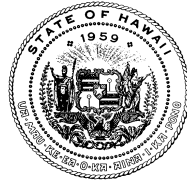


SB1016

Measure Title:	RELATING TO SALES OF TOBACCO.
Report Title:	Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus
Description:	Prohibits the issuance of new retail tobacco permits and renewal of existing permits for places of business that are located within 750 feet of a preschool, school, or public playground. Prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground. Beginning on January 1, 2020, codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit.
Companion:	
Package:	Keiki Caucus
Current Referral:	CPH/JDC, WAM
Introducer(s):	K. RHOADS, BAKER, S. CHANG, HARIMOTO, Kim, Shimabukuro



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

**Testimony COMMENTING on S.B. 1016
RELATING TO SALES OF TOBACCO**

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

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 13, 2019 Room Number: 229

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

4 **Department Testimony:** The Department offers comments on Senate Bill 1016 (S.B. 1016) as a
5 measure to protect youth by reducing the use, access, and exposure to tobacco products through
6 establishing regulatory authority to limit sales of such tobacco products in close proximity to
7 areas where youth frequent as a “buffer zone strategy. The Department defers to the AG on the
8 legality and enforceability of the amendments proposed to Section 328J, Hawaii Revised Statutes
9 (HRS), and to the DOTAX for the implementation of tobacco permitting amendments to §245-
10 and §245-2.5, HRS.

11 The Department finds support in public health literature for creating “tobacco-free buffer
12 zones” around schools and parks as a regulatory strategy to reduce youth initiation to tobacco
13 products like traditional cigarettes and electronic smoking devices (ESDs). Studies cited in the
14 American Journal of Public Health have shown that “ experimental smoking among high school-
15 aged minors increases when tobacco retailers are closer to schools and densely populate those
16 locations.”¹

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

1 The Institute of Medicine has suggested that restricting tobacco retail outlets near schools
2 will impact youth tobacco use through limiting sales and reduced access.² Another study of
3 tobacco outlets conducted by researcher Andrea Licht at the University of Buffalo explains that
4 the “proximity to schools is significant because smoking patterns are almost exclusively
5 developed during the adolescent and teen years.” She further comments that “availability,
6 accessibility and the perception that smoking is normal are all associated with higher youth
7 smoking rates.”³

8 The licensing strategy of creating tobacco-free buffer zones around schools and
9 playgrounds, by prohibiting tobacco retail outlets in these specific areas has the support of the
10 public health community, including the Centers for Disease Control and Prevention.
11 Comparable laws have been established that prohibit the sale of alcoholic beverages within
12 certain distances of schools and playgrounds. Youth and alcohol research has shown that there is
13 a strong association between outlet density and excessive alcohol consumption.⁴

14 California, New York, and numerous other localities have implemented tobacco retailer
15 zones, ranging from three hundred to one thousand feet, where sales of tobacco products and
16 permits for tobacco retailers are prohibited near schools, parks, and other areas frequented by
17 youth. Researchers from the University of Buffalo and Roswell Park Cancer Institute found
18 more tobacco outlets concentrated around elementary and secondary schools; and more densely
19 concentrated in lower-income areas. This “may be exacerbating tobacco-use disparities between
20 socioeconomic groups.”⁵

21 Hawaii law already requires retailers that sell tobacco products to obtain a permit from
22 the Department of Taxation. The Department supports the intent of this proposed measure to

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

³ University at Buffalo. (2011, February 22). Study shows tobacco retail proximity to schools. *ScienceDaily*. Retrieved February 1, 2018 from www.sciencedaily.com/releases/2011/02/110222122727.htm

⁴ See Centers Of Disease Control And Prevention, Guide To Community Preventive Services, Evidence-Based Strategies To Prevent Excessive Alcohol Consumption And Related Harms, available at www.thecommunityguide.org/content/regulating-alcohol-outlet-density-prevents-excessive-alcohol-use retrieved 2/5/2018

⁵ University at Buffalo. (2011, February 22). Study shows tobacco retail proximity to schools. *ScienceDaily*. Retrieved February 1, 2018 from www.sciencedaily.com/releases/2011/02/110222122727.htm

1 prohibit a license from being issued to any retailer within the buffer zone distance of seven
2 hundred and fifty feet from preschools, schools and public playgrounds and defers to the
3 DOTAX which has the authority for the implementation and enforcement of §245, HRS. The
4 Department will continue to confer with the AG and DOTAX on the various responsibilities of
5 the agencies involved in this measure.

6 Thank you for the opportunity to comment.

7 **Offered Amendments:** None.



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

Date: 02/13/2019

Time: 09:00 AM

Location:

Committee: Senate Commerce
Consumer Protection
and Health
Senate Judiciary

Department: Education

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

Title of Bill: SB 1016

Purpose of Bill:

Department's Position:

The Department of Education supports SB 1016, 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 Hawaii's high school students have tried e-cigarettes and 25% are now regular users. Although cigarette use has declined in recent years, it is still concerning, with 22% of students saying that they have smoked a cigarette.

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 is committed to supporting students' well-being by providing a safe learning environment. Restricting the retail sales of tobacco products near schools may help to limit youth access to these products and reduce the rates of students smoking. [McCarthy, W. J., Mistry, R., Lu, Y., Patel, M., Zheng, H., & Dietsch, B. (2009). Density of tobacco retailers near schools: effects on tobacco use among students. *American*

journal of public health , 99 (11), 2006-13]

The Department is collaborating with the Department of Health to actively engage and educate our youth as to the harmful risks and dangers associated with all tobacco products, including e-cigarettes. These efforts include a social media campaign, encouraging school-level student-led projects (e.g., video, art, essays, presentations, etc.), distributing informational pamphlets to students, displaying posters discouraging the use of tobacco products on school campuses, embedding curriculum on this topic into health and physical education classes, and conducting parent nights to disseminate information.

