

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of H.B. 1284
RELATING TO PUBLIC HEALTH**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 5, 2019

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports House Bill 1284 (H.B.
3 1284) which limits the State’s preemption of local ordinances that regulate the sale and use of
4 cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact
5 ordinances more stringent than state law. It amends §328J-11.5, Hawaii Revised Statutes by
6 replacing the section title **Statewide concern** with **Protection of public health** and including
7 new language to allow counties to enact ordinances more stringent than state law.

8 The purpose of this measure is to reverse the mandate imposed in the 2018 legislative
9 session in Act 206 that preempted local ordinances from regulating the sale of cigarettes, tobacco
10 products, and electronic smoking devices (ESDs) and declared existing local laws and
11 regulations as “null and void”.

12 “Preemption” is a legal doctrine that provides that a higher level of government may
13 limit, or even eliminate, the power of a lower level of government to regulate a certain issue.¹ It
14 is the invalidation of one jurisdiction’s law by the law of a higher jurisdiction.² The tobacco
15 industry has historically supported state preemption laws as a way to reverse existing local
16 tobacco laws and prevent future enactment of such laws.^{3,4,5}

¹ ChangeLab Solutions. *Fundamentals of Preemption Fact Sheet*. September 2013

² Mermin T. Preemption: What it is, how it works, and why it matters for public health. 2009.

³ Hobart R. Preemption: Taking the Local Control. Chicago, IL: American Medical Association; 2003.

⁴ Nixon M, Mahmoud L, Glantz S. Tobacco industry litigation to deter local public health ordinances: the industry usually loses in court. *Tob Control*. 2004;13:65–73.

⁵ Bayer R. Science, politics, and ideology in the campaign against environmental tobacco smoke. *Am J Public Health*. 2002;92(6): 949–954.

1 In 2006, with the passage of the Clean Air Law, Act 295, which expanded smoke-free
2 restrictions in public areas throughout the state, the legislature deliberately included the anti-
3 preemption provision, (§328J-15, HRS) that explicitly allowed the counties to pass stronger
4 smoking ordinances than the state to protect the rights of nonsmokers. It reads:

5 **County ordinances.** (a) Nothing in this chapter shall be construed to supersede or
6 in any manner affect a county smoking ordinance; provided that the ordinance is at
7 least as protective of the rights of nonsmokers as this chapter.

8 (b) Nothing in this chapter shall prohibit a county from enacting ordinances more
9 stringent than this chapter. [L 2006, c 295, pt of §2]

10 Local communities in Hawaii have been visionary in adopting strong and innovative
11 public health and tobacco control policies that ultimately changed social norms across the entire
12 state. Smoke-free restaurants, worksites, beaches and parks, and automobiles with minor inside
13 are examples of public health protective ordinances that were generated by counties. Hawaii's
14 landmark legislation, the Tobacco 21 Law (Act 206), was initially introduced and passed by the
15 Hawaii County Council in 2014.

16 The Department supports H.B. 1284 as a strong public health and social justice measure.
17 "From a health equity standpoint, the use of local knowledge to forge community-specific
18 solutions enables localities to employ a targeted approach to combat health disparities and ensure
19 equitable access to better public health."⁶ Hawaii's community members should be encouraged,
20 not prevented, from working with their county local officials to pass public health ordinances
21 and regulations that are responsive to local needs.

22 Thank you for the opportunity to testify.
23

24 **Offered Amendment:** On page 4, lines 3-5 to should read:

25 "~~null and~~ void[-]; provided that this subsection shall not prohibit a county from
26 enacting ordinances **more protective of public health** than this chapter."

Hawai'i State Association of Counties (HSAC)


Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu
25 Aupuni Street, Hilo, Hawai'i 96720 (808) 961-8828 www.hawaii-counties.com



February 4, 2019

LATE

To: The Honorable John M. Mizuno, Chair
House Committee on Health

FROM:  Valerie T. Poindexter
HSAC President

SUBJECT: HEARING OF FEBRUARY 5, 2019; TESTIMONY IN SUPPORT OF HB1284,
RELATING TO PUBLIC HEALTH

Thank you for the opportunity to testify on behalf of the Hawai'i State Association of Counties.

