

HB-1574

Submitted on: 1/30/2019 8:43:42 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mia Tran	The Daniel K. Inouye College of Pharmacy	Support	No

Comments:

Dear Hawaii State Legislature,

My name is Mia and I am writing to support this bill. As a student pharmacist and a pharmacy intern, I believe that electronic smoking products should be regulated more strictly to prevent any misuse by childrens and teenagers for their health.

Thank you for your time and consideration.

Sincerely,

Mia Tran

Date: January 31, 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 HB1574, RELATING TO ELECTRONIC SMOKING PRODUCTS.

Hrg: Thursday, January 31, 2019 at 9:30am at Capitol Room 329

Thank you for the opportunity to submit testimony in SUPPORT of HB1574, which establishes the offense of unlawful shipment of e-liquid products and includes e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect children from a lifetime of nicotine addiction and associated health risks.

According to the Hawaii Department of Health, 45 percent of high school students and 26 percent of middle schoolers across our state use e-cigarettes. This underscores the severity with which e-cigarette use has penetrated our state's middle and high schools.

Under the Food and Drug Administration, electronic smoking devices are classified as a tobacco product, and yet they are the only product with that classification that does not have a tobacco tax. From the many decades of research done on tobacco control policy, it is clear that increasing the price of these products is a proven strategy that discourages access to these products, especially among youth.

We therefore urge you to support this measure. For the sake of our keiki and general public health, Hawaii should not allow e-cigarettes to continue to fly below the state's tobacco tax radar.

Mahalo,
Student Health Advisory Council

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF TAXATION**

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

Date: Thursday, January 31, 2019
Time: 9:30 A.M.
Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: H.B. 1574, Relating to Electronic Smoking Products

The Department of Taxation (Department) supports H.B. 1574 and offers the following comments for the Committee's consideration. A summary of the key provisions of H.B. 1574 are as follows:

- Adds a new section making it a misdemeanor or felony to ship e-liquid products in the State unlawfully;
- Adds a new definition for the terms "e-liquid," "electronic smoking device" and "smoke" or "smoking";
- Amends the definition of "tobacco products" to include e-liquid;
- Raises the fee for a tobacco wholesaler or dealer license from \$2.50 annually to \$250 annually;
- Raises the fee for a tobacco retailer permit from \$20 per location annually to \$50 per location annually;
- Amends the allocation of revenue collected under the cigarette stamp tax to provide \$200,000 to Hawaii Tobacco Prevention and Control Trust Fund; and
- Is effective July 1, 2019.

The Department notes that it can implement this measure as currently written. However, the Department respectfully requests that the bill be made effective January 1, 2020, to give the Department time to update its forms and make necessary system changes.

Thank you for the opportunity to provide testimony in support of this measure.

January 31, 2019

RE: SUPPORT HB 1574 Relating to Electronic Smoking Products

Dear Chair Mizuno & Members of the Committee on Health & Human Services:

At Blue Zones Projects we are working to make Hawaii a happier, healthier place to live, work and play. We support HB1574, which will help to regulate sales of electronic smoking devices. In Hawaii alone, smoking causes 1400 adult deaths per year and costs \$256 million. Limiting the use of tobacco would result in an extremely effective way to prevent a variety of chronic diseases and many other adverse health consequences.

An industry which is not regulated cannot be held accountable. This measure would mandate that e-cigarette retailers need to possess the appropriate retail tobacco permit to sell e-cigarettes and liquids, which would result in better oversight of this quickly growing industry. It is impossible to know if a retailer is selling to under 21 if there is no way to track the retailers.

The industry has been left to grow without paying the taxes it should be paying on its products. It is important to bring electronic smoking devices, and their parts, under the same tobacco taxes as other nicotine products. This alignment creates a more clear message to consumers. Furthermore, this measure will increase the cost for a tobacco license from \$2.50 annually to \$250 annually, and the cost of a retail permit will go from \$20 annually to \$50 annually. Even small businesses can pay these minimal raises in fees to be allowed to continue to profit from the sale of tobacco products.

Although Hawaii has one of the strictest laws in the nation prohibiting the sale of tobacco to individuals under the age of 21, our children are easily able to purchase cigarettes and other tobacco products via the Internet. This legislation will address this loophole by only allowing the online purchase and shipment of tobacco products to licensed retailers, where consumers can purchase.

Nationally, there was a 78% increase from 2017-2018 in current e-cigarette use among high school students and 48% increase among middle school students. Bringing the total number of middle and high school students currently using to 3.6 million, 1.5 million more than the previous year. Hawaii youth are part of this trend. There continues to be a steep rise in the use of electronic smoking devices, and the unregulated industry allows for a simple and easy way for children to purchase these relatively inexpensive, undertaxed products.

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Overall, there are a variety of issue this legislation will address. It is time to regulate an industry, to collect the appropriate taxes, raise the cost of licensing and permitting fees as well as ensure that there are no longer illegal online sales.

We are grateful to the Committee for hearing HB 1574, and hope that you will consider passing this bill that will better regulate tobacco products.

Sincerely,

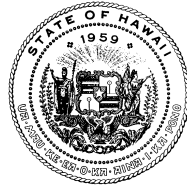
Peggy Mierzwa

Peggy Mierzwa
Statewide Policy Lead
Blue Zones Project—Hawaii

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Hawaii by



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LATE

**Testimony in SUPPORT of H.B. 1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 31, 2019

Room Number: 329

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation
2 (DOTAX) for fiscal implications of implementation and to the Department of the Attorney
3 General (AG) for fiscal implications for enforcement.

4 **Department Testimony:** The DOH supports House Bill 1574 (H.B. 1574) as a measure to
5 protect the public's health, especially youth, from the harmful effects of tobacco use and
6 initiation. The bill makes unlawful the shipping of e-liquid products to consumers except for
7 licensed wholesalers or dealers. It provides for the inclusion of e-liquid in the definition of
8 tobacco products, the imposition of an excise tax, the requirement for licensing and permitting
9 fees, and increase in licensing and permitting fees. The DOH defers to DOTAX for
10 implementation, and to the AG regarding the enforcement of the shipping regulations.

11 Despite tremendous progress in reducing smoking, tobacco use is still the leading cause
12 of preventable illness and death in the United States and in Hawaii.¹ It is crucial that the
13 progress made in reducing cigarette smoking among youth and young adults not be
14 compromised by the initiation of electronic smoking devices (ESDs), also known as vaping or
15 e-cigarettes. Most ESDs purchased in the US contain nicotine, which is highly toxic and

¹ Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs, 2014*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014

1 addictive.² Young Several studies have shown that youth who use e-cigarettes are more likely
2 to use regular cigarettes.^{3,4,5}

3 New findings from the 2018 National Youth Tobacco Survey (NYTS) demonstrated a
4 dramatic increase in youth use of ESDs. From 2017 to 2018, there was a 78% increase in
5 current e-cigarette use among high school students and a 48% increase among middle school
6 students.⁶ In a rare advisory in December 2018, the U.S. Surgeon General, Dr. Jerome Adams,
7 officially declared “e-cigarette use among youth an epidemic in the United States”.⁷ Likewise,
8 Dr. Scott Gottlieb, Commissioner of the U.S. Food and Drug Administration, in his press
9 statement described his shock at the rapid rise in youth uptake of ESD and that youth vaping is
10 an epidemic.⁸ Hawaii rates of youth ESD use is higher, with 25% of high school students
11 reporting being regular users, and 42% had tried them, and rates for neighbor islands are
12 consistently higher than state rates.⁹ The DOH supports the restriction of shipping tobacco
13 products to anyone other than a licensed wholesaler/dealer, that is engaged in the business of
14 selling tobacco products and is on the DOTAX authorized list. This will strengthen protections
15 for youth and young adults and provide a public health policy to the preferred purchasing
16 method by middle and high school student ESD users, 64 percent and 60 percent, respectively
17 said they purchase from friends.¹⁰

² Marynak, et al. Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015. *Research and Practice*, AJPH, published online March 21, 2017.

³ Watkins SL, Glantz, SA. Association of Noncigarette Tobacco Products Use with Future Cigarette Smoking Among Youth in the Population Assessment of Tobacco and Health (PATH) Study, 2013-2015. *JAMA Pediatric*. Published online January 2, 2018.

⁴ Barrington-Trimis, JL, Urman, R, Berhane, K, Unger, JB, Cruz, TB, Pentz, MA, Samet, JM, Leventhal, AM, McConnell, R. E-Cigarettes and Future Cigarette Use. *Pediatrics*.2016-0379.

⁵ Wills, TA, Knight, R, Williams, RJ, Pagano, I, Sargent JD. Risk Factors for Exclusive E-Cigarette Use and Dual E-Cigarette Use and Tobacco Use in Adolescents. *Pediatrics*. 2014-0760.

⁶Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students- United States, 2011-2018. (n.d.), 2.

⁷ Health (ASH), A. S. for. (2018, December 17). Surgeon General releases advisory on E-cigarette epidemic among youth [Text]. Retrieved January 26, 2019, from <https://www.hhs.gov/about/news/2018/12/18/surgeon-general-releases-advisory-e-cigarette-epidemic-among-youth.html>

⁸ Commissioner, O. of the. (n.d.). Press Announcements - Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use [WebContent]. Retrieved January 30, 2019, from <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM620185.htm>

⁹ Hawaii School Health Survey/ Youth Risk Behavior Survey (2017)

¹⁰ Hawaii School Health Survey/Youth Tobacco Survey (2017)

1 Hawaii is among five states (including California, Oregon, New Jersey, and Maine) in
2 the country that prohibit the sales of tobacco products to any person under the age of twenty-one
3 years. Such legislation specifically addresses face-to-face transactions and is meant to prevent
4 youth access and initiation of tobacco use. However, the acceleration of online tobacco product
5 sales has created a dangerous loophole, undermining efforts to protect public health, by
6 providing an appealing option for underage smokers. In the current unregulated online market,
7 youth easily, and often, circumvent the age verification process for purchasing tobacco. In some
8 transactions age verification simply requires the consumer to acknowledge that a person is over
9 the legal age to purchase by clicking the word, “agree,” to advance the transaction.

10 The Internet Tobacco Vendors Study (ITV), supported by the National Cancer Institute
11 and the United States Food and Drug Administration (USFDA) Center for Tobacco Products, has
12 monitored the online tobacco industry for over fifteen years, to assess sales practices and public
13 health impacts. In 2016, its study found that minors were successful in buying ESDs online 93%
14 of the time despite age restrictions and another study found that ESDs were often shipped from
15 internet vendors without instructions or health warnings. Due to the easy access for minors
16 through online marketing, researchers recommend more vigorous policies to prohibit sales to
17 minors.^{11,12}

18 Unregulated online access provides a way for the purchaser and tobacco industry to avoid
19 federal and state taxes, resulting in loss of revenue and evasion of an important public health tool
20 for prevention.¹³ Youth are price sensitive and online purchasing options are a less expensive
21 method for acquiring tobacco products including ESDs. Hawaii has seen ESD use by youth and
22 young adults increase at an alarming rate.¹⁴ ESDs are now the most commonly used tobacco

¹¹ Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

¹² Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features*. *Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

¹³ *The National Association for Convenience and Fuel Retailing*: <http://www.nacsonline.com/Advocacy/Issues//Tobacco/Pages/RemoteSalesofTobacco.aspx>

¹⁴ Hawaii State Department of Health, *2016-2020 Tobacco Use Prevention and Control in Hawaii, Five-Year Strategic Plan*, p.25.

