

STAND. COM. REP. NO.

2646

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2228
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2228 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit:

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

Your Committee received testimony in support of this measure from the Department of Health; one member of the Maui County Council; University of Hawaii Student Health Advisory Council; American Heart Association; American Cancer Society Cancer Action Network; Hawaii American Nurses Association; Hawaii Dental Hygienists' Association; Hawai'i Primary Care Association; American



Academy of Pediatrics, Hawaii Chapter; Hawai'i Public Health Institute; Pono Hawai'i Initiative; Hawai'i Pacific Health; Hui No Ke Ola Pono; Hawaii COPD Coalition; Hawaii Dental Association; Hawaii Youth Services Network; Flavors Hook Kids Hawaii; Kapi'olani Smokefree Families; Hawaii State Teachers Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance; Logic Technology Development, LLC; VOLCANO eCigs; and forty-seven individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. Adding flavors to tobacco changes the taste and reduces the harshness of the otherwise unflavored tobacco product, making smoking more appealing and easier for beginners to try. Therefore, to ensure the health and safety of consumers, especially youth and teenagers, it is necessary to further regulate the electronic smoking device industry, particularly the sale of flavored non-cigarette tobacco products.

Your Committee has amended this measure by:

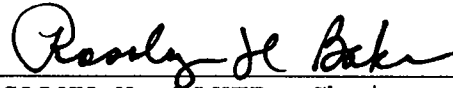
- (1) Inserting language that establishes the offense of unlawful shipment of e-liquid products;
- (2) Inserting language that includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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



as S.B. No. 2228, S.D. 1, and be referred to your Committee on
Judiciary.

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



ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2228	CPH, JDC	2/5/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.				✓
THIELEN, Laura H.				✓
WAKAI, Glenn	✓			
FEVELLA, Kurt	✓			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes