

Honolulu, Hawaii

FEB 07 , 2020

RE: H.B. No. 2348
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. 2348
entitled:

"A BILL FOR AN ACT RELATING TO THE SALE OF 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.

Prior to the hearing on this measure, your Committee posted
and made available for public review a proposed H.D. 1, which
deletes the contents of this measure and inserts language to
establish a schedule of penalties for holders of retail tobacco
permits and persons registered to sell electronic smoking devices,
and their employees, who illegally sell tobacco products and
electronic smoking devices to persons under twenty-one years of
age.

Your Committee received testimony in support of the proposed
H.D. 1 from the Department of Health, Hawaii Primary Care
Association, Hawaii Public Health Institute, Hawaii Pacific
Health, Hawaii Petroleum Marketers Association, and two
individuals. Your Committee received testimony in opposition to
the proposed H.D. 1 from the Retail Merchants of Hawaii. Your
Committee received comments on the proposed H.D. 1 from the



American Cancer Society Cancer Action Network and Hawaii Food Industry Association.

Your Committee finds that this measure establishes clear legal responsibility of retailers, permittees, and registrants who sell tobacco products and the liability incurred when illegal sales are made to anyone under twenty-one years of age. The increased penalties proposed by this measure, which include license suspension, provide a meaningful incentive for retailers, permittees, and registrants to comply with tobacco and electronic smoking device sales laws. Your Committee also finds this measure holds licensees responsible for the actions of their employees, reinforces their supervisory responsibilities, and emphasizes the need for onsite employee training and education to reduce youth access to these products.

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

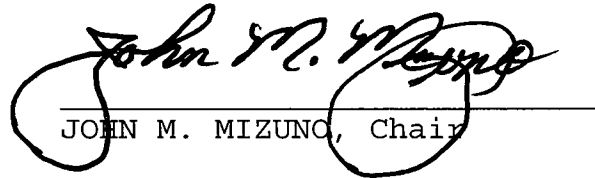
- (1) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committees on Consumer Protection & Commerce and Judiciary, should they choose to hear this measure, to consider adding a definition for "e-liquid".

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. 2348, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2348, 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