1 product among youth in the nation, and in Hawaii.^{15,16} The electronic cigarette industry is
2 growing rapidly, with retail and online sales of electronic smoking devices projected to reach 10
3 billion dollars in 2017.^{17,18} The pricing, marketing, and variety of youth-friendly flavors are
4 contributing to the increased use of ESDs.¹⁹

5 The DOH supports the measure's proposed amendment that requires wholesalers and
6 retailers of e-liquids, to obtain the applicable license or permit. Previously, all that was required
7 of these vendors was a General Excise License. In adherence to Act 206, of 2018 session laws,
8 requiring the AG to establish an Electronic Smoking Device Retailer Registration Unit, 640
9 entities that sell ESDs have registered to date. Licensure and retail permitting would bring e-
10 liquid vendors in alignment with the traditional tobacco retailers and would provide accurate data
11 for compliance surveillance.

12 The proposed increases in licensure and permitting fees have remained unchanged since
13 1995, despite high tobacco taxes and ever-increasing tobacco industry expenditures in marketing
14 and advertising. Tobacco licensing is an effective tool for limiting the negative public health
15 consequences of tobacco use by ensuring that wholesalers and retailers comply with responsible
16 sales practices. The proposed licensing would apply to those who sell e-liquids.

17 The DOH supports H.B. 1574 as a multifaceted public health measure to help prevent
18 access to e-liquid, e-cigarettes, cigarettes and tobacco products among youth and young adults
19 and to encourage users to quit.

20 Thank you for the opportunity to testify.

21 **Offered Amendments:** None

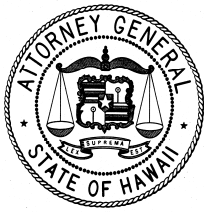
¹⁵ U.S. Centers for Disease Control and Prevention (CDC), "Tobacco Use Among Middle and High School Students — United States, 2011- 2015," *Morbidity and Mortality Weekly Report (MMWR)* 65(14):361-367, April 14, 2016, <http://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6514a1.pdf>

¹⁶ Hawaii State Department of Health, *Youth Risk Behavior Survey (2015)*

¹⁷ Herzog B, Gerber J. *E-Cigs revolutionizing the tobacco industry, 2013*. <http://www.smallcapfinancialwire.com/wp-content/uploads2013/11/E-Cigs-Rvolutionizing-the-Tobacco-Industry-Interactive-Model.pdf>

¹⁸ Craver, R. (September 15, 2013). Analyst projection: *E-cigs will overtake traditional tobacco revenue at Reynolds in 2021*. *Winston-Salem Journal*. http://www.journalnow.com/business/business_news/local/analyst-projection-e-cigs-will-overtake-traditional-tobacco-revenue-at/article_948674ca-1ca9-11e3-a0ae-0019bb30f31a.html

¹⁹ *ibid*



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

H.B. NO. 1574, RELATING TO ELECTRONIC SMOKING PRODUCTS.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

LATE

DATE: Thursday, January 31, 2019 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Clare E. Connors, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General supports the bill and provides the following comments and suggested amendments.

The bill seeks to address the health dangers caused by the rapidly growing use of electronic smoking devices (ESDs) in Hawaii, including among the youth. This bill establishes the offense of unlawful shipment of e-liquid products to a person or entity that is not a licensee; increases licensing and permit fees for wholesalers, dealers and retailers of cigarettes and tobacco products; funds health education and prevention programs; repeals chapter 28, part XII, Hawaii Revised Statutes (HRS); and repeals section 245-27, HRS, relating to delivery sales.

In addition, this bill for the first time includes e-liquid within the definition of "tobacco products," which would subject e-liquid to the excise tax on tobacco products, and thus place its regulation within the existing regulatory structure of the Department of Taxation. Retailers of e-liquid would now be required to obtain retail tobacco permits, and wholesalers and dealers would be required to obtain a license. Because this bill would make e-liquid subject to taxation and regulation under chapter 245, HRS, the Department of the Attorney General supports the repeal of part XII of chapter 28 HRS. This bill would place the regulation of e-liquid products together with the retail tobacco permitting process already within the purview of the Department of Taxation, rendering the recently created Electronic Smoking Device Retailer Registration Unit within the

Department of the Attorney General duplicative. The placement of e-liquids in the same Department of Taxation regulatory framework as other tobacco products would conserve resources and make for a more efficient process for the public and the retailers.

The Department suggests that clarification regarding valuation is needed for the new criminal offense contemplated by the bill. Section 2 of the bill amends chapter 245, HRS, making the unlawful shipment of e-liquid products to a person or entity that is not a licensee a felony if the value of the products shipped is \$10,000 or more, and a misdemeanor if the value is less than \$10,000. Section 2, page 7, lines 13 - 19. We suggest adding wording indicating how the value is to be determined. Valuation based on the wholesale price, for instance, might vary greatly from the fair market or retail value. For comparison, section 708-801, HRS, in the penal code, discusses in detail the method of valuation, including as it relates to a specific state of mind. A comparable addition to the bill would help clarify that and strengthen the possible success of prosecution.

Thank you for the opportunity to provide testimony and comments in support of this measure.



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Derek Kurisu, KTA Superstores, *Advisor*

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: January 31, 2019
TIME: 9:30am
PLACE: Conference Room 329

RE: HB1574 Relating to Electronic Smoking Products

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

We oppose Sections 4 of this bill that seek to increase fees on retail tobacco licenses and permits. This measure would increase the license fee for tobacco by 10,000%, which is excessive and unnecessary.

Hawaii has the second highest tobacco taxes of any state. By attempting to increase license and permit fees, this bill unfairly and misguidedly targets retailers and wholesalers rather than tobacco users.

There is no nexus between license fees and smoking cessation. Retailer license fees exist to pay for the licensing process and enforcement; these fees were not created to fund other programs. Using licensing fees to fund programs for which they were not intended creates a situation where fees are likely to rise unpredictably, this impedes retailers' ability to budget and creates unnecessary financial and administrative burdens. We thank you for the opportunity to testify.



**Testimony to the House Committee on Health
Thursday, January 31, 2019; 9:30 a.m.
State Capitol, Conference Room 329**

RE: SUPPORTING HOUSE BILL NO. 1574, RELATING TO ELECTRONIC SMOKING PRODUCTS.

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. 1574, RELATING TO ELECTRONIC SMOKING PRODUCTS.

The bill, as received by your Committee, would:

- (1) Apply the excise tax on tobacco products on e-liquid;
- (2) Require retailers of e-liquid to obtain a retail tobacco permit to sell, possess, keep, acquire, distribute, or transport e-liquid;
- (3) Prohibit the unlicensed wholesale and retail sale of e-liquid;
- (4) increase the license fee for the wholesale and retail sale of cigarettes and tobacco products;
- (5) Increase the fee for the retail tobacco permit;
- (6) Deposit \$200,000 in tobacco tax revenue to the Hawaii Tobacco Prevention and Control Trust Fund after June 30, 2019; and
- (7) Take effect on July 1, 2019.

Testimony on House Bill No. 1574

Thursday, January 31, 2019; 9:30 a.m.

Page 2

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.

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.



HIPHI Board

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En Young, MBA
Sansei, Lanai

Date: January 29, 2019

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair
Members of the Health Committee

Re: Strong Support for HB 1574, Relating to Electronic Smoking
Products

Hrg: January 31, 2019 at 9:30am 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 HB1574** which imposes a tax on e-liquid, including disposable electronic smoking devices (ESDs), dedicates a portion of the revenue to tobacco prevention and control efforts, requires wholesalers and retailers to obtain a license and a retail tobacco permit, and restricts the shipment of tobacco products to anyone other than a licensee.

E-cigarette use among youth and young adults has become a public health concern.

In 2017, 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vaping. Hawai'i has the third highest high school e-cigarette rate in the Country. Because ESDs remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that e-cigarettes are dangerous and a health threat to youth and young adultsⁱⁱ.

Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax.

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a pollⁱⁱⁱ conducted by Ward Research Inc. for the Coalition in November 2018, 77% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. A scan

of online e-liquid products show that a bottle of 60 mL e-liquid can be purchased on sale for as little as \$0.99. Some companies have starter kits for \$0.99. Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption for both adults and youth. The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs.

ESD licensing and permits protect both consumers and merchants.

The Coalition recommends that ESD sellers and vendors obtain a tobacco permit and/or license which is currently required for any tobacco retailer or wholesaler. This consistency would assist with the communication and enforcement of current tobacco tax and purchase laws. In addition, the Coalition supports the proposed increased fees for the tobacco permit and license.

This measure corrects the loophole in our minimum age selling and tax laws.

Online ESD sellers simply ask users to click a button to verify their age – a process that is both ineffective and inadequate. This measure helps to correct this loophole by requiring that ESD products be shipped to a registered and licensed seller allowing the State to enforce current tobacco selling and taxation laws.

The current Surgeon General, VADM Jerome Adams issued an advisory last December “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people^{iv}.” Hawai’i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support HB 1574 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.

ⁱⁱ U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General (2017)*. From https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf

ⁱⁱⁱ This study by Ward Research, Inc. summarizes findings from a phone survey among n=804 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between October 8 and November 2, 2018.

^{iv} Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>



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

HB 1574 – RELATING TO ELECTRONIC SMOKING DEVICES

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 1574, which prohibits the remote sale of e-liquids, increases the license and permit fees for wholesalers, dealers and retailers engaged in the sale of tobacco products and allocates of portion of funds collected from excise taxes on tobacco products to tobacco control programs.

The American Cancer Society Cancer Action Network (ACS CAN) is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.

The youth epidemic is here. The following statistics highlight the problem we are facing.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2018, more than 3.6 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 4.9% of middle school students and 20.8% of high school students.
- In 2017, 2.8% of U.S. adults were current e-cigarette users.
- In 2015, among adult e-cigarette users overall, 58.8% also were current regular cigarette smokers, 29.8% were former regular cigarette smokers, and 11.4% had never been regular cigarette smokers.
- Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Tobacco retail licensing is a policy tool that enables the state to regulate businesses that sell tobacco products to ensure they comply with tobacco laws, to reduce tobacco-related health disparities, and to combat the public health problems that tobacco use causes. Strong tobacco retail license laws are an effective way to limit youth access to tobacco by reducing illegal tobacco sales to youth and young adults. ACS CAN supports updating the state's licensing law and fees and we recommend revenues generated from the license fees be used for enforcement of tobacco control laws.