This bill limits the State's preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

HSAC strongly supports and urges the enactment of HB1284.

Mahalo for your time and consideration.



VALERIE T. POINDEXTER
Council Member
Chair, Committee on Parks and Recreation
Council District 1



Phone: (808) 961-8018
Fax: (808) 961-8912
Email: valerie.poindexter@hawaiiicounty.gov

HAWAI'I COUNTY COUNCIL

County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720

LATE

February 4, 2019

Committee on Health
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Email: repmizuno@capitol.hawaii.gov
Email: repkobayashi@capitol.hawaii.gov

Subject: Testimony Supporting HB1284, Relating to Public Health

Hearing: February 5, 2019, 9:45 a.m., Conference Room 329

Dear Chair Mizuno and Vice Chair Kobayashi:

On behalf of myself and the constituents of Council District 1, Hāmākua, County of Hawai'i, I would like to express our support of HB1284, and submit a brief testimony as follows:

This bill limits the State's preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

I strongly support and urge the enactment of HB1284. Thank you for your time and consideration.

Sincerely,

Valerie T. Poindexter



**Testimony to the House Committee on Health
Tuesday, February 5, 2019; 9:45 a.m.
State Capitol, Conference Room 329**

RE: SUPPORTING HOUSE BILL NO. 1284, RELATING TO PUBLIC HEALTH.

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1284, RELATING TO PUBLIC HEALTH.

The bill, as received by your Committee, would:

- (1) Clarify that State law regulating the sale and use of cigarettes, tobacco products, and electronic smoking devices not preclude a county from enacting ordinances more stringent than State law;
- (2) Include a savings clause to ensure that this bill be applied proactively; and
- (3) Take effect upon approval.

This measure is substantively similar to measures introduced at the request of Maui County Council (House Bill No. 195/Senate Bill No. 182).

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of health.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

Testimony on House Bill No. 1284
Tuesday, February 5, 2019; 9:45 a.m.
Page 2

It is for this reason that the HPCA joins the Hawaii Public Health Institute and other advocates in strong support of all efforts to rid the marketplace of these products.

In advance, thank you for your consideration of our testimony.



February 5, 2019

RE: Support **HB 1284** Relating to Public Health

Chair Mizuno Vice-Chair Kobayashi and Members of the Health Committee:

Mahalo for hearing this measure that calls for better ways to address the tragic deaths on our state and local roads. We support HB1284.

Brought to Hawaii by HMSA, Blue Zones Project helps increase the overall well-being of our communities to make Hawaii a healthier, happier place to live, work, and play. To accomplish that goal, we address ways to lower obesity rates, tobacco use, and chronic diseases.

Hawaii has been ahead of the curve in many areas of tobacco prevention such as smoke-free air laws and tobacco 21 laws. These initiatives began at the county level, with the state following suit and therefore spreading protections statewide to encompass all counties. To address their unique needs, the counties had the ability to craft the best solutions for their situations.

The county had the ability to govern itself to quickly react to specific needs. This ability is important when dealing with the rapid rise of e-cigarette use, particularly among youth. This ability would be applicable in Maui and Hawaii Counties, where youth vaping rates exceed statewide rates. It is important for the counties to have the ability to react quickly and uniquely.

This measure would enable the counties to once again work in this manner. It would restore their ability to regain the ability to quickly address their public health needs and protect their communities. Please consider restoring this important tool in public health.

Mahalo for this opportunity to testify in support of HB1284.

Sincerely,

A handwritten signature in black ink that reads "Peggy Mierzwa".

Peggy Mierzwa
Statewide Policy Lead—Hawaii Blue Zones Project

Brought to
Hawaii by



An Independent Licensee of the Blue Cross and Blue Shield Association



American Cancer Society
Cancer Action Network
2370 Nu`uanu Avenue
Honolulu, Hawai`i 96817
808.432.9149
www.acscan.org

House Committee on Health
Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

HB 1284 – RELATING TO PUBLIC HEALTH

Cory Chun, Government Relations Director – Hawaii Pacific
American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in support of HB 1284, which limits the preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

In the effort to protect Hawaii’s people from the devastating effects of tobacco, many times local governments have taken the lead. For smoke-free air regulations, the counties took the lead in passing clean indoor air ordinances in 2002 and 2003.¹ The Legislature did not act on a comprehensive smoke-free statute until 2006, when the state clean air law was passed.²

Similarly, for regulating the sale of tobacco products, Hawaii County enacted an ordinance to raise the age of sale of tobacco products from 18 to 21 in 2014.³ The state followed in 2015 with a state law to accomplish the same policy.⁴ In these instances, the counties were an effective policy testing tool – allowing the Legislature to determine whether these polices have the intended effects and thus acting on them in a state-wide application.

By preventing local governments from taking moves to protect the health and safety of their communities from tobacco, the progress made on tobacco control may slow. Thank you for the opportunity to provide testimony on this important matter.

¹ See Maui County Code 8.20(P), Kauai County Code 22-8.20(P), Revised Ordinances of Honolulu 41-21.2(F) 7-8, and Hawaii County Code 14-21(2).

² Section 328J, Hawaii Revised Statutes.

³ Hawaii County Code 14-138(A)

⁴ Section 712.1258, and Section 321.212, Hawaii Revised Statutes



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Medicine, Native Hawaiian
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En Young, MBA
Sansei, Lanai

Date: February 3, 2019
To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair
Members of the Health Committee
Re: Strong Support for HB 1284, Relating to Public Health
Hrg: February 5, 2019 at 9:45am at Conference Room 329

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Strong Support of HB 1284** which addresses the State's preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

Preemption is a step backwards for our state.

HRS §328J-11.5, Statewide Concern was added by the state legislature in 2018, when Act 206 (through HB1895) was signed into law. This new chapter restricts county decision to protect the health of their residents through existing or future laws and regulations by restricting the sales of tobacco, other tobacco products, or electronic smoking devices (ESDs) often referred to as e-cigarettes. Examples of impact on counties:

- Preempts county ability take legislative and regulatory action through retail and sales strategy to protect their children, youth, and adults.
- Preempts public health evidence-based strategies through restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and initiation (including but not limited to prohibiting the sale of tobacco in pharmacies and creating flavor restrictions).

Restoring the county's authority will protect local residents and address disparities

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. Currently, the law curtails their powers to enact any future policies relating to the sale of tobacco and electronic smoking devices. This is of particular concern, as high school students on the neighbor islands are experimenting and using ESDs at higher rates compared to the State average.

| ESD Use 2017 Youth Risk Behavior Survey | Hawai'i County | Honolulu County | Kauai County | Maui County | State |
|---|-------------------|--------------------|-----------------|----------------|-------|
| Ever Use | 49.6% | 39.0% | 45.3% | 50.7% | 43.7% |
| Current User | 34.1% | 22.0% | 31.3% | 32.3% | 25.3% |

We applaud the legislature in helping to strengthen our county's authority on tobacco products by amending the current law. Not addressing preemptive language will prohibit counties from advancing any tobacco selling and access laws, removing their ability to provide protections to county residents if the state decides not to pursue tobacco control policies.

Thank you for the opportunity to testify. We strongly support HB 1284 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA
Executive Director

ⁱ The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

HB-1284

Submitted on: 2/2/2019 11:58:58 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| taeleipu liliu | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/3/2019 3:45:11 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| mary santa maria | Individual | Support | No |

Comments:

Representatives,

Please PASS HB 1284. I strongly support this bill. The ability for local county governments to have laws and regulations regarding the sale and use of all nicotine and tobacco products gives the local government the ability to target laws and enforcement to the specific needs of the community. Many of Hawaii's strongest laws regarding nicotine products were first local laws. We have the right to pass laws that best fit the needs of our communities. Please PASS HB 1284.

Sincerely,

Mary Santa Maria, M.S., M.P.H.

Makawao, Hi, 96768

8089273288

HB-1284

Submitted on: 2/2/2019 12:18:23 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Anthony Orozco | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/2/2019 1:00:03 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bill Medeiros | Individual | Oppose | No |

Comments:

This measure contradicts itself. It first states that tobacco is a public health issue and because of that, the State has jurisdiction. Then it goes on to say that Counties can enact their own tobacco laws. My understanding is that responsibility for public health falls under the State's kuleana. If that is the case, then there should be one consistent set of policies statewide. Counties do not set their own policies on vaccinations, why should they set their own policies on other public health issues? If tobacco use is a public health issue, then there should be a single, clear statewide policy.

As this measure is contradictory, I oppose the proposed changes.

HB-1284

Submitted on: 2/2/2019 3:12:59 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kaenz | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/2/2019 6:15:29 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Misty Clark | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/2/2019 6:53:38 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert Asuncion | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/2/2019 8:01:09 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mariner Revell | Individual | Oppose | No |

Comments:

I oppose this bill.

HB-1284

Submitted on: 2/3/2019 9:03:23 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael S. Nakasone | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/3/2019 1:19:09 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Clayton Silva | Individual | Oppose | No |

Comments:

To whom it may concern:

I oppose Bill HB1284. The rules and regulations are strict enough as it is for the sales of e-cigarettes in store and online. Online verification, ID verification and heavy fines if these rules are not followed, we do not need more rules and regulations makers. E-cigarettes shops here in Hawaii are little mom and pop shops which are struggling as it is with the high price of living, food and high tax. Thousands of Hawaii residents use e-cigarettes as a mean to quit tobacco cigarettes and it has shown a very high rate of success versus patches and gums. What we need to do is show FACTS, that e-cigarettes has shown to help thousands if not millions of Americans quit traditional tobacco cigarettes and find a healthier life style and hobby. It's 2019, we do not need to take a step back with progress in people's health but embrace this new technology helping millions.

HB-1284

Submitted on: 2/1/2019 5:46:31 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jake J. Watkins | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/1/2019 5:48:56 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------------|---------------------|---------------------------|---------------------------|
| austin kelliinoi-westbrook | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/1/2019 6:20:13 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| puna | Individual | Oppose | No |

Comments:

Aloha

my name is Puna and i oppose to bill hb 1284 because it his not fair to the people to do so, this bill wants to regulate the sale and preemption of this bill when this industry is bringing in revenue for the county and even state of Hawaii. Traditional cigarettes cause health related issues yes but ENDS devices actually help the people get off of unhealthy traditional cigarettes and is a very healthy alternative. ENDS devices help people quit smoking traditional cigarettes and they eventually quit using the e cigarettes as well. What this state does need to regulate is the alcohol industry how many deaths does that cause per year better per day? This state is looking at the wrong industry to regulate. I myself quit smoking traditional cigarettes for 7 years now and ever since I turned 21 I'm glad I have found a really healthy alternative to smoking. Please do not pass this bill it will not just hurt the state but hurt people who live within the state and I will gaurentee you will see an increase in tragedies from lung cancer to throat cancer. Mahalo Nui loa for your time

HB-1284

Submitted on: 2/1/2019 7:29:52 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Darlene Ben | Individual | Oppose | No |

Comments:

HB-1284

Submitted on: 2/1/2019 8:10:57 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Johnathon G. Myers | Individual | Oppose | No |

Comments:

There is no need to extend regulation authority to any lower levels of Government. Tobacco and Electronic Smoking Device use is already regulated at the National level by the FDA, and at the State level with age restriction laws and other tobacco and Electronic Smoking Device use restrictions. The State legislature already uses "sin" taxes to curb the use of these products. This is an example of over-regulation and there is never budget earmarked or allocated for enforcement of these extraneous proposed Bills and Laws.

HB-1284

Submitted on: 2/1/2019 9:01:51 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ryan Werth | Individual | Oppose | No |

Comments:

I don't believe this extra power should be held by counties. This is just a means of scattering the efforts of those of us who want to support e-cigarettes and oppose unjust overtaxation and flavor bans.