The safety and well-being of all of our students are paramount to the Department of Education.

Thank you for the opportunity to provide testimony on this measure.

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 TAXATION
830 PUNCHBOWL STREET, ROOM 221
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<http://tax.hawaii.gov/>
Phone: (808) 587-1540 / Fax: (808) 587-1560
Email: Tax.Directors.Office@hawaii.gov

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

The Honorable Karl Rhoads, Chair
and Members of the Senate Committee on Judiciary

Date: Wednesday, February 13, 2019
Time: 9:00 A.M.
Place: Conference Room 229, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 1016, Relating to Sales of Tobacco

The Department of Taxation (Department) provides the following comments regarding S.B. 1016 for your consideration. A summary of the key provisions of S.B. 1016 are as follows:

- Adds a new section that codifies Hawaii Administrative Rules section 18-245-2.5-4 that allows the Department to suspend, revoke, or decline to issue a retail tobacco permit for good cause;
- Adds a new section that makes it unlawful to sell tobacco products or electronic smoking devices within 750 feet of a school or public playground; and
- Amends section 245-2.5, Hawaii Revised Statutes (HRS), to provide that the Department shall not issue retail tobacco permits for locations within 750 feet of schools or playgrounds, and shall not renew existing permits for locations within 750 feet of schools or playgrounds.

First, with respect to the amendment to section 245-2.5, HRS, in Section 4 of the bill, the Department notes that, as currently drafted, the bill would mean the Department can only issue a retail tobacco permit after determining that the location for which the permit has been applied is not within 750 feet of a school or playground. Determining the distance between a retail location and a school or playground is a labor-intensive process that requires personnel with surveying or other skills necessary to accurately make such a geographical determination. The Department has neither the knowledge nor resources to make such a determination. Thus, if this bill passed, it would be almost entirely unable to issue retail tobacco permits, effectively banning cigarettes and tobacco products in the entire State.

The Department suggests instead placing the onus of determining the distance to a school or playground on the permit applicant. The Department could enforce the distance requirement through audit or inspection procedures that would be significantly less burdensome and allow tobacco retailers to continue receiving permits and remain in business.

In order to place the responsibility of making this determination on the applicant, the Department respectfully requests the bill amend section 245-2.5, HRS, by amending subsections (a) and (c) to read as follows:

(a) Beginning December 1, 2006, every retailer engaged in the retail sale of cigarettes and other tobacco products upon which a tax is required to be paid under this chapter shall obtain a retail tobacco permit. No place of business within seven hundred fifty feet of a public or private preschool; a public or private elementary, intermediate, or high school; or public playground shall seek a permit under this section.

...

(c) The retail tobacco permit shall be issued by the department upon application by the retailer in the form and manner prescribed by the department, and the payment of a fee of \$20[-]; provided that the place of business for which the permit is sought shall not be within seven hundred fifty feet of a public or private preschool; a public or private elementary, intermediate, or high school; or public playground. Permits shall be valid for one year, from December 1 to November 30, and renewable annually[-]; provided that a permit issued for a place of business that is located within seven hundred fifty feet of a public or private preschool; a public or private elementary, intermediate, or high school; or public playground shall be void. Whenever a retail tobacco permit is defaced, destroyed, or lost, or the permittee relocates the permittee's business, the department may issue a duplicate retail tobacco permit to the permittee for a fee of \$5 per copy. The distance of seven hundred fifty feet shall be measured from the boundary of the preschool, school, or public playground to the boundary of the place of business's premises. Public or private beaches, and public or private day care centers located in or adjacent to commercial areas shall not be deemed schools or public playgrounds for purposes of this subsection. Vocational or licensing schools, or other schools attended primarily by adults, shall not be considered schools for the purposes of this subsection."

Thank you for the opportunity to provide comments.



HIPHI Board

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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: February 11, 2019

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Commerce, Consumer Protection, & Health
Committee

Re: Support for SB 1016, Relating to Sales of Tobacco

Hrg: February 13, 2019 at 9:00am at Conference Room 229

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute is in **Support of SB 1016** which would prohibit the sale of tobacco products and electronic smoking devices within 750 feet of a preschool, school, or public playground.

The Coalition notes that similar buffer zones have already been passed into state law:

HRS §281-39.5 Liquor license prohibited; where. (a) The liquor commission or agency of each county may deny or restrict the issuance of a liquor license for on-site sale and consumption by the drink to any applicant whose establishment is or would be located **within five hundred feet of a public or private elementary, intermediate, or high school, or public playground utilized extensively by minors,** as determined by the liquor commission of each county;

HRS §329D-22 Medical cannabis zoning. (a) Medical cannabis production centers and dispensaries shall comply with all county zoning ordinances, rules, or regulations; provided that:

(1) A medical cannabis production center shall be permitted in any area in which agricultural production is permitted except as provided within this chapter; and

(2) No medical cannabis production center or dispensary shall be permitted within seven hundred fifty feet of the real property comprising a playground, public housing project or complex, or school.