Thank you for the opportunity to provide testimony on this important matter.



American Heart Association testimony in SUPPORT of HB 1574, Relating to Electronic Smoking Products

Chairman of the Board

Mark Yamakawa

President

Kahealani Rivera, MD

Board Members

Rick Bruno, MD, FACEP
Brandt Farias
Mimi Harris
David Honma
Glen Kaneshige
Brandon Kurisu
Howard Lee
Michael Lui, MD
Kazuma Nakagawa, MD,
FAAN, FAHA
Barbara Petrus
Andrew Rosen
Dave Underriner
Elisa Yadao

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“To be a relentless force for a world of longer, healthier lives.”

For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

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Fax: (808) 524-0556

Neighbor Islands:

Serviced by the Oahu office

The American Heart Association **supports** HB 1574 which makes unlawful shipment of E-liquid products to anyone other than a licensee or permittee, includes e-liquid within the definition of “tobacco products” within existing cigarette tax and tobacco tax state law, increases the license fee for wholesalers or dealers and the retail tobacco permit fee, and allocates a portion of the tobacco tax revenue into the State Tobacco Prevention and Control Trust Fund.

While Federal law already prohibits the delivery and shipment of cigarettes, adding a state restriction on the direct delivery and shipment of electronic smoking devices to consumers would help to close the online sales loophole of those products and help to protect Hawaii’s youth from unscrupulous marketers of those products.

Internet sales of tobacco products and e-cigarettes are a significant public health concern because they evade state taxes and significantly undermine tobacco control efforts. In Hawaii, it is currently illegal to sell tobacco products, including e-cigarettes, to those under the age of 21. Hawaii’s age to 21 law plays a critical role in preventing youth initiation and addiction to tobacco products, yet internet sellers can circumvent this restriction by providing easy access to these products.

E-cigarettes are now the most popularly used tobacco product among Hawaii’s youth. According to recent Department of Health data, approximately 42 percent of Hawaii’s youths have tried e-cigarettes, and 25 percent are now regular users. On neighbor island, regular use of e-cigarettes by youths tops 30 percent. This is concerning because e-cigarettes often contain nicotine and serve as a gateway to traditional cigarette use. Recent studies also indicate that e-cigarettes produce the same cardiovascular and respiratory risks as traditional cigarettes. A study released yesterday and that will be presented next week at the American Stroke Association’s International Stroke Conference being held at the Hawaii Convention Center finds that using e-cigarettes increases your odds of having a stroke, heart attack and coronary heart disease. The researchers found compared with non-users, e-cigarette users had:

- 71 percent higher risk of stroke;
- 59 percent higher risk of heart attack or angina;
- 40 percent higher risk of coronary heart disease; and
- Double the rate of cigarette smoking.

By adding e-liquid within the definition of the state’s “tobacco products” it would apply the tobacco tax to those products. This would have the greatest impact on reducing e-cigarette use rates among the youth market, which is more price sensitive, and which is the most highly targeted by tobacco industry marketing and advertising.

In Hawaii, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs (\$141.7 million of that is covered by the state Medicaid program).

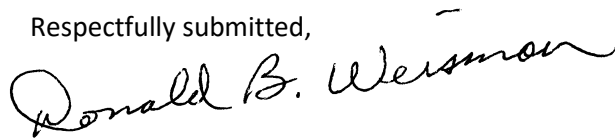
Hawaii residents' state & federal tax burden from tobacco-caused government expenditures is \$836 per household. Hawaii's estimated tobacco tax and license revenue, estimated to be almost \$138.8 million does not come close to offsetting the losses to the state caused by tobacco use. Tobacco use declines related to state taxes directly reduce these smoking-caused economic burdens for all taxpayers, and Hawaii businesses which bear the brunt of employee healthcare costs in our state.

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii's \$5.3 million investment in tobacco prevention, control and cessation programs pale in comparison, and fall well short of the Centers for Disease Control's (CDC) best practice recommendation of a \$13.7 million annual investment. Allocating revenue generated from taxing tobacco products to community prevention, education and cessation programs would help to increase the desired impact of this legislation by further reducing the use of electronic smoking devices by our youth and most health vulnerable populations.

The American Heart Association urges you to correct the loophole in our state's age restriction, taxation, and public health laws. It is imperative to continue to curtail tobacco use in any form, especially among our youth, if we are to control our state's healthcare costs and keep its Pre-Paid Healthcare law sustainable.

Please support HB 1574.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a prominent initial "D" and a long, sweeping underline.

Donald B. Weisman

Hawaii Government Relations/Communications Director



January 29, 2019

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

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

RE: HB 1574 – 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 276 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized, yet **HB 1574 aims to unfairly classify e-liquid products as “Tobacco Products” and erroneously refers to vapor products as “Electronic Smoking Devices”** to bring these products into the same regulatory framework and licensing requirements as traditional tobacco cigarettes.
- **HB 1574 states in its justification that the bill and its regulations are needed to curb youth usage.** It states “The Surgeon General's report noted that e-cigarette use has increased considerably in recent years, growing an astounding nine hundred percent among high school students from 2011 to 2015”. **However, it fails to mention the most recent CDC report that shows youth use of tobacco products are at the lowest levels ever. Also, youth use of vapor products have been declining since 2016, and recent studies have shown that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine** - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco cigarettes.
<https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>
<https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>
- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes
http://www.journalnow.com/business/business_news/local/cdc-report-shows-more-smokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html
- Recent studies have actually shown that the substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level: <http://www.bmj.com/content/358/bmj.j3262>



- HB 1574 States in its justification that the use of licensing and permit fees will help “protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit”. **We fail to see how requiring retailers to obtain a permit will translate to ‘protecting the public’.** Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.
- **HB 1574 would amount to a 9900% increase in licensing fees. This is a highly unreasonable increase that will result in a significant financial burden for all retailers included in the bills definition.**
- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. **Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf
- **A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.**
<http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myth-that-vaping-is-as-toxic-as-smoking/article/2646804>
http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite
- **HB 1574's justification states that without taxing vapor products, “smokers may be tempted to purchase less expensive products such as e-liquid”. This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes.** An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.

It is our belief that this unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.



VOLCANO®

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

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today’s youth who are using e-cigarettes could become tomorrow’s cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

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Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **HB1574**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

JOY Uyeno
Print Name

Hon, Hawaii, 96825
City Zip Code

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Mahsa Yaghmaie
Print Name

Honolulu, Hawaii, 96815
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Diana Molina
Print Name

Honolulu, Hawaii, 96813
City Zip Code

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MARY BLEWITI
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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City Zip Code

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K. Shivan

Print Name

Honolulu, Hawaii, *96813*

City Zip Code

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Print Name

Hon, Hawaii, 96813
City Zip Code

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Gwion LAM

Print Name

Honolulu, Hawaii, 96821

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Valeve C. Kubota

Print Name

Honolulu, Hawaii, 96813

City

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Ashleigh Garcia
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Belin Kern
Print Name

Kaneohe, Hawaii, 96744
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

The results of a comprehensive review of available evidence done by U.S. Surgeon General in 2016 concluded that tobacco use among youth and young adults in any form, including e-cigarettes, is not safe, and that in recent years, e-cigarette use by youth and young adults has increased at an alarming rate, becoming the most commonly used tobacco product among youth in the United States and in Hawaii.

The report also warned that since e-cigarettes are tobacco products that deliver nicotine, which is a highly addictive and toxic substance, they may pose the risk that many of today’s youth who are using e-cigarettes could become tomorrow’s cigarette smokers to continue to feed their nicotine addiction. Moreover, nicotine exposure can harm brain development in ways that may affect the neurological development and mental health of children and adolescents.

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MYRNA AGUSTIN
Print Name

WAIPIAHU, Hawaii, 96797
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Char Higuchi
Print Name

Hono Kolu, Hawaii, 96822
City Zip Code

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Dwayne Anelua
Print Name

Honolulu, Hawaii, 96813
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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LEATA TAVANUVU

Print Name

HONOLULU, Hawaii, 96813

City

Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Liza Cahady
Print Name

HONOLULU, Hawaii, 96813
City Zip Code

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Mitsumi Taki-Powell
Print Name

Honolulu, Hawaii, 96818
City Zip Code

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RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Joe Abrams

Print Name

Hon, Hawaii, 96813
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Christine Cha-Oheong
Print Name

Honolulu, Hawaii, 96813
City Zip Code

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SUNIL TANUSURU
Print Name

Honolulu, Hawaii, 96822
City Zip Code

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Ling Yee Tsang
Print Name

Honolulu, Hawaii, 96817
City Zip Code

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Emily Kaneakua

Print Name

Honolulu

City

, Hawaii,

96734

Zip Code

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Rachel Isara-Phan

Print Name

Pearl City, Hawaii, 96782
City Zip Code

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Melina Sanchez

Print Name

90 Hon

City

, Hawaii,

96825

Zip Code

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MARIA QUARTERD
Print Name

Honolulu, Hawaii, 96817
City Zip Code

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Marra Ploude

Print Name

Honolulu, Hawaii, 96825

City

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Marena Weaver

Print Name

Honolulu, Hawaii, 96806

City

Zip Code

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Miriam Tawda

Print Name

Waipahu, Hawaii, 96777
City Zip Code

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Increases in tobacco taxes decrease tobacco use. Raising taxes on tobacco and thereby increasing its price is one of the most effective ways to reduce tobacco use. Prices affect virtually all measures of tobacco use, including per-capita consumption, smoking rates and the number of cigarettes smoked daily. These effects apply across a wide range of racial and socioeconomic groups.

Currently, everyone other tobacco product in our state is taxed except for e-cigarettes. For the sake of parity in how we tax tobacco products, I urge you to support **HB1574**, which would tax electronic smoking devices, more commonly known as e-cigarettes.

Varden Lee
Print Name

Honolulu, Hawaii, 96819
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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Gordon Choy

Print Name

Honolulu, Hawaii, 96817
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Cynthia Cruz
Print Name

Honolulu, Hawaii, 96821
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Mary Alice Evans
Print Name

Waimanalo, Hawaii, 96795
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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LINDA GARRETT
Print Name

KAILUA, Hawaii, 96734
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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M. Florendo
Print Name

Honolulu, Hawaii, 96819
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Corey Mak
Print Name

Honolulu, Hawaii, 96816
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

I am writing in support of HB1574, which would tax electronic smoking devices, more commonly known as e-cigarettes. E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes look like regular cigarettes, cigars, or pipes. Some look like USB flash drives, pens, and other everyday items.