HB-1284

Submitted on: 2/1/2019 10:38:51 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| James Gauer | Individual | Support | No |

Comments:

HB-1284

Submitted on: 2/1/2019 5:26:53 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Shannon Stevenson | Individual | Oppose | No |

Comments:

Aloha,

My name is Shannon Stevenson. I oppose HB1284. I am afraid that this bill doesnt clearly state what a county can pass. Just a more stringent law would prevail over a state law. The ceiling for this bill is astronomical. I believe that a clear indication of intent should be defined. HB1284 just states that a county can adopt a more strict law can be enforced as a county sees fit. I believe this puts the vaping/electronic nicotine delivery systems as a major disadvantage. Again I oppose HB1284.

Mahalo for your time.

HB-1284

Submitted on: 2/1/2019 5:41:57 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Teddy Kim | Individual | Oppose | No |

Comments:

Date: February 3, 2019

To: The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members of the House Committee on Health

Re: **Strong Support of HB1284**, Relating to Public Health

Hrg: February 5, 2019 at 9:45 AM in Capitol Room 329

Aloha House Committee on Health,

I am writing in **strong support of HB1284**, which limits the State's preemption of local ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices to allow the counties to enact ordinances more stringent than state law.

Historically in Hawai'i, county efforts to regulate access to addictive, health damaging tobacco products have helped reduce access and use of tobacco among youth. These county efforts have lead to successful statewide efforts to reduce access and use of tobacco among our youth, including raising the age of tobacco purchase to 21.

We are a state of islands, each with unique cultural and social strengths and challenges, including tobacco-related health disparities.

Returning the ability of our counties to address issues of youth access to harmful tobacco products allows us to find appropriate solutions to local circumstances and needs. HB1284 strengthens our communities, and in so doing, strengthens our state.

I **strongly support HB1284** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-1284

Submitted on: 2/4/2019 9:19:51 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Katie Folio | Individual | Support | No |

Comments:

Aloha,

My name is Katie Folio and I am a resident of Kula in Maui County. I am writing as a private citizen in strong support of HB 1284, which would restore authority to the counties to regulate tobacco products. Our county is facing an even worse youth vaping crisis than Oahu, yet we are left powerless to do anything about it. Education isn't as effective as policy change when it comes to changing behavior and protecting our kids. If the candy flavored tobacco ban does not pass at the state level, we should have the power to try it at the local level. It would be wonderful if the state would pass tobacco control legislation in a uniform and consistent manner, but the truth is that it can often take years for these kinds of changes to happen at the state, while it can happen much more quickly at the county level if it is what the community wants. We need to have the authority to protect our own communities. Please restore the power of the counties and give us the opportunity to pass tobacco regulations that we feel are necessary.

I was a teenage smoker. I was targeted by the tobacco industry and I understand that now. Our kids don't understand what they are up against. I have two young daughters. Give us the power to protect them.

Thank you for your consideration.

Katie Folio

Kula, Maui, HI

HB-1284

Submitted on: 2/4/2019 9:40:55 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| David McCann | Individual | Oppose | No |

Comments:

Only state legislation keeps the counties equal.



**American
Heart
Association.**



**American Heart Association Testimony in Support of
HB 1284, "Relating to Public Health"**

Chairman of the Board

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President

Kahealani Rivera, MD

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Mission Statement:

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for a world of longer,
healthier lives."

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your nearest AHA office.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:
Served by the Oahu
office

The American Heart Association SUPPORTS HB 1284.

HB 1284 would amend a law passed during the 2018 State Legislative Session through House Bill 1895, which underwent last minute changes and did not receive a public hearing or allow public comment, and amended an otherwise well-meaning and worthy bill to fund needed kidney dialysis centers in the state, with a provision that potentially will harm public health and help the tobacco industry. This provision blocks (preempts) county governments in Hawaii from passing their own laws to reduce tobacco use, including measures addressing the sale of candy-flavored tobacco products and menthol cigarettes that attract kids.

Most of Hawaii's most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii's counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law.

The tobacco industry for years, on the other hand, has attempted to pass state legislation that would preempt local government's home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments to be able to address important health issues that affect their communities. Tobacco, which remains the leading preventable cause of death in Hawaii, certainly qualifies as a public health threat deserving of both local and state policy attention.