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

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

- In zip codes where the average household income was \$103,518ⁱⁱ, there were 15 total ESD retailers.
- In zip codes where the average household income was \$57,070ⁱⁱⁱ, there were 70 total ESD retailers.

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

- Farrington High School - 400 feet from E-Cig City
- Washington Middle School - 360 feet from Pipe Dreams
- Kuhio Elementary School - 470 feet from Choke Smoke Shop
- Central Middle School - 675 feet from Vapor Tokers
- Pearl City Elementary School - 240 feet 808 Smokes
- Ho'ala School - 328 feet from Vapor HI

A high density of tobacco retailers near schools suggest that smoking and vaping is okay

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

Prohibiting tobacco retailers from locating near schools and other youth-oriented areas is an effective policy strategy to reduce tobacco retailer density. In a public poll^{vii} conducted by Ward Research Inc. for the Coalition in October 2018, **84% of registered Hawai'i voters were in support of prohibiting the sale of tobacco products within a certain distance from schools or playgrounds.** Several cities in California and New York have enacted similar legislation to encourage responsible tobacco retailing, reduce tobacco-related health disparities, and reduce youth tobacco use.

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

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

In addition, e-cigarettes have now surpassed cigarettes as the most commonly used tobacco product among youth. The 2017 Hawai'i Youth Risk Behavior survey reports that 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vaping^{viii}. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. The U.S. Surgeon General, CDC, and the FDA have all declared youth vaping use as an epidemic and that states and local jurisdictions have an urgent need to act.

SB1016 would help to reduce youth exposure to tobacco advertising and access to tobacco products by reducing tobacco retailer density in areas that youth frequent, and as a result help to prevent youth from using tobacco products. We ask the committee to pass SB1016 out of committee.

Mahalo,

A handwritten signature in black ink, appearing to read 'Trish', is positioned above the typed name.

Trish La Chica, MPA
Policy and Advocacy Director

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



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
Wednesday February 13, 2019**

Re: SB 1016 Relating to Sales of Tobacco

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

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

RMH is strongly opposed to SB 1016 Relating to the Sales of Tobacco. This bill prohibits the issuance of new retail tobacco permits and renewal of existing permits for places of business that are located within 750 feet of a preschool, school, or public playground; prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground; and beginning on January 1, 2020, codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit.

Many businesses have been in operation prior to schools opening up around them. Someone could move in next to a retailer who sells tobacco products and claim they have a private school in an effort to force a business to stop selling tobacco products. The small locally owned businesses will stand to be hurt and may potentially force some of these small locally owned businesses to close, leaving people out of work.

In 2016 the Hawaii State Legislature passed a measure in which persons have to be 21 years old or older to purchase electronic devices and the liquids that it uses. In addition, the US Food & Drug Administration placed sweeping regulations on e-cigarettes and other tobacco products in the same way the FDA regulates conventional cigarettes.

The retailers are not the ones selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of who are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not care to see how old someone is.

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



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Executive Officers

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Joe Carter, Coca-Cola Bottling of Hawaii, *Vice Chair*
Charlie Gustafson, Tamura Super Market, *Secretary/Treas.*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:

Committee on Commerce, Consumer Protection, and Health and Committee on Judiciary
Senator Rosalyn H. Baker and Senator Karl Rhoads, Chairs
Senator Stanley Chang and Senator Glenn Wakai, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 13, 2019
TIME: 9am
PLACE: Conference Room 229

RE: SB1016 Relating to Sales of Tobacco

Position: Oppose

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

The restrictions proposed by this bill would penalize businesses based on arbitrary geographic guidelines that the businesses themselves have no control over. This bill would include much of Waikiki and downtown as well as many other commercial and retail districts around the state.

Retailers already face stiff fines and penalties for sale of tobacco to minors and Hawaii is already one of just a handful of states to raise the smoking age to 21. It is unfair to single out certain retailers based on their locations and subject them to additional restrictions, which would essentially ban them from selling a legal product. We ask that this measure be held.

SB-1016

Submitted on: 2/11/2019 1:53:54 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dau	Testifying for Keiki Injury Prevention Coalition	Support	No

Comments:



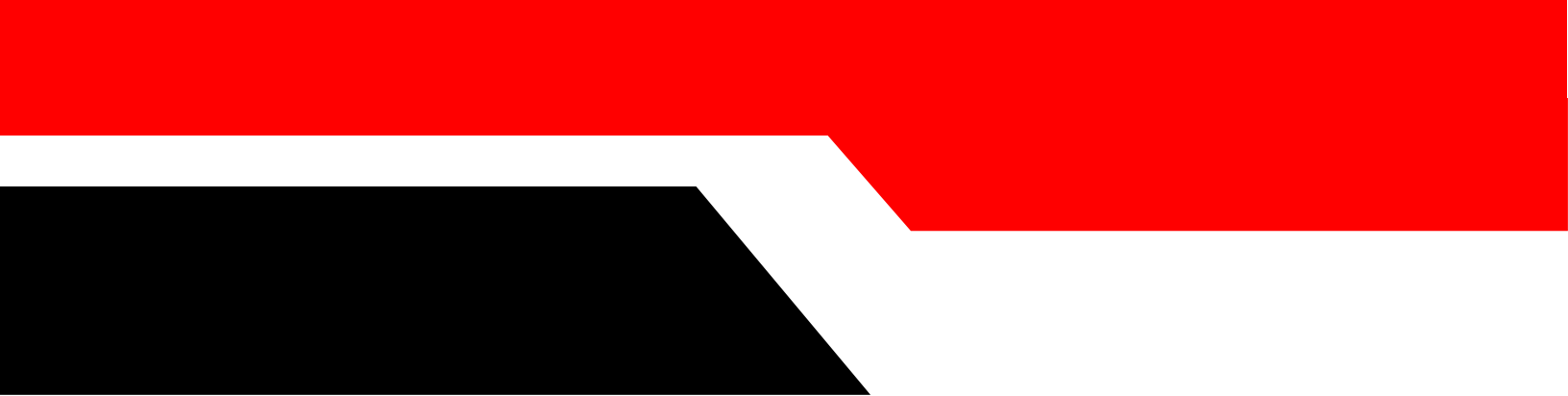
85-993 Farrington Hwy
Suite 204
Waianae, Hi 96792
808-200-4798