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Brooke Benton

Print Name

Honolulu, Hawaii, 96825
City Zip Code

**TESTIMONY IN SUPPORT OF HB1574
RELATING TO ELECTRONIC SMOKING PRODUCTS**

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Roberta Niedo
Print Name

Honolulu, Hawaii, 96826
City Zip Code

Date: January 29, 2019

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

Re: Strong Support of HB1574, Relating to Electronic Smoking Products

Hrg: Thursday, January 31, 2019 at 9:30am at Capitol Room 329

Good morning to the members of the House committee on Health. Thank you so much for the opportunity to submit testimony in SUPPORT of HB1574. My name is Chelsea Gonzales, and I'm a Senior at the University of Hawaii at Manoa. I'm majoring in Public Health and currently the President for Breathe Aloha, a student registered independent organization dedicated to promoting positive health practices and protect University of Hawaii students, employees, and visitors from exposure to secondhand smoke and other potentially harmful substances.

In 2016, The United States Surgeon General states in its national report, "Electronic cigarettes among youth is now a major public health concern...its an epidemic" In Hawaii, prevalence among e-cig use is much higher compared to the national average. While the State has done great measures to pass bills to prevent youth from picking up the poor habit, youth in Hawai'i are still able obtain these products. When you drive around after school hours, you see the youth in groups walking around and smoking. Close to school properties, in the parks, at the beach, and even at Ala Moana mall. These products are highly addictive, and so easy to obtain by minors.

These nicotine containing substances are the only tobacco product that does not have a tobacco tax levied against it in the State of Hawai'i. There is evidence to suggest that taxes tobacco products curbs usage specifically among youth. This is particularly due to the fact that youth in the high school and middle school range aren't working and don't make much income. They're more sensitive to these price hikes.

I have and will continue to support tobacco prevention legislation because I firmly believe that nothing good ever comes from smoking. There is no price too high for the future of our keiki, and that's why I support a creation of a tax on these addictive products. Thank you for your time, and I strongly urge you support the passing of this House Bill 1574.

Mahalo,
Breathe Aloha Club

HB-1574

Submitted on: 1/30/2019 11:17:59 AM

Testimony for HLT on 1/31/2019 9:30:00 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:

HB-1574

Submitted on: 1/28/2019 9:53:47 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Mizuno, Vice Chair and members,

I am in strong support of this measure. Big Tobacco and Big Pharma are responsible for a host of health problems as well as social ills. I am not surprised the industry is targeting children in order to get long-term addiction going over their lifetimes. More money for them.... Yes - please pass this measure.

Ann S. Freed

Mililani, HI 96789

HB-1574

Submitted on: 1/29/2019 7:30:08 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-1574

Submitted on: 1/29/2019 8:35:57 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Wolery	Individual	Oppose	No

Comments:

Taxing vaping, a lower risk alternative to traditional cigarettes. You would in fact be taxing them to a higher rate than a traditional pack. 70% of wholesale on devices that COST \$35-100. is a huge amount.

A black market will be made in an instant. And you would be back to nothing.

I really wish a compromise could be made with you people. But if we give you an inch, you take a mile. Gut a bill and replace it with whatever you want.

HB-1574

Submitted on: 1/29/2019 8:59:28 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Oshiro	Individual	Oppose	No

Comments:

HB-1574

Submitted on: 1/29/2019 9:58:28 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I oppose this bill HB1574 for the simple fact that majority of the post on social media are false. I propose that you include local shop owners and their staff that are educated on vaping to come to schools and educate the students. I work at Hilyfe Vaporz in Waianae. We have reached out numerous times to Waianae High School to come and educate students. No one from the school has returned any response from us. I don't have a problem with taxing and increasing fees if the funds generated will have a win-win solution. Though if all the ads and promotions are one-sided then I will not back this bill.

HB-1574

Submitted on: 1/29/2019 10:02:43 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol R. Ignacio	Individual	Support	No

Comments:

Aloha honorable legislators,

I strongly support the passage of HB1574. I am 75 years old and know if it doesn't affect our pocket book issues like this will not be affected. Tax on ecigarettes will impact the use. Please support passage of HB1574.

Thank you so much.

Carol R. Igancio

Hawaii Island , District 1

HB-1574

Submitted on: 1/29/2019 10:26:13 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I mostly oppose this bill as it infringes on the rights of adult residents and visitors to purchase and receive legal products from lawfully operating companies. Moreover, while these products may be available from local retailers, these retailers may not provide a full inventory of products and may not provide the same inventory in rural areas of the state, as may be available on Oahu. Growing up on the Neighbor Islands in the days of the territory, we depended on mail order suppliers long before there was an internet. We shopped locally but still waited for the Sears Roebuck catalog to come in the mail.

If you want to prevent minors from purchasing e-liquids, spend money on education, not on trying to bring back Prohibition.

And much as in the case of Prohibition, merely making something illegal to purchase, certainly does not make it impossible to purchase - aerial fireworks have been illegal for decades, and yet, people are still able to purchase them.

For these reasons, I am opposed to this bill.

HB-1574

Submitted on: 1/29/2019 10:33:26 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I support HB1574 to create a tax on ESD products, require a tobacco permit and license in order to sell, and prohibit online shipment other than to a licensed seller.

To whom it may concern,

I oppose bill HB1574, I am a ex smoker due to transitioning to e-cigarettes since 2014. By labeling e-cigarette products as tobacco, you're restricting thousands of Hawaii residents the benefits of safer alternative to deadly actual tobacco products like cigarette and cigars. There are many small e-cigarette shops here in Hawaii, if you decide to ban the shipments of e-cigarette products, hundreds of people will be out of jobs and businesses will be moved to the mainland. E-cigarettes were meant to help adults quit cancer causing traditional tobacco cigarettes. By removing this innovative products you're sentencing ex-smokers to their grave.

HB-1574

Submitted on: 1/29/2019 11:27:21 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

HB-1574

Submitted on: 1/29/2019 11:37:04 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Fia	Individual	Oppose	No

Comments:

I dont think that E-Liquids should be lumped into the same category as other tobacco products. It is its own unique product with its own challenges. It would be ok to have a separate license for e-liquid but it is unfair to lump it in with tobacco products. Future rules aimed at e-liquids will have collateral damage to OTP which already has a multitude of rules to adhere to.

I also oppose the increase in tobacco permit fees for retailers. They already burden an exorbitant tax rate on tobacco products amongst the highest in the country which only accomplishes one thing - drive sales to the internet and out of state sales. Then to compound their ability to make a profit by raising the tobacco permit fees is concerning to say the least.

HB-1574

Submitted on: 1/29/2019 11:47:16 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Claudia Hartz	Individual	Oppose	No

Comments:

Add tax to ESD's and banned from shipping to Hawaii.

HB-1574

Submitted on: 1/29/2019 12:11:38 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Miyahira	Individual	Oppose	No

Comments:

HB-1574

Submitted on: 1/29/2019 12:41:44 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I'll keep it short and simple, my name is Ryan Werth from Mililani, HI. If this bill passes it will cripple many locally owned small businesses in Hawaii, put hundreds of Hawaii residents out of work and be a huge detriment to the health of Hawaii.

I understand the initial need to lump electronic cigarettes in with tobacco products existing laws to "get the ball rolling" on important issues such as ban of underage sale/use (which I 100% support ban of underage sale/use) but it's tike for electronic cigarettes to become a separate entity and fall under their own category of restrictions and taxing. I oppose this bill not because I am against regulation as a whole but because I believe the current approach to be misguided. Electronic cigarette users are not entirely against legislation and taxation we are merely pleading for SENSIBLE, fair restrictions and taxing that reflect electronic cigarette products as their own separate classification. I understand that tobacco taxes are a crucial part of any government's revenue but the nessicity of tobacco based tax revenue is literally killing our state.

HB-1574

Submitted on: 1/29/2019 1:58:36 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dau	Individual	Support	No

Comments:

I support HB1574 that would create a tax on ESD products, tobacco permit and licesnse to sell and prohibit online shipment other than licesnsed seller.

Our children should not have easy access to a harmful product like ESD products. Those who choose to use ESD products, like cigarettes, should be taxed the same way.

Lisa Dau, RN

HB-1574

Submitted on: 1/29/2019 2:10:48 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Azelski	Individual	Support	No

Comments:

I support this bill. In 2016, ESDs were deemed as tobacco products by the FDA. However, they remain unregulated in Hawai'i and are the only tobacco product without a tobacco tax in the state. This bill would apply a tax to disposable ESDs and vape liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to the Hawai'i Tobacco Prevention and Control Trust Fund.

HB-1574

Submitted on: 1/29/2019 3:20:39 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
thomas wills	Individual	Support	Yes

Comments:

Testimony:

Date: January 29, 2019

To: Rep. John M. Mizuno, Chair

Rep. Bertrand Kobayashi, Vice Chair

Members of the Senate Committee on Commerce, Consumer Protection, and Health

Re: Strong Support of HB1574, Relating to Electronic Smoking Products

Hrg: January 31, 2019 at 9:30 AM at Capitol Conference Room 329

I strongly support HB1574, which would regulate e-liquids and electronic smoking devices (ESDs) as tobacco products through taxation, shipment, and licensing and permitting.

I support this bill because of findings from our research with Hawaii adolescents and adults conducted over the past 5 years. Recent studies have shown that ESD use is quite prevalent among Hawaii middle and high school students, in recent years over 40% of high school students having used e-cigarettes. Even at younger ages, the prevalence among middle school students is over 20% of the school population.

In addition to showing that e-cigarette use is prevalent among Hawaii school students, our studies have shown that ESD use is linked to several adverse outcomes. Notably, using e-cigarettes is related to initiation of cigarette smoking among previous

nonsmokers, hence is contributing to undesirable outcomes. Our findings from Hawaii have been reported in national and international scientific journals such as JAMA Pediatrics and have been confirmed in several different US sites as well as in Britain, Germany, Canada, and Mexico.

In addition, our research has shown that e-cigarette use is related to a higher likelihood of respiratory disease (asthma and COPD) among Hawaii adolescents and adults. This has recently been reported in the two scientific journals, the journal Preventive Medicine and the journal Drug and Alcohol Dependence. Thus there is now evidence that e-cigarette use may be linked to adverse health consequences as well as adverse behavioral consequences such as smoking initiation. Moreover, there is now considerable evidence to refute the belief that e-cigarettes help adults quit smoking. Rather, empirical studies of large populations have shown that people who use e-cigarettes are less likely to quit.

We have observed that e-cigarettes are aggressively marketed to Hawaii youth in television, print media, radio, and point-of-sale advertising venues. Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Because of the adverse consequences that are known to be related to e-cigarette use, I urge the legislature to regulate and tax e-cigarettes the same way as other tobacco products. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products. In addition, a portion of these revenues should be dedicated to tobacco prevention and quit programs. This bill will also require a permitting and licensing which will allow the state to know who is selling e-cigarettes in Hawaii and work with these merchants to educate and enforce current tobacco laws.

I strongly support HB1574 and ask you to pass this out of committee.

Yours sincerely,

Thomas A. Wills, Ph.D.

