

Honolulu, Hawaii

MAR 13

, 2020

RE: S.B. No. 2228
S.D. 2
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 Consumer Protection & Commerce, to which was referred S.B. No. 2228, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Prohibit the sale of flavored products for electronic smoking devices;
- (3) Prohibit the mislabeling of e-liquid products containing nicotine;
- (4) Prohibit the sale of electronic smoking devices, e-liquid, and electronic smoking device accessories, other than through retail sales via a direct, in-person exchange between a retailer and consumer; and



- (5) Tax and regulate e-liquid products and electronic smoking devices in the same manner as other tobacco products.

Your Committee received testimony in support of this measure from the Department of Health; Department of Taxation; Office of the Prosecuting Attorney of the County of Hawaii; Chamber of Commerce Hawaii; Coalition for a Tobacco-Free Hawaii; Hawaii Children's Action Network Speaks!; Hawaii Dental Association; American Heart Association; American Cancer Society Cancer Action Network; Hawaii Substance Abuse Coalition; The Friends of Kamalani and Lydgate Park; Hawaii Primary Care Association; Pono Hawaii Initiative; The Man Cave; HIPHI Youth Council; Coalition for a Drug-Free Hawaii; Pediatric Therapies Hawaii; Hui No Ke Ola Pono, Hawaii State Teachers Association; Shaka Tea; University of Hawaii Student Health Advisory Council; Kapiolani Smokefree Families Program at Kapiolani Medical Center for Women and Children; Flavors Hook Kids HI Campaign; West Hawaii Community Health Center; We Are One, Inc.; Hawaii Pacific Health; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Doris Todd Christian Academy; Maui Christian Academy; Maui Adventist School; Waldorf School; Holy Nativity School; Mid-Pacific Institute; Damien Memorial School; Blue Zones Project Hawaii; American Lung Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii; HI Lyfe Vaporz, LLC; Hawaii Smokers Alliance; Irie Hawaii; VOLCANO eCigs; Vape Kings LLC; and numerous individuals. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Food Industry Association.

Your Committee finds that between 2011 to 2015, the use of electronic smoking devices by Hawaii's youth increased six-fold among middle school youth and four-fold among high school youth. This is particularly concerning considering the nicotine content of such devices and recent severe lung injuries reported nationally as a result of using electronic smoking devices. Your Committee further finds that flavored tobacco products are particularly appealing to youth since the flavors change the taste and reduce the harshness of the otherwise unflavored tobacco product. This measure aims to protect Hawaii's youth by establishing more stringent regulations on e-liquids and electronic smoking devices.



Your Committee has amended this 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 notes the concerns raised in testimony by the Department of the Attorney General that parts of this measure may be outside the scope of its narrow title. Should your Committee on Judiciary consider this measure, your Committee respectfully requests that your Committee on Judiciary give consideration to these concerns.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2228, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2228, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROY M. TAKUMI, Chair



