



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

Testimony in SUPPORT of S.B. 182
RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Hearing Date: February 11, 2019 Room Number: 229

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports Senate Bill 182 (S.B. 182)
3 which amends §328J-15, Hawaii Revised Statutes (HRS), to allow counties to adopt and enforce
4 additional ordinances that regulate the sale or use of cigarettes, tobacco products, and electronic
5 smoking devices. This measure also repeals §328J-11.5, Hawaii Revised Statutes.

6 The measure would again allow local jurisdictions to pass smoking ordinances that are
7 more stringent than state law. Local tobacco control was reversed through Act 206, in the 2018
8 legislative session, preempting counties from regulating the sale of cigarettes, tobacco products,
9 and electronic smoking devices (ESDs), and making existing local laws and regulations null and
10 void.

11 “Preemption” is a legal doctrine that provides that a higher level of government may
12 limit, or even eliminate, the power of a lower level of government to regulate a certain issue.ⁱ It
13 is the invalidation of one jurisdiction’s law by the law of a higher jurisdiction.ⁱⁱ The tobacco
14 industry has historically supported state preemption laws as a way to reverse existing local
15 tobacco laws and prevent future enactment of such laws.^{iii,iv,v}

16 In 2006, with the passage of the Clean Air Law, Act 295, which expanded smoke-free
17 restrictions in public places throughout the state, the legislature deliberately included an anti-

1 preemption provision, (§328J-15, HRS) that explicitly allowed the counties to pass stronger
2 smoking ordinances than the state to protect the rights of nonsmokers. It reads:

3 **County ordinances.** (a) Nothing in this chapter shall be construed to supersede or
4 in any manner affect a county smoking ordinance; provided that the ordinance is at
5 least as protective of the rights of nonsmokers as this chapter.

6 (b) Nothing in this chapter shall prohibit a county from enacting ordinances more
7 stringent than this chapter. [L 2006, c 295, pt of §2]

8 Local communities in Hawaii have been visionary in adopting strong and innovative
9 public health and tobacco control policies that ultimately changed social norms across the entire
10 state. Smoke-free restaurants, worksites, beaches and parks, and automobiles with young
11 passengers, are examples of public health protective ordinances that were first established by
12 counties. Hawaii’s landmark legislation, Act 206, Session Laws of Hawaii 2015, known as the
13 “Tobacco 21 Law,” was initially introduced and passed by the Hawaii County Council in 2014.

14 The Department supports S.B 182 as a strong public health and social justice measure.
15 According to Julie Aoki in the Journal of Law and Medical Ethics, “From a health equity
16 standpoint, the use of local knowledge to forge community-specific solutions enables localities
17 to employ a targeted approach to combat health disparities and ensue equitable access to better
18 public health.”^{vi}

19 Thank you for the opportunity to testify.
20

ⁱ ChangeLab Solutions. *Fundamentals of Preemption Fact Sheet*. September 2013

ⁱⁱ Mermin T. Preemption: What it is, how it works, and why it matters for public health. 2009.

ⁱⁱⁱ Hobart R. Preemption: Taking the Local Control. Chicago, IL: American Medical Association; 2003.

^{iv} Nixon M, Mahmoud L, Glantz S. Tobacco industry litigation to deter local public health ordinances: the industry usually loses in court. *Tob Control*. 2004;13:65–73.

^v Bayer R. Science, politics, and ideology in the campaign against environmental tobacco smoke. *Am J Public Health*. 2002;92(6):949–954.

^{vi} Julie Ralston Aoki et al., *Maximizing Community Voices to Address Health Inequities: How the Law Hinders and Helps*, 45 J. Law Med. Ethics, 11 (2017)

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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 8, 2019

TO: The Honorable Clarence Nishihara, Chair
Senate Committee on Public Safety, International, and Military Affairs
The Honorable Rosalyn Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

FROM: ^{KG} Kelly T. King
Council Chair

SUBJECT: **HEARING OF FEBRUARY 11, 2019; TESTIMONY IN SUPPORT OF SB 182, RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to amend and repeal certain provisions relating to the preemption of local laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

This measure is in the Maui County's Legislative Package; therefore, I offer this testimony on behalf of the Council.