Director, Cancer Prevention in the Pacific Program

University of Hawaii Cancer Center

HB-1574

Submitted on: 1/29/2019 5:02:48 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Park	Individual	Oppose	No

Comments:

HB-1574

Submitted on: 1/29/2019 4:30:09 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

Representatives:

I strongly support this bill to regulate the sale of all Electronic Smoking Devices by putting a tax on such devices, requiring vendors to have a tobacco sales permit/license, and limiting on-line sales in the State to vendors who hold a tobacco sales permit/license. This is the right thing to do for the health of our youth. This bill will also prove economically beneficial to the State.

Sincerely

Mary Santa Maria

Date: January 29, 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 HB1574**, Relating to Electronic Smoking Products

Hrg: January 31, 2019 at 9:30 AM in Capitol Room 329

Aloha House Committee on Health,

I am writing in **strong support of HB1574**, which regulates electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, licensing and permitting. In addition, it appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Increasing tobacco prices through taxes is a proven strategy to reduce youth use.

Establishing ESD licensing and permitting requirements identifies the retail establishments selling these products, allowing state agencies to readily and effectively communicate regulatory changes, product recalls and other important information to retailers.

I greatly appreciate that a portion of revenues generated from the ESD and e-liquid tax will be dedicated to tobacco prevention, cessation and education programs, and help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I **strongly support HB1574** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-1574

Submitted on: 1/29/2019 6:12:27 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Chan	Individual	Oppose	No

Comments:

HB-1574

Submitted on: 1/29/2019 6:42:57 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jason graham	Individual	Oppose	No

Comments:

Taxing eliquid is in my opinion already taxed via state tax. The whole purpose of the state adding taxes is not to continue to fund the state but to eradicate vaping in the state and to continue getting funded by actual tobacco companies. Since vaping has actually done something to prevent people from smoking cigarettes it has actually damaged funding to the state by these big tobacco corporations that are the real evil behind these issues health wise. Vaping in general is enforced as a 21 and older choice like the consumption of alcohol, the only difference is vaping was created as a safer alternative to smoking conventional cigarettes. Do not put a tax on eliquid that you know is going to put local small businesses and citizens of our state out of business and out of jobs.

HB-1574

Submitted on: 1/29/2019 8:04:55 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

Dear Committee,

I strongly support the passage of HB 1574 in its entirety. Thank you for the opportunity to testify.

Lynn Murakami-Akatsuka

HB-1574

Submitted on: 1/29/2019 8:23:57 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

These products are a health hazard for our youth and general public. They must be regulated and taxed!

HB-1574

Submitted on: 1/29/2019 11:02:42 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

I am in strong opposition to making it difficult and more expensive for smokers to have a less risky alternative in vapor products. Vapor products should be promoted. Vaping is not smoking, it is at least 95% less risky.

HB-1574

Submitted on: 1/30/2019 7:37:39 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ned Garcia	Individual	Oppose	No

Comments:

HB-1574

Submitted on: 1/30/2019 7:47:28 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Castro	Individual	Support	No

Comments:

HB-1574

Submitted on: 1/30/2019 9:19:43 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monika Lopez	Individual	Oppose	Yes

Comments:

HB-1574

Submitted on: 1/30/2019 9:46:17 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Helene	Individual	Oppose	No

Comments:

HB1574, Relating to Electronic Smoking Products

Position: Strong Support

01-30-19

This Bill will regulate e-cigarettes by: (1) requiring E-cigarette retailers and wholesalers to obtain a tobacco license and/or permit; (2) establishing a tax on e-liquid products of 70% of the wholesale price; and (3) only allowing the shipment of online sales of ESDs to those with a tobacco license. I believe this is a good regulation, not unlike other more known and “traditional” tobacco products. With the addition of an appropriation of \$200,000 to the Hawaii Tobacco Prevention and Control Trust Fund, this makes this Bill contributory to not only to regulatory and enforcing laws, but also to “sin tax” income and public education efforts. I am concerned that the tobacco license is only \$2.50 annually and a retail permit is \$20 annually, with a proposed increase for a \$250 tobacco license and \$50 for a retailer permit. My real concern is that these fees are still much lower than alcohol license and permit fees, in each of our jurisdictions.

John A. H. Tomoso+, MSW, ACSW, LSW

51 Kuula St.

Kahului, HI 96732-2906

808-280-1749

john.a.h.tomoso@gmail.com

HB-1574

Submitted on: 1/30/2019 11:50:27 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

HB-1574

Submitted on: 1/30/2019 1:01:20 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonovan Iriarte	Individual	Oppose	No

Comments:

This is not right it denies many people who are trying to quit smoking, because the state wants to deny them to be able to vape while using electronic cigarette devices. People who have been trying to quit smoking for the longest, turned to vaping as their last resort because it actually does help them quit. When all of the other alternative have no affect on them (i.e. nicotine gum or the nicotine patch).

HB-1574

Submitted on: 1/30/2019 1:03:08 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Luna-Gaballo	Individual	Oppose	No

Comments:

This is not right it denies many people who are trying to quit smoking, because the state wants to deny them to be able to vape while using electronic cigarette devices. People who have been trying to quit smoking for the longest, turned to vaping as their last resort because it actually does help them quit. When all of the other alternative have no affect on them (i.e. nicotine gum or the nicotine patch).

HB-1574

Submitted on: 1/30/2019 1:03:33 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anden Gaballo	Individual	Oppose	No

Comments:

This is not right it denies many people who are trying to quit smoking, because the state wants to deny them to be able to vape while using electronic cigarette devices. People who have been trying to quit smoking for the longest, turned to vaping as their last resort because it actually does help them quit. When all of the other alternative have no affect on them (i.e. nicotine gum or the nicotine patch).

HB-1574

Submitted on: 1/30/2019 1:04:08 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Adrian-Marie Luna-Gaballo	Individual	Oppose	No

Comments:

This is not right it denies many people who are trying to quit smoking, because the state wants to deny them to be able to vape while using electronic cigarette devices. People who have been trying to quit smoking for the longest, turned to vaping as their last resort because it actually does help them quit. When all of the other alternative have no affect on them (i.e. nicotine gum or the nicotine patch).

HB-1574

Submitted on: 1/30/2019 1:16:40 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sheldon	Individual	Oppose	No

Comments:

I oppose HB1574 because products is not harmful to anyone else and to have these vape products at affordable prices will increase the usage of having a safer and better enviroment. We've been talking about how we can help others with second smoke and with this vape product that we have, it does not harm anyone else. As of CBD from family experince with arthritis, they could not find the right meds to help them, but using th CBD treatment has succesfully helped them to recover from pain and never felt better.

HB-1574

Submitted on: 1/30/2019 1:21:51 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jess Lovely	Individual	Oppose	No

Comments:

Once again we are discussing the distribution of tobacco products in the state of Hawaii. Since the same bill was introduced last year I can only say the same thing. Just because you try to stop the distribution of tobacco products leaving and entering the state on the wholesale level, you will have a major increase of individuals ordering tobacco products online shipped to their door. This actually creates a decrease in revenue for the entire state. The other 51 states will happily ship tobacco products to individuals in Hawaii and charge their state tax and pump up their local economies while we suffer from loss of revenue. This law comes down to one thing, generating revenue for the state. Once again the general excise tax on all goods should be raised to solve these problems, not just on one specific product.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Prohibits Shipment of Tobacco Products, Adds Electronic Smoking Devices, Hikes Rates and Fees

BILL NUMBER: HB 1574; SB 1405 (Identical)

INTRODUCED BY: DECOITE, HASHIMOTO, KITAGAWA, MCKELVEY, MIZUNO, WILDBERGER, YAMASHITA; SB by BAKER, S. CHANG, K. RHOADS, RUDERMAN, Fevella, Kanuha, Keith-Agaran, Kim, Nishihara, Shimabukuro

EXECUTIVE SUMMARY: Prohibits the shipment of tobacco products, and the transport of tobacco products ordered or purchased through a remote sale, to anyone other than a licensee. Makes all provisions of the cigarette tax and tobacco tax law that relate to tobacco products applicable to e-liquid. Increases the license fee for wholesalers or dealers and the retail tobacco permit fee. Amends the taxes on cigarettes and tobacco products. Increases the excise tax for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer. Increases the excise tax on the wholesale price of each article or item of tobacco products, other than large cigars, sold by the wholesaler or dealer. Our question is whether tax increases are an effective way to advance the social policy goals contained in this measure.

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of tobacco products. If a person is in the business of selling tobacco products and ships to a person in Hawaii that is not a tobacco tax licensee, the person commits the offense. Exceptions are provided if the tobacco products are exempt from Hawaii tobacco tax, or Hawaii tobacco tax on the products is already fully paid. The offense is a class C felony if the products being shipped have a value of \$10,000 or more, otherwise it is a misdemeanor.

Amends section 245-1, HRS, to include "e-liquid" within the definition of tobacco products taxable under the Tobacco Tax Law, and to define "e-liquid" as any liquid or like substance that may or may not contain nicotine and that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container; except that E-liquid shall not include prescription drugs; medical cannabis or manufactured cannabis products; or medical devices used to inhale or ingest prescription drugs, including manufactured cannabis products sold or distributed in accordance with section 329D-10(a).

Defines "electronic smoking device" as any electronic product, or part thereof, that can be used by a person to simulate smoking in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. Electronic smoking device includes but is not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen or related product, and any cartridge or other component part of the device or product.

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20 to \$50.

Amends section 245-15, HRS, to add an earmark of \$200,000 to go to the Hawaii tobacco prevention and control trust fund.

Repeals chapter 28, part XII, HRS, relating to the electronic smoking device retailer registration unit within the Department of the Attorney General.

Repeals section 245-17, HRS, relating to delivery sales.

EFFECTIVE DATE: July 1, 2019.

STAFF COMMENTS: The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it's working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn't be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation's previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii's weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.