wholesale@hilyfevaporz.com

2/8/2019

Dear Hawaii State Representatives, Aloha,

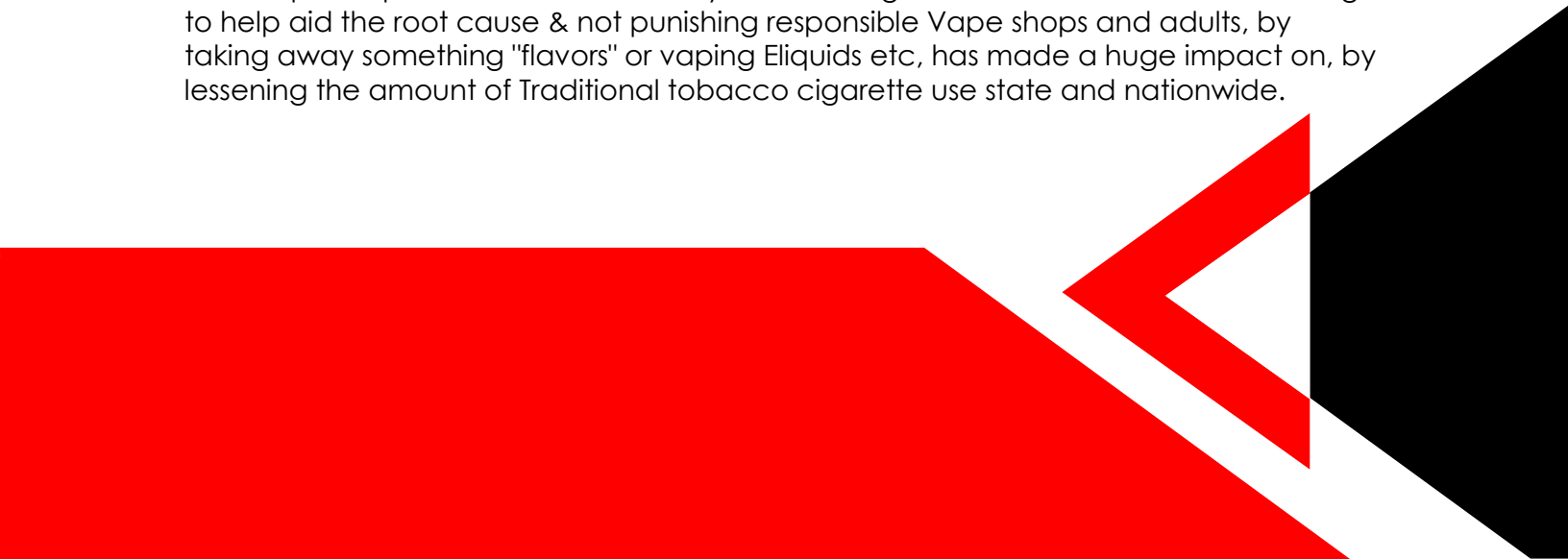
My name is Jostin and We Strongly oppose the Senate Bill 1016 (SB1016). As a REGISTERED Manufacturer with the U.S Food and Drug Administration and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SELL OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date. Businesses like ours will be unable to move due to the fact that we are already locked into lease terms. it will be unfair to businesses that already have locations in place.



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

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB1016 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

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



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

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

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Mahalo for your time and consideration Jostin Iriarte jostin@hilyfevaporz.com



The Centers for Disease Control and Prevention

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

<https://www.cdc.gov/tobacco/basic-information/e-cigarettes/about-e-cigarettes.html>



US Department of Health and Human Services

Secretary Alex Azar:

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



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



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



FDA Commissioner Dr. Scott Gottlieb

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

FDA Commissioner Dr. Scott Gottlieb



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



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



Dr. Jerome Adams, U.S. Surgeon General

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

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



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

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

Mitch Zeller, JD, Director, Center for Tobacco Products

<https://www.roll2stop.com/culture/culture-news/e-cigs-inconvenient-but-its-hard-to-veg-28972>

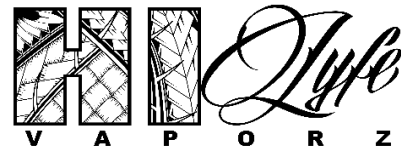


Mitch Zeller, Director, Center for Tobacco Products

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



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



85-993 Farrington Hwy
Suite 206
Waianae, Hi 96792
808-200-4798
info@hilyfevaporz.com


2/8/2019

Dear Hawaii State Representatives,

Aloha,

My name is Jostin and I Strongly oppose the Senate Bill 1016 (SB 1016). As a small business owner and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SALE OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