The American Heart Association believes that local governments should be able to determine their own needs for tobacco policies, and the state legislature should support those efforts by establish a floor, not a ceiling on what local governments can do to address those needs. Some 1,400 Hawaii residents die each year from smoking, and 21,000 kids alive today in Hawaii will die prematurely from smoking if nothing is done to reduce tobacco use.

HB 1284 would correct the last minute provision added to legislation last year which provided the tobacco industry its long sought goal to funnel important, progressive tobacco-control policies only through the state legislative level. There it can focus its resources to defeat those measures, and away from the counties where the industry struggles to compete with community grassroots support for those issues.

The American Heart Association urges your support of HB 1284 and asks that state legislators return county home rule on what is among the most vital public health issues back to local communities.

Respectfully submitted,

Don Weisman
Hawaii Government Relations/Communications Director



February 4, 2019

To: The Honorable Representative John M. Mizuno, Chair
The Honorable Representative Bertrand Kobayashi, Vice Chair
Members, House Committee on Health

LATE

From: Cory Smith, VOLCANO Fine Electronic Cigarettes®
CEO and Owner

RE: HB 1284 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 110 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to HB 1284 for the following:

- Allowing counties to enact legislation will create a patchwork regulatory structure that would be very difficult for businesses to comply with. Due to the Island topography and the small size of our state, this would be over burdensome on businesses and the public and would create confusion for all parties involved.

Sincerely,
Cory N. Smith
CEO & Owner
VOLCANO Fine Electronic Cigarettes®
1003 Bishop Street #1260, Honolulu, HI 96813
cory@volcanocigs.com

LATE

HB-1284

Submitted on: 2/5/2019 12:20:17 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|---------------------------------------|--------------------|--------------------|
| Jostin Iriarte | Hi Lyfe Vaporz,LLC , VapeWithAloha | Oppose | No |

Comments:

Aloha,

My name is Jostin,
I strongly oppose HB1284

As a small business owner in the state of Hawaii we operate several business and employ over 10 adults, the impact that these bill's will have on our business and the industry with legal age law abiding citizens, employees and the public can be catastrophic.

Vaper's may resort back to combustible cigarettes, employees may lose their jobs and you may create a big list of unemployment, Small business owners will lose everything! Please take the time to consider what is fair and what isn't.

We have a right as citizens to choose not to revert back to combustible cigarettes.

finding it is unreasonable many of us "legal adults" who transitioned from combustible cigarettes, The simple fact that The federal government "FDA" has implemented many regulations and laws for all businesses in the Tobacco & Vaping industry is already having to comply with regulations that's set in place many of the state level requests is regulated on a federal level. It would cost each county unnecessary time and money loss, toward laws and rules which we already must abide by, whether it be on a state law or federal. I think many are missing the fact that enforcement of the age laws should be the focus on this teenage vaping epidemic. Vape shops are the sought after in the industry for protect its industry, we simply are instantly looked at the bad guys just because we vape, it is unfair to us as adults who found an alternative to combustible cigarettes that work and that has helped many people quit even the fact of quitting vaping as well.

Mahalo & Aloha For your time

LATE

HB-1284

Submitted on: 2/4/2019 4:22:57 PM
Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------|---------------------------|---------------------------|
| Michael Zehner | Hawaii Smokers Alliance | Oppose | Yes |

Comments:

Don't let people take away the state's control on this issue. You wouldn't want a city government passing legislation that the legislature found unacceptable.

LATE

HB-1284

Submitted on: 2/4/2019 6:46:24 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brian Santiago | Individual | Oppose | No |

Comments:

LATE

HB-1284

Submitted on: 2/4/2019 6:59:59 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| P Kuromoto | Individual | Oppose | No |

Comments:

There is no need for counties to be stricter than state law. State law is already some of the most draconian in the nation and there is already an inability to properly enforce.

LATE

HB-1284

Submitted on: 2/4/2019 8:16:42 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Shani Gacayan | Individual | Support | No |

Comments:

I, Shani Gacayan, Tobacco Treatment Specialist at Hamakua-Health Center and mother of 4 young children STRONGLY SUPPORT HB1284 that will allow counties to have more stringent rules for tobacco products including electronic smoking devices.

