

Honolulu, Hawaii

, 2020

FEB 07

RE: H.B. No. 2347

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2347
entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale or
distribution of all flavored tobacco products, including products
with menthol, in the State of Hawaii.

Prior to the hearing on this measure, your Committee posted
and made available for public review a proposed H.D. 1. The
proposed H.D. 1 retained the contents of this measure and also
inserted provisions that:

- (1) Clarify the procedure for when a flavored tobacco
product found unlawfully in a retailer's possession is
taken and destroyed;
- (2) Require, rather than permit, any retailer and any agent
or employee of the retailer to be sentenced to a fine
not exceeding \$500; and
- (3) Clarify the definitions of "electronic smoking device"
and "tobacco product".



Your Committee received testimony in support of the proposed H.D. 1 from the Department of Health; Honolulu Police Department; Blue Zones Project - Central Maui; Man Cave; Flavors Hook Kids Hawaii Campaign; American Association of University Women of Hawaii; Kapiolani Smokefree Families; Hawaii Pacific Health; Hawaii Primary Care Association; Hawaii Youth Services Network; American Academy of Pediatrics, Hawaii Chapter; Hawaii Public Health Institute; Hawaii COPD Coalition; Pono Hawaii Initiative; JT International U.S.A., Inc.; Pioneering Healthier Communities Initiative; American Heart Association; Hawaii Substance Abuse Coalition; American Cancer Society Cancer Action Network; Hui No Ke Ola Pono; We Are One, Inc.; American Lung Association; Emma Whitney Photography; Friends of Kamalani and Lydgate Park Beach Cleanup Team; Hawaii State Teachers Association; Kahoomiki, the Hawaii Council on Physical Activity and Nutrition; Hawaii Dental Hygienists Association; over one hundred individuals; and a petition signed by numerous individuals. Your Committee received testimony in opposition to the proposed H.D. 1 from Vape Kings; Hawaii Food Industry Association; Hawaii Smokers Alliance; Cigar Association of America, Inc.; Retail merchants of Hawaii; Hawaii Petroleum Marketers Association; and numerous individuals. Your Committee received comments on the proposed H.D. 1 from one individual.

Your Committee finds that tobacco use is a serious public health problem, especially for the State's youth. Eighty-one percent of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products reduce or mask the natural harshness and taste of tobacco smoke, which increases the appeal of tobacco products. The proposed H.D. 1 addresses the youth vaping epidemic and will reduce tobacco-related health disparities by banning the sale or distribution of all flavored tobacco products in Hawaii.

Your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

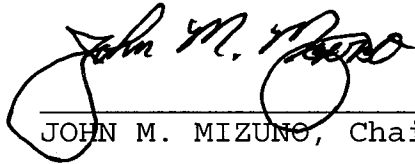
- (1) Excluding menthol from the definition of "characterizing flavor";
- (2) Clarifying that the definition of "e-liquid" excludes liquids or like substances designed or intended to be used in an electronic smoking device that has a distinguishable taste or aroma of tobacco or menthol;



- (3) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2347, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2347, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JOHN M. MIZUNO, Chair