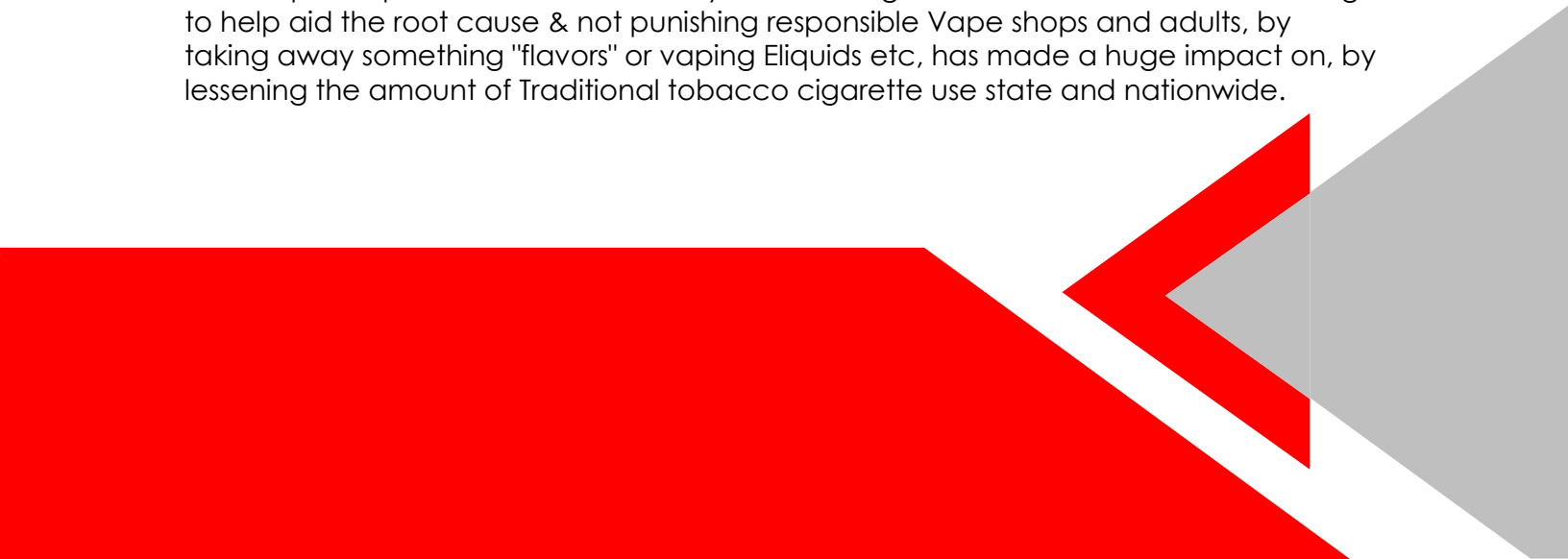
Businesses like ours will be unable to move due to the fact that we are already locked into lease terms. It will be unfair to businesses that already have locations in place.



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

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB 1016 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

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



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

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

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Mahalo for your time and consideration Jostin Iriarte jostin@hilyfevaporz.com



The Centers for Disease Control and Prevention

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

<https://www.cdc.gov/tobacco/basic-information/e-cigarettes/about-e-cigarettes.html>



US Department of Health and Human Services

Secretary Alex Azar:

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



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



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



FDA Commissioner Dr. Scott Gottlieb

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

FDA Commissioner Dr. Scott Gottlieb



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



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



Dr. Jerome Adams, U.S. Surgeon General

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

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



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

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

Mitch Zeller, JD, Director, Center for Tobacco Products

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



Mitch Zeller, Director, Center for Tobacco Products

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



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



February 13, 2018

RE: **Support of SB1016** Relating to Tobacco

Aloha Chair Baker, Vice Chair Chang, and Members of the Commerce, Consumer Protection & Health Committee:

Blue Zones Project–Hawaii supports SB1016, which places zoning restrictions for the sale of tobacco products and electronic smoking devices within 750 feet of a school, public playgrounds. By regulating the location of sale, the bill addresses areas with highly vulnerable populations to the advertising tactics of the industry.

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

While social media aggressively and successfully engage our youth to experiment with vaping, we have an opportunity to fight this epidemic by making it less accessible. As a parent, I witness teen vaping regularly while picking up my son from school. Baldwin High School and Iao Intermediate School students sit around the tables at a small shopping center vaping publicly, with no concern of who sees them. This behavior is becoming the norm at local establishments neighboring intermediate and high schools. If the sale of these products were restricted in within close proximity of the schools, it would help to lessen the daily marketing to our students.

At Blue Zones Project we support efforts that address the health issues in our communities, such as the adverse health ailments from tobacco and nicotine products. Prohibiting the aggressive marketing and sales of tobacco and ESDs within 750 feet of parks and schools is one of way to help reduce rates of teen use. Retailers have been irresponsible in regard to our youth population.

The industry's major focus is increasing their business and growing their bottom line. They spend over \$20 million yearly in Hawaii. It is time that we stand together as a community to more heavily regulate this industry. Please support SB1016.

Sincerely,

Laks Abraham

Laksmi Abraham
Blue Zones Project—Hawaii

Brought to
Hawaii by



An Independent Licensee of the Blue Cross and Blue Shield Association

SB-1016

Submitted on: 2/10/2019 5:12:11 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

I strongly oppose Bill SB1016. I live on the Big Island and sell tobacco products in my stores. All my stores are located in retail permitted buildings in the center of Hilo, Pahoa, Kailua Kona and Waimea. If you are familiar with the Big Island you know our towns are small, there is a school or park virtually everywhere you go into the middle of town. This law would close my businesses and put all of my 30+ workers out of work. There should be some sort of grandfather clause for existing businesses.