The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

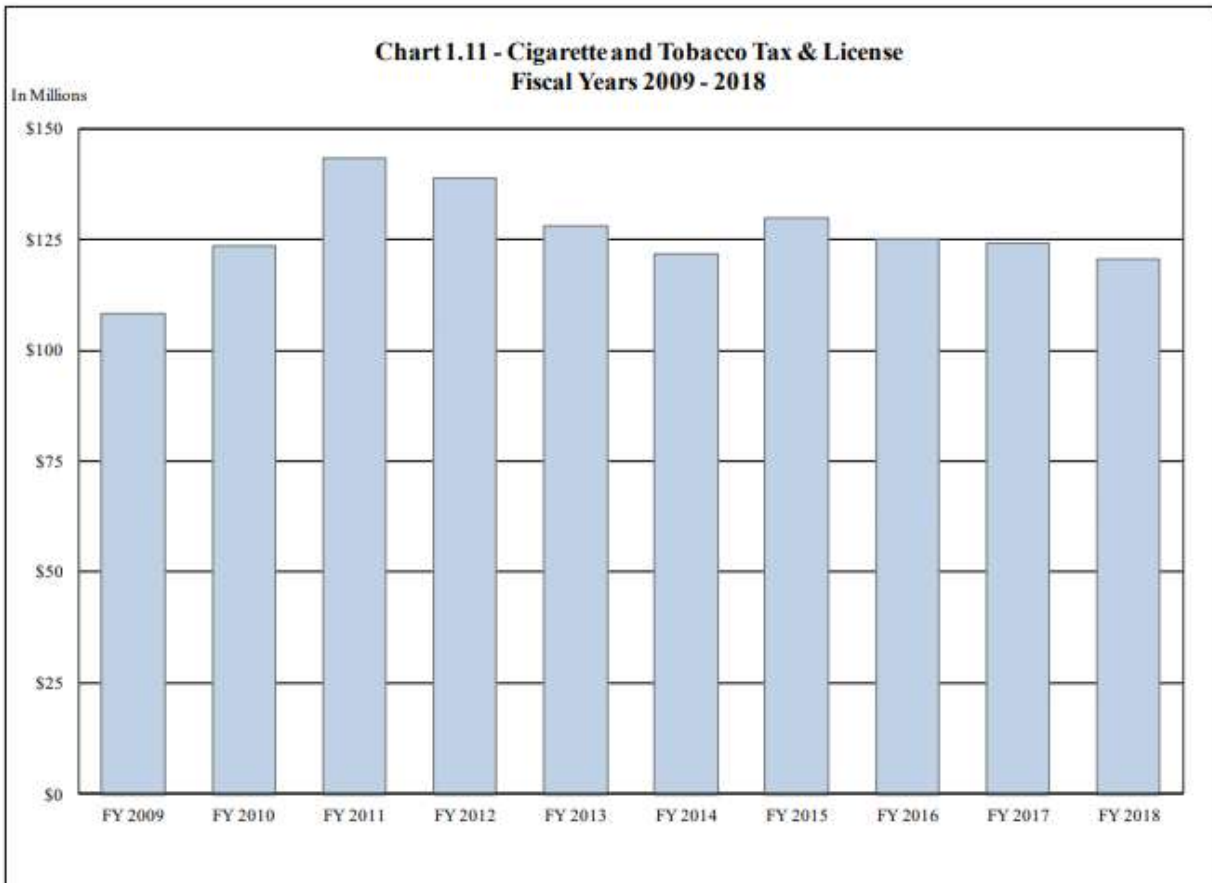
The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes is having an effect on smokers as, for the first time, tax collections on the sale of cigarettes have fallen below the previous year's tax collections. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian reservation outlets while

others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases, and hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.



Source: Department of Taxation Annual Report (2017-2018), page 22.

Do we really need an elaborate study to tell ourselves that fiscal reliance on funds from a sin tax is inadvisable or outright dangerous? If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested 1/30/2019



Thursday, January 31, 2019 at 9:30 AM
Conference Room 329

House Committee on Health

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: **Testimony in Support of HB 1574
Relating to Electronic Smoking Products**

My name is Michael Robinson, Vice President, Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in support of HB 1574 establishes the offense of unlawful shipment of e-liquid products; includes e-liquid within the definition of "tobacco products" in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; and allocates a portion of funds collected in excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for the youth.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have decreased through the years, ESD use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Now that the FDA has deemed ESDs as tobacco products, this measure timely and appropriately seeks to regulate and tax e-liquids, which are not currently taxed, the same way as other tobacco products. In addition, a use of a portion of these revenues would help in curbing the prevalence of E-cigarette use especially among our youths.

Thank you for the opportunity to testify.

HB-1574

Submitted on: 1/30/2019 5:27:15 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
warren	Individual	Oppose	No

Comments:

I oppose the HB1574 bill therefore i believe it will turn many people back to smoking unhealthier products.

HB-1574

Submitted on: 1/30/2019 5:45:35 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
keanu kaopuiki	Individual	Oppose	No

Comments:

I think it shouldbe kept equally the state shouldnt be taxing alot

LATE

HB-1574

Submitted on: 1/30/2019 5:47:05 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zelsha Keo	Individual	Oppose	No

Comments:

I am against this bill "HB1574" in terms of being a user of electronic smoking products. I have quit smoking cigarettes for about two years now and constantly vape. Using a electronic smoking device has personally improved my mgeneral health. Abusing cigarettes in the past has took a toll on my health in terms of my respiratory system, the chances of me having an asthma attack is really slim to none. My personal hygiene as of smelling good and not like smoke, including my dental health has had a huge improvement as well, instead of having tar stuck on my teeth and worrying about bad breath, I am now worry free. So, I say NO to banning the products.



LATE

**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
January 31, 2019**

Re: HB 1574 Relating to Electronic Smoking Products

Good morning Chairperson Mizuno and members of the House Committee on Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We OPPOSE HB 1574 Relating to Electronic Smoking Products. This bill would prohibit the shipment of tobacco products through remote sales as well as raises taxes and license fees.

Currently Hawaii has a law in place that states persons have to be 21 years old or older to purchase electronic vaping devices, e-liquids and tobacco products. However adults that are 21 and older are able to purchase these items

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. E-cigarettes contains NO tobacco and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article this week that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

Retail has changed over the years in how consumers purchase products. We are seeing a surge in online sales for all types of merchandise including electronic devices, clothing, home goods and more. Local retailers are participating in online sales to remain competitive and in business. Banning online sales would only be unenforceable with the hundreds of thousands of worldwide websites that people would still be able to purchase these items from.

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean the convenient corner store would be gone, having people return to smoking cigarettes and leaving people out of work.

We urge you to hold this measure. Mahalo for this opportunity to testify.

LATE

HB-1574

Submitted on: 1/30/2019 5:50:45 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

LATE

HB-1574

Submitted on: 1/30/2019 7:02:29 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

Aloha,

My name is Jostin,

I oppose HB1574 finding it is unreasonable many of us "legal adults" who transitioned from combustible cigarettes ,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 thouroughly. Mahalo for your time and Aloha.

LATE

HB-1574

Submitted on: 1/30/2019 7:23:15 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

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

Comments:

Aloha,

I oppose Hb1574 but also support some of the criterias in the bill.

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

Vapor 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.

I oppose HB1574 finding it is unreasonable many of us "legal adults" who transitioned from combustible cigarettes ,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 thouroughly. Mahalo for your time and Aloha.

1/30/2019

LATE

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

Hi, my name is Jason-Curtis H. Alboro and I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund. This will all prevent the young from dying early and give them a better life.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Jason-Curtis Alboro
Wailuku, HI 96793

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I Henry Anakalea strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. Just like cigarettes from the past we need to cease the rabid use by minors. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell which is absolutely ludicrous as it contains the same stuff. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Henry Anakalea
Wailuku, HI 96793

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

I am a pediatrician with more than 29 years of taking care of children in Hawaii. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Cristeta Ancog
Aiea, HI 96701

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

My name is Jedric Arenas from Henry Perrine Baldwin Highschool. I think there should be a regulation on vapes. I think this regulation will reduce the number of people who vape. The tobacco tax will come at a high cost for people who are willing to buy tobacco products, so it may be harder to attain these tobacco products. Meaning more people will not be able to afford or get a hold of these ESD's as easy as they used to. Many people under the age of 18 will be affected tremendously since they won't have the requirements to acquire ESD's. That will be a huge step since over 3.6million people under 18 are under the influence of vaping in Hawaii.

If the regulation passes many people around my age will not be able to attain ESD's. That will help Hawaii's future and many generations to come. Come to think of it we'll see more people being more active and healthy, since ESD's will no longer affects the health of our keiki.

Sincerely,
Jedric Arenas
Wailuku, HI 96793

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

Aloha!

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Helen Barrow
Makawao, HI 96768

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Actually, I recommend banning ESDs and e-liquids. Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Patricia Blair
Kailua, HI 96734

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

To Whom It May Concern,

I'm writing today to petition a ban of the sale, distribution, and manufacture of flavored tobacco and nicotine in Hawaii.

Baldwin High Schools Peer Education Program (also known as PEP) is made up of high school students grade 10 and above. Our program discusses the consequences and the harmful impact vaping has on teens all around us. In PEP, we do presentations, make flyers, and try to spread as much awareness as possible for students to make good decisions. Although the use of cigarettes has gone down, teens have picked up another way to become addicted to tobacco and cigarettes. In Maui alone, 50% of teens have tried vaping. 32% of teens in Maui are current users.

As a high school student myself, I see my peers become addicted to nicotine and how much it impacts their lives. Vaping has become an epidemic and a ban of the sale and distribution of candy-flavored vaping products in Hawaii would only be beneficial. Although it seems like the "cool" and "edgy" thing to do nowadays, it has dangerous chemicals in them that people tend to look over (i.e acetaldehyde which is found in hairspray, benzene which is found in gasoline, and toluene which is found in paint thinner) Even though it's not affecting them now, vaping is relatively new and nobody knows how it will affect daily users in the future. In the past, we saw how much cigarettes affected the generation before us. Let's put an end to this epidemic before it becomes too late. The electronic cigarette market does market to teens, no matter how much they deny it. The advertisements are flashy, edgy, and pulls the viewers in. No matter what flavor, you're still putting chemicals and terrible things into your body that you don't even know are there. There is only so much awareness people can spread about this topic. Please help us keep this generation from falling back into old habits from the previous generation, this is one of the biggest issues around us right now.

Mahalo,
Shelby Blietz
Haiku, HI 96708

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

As a mom of four daughters, a RN, and as your constituent, I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Alana Busekrus
Kailua, HI 96734

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

My name is David Cao and I am a student pharmacist. I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
David Cao
Hilo, HI 96720

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESD) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

I am a junior at H.P Baldwin High school and vaping is very prominent here in school. Students vape in class without the teacher knowing because of how small the newer models are. A lot of the students that I know that vape, their parents do not know. They get access to the e-cigarette from buying online because it is that easy to but an ESD online. On top of that, the e-liquids are just as easy to access because they are inexpensive. I believe that this regulation will prevent even more students from getting their hand's on e-cigarettes and e-liquid.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Shalea Castillo
Wailuku, HI 96793

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

Think as if it was your sons and daughters who were hooked on vaping, what would you do? Would you sit and watch them slowly get addicted and let their lungs just deteriorate? This is a serious problem and, as the youth, we are asking for help.

Don't let these vaping companies win you over with their money. Be the voice and make a change. I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Isabelle Collier
Wailuku, HI 96793

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hello, I am Katlyn Cummings and I attend Baldwin High school. I agree with that we should make getting to tobacco harder and less intriguing because then the generation that is coming into the world will have a better chance at a healthy lifestyle. These drugs have a great responsibility that the younger generation is not ready to handle, as a high school student most of us that are vaping or using tobacco want to live in the moment and aren't thinking about there future. They are not thinking about how this will change their lives later on, so it is the adults in the generations above us that must lead the ways and show us that this is not how we should live.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Katlyn Cummings
Kahului, HI 96732

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574. I have experienced vaping and now continue to refuse to go back to it. The people around me that I care about that do vape concern me with their addiction. I already know that their addiction is not going to lead them to a healthy life. Despite my efforts to get them to quit they will just keep on doing it. If this effort can somehow stop them then I support it. For teens but also kids to start a nicotine addiction isn't good for this state.