I support this measure for the following reasons:

1. Tobacco use continues to be a public health problem in Hawaii, causing approximately 1,400 deaths per year, costing approximately \$526 million in direct healthcare expenditures, and resulting in \$387 million of lost productivity in the State.
2. While it is important to establish minimum regulations statewide, local policies are integral to tobacco control. Indeed, one of the top objectives of the federal Office of Disease Prevention and Health Promotion's "Healthy People 2020" campaign is: "Eliminate state laws that preempt stronger local tobacco control laws."
3. The U.S. Centers for Disease Control found 25.3 percent of high school students in Hawaii used electronic smoking devices, with the Maui County rate at 31.8 percent. County government should be equipped to address this problem.

February 8, 2019
Page 2

For the foregoing reasons, I **support** this measure.

ocs:proj:legis:19legis:19testimony:sb182_paf19-048a_kmat

Local Leadership Board

February 11, 2019

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MPH, PhD

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MEd, Dr PH, AE-C

SUBJECT: SB182, Relating to County Authority on the sale of tobacco products

Dear Chair Baker and Chair Nishihara and committee members,

The American Lung Association in Hawaii strongly supports SB182, a measure allowing counties to adopt and enforce additional ordinances regulating the use of tobacco products, including cigarettes and electronic smoking devices.

Tobacco use remains the number one cause of preventable death in our state, and in our nation. Sadly, our youth continue to be a target for the marketing of these health harming products; our addiction to nicotine continues as youth continue to experiment with and become addicted nicotine.

The use of electronic cigarettes among high school students in our nation increased by 78 percent from 2017 to 2018, as reported by the Centers for Disease Control And Prevention. The Federal Drug Administration has declared the use of these devices as an epidemic among our youth.

Local governments are in the best position to assess if additional restrictions on tobacco sales will better protect their youth and community members from tobacco. SB182 will, once again, allow counties to pass and implement their own laws to reduce tobacco use, including measures addressing the sale of candy-flavored tobacco products.

Kahala Howser
Hawaii Executive Director

Allison Hickey
Regional Executive
Vice President

The ability of any government entity to enact tobacco control legislation is a cornerstone of an effective tobacco control policy. There is no trade-off worth the price of preempting a state or community's right to pass tobacco legislation.

Fighting for Air

Sincerely,



Carrie Nyssen
Senior Director of Advocacy



**American
Heart
Association.**

American Heart Association Testimony in Support of SB 182, “Relating to County Authority on the Sale of Tobacco Products”

Chairman of the Board
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“To be a relentless force for a
world of longer, healthier
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For more information on the
AHA’s educational or
research programs, visit
www.heart.org or contact your
nearest AHA office.

Office: (808) 377-6630
Fax: (808) 524-0556

Neighbor Islands:
Serviced by the Oahu office

The American Heart Association SUPPORTS SB 182.

SB 182 would amend a law passed during the 2018 State Legislative Session through House Bill 1895, which underwent last minute changes and did not receive a public hearing or allow public comment, and amended an otherwise well-meaning and worthy bill to fund needed kidney dialysis centers in the state, with a provision that potentially will harm public health and help the tobacco industry. This provision blocks (preempts) county governments in Hawaii from passing their own laws to reduce tobacco use, including measures addressing the sale of candy-flavored tobacco products and menthol cigarettes that attract kids.

Most of Hawaii’s most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii’s counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law.