HB-1284

Submitted on: 2/4/2019 6:46:24 PM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brian Santiago | Individual | Oppose | No |

Comments:

LATE

HB-1284

Submitted on: 2/5/2019 12:13:06 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Jostin A Iriarte | Individual | Oppose | No |

Comments:

Aloha,

My name is Jostin,

I strongly oppose HB1284 finding it is unreasonable many of us "legal adults" who transitioned from combustible cigarettes, The simple fact that The federal government "FDA" has implemented many regulations and laws for all businesses in the Tobacco & Vaping industry is already having to comply with regulations that's set in place many of the state level requests is regulated on a federal level. It would cost each county unnecessary time and money loss, toward laws and rules which we already must abide by, whether it be on a state law or federal. I think many are missing the fact that enforcement of the age laws should be the focus on this teenage vaping epidemic. Vape shops are the sought after in the industry for protect its industry, we simply are instantly looked at the bad guys just because we vape, it is unfair to us as adults who found an alternative to combustible cigarettes that work and that has helped many people quit even the fact of quitting vaping as well.

The fact is most don't understand most "ENDS" PRODUCTS are costly to begin with! As far as taxes I personally feel that yes it would be okay to tax the products "eliquids" that actually contain nicotine & not products that doesn't contain nicotine like "ENDS". Taxing Eliquids containing nicotine can help in funding more research and enforcement towards stores who aren't maintaining compliance on a regular basis . By doing so this may reduce the teenage vaping epidemic. By raising taxes it won't have a positive effect on individual, there is the possibility that some may turn to other recreational products, but if in all fairness taxes are implemented in a fair manner it can have a positive affect.

To ban the shipment of eliquid & causing it to be a CLASS C-FELONY is absurd, especially to businesses who practice proper guidelines Ruled by the FDA, for instances age verification process on certain websites.

As far as tobacco permits go I've seen most shops acquire a tobacco permit already. Increasing tobacco license fee is okay in a fair manner not to completely shut down small businesses. As far as some of the Bans that is trying to pass our legislation some

are fair and some are ridiculously absurd, please think over them thoroughly.
Mahalo for your time and Aloha.

LATE

HB-1284

Submitted on: 2/5/2019 7:56:39 AM

Testimony for HLT on 2/5/2019 9:45:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Melodie Aduja | O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i | Support | No |

Comments:

LATE

Aloha and Good Morning –

My name is Laks Abraham and I'm the Community Program Manager for Blue Zones Project – Central Maui. I writing today in support of HB276, relating to flavored tobacco products.

During the 2018 Legislative Session, Bill 1895 (now referenced as Act 206) to regulate Electronic Smoking Devices was replaced (or better known as "guttled") with new language, which included preemption. Preemption invalidates county law, and in this case - ties our hands from enacting local policies to address growing tobacco concerns in our local communities.

The boom of youth e-cigarettes usage in our community is nothing short of disturbing. Maui County, only second to Hawaii Island County leads the state in youth vaping, with 32% of high school teens and 25% of middle school students actively using. The statistics are increasingly concerning when you consider that 47% of our teenagers, here on Maui are experimenting with e-cigarettes.

This is a growing, national concern, which prompted a statement (released just last month) from FDA Commissioner Gottlieb, on steps to address the national epidemic of youth e-cigarette use. The commissioner quotes, "I use the word "epidemic" with great care. E-cigs have become an almost ubiquitous – and dangerous – trend among teens. The disturbing and accelerating trajectory of use we're seeing in youth, and the resulting path to addiction, must end."

I'm sharing this with you because we, as a community are facing this epidemic right here in Maui County, rearing some of the highest youth vaping usage rates in the nation.

Over the next year, Blue Zones Project Hawaii will continue to support legislation to protect our keiki from tobacco products and continue to encourage smoke-free lifestyles and preventive measures for youth vaping.

Flavored tobacco products are intended to attract and addict youth to tobacco, which is wrong. It's as simple as that. Please support HB 276 and ensure our keiki are protected from big tobacco and help us work to decrease youth vaping in Hawaii. Mahalo!

Laksmi Abraham, Community Program Manager
Blue Zones Project – Central Maui