makawao, HI 96768-0822

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Mahalo,

Shay Chan Hodges

Haiku, HI 96708-5117

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Mahalo,

Wilson Datario

Pepeekeo, HI 96783-0623

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Mahalo,

Ellen Federoff

Kihei, HI 96753-8200

3/19/2019

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Mahalo,

Tanya Gabriel

Kihei, HI 96753-9246

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Mahalo,

Shani Gacayan

Paauilo, HI 96776

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Mahalo,

Marilyn Gagen

Kamuela, HI 96743-8500

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Mahalo,

Jhoana Gonzales

Hilo, HI 96720-1415

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Mahalo,

Michelle Gray

Honolulu, HI 96825-1758

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Mahalo,

Paul Ho

Honolulu, HI 96814-4284

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Mahalo,

Cyd L. Hoffeld

Pahoa, HI 96778-9764

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Mahalo,

Kahala Howser

Kaneohe, HI 96744-1901

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Mahalo,

John Ishoda

Honolulu, HI 96817-2115

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Mahalo,

Tenaya Jackman

Honolulu, HI 96815-4450

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Mahalo,

Joseph Keawe'aimoku Kaholokula

Honolulu, HI 96813-5045

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Mahalo,

Michael Kellar

Honolulu, HI 96821-2251

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Mahalo,

Ronald Kuriki

Honolulu, HI 96816-2586

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Mahalo,

Brad Kurokawa

Honomu, HI 96728

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Mahalo,

Christopher La Chica

Mililani, HI 96789-2452

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Mahalo,

Anna Lieding

Paia, HI 96779-9729

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Mahalo,

Diane Neubert

Kailua Kona, HI 96740-2502

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Mahalo,

Barbara Nosaka

Honolulu, HI 96822-2427

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Mahalo,

Shelly Ogata

Kurtistown, HI 96760

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Mahalo,

PATRICIA ORNELLAS

Kalaheo, HI 96741-0043

3/18/2019

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Mahalo,

Chelsea Pang

Kaneohe, HI 96744-1812

3/19/2019

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Mahalo,

Shilpa Patel

Honolulu, HI 96826-1001

3/18/2019

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Mahalo,

Lena Phomsouvanh

Ewa Beach, HI 96706-3587

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Mahalo,

Mealani Rahmer

Pahoa, HI 96778-1251

3/18/2019

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Mahalo,

Kirsten Ralston

Honolulu, HI 96816-0528

3/19/2019

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Mahalo,

Mary Santa maria

Makawao, HI 96768

3/18/2019

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Mahalo,

Anne Scharnhorst

Wailuku, HI 96793-2167

3/19/2019

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Mahalo,

Renee Segundo

Kahului, HI 96732-1311

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Mahalo,

Diana M Shaw

Lanai City, HI 96763-0142

3/19/2019

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Mahalo,

Nicole Skillern

Makawao, HI 96768-9363

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Denise Thayer

Kahului, HI 96732-1328

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Mahalo,

Vince Yamashiroya

Honolulu, HI 96814-1702