I was drawn into vaping because I was under the allusion that it wasn't bad for my health. Throughout high school, I learned more about the effects of vaping. Now only that but seeing people around me addicted to it caused me to stop. I hope this effort will go far to put an end to this.

Sincerely,
Diego Gonzales
Wailuku, HI 96793

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Kim Holokai
Wailuku, HI 96793

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574

Mahalo,
Kaitlin Lacio
Wailuku, HI 96793

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Julie-Ann Lee-Horita
Honolulu, HI 96821

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

The Honorable John M. Mizuno, Chair
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Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Thank you,
Baldwin PEP Program

Mahalo,
Victoria Leong
Wailuku, HI 96793

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic. I see this as an educator on the campus of the University of Hawai'i, where the number of students walking the campus while vaping is still increasing rapidly (and despite the campus permission having ended last year.)

While the circumstances on the campus may warrant your attention otherwise, those circumstances are simply the downstream impacts of the youth vaping epidemic. And we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Mark Levin
Honolulu, HI 96822

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

As a high school student who routinely volunteers with younger community members, I care about the health and safety of my peers and future generations. I hope to protect the community by decreasing the amount of people who vape. I believe that making them harder to sell and acquire will substantially help.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Skylar Masuda
Wailuku, HI 96793

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee. Sincerely, Ashley Menor

Mahalo,
Ashley Menor
Waipahu, HI 96797

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

As a pediatrician in Honolulu and medical director of the Kapi'olani Smokefree Families Tobacco & Nicotine Cessation Program, I strongly support HB1574 which would regulate electronic smoking devices (ESDs) and e-liquids.

Electronic smoking devices (also known as vape devices) are clearly products meant to approximate the use of cigarettes and other tobacco products. Electronic smoking devices take a mixture of chemicals, including nicotine, and vaporize it at high temperatures. These devices emit nicotine byproducts and a variety of other chemicals, and they have not been fully studied in regards to safety. E-cigarette vapor has been shown to include carcinogens and toxins including nicotine, nitrosamines, diethylene glycol, formaldehyde, and acetaldehyde. The U.S. Food and Drug Administration has exhibited concern regarding the safety of electronic smoking devices as well.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i have decreased through the years, ESD use has rapidly increased, threatening significant public health gains made over the last decade. This is particularly concerning because e-cigarettes provide a new way to deliver highly addictive nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple. ESDs are the only tobacco product without a tobacco tax and increasing the price is a proven strategy that discourages access to these products.

Please do not let vaping continue to go unregulated in Hawai'i. Thank you for your consideration and support of HB1574.

Sincerely,
Bryan Mih, MD, MPH, FAAP
Pediatrician
Honolulu, HI 96822

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESD) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

I thought that these restrictions were already in effect. I just believed that people were just making their ways around the regulations by having connections or something.

I hope that if this passes that it would make a change in the amount of vaping starting with our community

Mahalo,
Kaily Nakasone
Kahului, HI 96732

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

I personally know many of my peers who use vapes almost every day, it's gotten to the point where students have easy access to these products. Even many of my friends have admitted to me that it would be very difficult to go without vaping for a day. A SINGLE DAY. Even if they wanted to quit, it wouldn't be possible to do. Students are constantly using vapes at school, sometimes even showing it off to their friends. It has become the norm to use electronic smoking devices here in the state of Hawaii. In the US, 3.6 million teens are using these products. Hawaii has surpassed the national rate by two times. This number doesn't even shock me as much as it should.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
bamby ortiz
Kihei, HI 96753

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Sincerely,
Raina Ouye
Wailuku, HI 96793

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

Without my knowledge or permission, my son began smoking electronic smoking devices (ESDs) in high school. Now in college, he can't quit. I had no idea how easy and inexpensive it was for minors to obtain these tobacco products. Therefore, I strongly support HB1574, which would regulate ESDs and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Cheryl Reeser
Makawao, HI 96768

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
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I strongly support HB1574 and ask you to pass this out of committee. Dr. Brit Reis

Mahalo,
Brit Reis
Kailua, HI 96734

1/29/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
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I strongly support HB1574 and ask you to pass this out of committee.

Anne Scharnhorst, MN, RN
Allied Health Department Chair
Associate Professor, UH Maui College
808-205-6207 (mobile)
808-984-3646 (office)
Wailuku, HI 96732

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

To the Honorable members of the House Committee

I strongly agree with the HB1574 as for the vaping devices and its products has reached many of the youth. Regulation of those products is need to protect the children now and for the future. On average, 28% of Hawaii County's middle school and high school students has or does use and Electronic Smoking Device. (ESD)

Applying a tax would prevent large numbers of teenagers from purchasing any ESD product. i strongly urge for the HB1574 to be put in action to save and prevent the lives of the children from unknown illnesses.

Thank you for keeping Hawaii's keiki safe/

Mahalo,
Asher Tamashiro
Wailuku, HI 96793

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Sincerely,
Abbygail Vioria
Wailuku, HI 96793

1/30/2019

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without regulations the use of vape is terrible. people who make them can put anything they want in them, think about it, it could be anything. who really knows what's in them if there is no regulations of vapes.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Ben Wagner
Kahului, HI 96732

1/30/2019

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The Honorable John M. Mizuno, Chair
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Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. Hawaii has one of the highest rates of flavored electronic device use among teens, including middle-schooler, in the nation. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. This method was extremely effective in cutting down on youth cigarette smoking in the 1980's and 1990's. Like those efforts, a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

We owe our children, and all citizens, strong efforts on many fronts to attack and reverse the epidemic of ESD use, which is rapidly addicting new users because of the extremely high nicotine concentrations in the vaping liquids.

I strongly support HB1574 and ask you to pass this out of committee.

Sincerely,
Linda Weiner, MD
Pediatrics, Kauai
Kalaheo, HI 96741

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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I strongly support HB1574 and ask you to pass this out of committee.

Sincerely,
Cindy Wong
Honolulu, HI 96814

1/30/2019

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It would be great if tobacco could be banned altogether but the likeliness of that is probably not gonna happen. Too many jobs would be on the line. Regulating it more rigorously would be a better option.

I strongly support HB1574 and ask you to pass this out of committee.

-Kahiau

Mahalo,
Kahiau Wong
Wailuku, HI 96973

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
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Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

Aloha, There is a vaping epidemic in our schools. My nieces who are ages 13 and 15 respectively and attend public schools on Kaua'i have told me so. This is damaging the long term health and wellbeing of our young people, plus will increase the cost of health care in Hawai'i.

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
JoAnn Yukimura
Lihue, HI 96766

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
charmea ancheta
Wailuku, HI 96793

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Jeny Bissell
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Anna Cantor
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Evangeline Carino
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
tia castro
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Nichole Chaffin
Hilo, HI 96720

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Francine Clarke
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Marlisa Corpuz
Hilo, HI 96720

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Crystal Costa
Honolulu, HI 96814

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Wilson Datario
Pepeekeo, HI 96783

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Angel Dela Cruz
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Tiana Enos-Dano
Hilo, HI 96720

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Marissa Fakaosita
Honolulu, HI 96826

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Cherisse Fernandez
Kahului, HI 96732

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Shelley Fey
Honolulu, HI 96821

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Kerry Foltz
Wailuku, HI 96793

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
MARILYN J. Gagen
Kamuela, HI 96743

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Clint Gima
Paia, HI 96779

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Jhoana Gonzales
Hilo, HI 96720

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Michelle Gray
Honolulu, HI 96825

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Janelle Guerrero
Wailuku, HI 96793

1/30/2019

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Mahalo,
Tenaya Jackman
Honolulu, HI 96815

1/30/2019

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Mahalo,
Katrina Jardine
Hilo, HI 96720

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Patricia Juszczak
Hilo, HI 96720

1/29/2019

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Mahalo,
Linda Kim
Honolulu, HI 97817

1/30/2019

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Mahalo,
Ashlee Klemperer
Kihei, HI 96753

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Tejahlyn Kuloloia
Wailuku, HI 96793

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Ronald Kuriki
Honolulu, HI 96816

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Christopher La Chica
Mililani, HI 96789

1/30/2019

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Mahalo,
jennifer lee
Hilo, HI 96720

1/30/2019

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Mahalo,
Noelle Lovesy
Hilo, HI 96720

1/30/2019

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Mahalo,
Shayda Marciel
Lihue, HI 96766

1/30/2019

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Mahalo,
Maya Maxym
Honolulu, HI 96817

1/30/2019

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Mahalo,
Kyle McKeown
Haiku, HI 96708

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Ryan McMillan
Hilo, HI 96720

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Ms. Michelle
Honolulu, HI 96813

1/30/2019

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Mahalo,
Laurence Muleh
Makawao, HI 96768

1/29/2019

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Mahalo,
Diane Neubert
N San Juan, CA 95960

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Khanh Nguyen
Hilo, HI 96720

1/29/2019

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Mahalo,
Michele Nihipali
Hauula, HI 96717

1/29/2019

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Mahalo,
Destinee Ogas
Hilo, HI 96720

1/29/2019

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Mahalo,
Shelly Ogata
Hilo, HI 96720

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Zack Ota
Wailuku, HI 96793

1/30/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Taryn Pacheco
Wailuku, HI 96793

1/30/2019

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Mahalo,
Shilpa Patel
Honolulu, HI 96822

1/30/2019

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Mahalo,
Laura Rowland
Kahului, HI 96732

1/30/2019

RE: Strong Support of HB1574, Relating to Electronic Smoking Products

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

Hrg: January 31, 2019 at 9:30 AM at Capitol Room 329

I strongly support HB1574, which would regulate electronic smoking devices (ESDs) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Howon Ryu
Kihei, HI 96753

1/29/2019

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Mahalo,
Allison Seales
Honolulu, HI 96817

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Mahalo,
Cori Takesue
Lanai City, HI 96763

1/29/2019

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Alan Trinh
Hilo, HI 96720

1/30/2019

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Members of the House Committee on Health

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I strongly support HB1574 and ask you to pass this out of committee.

Mahalo,
Kara Wong Ramsey
Honolulu, HI 96822

LATE

HB-1574

Submitted on: 1/30/2019 8:54:20 PM
Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	No

Comments:

LATE

HB-1574

Submitted on: 1/30/2019 9:29:08 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Iriarte	Hi Lyfe Vaporz,LLC	Oppose	No

Comments:

My name is Robin Iriarte and I oppose this bill. The Vape industry does have numerous flavor e-liquids that yes taste good but are not gauged to adolescents and teenagers. These flavors are created to give a bit of diversity instead of your traditional tobacco flavors. These flavors are food grade as well as kosher grade. They may be consumed without nicotine. Having flavored e-liquids has been proven to help individuals to kick their bad habits of smoking traditional cigarettes, as well as other conventional drugs and alcoholism. While doing some other research, I have found that there is problem selling alcohol that exhibits pictures of fruits, desserts, and drinks that resemble candies, etc. Why would it also be okay to have these such flavors promoted in caffeinated and non-caffeinated drinks that are also unhealthy okay? Alcoholism is a huge epidemic that we deal with every day, this can cause a person to possibly harm themselves or others while being intoxicated. Being that these drinks are flavored in such ways would encourage them to want to drink more.