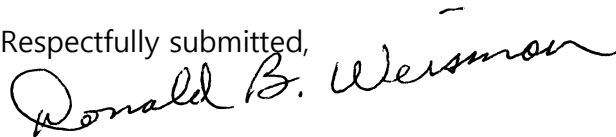
The tobacco industry for years, on the other hand, has attempted to pass state legislation that would preempt local government’s home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments to be able to address important health issues that affect their communities. Tobacco, which remains the leading preventable cause of death in Hawaii, certainly qualifies as a public health threat deserving of both local and state policy attention.

The American Heart Association believes that local governments should be able to determine their own needs for tobacco policies, and the state legislature should support those efforts by establish a floor, not a ceiling on what local governments can do to address those needs. Some 1,400 Hawaii residents die each year from smoking, and 21,000 kids alive today in Hawaii will die prematurely from smoking if nothing is done to reduce tobacco use.

SB 182 would correct the last minute provision added to legislation last year which provided the tobacco industry its long sought goal to funnel important, progressive tobacco-control policies only through the state legislative level. There it can focus its resources to defeat those measures, and away from the counties where the industry struggles to compete with community grassroots support for those issues.

The American Heart Association urges your support of SB 182 and asks that state legislators return county home rule on what is among the most vital public health issues back to local communities.

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



**Testimony to the Senate Joint Committee on Public Safety, Intergovernmental and
Military Affairs, and Commerce, Consumer Protection, and Health
Monday, February 11, 2019; 9:05 a.m.
State Capitol, Conference Room 229**

**RE: SUPPORTING SENATE BILL NO. 0182, RELATING TO COUNTY AUTHORITY ON THE SALE
OF TOBACCO PRODUCTS.**

Chair Nishihara, Chair Baker, 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. 0182, RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Clarify that State law regulating the sale and use of cigarettes, tobacco products, and electronic smoking devices not preclude a county from enacting ordinances more stringent than State law;
- (2) Include a savings clause to ensure that this bill be applied proactively; and
- (3) Take effect upon approval.

This measure was introduced at the request of Maui County Council (House Bill No. 195/Senate Bill No. 182).

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.

Testimony on Senate Bill No. 182

Monday, February 11, 2019; 9:05 a.m.

Page 2

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

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

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

SB-182

Submitted on: 2/7/2019 3:46:27 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Shaw	Testifying for Lanai Community Health Center	Support	No

Comments:

SB-182

Submitted on: 2/6/2019 7:09:43 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Anderson	Testifying for Black Lava Vape	Oppose	No

Comments:

This bill will unfairly target individuals and local business based on where they live. Keeping these decisions at the state level will guarantee fairness to all residents of Hawaii.



February 11, 2019

RE: Support **SB 182** Relating to County Authority on the Sale of Tobacco Products

Chairs Nishihara & Baker, Members of the Committees:

Blue Zones Project supports SB182, which will allow the counties to pass more stringent ordinances than state law. The use of preemption is a tactic to stop local governments from taking innovative leads on tobacco sale regulation. In the past, our counties have successfully used ordinances to address their public health concerns regarding tobacco.

Hawaii has been ahead of the curve in many areas of tobacco prevention such as smoke-free air laws and tobacco 21 laws. These initiatives began at a county level, with the state eventually following suit and spreading protections statewide. The counties had the ability to craft the best solutions to address their unique needs.

The county had the ability to govern itself to quickly react to specific needs. This ability is important when dealing with the rapid rise of e-cigarette use, particularly among youth. This quick response would be extremely helpful in Maui and Hawaii Counties, where youth vaping rates exceed statewide rates. In order to help protect their youth, the county's power to regulate is necessary.

This measure restores the counties' ability to work in this manner. It allows them to quickly address their public health needs and protect their communities. Please consider restoring this important tool in public health.

Mahalo for this opportunity to testify in support of SB182.

Sincerely,

A handwritten signature in black ink that reads "Peggy Mierzwa".

