

STAND. COM. REP. NO. 2840

Honolulu, Hawaii

FEB 14 2020

RE: S.B. No. 2903

S.D. 1

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

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary, to which was referred S.B. No. 2903 entitled:

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

beg 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; and
- (2) The mislabeling of e-liquid products containing nicotine.

Your Committees received testimony in support of this measure from the Department of Health; Honolulu Police Department; Hawai'i Public Health Institute; Hawai'i Pacific Health; Hawaii Youth Services Network; Hawai'i Primary Care Association; American Heart Association; American Association of University Women of Hawaii; Blue Zones Projects; Hawaii Substance Abuse Coalition; University of Hawaii Student Health Advisory Council; Hawaii Dental Hygienists' Association; Hilo Medical Center; West Hawaii Community Health Center; Hawaii - American Nurses Association; Hawaii Chapter, American Academy of Pediatrics; American Cancer Society Cancer Action Network; Filipino Business Women's Association; Hawai'i Community Foundation; We Are One, Inc.; Hawaii Association of Independent Schools; Hui No Ke Ola Pono; Flavors



Hook Kids Hawai'i; Kapi'olani Smokefree Families; Pioneering Healthier Communities Initiative; Tobacco Free; Youth Tobacco Free; Pediatric Therapies Hawaii; Kaho'omiki; Hawaii State Teachers Association; Filipino Nurses Organization of Hawaii; Keiki Injury Prevention Coalition; Hawaii Children's Action Network Speaks!; Association of Hawaiian Civic Clubs; and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii Smokers Alliance; Hawaii Petroleum Marketers Association; Vape Kings, LLC; Irie Hawaii Stores; Irie Hawaii Waimea; VOLCANO eCigs; 24hourvapes; and eighty-seven individuals.

Your Committees find 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 Committees have amended this measure by:

- (1) Clarifying provisions related to the forfeiture and destruction of any flavored tobacco products found in a retailer's possession that are in violation of the sale of flavored tobacco products or mislabeling of e-liquid products containing nicotine;
- (2) Clarifying that any retailer and any agents or employees of the retailer who violate provisions relating to the sale of flavored tobacco products or mislabeling of e-liquid products containing nicotine shall, rather than may, be sentenced to a fine not exceeding \$500;
- (3) Clarifying the definition of "electronic smoking device";
- (4) Clarifying the definition of "tobacco product"; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2903, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2903, S.D. 1, and be referred to your Committee on Ways and Means.

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



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KARL RHOADS, Chair



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ROSALYN H. BAKER, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i


**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2903</b>	Committee Referral: <b>CPH/JDC, WAM</b>	Date: <b>2/13/20</b>		
<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
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/	/		
GABBARD, Mike		/		
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

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

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SB 2903	CPH/JDC, WAM	2/13/20		
<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				✓
<b>TOTAL</b>	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
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