In reference to the saying of packaging resembling children's candies such as Jolly Ranchers and sour patch kids, those companies have already complied with regulations and I feel that it should not be brought up in this hearing.

LATE

HB-1574

Submitted on: 1/30/2019 9:37:11 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Calmentina Himalaya Kutzen	Individual	Oppose	No

Comments:

I oppose this bill. My husband been trying to quit cigarettes and it is hard for him. Along with that, I don't like him smoking cigarettes around me, our kids, and our grandchildren. My husband just did an umbilical hernia repair surgery yesterday and doctor says that he rather have my husband vape (to try quit cigarettes) instead of smoking cigarettes. So if his doctor says its ok to vape, I don't mind my husband vaping.

LATE

HB-1574

Submitted on: 1/30/2019 9:49:10 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melvin C Baldwin	Individual	Oppose	No

Comments:

LATE

HB-1574

Submitted on: 1/30/2019 10:00:17 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cerelia Bustamante	Individual	Oppose	No

Comments:

Greetings!

My name is Cerelia Bustamante, I totally oppose to bill HB1574 and feel that it is so unfair to taxing ecig smoking products at such a high dollar amount. This is very petty and our legislature and state should be focusing more on the high crime rates in Hawaii vs any vaping products.

Thanks for listening and reading my concerns!!

LATE

HB-1574

Submitted on: 1/30/2019 10:06:32 PM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Fujiwaki	Individual	Oppose	No

Comments:

My name is Robin Iriarte and I oppose Hb1574. Taxing vape e-liquids and its devices to an amount that is not resonable would be unfair to us as this is a healthy alternative for my husband who was a chronic smoker for over 20 years. By doing this it would cause more crime cause people will not be avle to afford it. We already have a high crime rate this would just add to it. please be fair with taxing as this could impact many peoples lives if this all goes through vape shops will be forced to close, people will be out of a job, and so forth.



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
Valerie@hawaiicopd.org
(808)699-9839

LATE

January 30, 2019

Honorable Chair Representative John M. Mizuno
Honorable Vice-Chair Representative Bertrand Kobayashi
Members of the Health Committee

RE: Strong Support of HB1574, regulating electronic smoking devices

Dear Representative Mizuno, Kobayashi and members of the Health Committee:

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of HB1574, regulating electronic smoking devices in Hawaii.

I am Executive Director of the Hawaii COPD Coalition and serve 46,015 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine.

We are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping.

With 168,000 young people in our schools and with 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. All our young people deserve protection from a lifetime of addiction.

This bill will regulate e-cigarettes by requiring tobacco licenses and/or permits to be obtained by e-cigarette retailers and wholesalers, establishing a tax on eliquid products, and only allow shipment of online sales of ESDs to those who have tobacco licenses. Additionally, this bill will appropriate \$200,000 to the Hawaii tobacco prevention and control trust fund.

There is currently very little education among those who are supposed to enforce current or future laws and regulations regarding ESD retailers. The current tobacco tax of \$2.50 annually and retail permit of \$20 annually is wholly inadequate to help reimburse for the education and outreach needed. The proposed increase of \$250 for a tobacco license and \$50 for a retailer permit is much lower than the \$2,640/year Honolulu wholesale liquor license.

There is currently no tobacco tax attached to e-cigarettes. Some e-liquids are being offered at prices as low as \$0.99/bottle! Taxing tobacco products and cigarettes are an extremely effective proven strategy to reduce youth initiation and encourage those who do smoke or use tobacco products to quit.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please vote in favor of HB1574 and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang
Executive Director

LATE

HB-1574

Submitted on: 1/31/2019 6:53:14 AM
Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelli Buenconsejo	Individual	Support	No

Comments:

I am against the readily accessible sale of electronic cigarette devices and their accessories. As a health care professional, any type of cigarette smoking has long term detrimental effects to one's body and those exposed to second hand smoke. E-cigs have much more chemical additives than regular cigarettes and we are all being exposed to their effects because people will vape a lot more than using regular cigarettes. Our keiki are being exposed to these vapors and we do not know the long term ramifications of not only the e-cigarette user, but those exposed to second hand vapors.

Please consider supporting this bill and regulate the sale of Electronic smoking devices and their accessories at stores and via online sales

Thank you



TO: Honorable members of the House Health Committee

RE: HB 1574 – 70 percent wholesale tax on vapor products

DATE: January 29, 2019

Honorable Legislators:

Logic Technology Development, LLC, (“Logic”) headquartered in Princeton, New Jersey, is one of the largest suppliers of electronic cigarettes in the USA. On behalf of our employees, retailers and adult consumers, I am writing to state our opposition to the proposed legislation (**HB 1574**), which would redefine tobacco products to include e-cigarettes and thus impose a 70 percent tax on the wholesale price of electronic cigarettes.

Alongside the costly and burdensome regulatory requirements set out by the U.S. Food and Drug Administration in May 2016, the impact of a 70 percent wholesale tax will be crippling to the vapor industry in Hawaii and the jobs and economic activity it supports, while failing to produce the revenue the state estimates.

Our position is clear: minors should not use electronic cigarettes and should not be able to obtain these products. We market our products to adult smokers only, we abide by federal and state regulations that govern our industry and products, and we believe there is a role for taxation and regulation that is fair, evidence-based, and proportionate.

Consistent with these beliefs, we take a reasonable approach when it comes to the taxation of our products. That is why we write to urge you to abandon your proposed 70 percent wholesale tax, and instead consider implementing a 10 cent per milliliter tax on the sale of all e-liquids, irrespective of whether they contain nicotine.

Logic recognizes the fiscal realities faced by the state and the role reasonable taxation can play. We have supported efforts nation-wide to implement tax mechanisms that provide stable, predictable revenue, without doing irreparable harm to the category as a whole.

States that have implemented percentage-based tax structures have seen the category stagnate and businesses close, resulting in a loss of tax receipts as sales are pushed across state lines or to unregulated illicit market channels. We have seen the disastrous results of a high percentage-based tax in Pennsylvania, where a 40 percent wholesale tax resulted in 100 businesses closing in the first year, with 1,000 jobs lost, according to the Vapor Technology Association. Vapor product sales also declined by 1% in Pennsylvania, while its border states grew by 22%, depriving the state of excise and sales tax revenue.

Any percentage-based tax will inevitably advantage the cheapest products in the marketplace. The result of this is larger price differentials between the highest and lowest quality products, a price incentive for adult consumers to move to the cheapest brands, and a race to the bottom for manufacturers that may compromise safety or quality. As adult consumers gradually migrate to the cheapest products on the market, the state will also take in less in tax revenue (both sales and excise) as they are applied as a percentage of the cost.

Logic supports proposals that would impose a moderate level of taxation that on the consumable part of our products and also help to limit incentives for tax evasion and avoidance, which undermine tax revenues. To achieve this, we believe it to be essential to define an optimal tax base, excise tax structure and rate.

Data have shown that the optimal structure is a tax on the e-liquid, applied at a fixed level per milliliter of e-liquid sold.

It is important that the tax be applied to all e-liquids, rather than just those containing nicotine, to ensure that adult consumers are not encouraged to purchase nicotine-free e-liquids and mix in liquid nicotine on their own, which is readily available online and in some specialty shops, and presents a very real public health risk.

Critically, states that have enacted similar per milliliter taxes on e-liquids have reported little-to-no industry disruption or job loss.

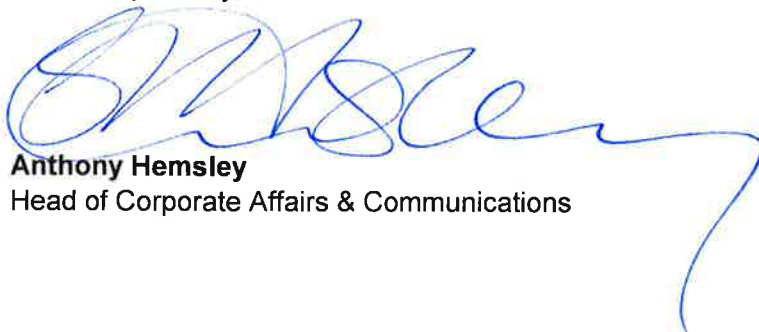
Rather than imposing a percentage-based tax mechanism that would result in an unpredictable revenue stream for the state, our proposal would levy a fixed tax on the e-liquid, providing certainty and predictability over revenue, and ease and simplicity of administration. This proposal also overcomes the challenges presented by the significant variety of devices, e-liquids and pricing in the marketplace.

As the regulatory burden continues to grow on responsible suppliers such as Logic, less scrupulous operators that are not concerned by regulatory obligations, youth access, product quality or consumer protection, will continue to exploit an unregulated environment, including online, avoiding all regulation and taxation compliance requirements. Anything other than a moderate excise approach would exacerbate this growing concern by pushing adult consumers toward these sales, which would result in the state struggling to realize even the most conservative revenue estimates.

We believe that adult smokers should be given the choice and opportunity to try electronic cigarettes. By levying an excessive tax on electronic cigarettes in Hawaii, adult consumers who already made the switch to electronic cigarettes may return to smoking, abandoning the products that may have the potential to lower risk.

It is our hope that the Legislature will take these points into full consideration as it considers its tax policy and the significant impact it will have on jobs and state revenue. We remain at your disposal to meet with you or your staff, or to provide further information at any stage.

Yours respectfully,



Anthony Hemsley
Head of Corporate Affairs & Communications

LATE

HB-1574

Submitted on: 1/31/2019 7:48:08 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Collins	Individual	Support	No

Comments:

LATE

HB-1574

Submitted on: 1/31/2019 8:54:06 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Isaiah	Individual	Oppose	No

Comments:

We need to start educating the people how to use e cigs not too many people know a lot and what a e cig is about all they know is that big clouds come out it's not that it's a lifestyle for us adults to have for people to stop smoking cigarettes please don't this away away from the vaping community here in Hawaii. I strongly oppose this bill!!

LATE

HB-1574

Submitted on: 1/31/2019 10:36:18 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin	Individual	Oppose	No

Comments:

I am now 38 years old. Ive been a cigarette smoker since i was 16. I recently have stopped 3 years ago due to using electronic cigarettes. The flavor took that nasty tobacco taste off my breath and off my clothes. To be honest I feel like I can breathe easier and i feel a lot healthier. I oppose of the ban on shipping and even having flavored juices being made professionally and safely in a sanitary room. Ive had my grandfather pass away due to smoking cigarettes and i wouldnt want to see more people go that way. Thank you for your time. It is really appreciated. GOD bless you all. Justin Ontiveros... Aloha from Kauai