Peggy Mierzwa
Statewide Policy Lead—Hawaii Blue Zones Project

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February 10, 2019

To: The Honorable Senator Clarence K. Nishihara, Chair
The Honorable Senator Glenn Wakai, Vice Chair
Members, Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Stanley Chang, Vice Chair
Members, Senate Committee on Commerce, Consumer Protection, and Health

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

RE: SB 182 – 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 182 for the following:

- 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 as harshly as are vapor products, namely E-Cigarettes. The state should be creating easier access for these products, not tighter regulations that steer adult vapers back towards tobacco cigarettes**
 - <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- Allowing counties to enact their own legislation will create a patchwork regulatory structure that would be very difficult for businesses to comply with. Due to the Island topography and the small size of our state, this would be over burdensome on businesses and the public and would create confusion for all parties involved.



VOLCANO®

Sincerely,

Cory N. Smith

CEO & Owner

VOLCANO Fine Electronic Cigarettes®

1003 Bishop Street #1260, Honolulu, HI 96813

cory@volcanoecigs.com

SB-182

Submitted on: 2/11/2019 5:43:51 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

We Strongly Oppose this bill. There needs to be consistency throughout the state. It would be problematic to have so many different rules.



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

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Senate Committee on Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

SB 182 – RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS

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

Thank you for the opportunity to provide testimony in support of SB 182, which allows counties to adopt and enforce additional ordinances that regulate the sale or use of cigarettes, tobacco products, and electronic smoking devices.

In the effort to protect Hawaii’s people from the devastating effects of tobacco, many times local governments have taken the lead. For smoke-free air regulations, the counties took the lead in passing clean indoor air ordinances in 2002 and 2003.¹ The Legislature did not act on a comprehensive smoke-free statute until 2006, when the state clean air law was passed.²

Similarly, for regulating the sale of tobacco products, Hawaii County enacted an ordinance to raise the age of sale of tobacco products from 18 to 21 in 2014.³ The state followed in 2015 with a state law to accomplish the same policy.⁴ In these instances, the counties were an effective policy testing tool – allowing the Legislature to determine whether these policies have the intended effects and thus acting on them in a state-wide application.

Allowing the counties to take moves to protect the health and safety of their communities from tobacco could help shape stronger policies in other counties or at the state level. Thank you for the opportunity to provide testimony on this important matter.

¹ See Maui County Code 8.20(P), Kauai County Code 22-8.20(P), Revised Ordinances of Honolulu 41-21.2(F) 7-8, and Hawaii County Code 14-21(2).

² Section 328J, Hawaii Revised Statutes.

³ Hawaii County Code 14-138(A)

⁴ Section 712.1258, and Section 321.212, Hawaii Revised Statutes



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Date: February 10, 2019
To: Senator Clarence K. Nishihara , Chair
Senator Glenn Wakai, Vice Chair
Members of the Committee on Public Safety,
Intergovernmental, and Military Affairs
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Committee on Commerce, Consumer
Protection, and Health
Re: Strong Support for SB182, Relating to County Authority
on the Sale of Tobacco Products
Hrg: February 11, 2019 at 9:05am at Conference Room 229

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **Strong Support of SB 182**, which addresses the State's preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

Preemption is a step backwards for our state.

HRS §328J-11.5, Statewide Concern was added by the state legislature in 2018, when Act 206 (through HB1895) was signed into law. This new chapter restricts county decision to protect the health of their residents through existing or future laws and regulations by restricting the sales of tobacco, other tobacco products, or electronic smoking devices (ESDs) often referred to as e-cigarettes. Examples of impact on counties:

- Preempts county ability take legislative and regulatory action through retail and sales strategy to protect their children, youth, and adults.
- Preempts public health evidence-based strategies through restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and initiation (including but not limited to prohibiting the sale of tobacco in pharmacies and creating flavor restrictions).

Restoring the county's authority will protect local residents and address disparities

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. Currently, the law curtails their powers to enact any future policies relating to the sale of tobacco and electronic smoking devices. This is of particular concern, as high school students on the neighbor islands are experimenting and using ESDs at higher rates compared to the State average.