Last year we fought similar bills to this one, those bills did not pass, why are we fighting these bills again? It is clear we do not want this.

I have leases at all of my stores this bill would not only close my business, but add insult to injury by having to pay leases on the shop spaces ultimately bankrupting myself and my family.

I strongly oppose this bill. Please do not pass this bill. Thank you for your time

Mariner Revell



**ISLAND
ENERGY**

Albert D. K. Chee, Jr.
Vice President
Retail Marketing and
Community Relations

Island Energy Services, Retail LLC
933 N. Nimitz Highway
Honolulu, Hawaii 96817
Tel (808) 527-2778
AlChee@islandenergyservices.com

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

Wednesday, February 13, 2019

9:00 AM

Conference Room 229

Senator Roz Baker, Chair
Senator Stanley Ching, Vice-Chair
Committee on Commerce, Consumer Protection, and Health

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice-Chair
Committee on Judiciary

Re: SB 1016, Relating to Sales of Tobacco

Island Energy agrees with the intent of this measure that seeks to prevent the sale and purchase of tobacco products to persons under the age of twenty-one. However, Island Energy does not support a ban on sales of tobacco products based upon the method proposed in SB 1016 which seeks to prohibit sales with a defined radius from schools and public parks.

Hawaii state law already prohibits the sale of any tobacco products to anyone less than twenty-one years of age. Furthermore, the sale of age restricted products like tobacco and alcohol are also highly regulated by federal and county government agencies. Violation of these regulations result in large fines to the business. Enforcement of violations may also lead to the suspension or revocation of the required permits by the licensing agency.

At stores operated by Island Energy, Hawaii's Texaco brand licensee, it is our company policy to verify the age of customers purchasing tobacco and alcohol if they appear to be under the age of 35 years. Our customer service representatives are made fully aware as part of our annual training processes that selling to under-age customers is illegal and will not be tolerated. Discipline up to and including termination can result if these policies are violated.

Thank you for this opportunity to submit testimony.



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

IN OPPOSITION TO SENATE BILL 1016, RELATING TO SALES OF TOBACCO

Senate Committee on Commerce, Consumer Protection & Health
The Honorable Rosalyn Baker, Chair
The Honorable Stanley Chang, Vice Chair

Senate Committee on Judiciary
The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair

Wednesday, February 13, 2019 at 9:00 a.m.
Hawaii State Capitol, Conference Room 229

Chairs Baker and Rhoads, Vice Chairs Chang and Wakai, 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.

SB 1016 prohibits the issuance of new retail tobacco permits and renewal of existing permits for places of business that are located within 750 feet of a preschool, school, or public playground. It also prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground. Beginning on January 1, 2020, this measure codifies the Department of Taxation’s administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit.

HPMA opposes SB 1016, Relating to Sales of Tobacco.

As operators of convenience stores at fueling locations, HPMA member companies fully understand the health concerns connected with tobacco products. Our members go to extraordinary lengths through their business practices and employee training to prevent the

Testimony of the Hawaii Petroleum Marketers Association
In Opposition to SB 1016, Relating to Sales of Tobacco
Senate Committee on Commerce, Consumer Protection & Health
Senate Committee on Judiciary
Wednesday, February 13, 2019 at 9:00 a.m.
State Capitol, Conference Room 229
Page 2

sale of tobacco products to minors. We believe SB 1016 goes too far in prohibiting the sale of legal products to appropriate-aged consumers.

Hawaii law already prohibits the sale of tobacco products to anyone under 21 years of age (§712-1258, HRS). Unfortunately, SB 1016 ignores the efforts of law-abiding businesses to stem the sale of tobacco products to minors. A 750-foot circumference zone delineated around a pre-school, school or public playground within the urban core of Honolulu, such as Waikiki, would intersect with and overlap other zones, creating an extensive, vacuous region in which businesses will no longer be permitted to sell tobacco products.

HPMA is open to working with the Legislature and concerned stakeholders to consider practical solutions—such as grandfathering in existing permit holders or strengthening enforcement—in safeguarding Hawaii’s children and youths from using these products while not constituting a physical taking of property without just compensation for impacted businesses, or impairing consumers’ right to access.

Thank you for this opportunity to present written testimony for the Committee’s consideration.

SB-1016

Submitted on: 2/12/2019 7:19:18 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/7/2019 2:18:41 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Molly Mamaril	Individual	Support	No

Comments:

SB-1016

Submitted on: 2/7/2019 3:12:25 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mealani Rahmer	Individual	Support	No

Comments:

Please support the prohibition of tobacco sales within 750 feet from schools. Our children deserve a better future!

Thank you

SB-1016

Submitted on: 2/7/2019 4:29:56 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/7/2019 2:22:34 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/7/2019 5:45:55 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Adam mayer	Individual	Oppose	No

Comments:

SB-1016

Submitted on: 2/9/2019 6:24:33 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Larson	Individual	Oppose	No

Comments:

Date: February 9, 2019

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

The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair
Members of the Senate Committee on Judiciary

Re: **SUPPORT for SB1016**, Relating to Sales of Tobacco

Hrg: February 13, 2019 at 9:00am at Capitol Room 229

Aloha Senate Committees on Commerce, Consumer Protection, and Health, and, Judiciary,

I am writing in strong **SUPPORT of SB1016** that prohibits the issuance of new retail tobacco permits and renewal of existing permits for places of business that are located within 750 feet of a preschool, school, or public playground; prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground; and beginning on January 1, 2020, codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit.