ESD Use 2017 Youth Risk Behavior Survey	Hawai'i County	Honolulu County	Kauai County	Maui County	State
Ever Use	49.6%	39.0%	45.3%	50.7%	43.7%
Current User	34.1%	22.0%	31.3%	32.3%	25.3%

We applaud the legislature in helping to strengthen our county's authority on tobacco products by amending the current law. Not addressing preemptive language will prohibit counties from advancing any tobacco selling and access laws, removing their ability to provide protections to county residents if the state decides not to pursue tobacco control policies.

Thank you for the opportunity to testify. We strongly support SB 182 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

SB-182

Submitted on: 2/10/2019 8:58:04 AM

Testimony for PSM on 2/11/2019 9:05:00 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-182

Submitted on: 2/10/2019 2:41:00 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Yuki Lei Sugimura	Testifying for Maui County Council	Support	No

Comments:

I strongly support SB 182 which will allows the "home rule" for the betterment of the children in our community. This will give Maui County the authority to regulate the sale of tobacco products, including ESD's.

Yuki Lei Sugimura

Maui County Council

SB-182

Submitted on: 2/10/2019 9:11:01 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

Aloha,

My name is Jostin,

I oppose sb182 finding it is unreasonable many of us "legal adults" who transitioned from combustible cigarettes, the fact is most don't understand most "ENDS" PRODUCTS are costly to begin with! To give counties rights doesn't make it better, it is more important to educate first. Rather than take rational precautions and make absurd laws or requirements. It seems as if many are just bias and against vaping. Vaping has done alot for many legal aged adults who smoked combustible cigarettes for many years dont take away our rights to choose. As far as taxes I personally feel that yes it would be okay to tax the products "eliquids" that actually contain nicotine & not products that doesn't contain nicotine like "ENDS".

Taxing Eliquids containing nicotine can help in funding more research and enforcement towards stores who aren't maintaining compliance on a regular basis . By doing so this may reduce the teenage vaping epidemic. By raising taxes it won't have a positive effect on individual, there is the possibility that some may turn to other recreational products, but if in all fairness taxes are implemented in a fair manner it can have a positive affect.

Attached is some statements from important leaders on vaping.

Mahalo for your time and Consideration.

SB-182

Submitted on: 2/7/2019 3:05:35 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

Dear Senate Committees on PSM and CPH:

I am writing in STRONG OPPOSITION to SB182. The Federal Government already regulates tobacco products via the Tobacco Control Act and FDA, the State of Hawaii already regulates tobacco products through State legislation and taxation. There is no further need to add another layer of local/County Government on the already heavy-regulated tobacco products in this State and Nation. If Counties and Local Government levels are allowed to provide more strict governance on tobacco products, then there will be a noticeable decrease in tobacco tax revenue that is heavily earmarked for the Department of Health. Thank you for your time.

A concerned constituent,
Johnathon Myers

SB-182

Submitted on: 2/7/2019 8:22:41 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsie Cajka	Individual	Support	No

Comments:

SB-182

Submitted on: 2/7/2019 9:18:39 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

I didn't realize tobacco sales regulations weren't already set up the way this bill proposes so I'm in strong support of this bill that will help keep even more people in Hawaii healthier.

SB-182

Submitted on: 2/7/2019 10:49:35 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Fia	Individual	Oppose	No

Comments:

Who will enforce all of this? Stop making regulations that realistically will be impossible to enforce and monitor. If counties want to change things, then work within the system to change the system statewide. In the end, consumers will find other places to sell and buy tobacco products as there will be alternatives for them to go to. The only real effect will be damaging businesses and losing tax revenue for the state as it will drive sales to the internet. In an even worst-case scenario, it will create a black market for tobacco products.

SB-182

Submitted on: 2/7/2019 12:09:05 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/7/2019 4:26:57 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

The county level is not the right place for this.

Date: February 7, 2019

To: The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
Members of the Senate Committee on Public Safety, Intergovernmental, and
Military Affairs

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

Re: **Strong Support of SB182**, Relating to County Authority on the Sale of
Tobacco Products

Hrg: February 11, 2019 at 9:05 AM in Capitol Room 229

Aloha Senate Committees on Public Safety, Intergovernmental, and Military Affairs,
and, Commerce, Consumer Protection, and Health,

I am writing in **strong support of SB182**, which allows counties to adopt and enforce additional ordinances that regulate the sale or use of cigarettes, tobacco products, and electronic smoking devices. Requires county ordinances to be no less protective of public health than state law. Repeals statute that preempts local smoking ordinances and regulations and voids any local law or regulation that conflicts with state smoking laws.

Historically in Hawai'i, county efforts to regulate access to addictive, health damaging tobacco products have helped reduce access and use of tobacco among youth. These county efforts have lead to successful statewide efforts to reduce access and use of tobacco among our youth, including raising the age of tobacco purchase to 21.

We are a state of islands, each with unique cultural and social strengths and challenges, including tobacco-related health disparities.

Returning the ability of our counties to address issues of youth access to harmful tobacco products allows us to find appropriate solutions to local circumstances and needs. SB182 strengthens our communities, and in so doing, strengthens our state.

I **strongly support SB182** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

SB-182

Submitted on: 2/7/2019 6:00:14 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/6/2019 6:22:37 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/8/2019 8:32:41 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/9/2019 10:35:35 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ke Nguyen	Individual	Oppose	No

Comments:

SB-182

Submitted on: 2/9/2019 6:23:12 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/9/2019 7:41:24 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

I oppose this bill SB182.

SB-182

Submitted on: 2/9/2019 7:54:08 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

SB-182

Submitted on: 2/9/2019 8:00:25 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

With state and county laws in place I feel there is no further need to enforce laws more stringent than they already are. We as citizens of this state more the. Respect our land and our people. As this bill stands it shows they want to shore up any "loopholes" in vaping, but let me be clear. Any store owner would for one never sell to minors, and secondly do not condone in being inconsiderate with the individual vaping to be disrespectful to others. You will find in this case vapers do not vape around children or on close proximity of non vapers due to a respect for individuals. I suggest you group with the shops around you and learn how considerate they are to their surroundings. Do not amend or pass this bill please

SB-182

Submitted on: 2/10/2019 2:29:21 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noel Araki	Individual	Oppose	No

Comments:

I oppose this bill

-Noel Araki

SB-182

Submitted on: 2/10/2019 6:03:47 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/10/2019 9:06:08 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

Aloha,

My name is Jostin,

I oppose sb182 finding it is unreasonable many of us "legal adults" who transitioned from combustible cigarettes, the fact is most don't understand most "ENDS" PRODUCTS are costly to begin with! To give counties rights, it is more important to educate first. Rather than take rational precautions and make absurd laws or requirements. It seems as if many are just bias and against vaping. Vaping has done alot for many legal aged adults who smoked combustible cigarettes for many years dont take away our rights to choose. As far as taxes I personally feel that yes it would be okay to tax the products "eliquids" that actually contain nicotine & not products that doesn't contain nicotine like "ENDS".

Taxing Eliquids containing nicotine can help in funding more research and enforcement towards stores who aren't maintaining compliance on a regular basis . By doing so this may reduce the teenage vaping epidemic. By raising taxes it won't have a positive effect on individual, there is the possibility that some may turn to other recreational products, but if in all fairness taxes are implemented in a fair manner it can have a positive affect.

Attached is some statements from important leaders on vaping.

SB-182

Submitted on: 2/10/2019 9:07:07 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

City Councils don't understand the topic well enough to pass fair ordinances.

SB-182

Submitted on: 2/10/2019 9:07:11 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Fujiwaki	Individual	Oppose	No

Comments:

I Robin oppose sb182. SB182 takes away our our rights as citizens. Taking away our right to purchase any tobacco product is only going to make people find other ays to get it, increase crime and so forth. We are all aware of the rules that needs to be followed. why not just enforce it more? If there is an underage person vaping issue a fine like was imposed 2 years ago and so forth. dont punish the hard working adults that vape as a gateway to quitting tobacco.

SB-182

Submitted on: 2/10/2019 10:50:58 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

First of all, citizens of the State of Hawaii should be treated equally regardless of which county they live. I cannot see the logic in specifically allowing counties to be more oppressive of its citizens (the bill only allows for more repressive legislation, not less repressive). I thought that equal protection under the law extended to everyone, whether they use tobacco products or not.

Secondly, public health has always been the kuleana of the State (and prior to that, the Territory). The County of Maui, or any other county for that matter, has neither the resources nor expertise to craft and enforce health regulations. If it is the case that the State wishes to abdicate its responsibility for public health, then propose legislation to abolish the State Dept of Health and turn over all of its facilities and staff to the counties. If not, then let's not go out of our way to allow for the unequal application of health policies.

For these reasons, I oppose this measure.

SB-182

Submitted on: 2/10/2019 10:57:26 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/10/2019 1:33:18 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

Aloha

my name is Puna, I oppose this bill because the state is already trying to tax 70% on the ENDS and E LIQUIDS I do not understand why the county will put on additional taxes on the state tax like times in Hawaii isn't hard enough on taxes. The state wonders why there are so many homeless in the state of Hawaii times are hard as it is and now you wanna limit our right to do these things. If the state wants to do so then so be it don't expect the communities be better off on living situations. I do not recommend even taxing devices because this industry is already having a good impact on the revenue we help with the state if this bill goes through all the revenue and taxes added on will decline what will you guys tax next?

mahalo Nui loa

SB-182

Submitted on: 2/10/2019 10:57:30 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/10/2019 1:50:53 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/10/2019 5:04:32 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

I strongly oppose this bill. State law over county law. Please keep it simple, counties make additional laws that are only confusing and make life hard.

SB-182

Submitted on: 2/10/2019 7:49:54 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

SB-182

Submitted on: 2/10/2019 10:07:07 PM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

Aloha my name is Devan Ferreira and I oppose S.B. 182 because not just one county should be able to introduce stricter laws than the state. There may be some county's that have different perspectives on the sale of tobacco products and electronic smoking products but we are the state of Hawaii not just individual county's. We already have federal laws and state laws why should we complicate things by giving every individual county the right to add laws it would be waste of resources that could be used to handle the situation of the sale of tobacco and electronic smoking products at the state level. I strongly oppose S.B. 182.

SB-182

Submitted on: 2/11/2019 12:37:57 AM

Testimony for PSM on 2/11/2019 9:05:00 AM

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

Comments:

Your supporting details at the beginning of this bill proposal list approximately 1400 deaths per year being caused by tobacco use. That's approximately 1400 more deaths than those caused by Vaping. Vaping is far too often tied into smoking when it is in fact two totally different things. Studies show that vaping is 95% less harmful than smoking is. Additionally these studies show that someone trying to quit smoking doubles their chance of quitting with the aid of electronic nicotine delivery systems.

One main cause for such a large increase in children Vaping is the fact that some parents actually buy the devices for their kids. One easy fix for that would be to make the punishments for parents of kids who are caught vaping or smoking.

Retailers should also be held accountable. Another reason for the underage vaping increasing is that retailers are selling to teens. Making stricter penalties for these incidences would also benefit.

These small changes to existing state policies would have a tremendous impact. Hawaii already has to follow the federal laws. More strict State laws are followed also. Adding another level to this system would be overkill. Over regulation is not necessary. Make the system that we already in place work . I highly oppose SB182