Restricting the sale of tobacco products and electronic smoking devices near preschools, schools and public playgrounds matters because youth are vulnerable to advertising and retail availability of tobacco and e-cigarette products. For keiki walking to/from school or the playground, exposure to these promotions normalizes smoking and vaping, increasing the likelihood that they will experiment with and become addicted to nicotine containing, health-harming tobacco products.

SB1016 is a policy solution that encourages responsible tobacco retailing while reducing youth exposure to tobacco retail presence and promotion.

I strongly **support SB1016** and respectfully ask you to pass this bill out of committee.

Mahalo nui for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-1016

Submitted on: 2/10/2019 6:03:51 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ben	Individual	Oppose	No

Comments:

SB-1016

Submitted on: 2/10/2019 10:57:10 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/10/2019 11:36:46 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

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

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

Therefore, I oppose this measure.

SB-1016

Submitted on: 2/10/2019 10:58:42 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/10/2019 1:53:58 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Alana-Duones	Individual	Oppose	No

Comments:

I oppose this bill sb1016. This bill will not make sense for the state of Hawaii. The state of Hawaii is a is a whole place of public school parks and beach

SB-1016

Submitted on: 2/11/2019 10:52:39 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/11/2019 11:21:32 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

I'm not sure how this helps regulate any tobacco products. The age to purchase tobacco is 21 years old so regulating the area tobacco can be sold in doesn't make any sense to me. This would essentially just reduce revenue for hundreds of business that have already been operating for decades. Not to mention the cost to potentially having move a business from the location restrictions.

SB-1016

Submitted on: 2/11/2019 12:15:07 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

Aloha

my name is Puna and I'm opposing to bill sb1016 due to the fact that I myself live on the big island of Hawaii yes it's the big island and is not as populated as the island of Oahu but we do in fact have many schools and public areas. It's already bad enough we need to vape 20ft away from any business. Now if this bill passes and goes through the vape shop I am currently employed at is inside of 200ft away from a preschool and church. 1 out of 6 vape shops will be able to keep business running. This bill isn't fair to the community who is doing the healthy switch over to vape from traditional combustible cigarettes, it's already hard to just get a nicotine fix for the community and business owners that are doing there part is unfair. We are trying to give the community a safe a healthier and safer alternative to getting there nicotine fix. I'm doing so if us as a shop need to relocate and or shut business down I can only imagine the revenue the state will lose not just on our shop but other shops state wide. Please reconsider passing this bill.

mahalo Nui loa

SB-1016

Submitted on: 2/11/2019 1:30:53 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

2/11/2019

Dear Hawaii State Representatives,

Aloha,

My name is Jostin and I Strongly oppose the Senate Bill 1016 (SB1016). As a small business owner and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SELL OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

A bill like this will impact many small business and stores who have stayed up yo date and who remains in compliance with all federal and state level laws. SB1016 will imopede on businesses who have already been established in their areas as a leagal abiding business. It will causes many businesses to close down being unable to terminate their lease and or agreements they many have with utility companies. Why would anyone want to hurt small bussinesses. I find it very unfair if this goes in to effect. if any laws like this will be done it should grandfather any business who already is operating and not take away any licenses they already have. They should be able to renew it. Many businesses are in the vicinity of the places or areas this would tlaw will effect. Please reconsider SB1016.

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

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB1016 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

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

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

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

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Here is a statement by Senator Burr https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Please also see attachment with some statements from CDC, FDA, Surgeon General and US Department of Health & Human Services

Mahalo for your time and consideration Jostin Iriarte iriarte96792@gmail.com

SB-1016

Submitted on: 2/11/2019 1:48:10 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

Aloha All,

I strongly oppose SB1016. I dont know much stores that are outside of a 750ft reach that sells tobacco productds. I live on the Waianae coast. 7-11, waianae store,longs, tamuras all also within these limits you are asking to implement. Most places that sell tobacco products are within the limits of this bill. You will be either closing or putting a really big damper on sales that each store needs to survive costs to stay open. I amn a former small business owner as well and know that a huge hit as this bill has the ptoential to do will close alot of small businesses. Once again i strongly oppose SB1016.

mahalo for ypour time.

SB-1016

Submitted on: 2/11/2019 12:09:19 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/11/2019 3:01:52 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

To whom it may concern,

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

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

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

-Homelessness

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

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

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

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

Sincerely, Vince Tran of Honolulu, Hawaii

SB-1016

Submitted on: 2/11/2019 4:20:58 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry weaver	Individual	Oppose	No

Comments:

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

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

Thank you for your your time

SB-1016

Submitted on: 2/6/2019 6:22:17 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/7/2019 3:31:47 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/11/2019 9:10:34 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

Aloha my name is Devan Ferreira , and I strongly oppose S.B. 1016 which will shut down any smoke shop within 750 ft from any pre school, school, or public playground. If this bill passes a number of shops sitting that 750 ft boundary will have to shut down leaving their employees jobless, even though these shops will not sell to minors and follow all the rules and regulations. Instead of passing this bill I feel like the efforts should be put towards more stings of selling to minors to weed out those few shops that don't follow the age law.

SB-1016

Submitted on: 2/11/2019 9:51:14 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
austin keliinoi-westbrook	Individual	Oppose	No

Comments:

SB-1016

Submitted on: 2/12/2019 1:57:00 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Pyle	Individual	Support	No

Comments:

I support SB1016 to protect children and teens, by prohibiting tobacco and e-cigarettes sales at locations close to schools and playgrounds.

Douglas Pyle,

Honolulu,

testifying as an individual

SB-1016

Submitted on: 2/12/2019 4:13:29 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

Because of the density of Honolulu this creates unreasonable restrictions on businesses.

There is already a law preventing the sale of these products to children, so this should be unnecessary. Enforce that law.

SB-1016

Submitted on: 2/12/2019 6:38:32 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

This is unfair everyone in Hawaii knows that every small shop on the island already has a hard time when trying to find a location that complies with the state laws that are already set, but they want to increase the amount feet that a shop is able to sale their products. Now they want to make it harder for business owners who have been running their company for several years now. Who want to keep their shop open legally and have all the right paper work to be able to make a living and pay their bills just like everyone else in Hawaii.

SB-1016

Submitted on: 2/12/2019 6:39:15 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

Aloha, my name is Daniel. My wife smoked cigarettes for more than fifteen years. She would constantly get sick. Would get winded easily. She tried quitting many times with no success. After trying vaping she was able to quit over night. She has been smoke free for over a year and a half now with out the urge to return. Her health has dramatically improved and she can run and play with our children. With out flavored Eliquids this all would not be possible and with out them she would most likely got back to traditional cigarettes. We live in the small town of Hilo were almost everything is within 750 away from a park, school, beach, or play ground. Just about every shop in town would have to shut down. Because of my wife's situation I highly oppose SB1016

As an individual I word at a brick and mortar Vape shop. I thoroughly enjoy my job and it allows me to take care of and provide for my wife and kids. If this bill becomes law the mist likely result would be my co workers and myself being layed off as the business closes its doors. We would all be out of a job and our livelihood taken way from us. Our families would suffer if sb1016 becomes law. Thank you for your time and consideration.

Daniel Drapesa Sr.

SB-1016

Submitted on: 2/12/2019 6:42:14 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

This is unfair everyone in Hawaii knows that every small shop on the island already has a hard time when trying to find a location that complies with the state laws that are already set, but they want to increase the amount feet that a shop is able to sale their products. Now they want to make it harder for business owners who have been running their company for several years now. Who want to keep their shop open legally and have all the right paper work to be able to make a living and pay their bills just like everyone else in Hawaii.

SB-1016

Submitted on: 2/12/2019 6:45:15 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

This is unfair everyone in Hawaii knows that every small shop on the island already has a hard time when trying to find a location that complies with the state laws that are already set, but they want to increase the amount feet that a shop is able to sale their products. Now they want to make it harder for business owners who have been running their company for several years now. Who want to keep their shop open legally and have all the right paper work to be able to make a living and pay their bills just like everyone else in Hawaii.

SB-1016

Submitted on: 2/12/2019 6:50:42 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

This is unfair everyone in Hawaii knows that every small shop on the island already has a hard time when trying to find a location that complies with the state laws that are already set, but they want to increase the amount feet that a shop is able to sale their products. Now they want to make it harder for business owners who have been running their company for several years now. Who want to keep their shop open legally and have all the right paper work to be able to make a living and pay their bills just like everyone else in Hawaii.

SB-1016

Submitted on: 2/12/2019 7:29:15 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimana Brummel	Individual	Support	Yes

Comments:

Aloha, I am Kaimana Brummel of Pukalani, Maui. I am a mom of two kids and I coach youth volleyball and canoe paddling. I am writing to support SB1016 relating to prohibiing sales of tobacco by school or parks.

We know that how long a person lives is determined by genetics (20%), access to health care (10%), and environment/lifestyle choices (70%). Since environment and lifestyle choices make up the largest deminating factor to a long and healthy life, we have tremendous opporutnity to design a healthy community to make healthy choices the default.

That is why I support prohibiting the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground. We must prioritize the health of community over the profits of big tobacco. We must make it harder to buy products which get our kids addict and forces our state to spend millions in health care cost. We must make healthy choices the default in Hawai'i, starting with products which we know are bad for our health.

Kaimana Brummel

Pukalani, Maui, HI

SB-1016

Submitted on: 2/12/2019 8:44:43 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

To whom it may concern I oppose this bill.

SB-1016

Submitted on: 2/12/2019 1:46:00 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

LATE

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

Comments:

Aloha Senators,

Please oppose this proposal.

Respectfully submitted,

Theresa Revell

SB-1016

Submitted on: 2/12/2019 2:43:21 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

SB-1016

Submitted on: 2/12/2019 2:29:47 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carissa Holley	Individual	Support	No

Comments:

I support SB1016. Tobacco products are highly accessible as it is, and our youth are vulnerable and impressionable. Kids should not be able to easily purchase or get their hands on tobacco products as they walk out of their classrooms. Barriers need to be put in place so that it is not easy to purchase dangerous products.

LATE

SB-1016

Submitted on: 2/12/2019 4:58:07 PM

Testimony for CPH on 2/13/2019 9:00:00 AM

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

Comments:

We Oppose this bill since it doesn't give equal protection under the law.

LATE

SB-1016

Submitted on: 2/13/2019 2:07:03 AM

Testimony for CPH on 2/13/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments: