

**DAVID Y. IGE**  
GOVERNOR

**JOSH GREEN M.D.**  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
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**RONA M. SUZUKI**  
DIRECTOR OF TAXATION

**DAMIEN A. ELEFANTE**  
DEPUTY DIRECTOR

To: The Honorable Chris Lee, Chair;  
The Honorable Joy A. San Buenaventura, Vice Chair;  
and Members of the House Committee on Judiciary

From: Rona M. Suzuki, Director  
Department of Taxation

Re: **H.B. 2346, H.D. 1, Relating to Tobacco Products**

Date: Thursday, February 13, 2020

Time: 2:05 P.M.

Place: Conference Room 325, State Capitol

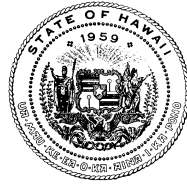
The Department of Taxation (Department) supports H.B. 2346, H.D. 1. This measure makes multiple amendments to chapter 245, Hawaii Revised Statutes (HRS). These amendments will enable improved regulation of the sale of electronic smoking products. H.D. 1 has a defective effective date of July 1, 2050.

The Department appreciates the increase in license fees in section 245-2, HRS, and permit fees in section 245-2.5, HRS. In most cases, the current fee amount does not cover the cost to the State to issue the license.

The Department supports the other parts of this measure as well, but respectfully requests the following changes:

1. The effective date be amended to no earlier than January 1, 2021 to give the Department time to update its forms and computer system to implement these changes to the law.
2. It appears that the only amendment in Section 6 is the deletion of the word "and" on page 15, line 21. This "and" should not be deleted as it joins paragraph (5) to paragraph (6).
3. Clarify the definition of "electronic smoking device." As currently written, the definition includes "any ... component part" of a device. The Department notes that this definition is broader than existing law as it applies to tobacco. For example, devices such as tobacco pipes and hookahs, and the component parts needed to build a tobacco pipe or hookah, are not subject to the tobacco tax. The Department suggests excluding the electronic smoking devices (and parts) that do not contain e-liquid. This will create parity between tobacco and e-liquid.

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



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

**LATE**

**Testimony in SUPPORT of H.B. 2346, H.D. 1  
RELATING TO TOBACCO PRODUCTS**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 13, 2020

Room Number: 325

- 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 2346, House Draft 1 (H.B. 2346,  
5 H.D. 1) as a measure to protect the public's health, especially youth, from the harmful effects of  
6 tobacco use and initiation. Youth are price sensitive, and in Hawaii increasing the price of  
7 cigarettes through taxation has contributed to the reduction of smoking by high school students,  
8 from 28% in 2000 to 8% in 2017, a reduction of 71%.<sup>1,2</sup> Hawaii does not tax electronic smoking  
9 devices (ESDs) like other tobacco products, and often ESDs can be purchased at lower costs than  
10 cigarettes. The low cost, pairing of flavors and nicotine, and technological appeal, has  
11 overturned the youth tobacco prevention efforts in Hawaii.<sup>3</sup> By 2017, the high school ESD use  
12 rate was the second highest in the nation at 25%, and middle school use the highest at 16%.<sup>4</sup>  
13 Other states are responding to the increase in youth ESD through pricing, and to date 21 states

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<sup>1</sup> Pesko, M. F., Huang, J., Johnston, L. D., & Chaloupka, F. J. (2018). E-cigarette price sensitivity among middle- and high-school students: evidence from monitoring the future. *Addiction (Abingdon, England)*, 113(5), 896–906. [doi:10.1111/add.14119](https://doi.org/10.1111/add.14119) [retrieved 2-12-2020]

<sup>2</sup> Holmes JR, Ching LK, Cheng D, Johnson L, Yap, L, Starr RR and Irvin, L. 2018. Tobacco Landscape, Honolulu, Hawaii State Department of Health, Chronic Disease Prevention and Health Promotion Division.

<sup>3</sup> Barrington-Trimis JL, and Leventhal AM. Adolescents' Use of "Pod Mod" E-Cigarettes — Urgent Concerns. *NEJM* 2018; 379:1099-1102. [DOI: 10.1056/NEJMp1805758](https://doi.org/10.1056/NEJMp1805758). [retrieved 2-12-2020]

<sup>4</sup> Hawaii Health Data Warehouse, Hawaii Youth Risk Behavior Survey, 2017.

1 and the District of Columbia have enacted ESD taxation laws, and annual tax revenues range  
2 from one to ten million dollars.<sup>5</sup>

3 Since the U.S. Food and Drug Administration (FDA) and Surgeon General declaration  
4 of the unprecedented youth e-cigarette epidemic in the fall of 2018, youth use continues to rise.  
5 By 2019, 27.5% of high school students said they vaped compared to 20.8% in 2018.<sup>6</sup> In total  
6 numbers, 4.1 million high school youth and 1.2 million middle school youth said they currently  
7 use e-cigarettes.<sup>7</sup> Youth who use e-cigarettes have been casualties in the outbreak of  
8 e-cigarette, or vaping, product use associated lung injury (EVALI) nationwide, and nationally  
9 by February 4, 2020 resulted in 2,758 confirmed hospitalizations and 64 deaths with more  
10 deaths under investigation. Of the confirmed EVALI cases, 15% were under 18 years and 37%  
11 were 18 to 24 years of age.<sup>8</sup>

12 The need for state action to protect youth from the promotion of ESDs is imperative. On  
13 January 2, 2020, the U.S. FDA announced the agency was prioritizing the enforcement of their  
14 existing authority only on flavored cartridge based ESDs products. This limited enforcement  
15 excludes menthol, disposable, tank system, and refillable devices. All of the ESD products on  
16 sale today are considered pre-market, that is, these are being sold with no prior FDA testing and  
17 approval. This limited enforcement does not do enough to protect youth since they report using  
18 a variety of ESD products including refillable devices.<sup>9</sup> Moreover, according to a national study  
19 reported in the American Journal of Preventive Medicine, nearly half of youth smokers (42%)  
20 initiated with a menthol product<sup>10</sup> indicating that the federal mandate exempts products that

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<sup>5</sup> <https://www.ncsl.org/research/fiscal-policy/electronic-cigarette-taxation.aspx> [retrieved 2-12-2020]

<sup>6</sup> Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

<sup>7</sup> Ibid.

<sup>8</sup> Centers for Disease Control and Prevention, Office on Smoking and Health. Outbreak of Lung Injury Associated with the Use of E-cigarette, or Vaping, Products, retrieved February 12, 2020 from [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information)

<sup>9</sup> Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. Published online November 05, 2019. doi:10.1001/jama.2019.18387: <https://jamanetwork.com/journals/jama/fullarticle/2755265>

<sup>10</sup> Cohn, A. M., Rose, S. W., Dsilva, J., & Villanti, A. C. (2019). Menthol Smoking Patterns and Smoking Perceptions Among Youth: Findings From the Population Assessment of Tobacco and Health Study. *American Journal of Preventive Medicine*, 56(4). doi: 10.1016/j.amepre.2018.11.027

1 remain highly enticing to youth. States have an opportunity to act to address these gaps in  
2 policy.

3           The federal administration raised the national legal age of sale of all tobacco products,  
4 including ESDs, from 18 to 21 years of age. While such legislation is meant to prevent youth  
5 access and initiation of tobacco, the acceleration of unregulated online tobacco product sales has  
6 created a dangerous loophole, by providing an appealing option for underage smokers. In the  
7 current unregulated online market, youth easily, and often, circumvent the age verification  
8 process for purchasing tobacco. According to the Internet Tobacco Vendors Study (ITV),  
9 supported by the National Cancer Institute and the U.S. FDA Center for Tobacco Products,  
10 minors were successful in buying ESDs online 93% of the time despite age restrictions.  
11 Another study found that ESDs were often shipped from internet vendors without instructions  
12 or health warnings. Due to the easy access for minors through online marketing, public health  
13 researchers recommend more vigorous policies to prohibit sales to minors.<sup>11,12</sup>

14           The DOH supports H.B. 2346, H.D. 1 as a strong and comprehensive measure that  
15 addresses the key regulatory components that can reduce access to ESDs among Hawaii's youth  
16 and young adults and encourage users to quit.

17           Thank you for the opportunity to testify.

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<sup>11</sup> 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.

<sup>12</sup> 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.

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:30:20 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DOC	Irie Hawaii Waimea	Oppose	No

Comments:



## **HB2346 HD1 Tax E-Cigarettes and Increase Permit Fees**

### **COMMITTEE ON JUDICIARY:**

- Rep Chris Lee, Chair; Rep. Joy San Buenaventura, Vice Chair
- Thursday, Feb. 13th, 2020: 2:05 pm:
- Conference Room 325

## **Hawaii Substance Abuse Coalition Recommends and Supports HB2346 HD1:**

*GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 non-profit alcohol and drug treatment and prevention agencies.*

### **HSAC Recommends Using the Tax Funds towards Funding for Prevention, which is needed to address the major concern for the health of our children:**

- Given the Surgeon General's warning about the dangers of vaping, especially by the historic rise in its use by youth, allocating taxes to fund a youth prevention campaign is paramount.
- The danger to children is a growing major public health concern.
- Excise taxes and the continuing increase in taxes has proven to help people quit or sustain cessation.

We appreciate the opportunity to provide testimony and are available for questions.



## American Heart Association testimony in SUPPORT of HB 2346, HD1 Relating to Tobacco Products

### Chairman of the Board

Glen Kaneshige

### President

Kahealani Rivera, MD

### Board Members

Rick Bruno, MD, FACEP

Jackie De Luz

Brandt Farias

Jason Fujita

Mimi Harris

Brandon Kurisu

Michael Lui, MD

Arnold Martinez

Michael Rembis, FACHE

Andrew Rosen

Timothy Slottow

Jennifer Walker

Serving Hawaii since 1948

### Mission Statement:

“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](http://www.heart.org) or contact your nearest AHA office.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Serviced by the Oahu office

The American Heart Association supports HB 2346, HD1 which makes unlawful shipment of E-liquid products to anyone other than a licensee or permittee, includes e-liquid and electronic smoking devices within the definition of “tobacco products” in existing cigarette tax and tobacco tax state law, requires that wholesalers and retailers of electronic smoking devices obtain a tobacco license/permit, and increases the license fee for wholesalers or dealers and the retail tobacco permit fee.

**The original version of this bill also stated its purpose is to “fund health education and [tobacco] prevention programs about the risks of the use of electronic smoking devices for youth, but failed to define an amount or a source of that funding. We suggest that any new revenue generated by the additional tax on electronic smoking devices be allocated to augment tobacco prevention, control and cessation programs to better offset the tobacco industry’s exorbitant marketing expenditures aimed at addicting a new generation to its products.**

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. As stated in the bill’s preface, Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate.

Even though there is more work needed to fully understand all the dangers of e-cigarettes, there’s plenty of evidence they’re harmful for growing minds and bodies.

The American Heart Association is working to combat this problem the same way we have battled health problems for nearly a century: We’re relying on the science.

That’s why we are funding \$20 million of new research to understand how vaping and nicotine affect the still growing hearts, brains, lungs and blood vessels of young people. This is important because there are few studies in this area.

Here’s a look at the latest science about vaping and nicotine, as well what science hasn’t uncovered yet.

### Safety of vaping vs. cigarettes

One of the most basic things people want to know is whether vaping is better for you than cigarettes. It’s easy to jump to the conclusion that vaping is better. After all, there is no mystery about smoking: It can kill you.

The problem is, no one knows if vaping is safe in the long run because e-cigarettes haven't been around long enough to be studied deeply. Some diseases can take years and even decades to develop, including cancer and atherosclerosis (artery blockages that can cause heart attacks and strokes).

Another reason it's difficult to study vaping is that people switch back and forth between smoking, vaping and not using either. We can see short-term effects in animals exposed to one or another, but understanding long-term effects requires long-term studies.

In addition to a lack of sufficient research, some contents of e-cigarettes remain unknown. The Food and Drug Administration – responsible for judging the safety of things Americans put into their bodies – has not yet evaluated these products for safety.

We do know that the lines between the vaping industry and Big Tobacco have blurred. Altria, the maker of Marlboro and Skoal, has invested more than \$12 billion into Juul, which makes e-cigarettes that are extremely popular with young people. The investment is 35% of Juul's value.

Big Tobacco has a history of misrepresenting facts about nicotine and smoking. So vaping-safety claims from industry or research supported by industry should be met with skepticism. For example, there's the claim that vaping produces only water "vapor" or aerosols – which sound far healthier than cigarette smoke. But there is a lot more than water in that aerosol.

The aerosols actually contain multiple chemicals known to be toxic. Some aerosols contain heavy metals and other toxic ingredients (like the volatile organic compounds you try to avoid in some house paint).

Some of the flavors designed to make e-cigarettes more attractive to children have been shown to harm lung tissue, heart muscle cells, the lining cells of blood vessels, and the cells we need for blood clotting after injury.

These studies have been done in cells from human volunteers, and in some cases, the functions of these cells have been studied in volunteers after they vape.

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

### **E-cigarettes as tools to quit smoking**

The idea that vaping is a better way to quit cigarettes than reliable methods using FDA-approved nicotine replacement products isn't backed up by the weight of science.

Of the small number of studies about this, most show no advantage for e-cigarettes over the temporary use of FDA-approved products such as gum, lozenges and patches. The



latter products have been proven helpful as part of an overall program for quitting, which should also include counselling and can include medications to reduce cravings.

One study frequently cited by industry and its supporters did show e-cigarettes to be effective in stopping smoking. However, as is often the case with science, that part of the study's results doesn't tell the whole story.

The study, published in The New England Journal of Medicine, was conducted in England. That's significant because the e-cigarettes in England are far different from those in the U.S. English products have much lower levels of nicotine, and physicians there actually encourage their use to quit smoking.

Two reports from Public Health England are often referenced for stating "e-cigarettes are less harmful than combustible cigarettes." But those studies did not compare e-cigarette use to zero-nicotine exposure. And, those reports rely on small studies or reviews sponsored by organizations supported by Big Tobacco.

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn't work for many people. They cut back, but they still smoke while vaping and they remain addicted. That's called "dual use" in public health literature. The dangers of cigarettes remain, with the added dangers of vaping.

Unfortunately, dual use is a major problem among young people. Dual use also is something the American Heart Association is working to address through our massive new initiative combatting youth vaping called #QuitLying. Research shows some kids who had never smoked but began their exposure to nicotine by vaping later switched to smoking or did both.

The Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start any nicotine-containing product.

### **The dangers of nicotine and the unknown**

When discussing the dangers of e-cigarettes, many people think about the tragic outbreak of vaping-related deaths across the country. As an organization we are extremely concerned about this problem, which is still being investigated and has been linked to vaping THC well as using "off-brand" e-cigarette products.

But nicotine remains a major concern about e-cigarettes. They can contain unusually high levels of nicotine. One e-cigarette refill pod can contain as much nicotine as an entire pack of cigarettes and kids are sometimes vaping 2-4 pods a day. And open pod e-cigarette products popular among Hawaii youths can contain even much more nicotine.

That's especially troubling because many studies in animals show nicotine is a neurotoxin (a poison affecting the nervous system). It can affect brain development from early fetal life through adolescence, permanently changing the ability to think or reason.

The National Academies of Science, Engineering and Medicine and the World Health Organization believe nicotine delivery via e-cigarettes during pregnancy can adversely affect the development of the fetus, and can affect immune system and lung function.

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.

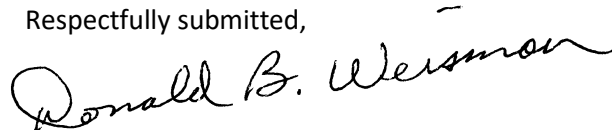
By adding e-liquid and electronic smoking devices within the definition of the state's "tobacco products" it would apply the tobacco tax to those products. This would have the greatest impact on reducing e-cigarette use rates among the youth market, which is more price sensitive, and which is the most 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.

According to the most recent Federal Trade Commission data, the tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii's less than \$5 million investment in tobacco prevention, control and cessation programs last year pale in comparison, and falls 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 your strong support of HB 2346, HD1 with our suggested amendment as a means 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.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

Donald B. Weisman  
Hawaii Government Relations/Communications Director

Thursday, February 13, 2020 at 2:05 PM  
Conference Room 325

**House Committee on Judiciary**

To: Representative Chris Lee, Chair  
Representative Joy San Buenaventura, Vice Chair

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

**Re: Testimony in Support of HB 2346, HD1  
Relating to Tobacco Products**

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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 2346, HD1** which would prohibit the shipment of tobacco products and the transport of tobacco products, and includes e-liquid and electronic smoking devices within the definition of "tobacco products". The measure also increases the wholesale license fee for wholesalers or dealers and the retain tobacco permit fee, increases the excise tax for each cigarettes and increases the excise tax on the wholesale price of each article or item of tobacco products.

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.

Thank you for the opportunity to testify.

**Rep. Chris Lee, Chair**  
**Rep. Joy A. San Buenaventura, Vice Chair**  
**House Committee on Judiciary**

February 13, 2020, 2:05pm, Conference Room 325

**Testimony in Support of House Bill 2346, House Draft 1, Relating to Electronic Smoking Products with Amendments**

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association in Hawaii and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

**The American Lung Association calls on Hawaii officials to implement taxation of electric smoking devices (in parity with other tobacco products).** Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

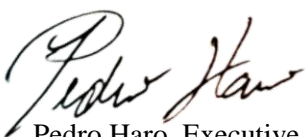
While House Bill 2346 includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law, it does not earmark those taxes to be used towards the prevention and cessation of tobacco product use. **We suggest that this bill is amended to provide a portion of the tax dollars to be earmarked towards tobacco control and prevention activities in the state of Hawaii.**

The need for Hawaii to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels due to a 78 percent increase in high school e-cigarette use from 2017 to 2018, according to the Centers for Disease Control and Prevention (CDC). This equals one million additional kids beginning to use e-cigarettes, placing their developing bodies at risk from the chemicals in e-cigarettes, as well as a lifetime of deadly addiction.

Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers.

By increasing funding for tobacco control programs, Hawaii would have a powerful opportunity to further reduce and prevent tobacco use, including supporting communities that still use tobacco at higher rates and who have been targeted by the tobacco industry. Despite Hawaii receiving an estimated \$160 million from tobacco settlement payments and tobacco taxes, the state does not fund tobacco control efforts at levels recommended by the CDC.

The use of electronic smoking devices by youth in Hawaii is nearly double the national average, and urgent action is required by state legislators in 2020 to address it. The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by passing House Bill 2346 House Draft 1.



Pedro Haro, Executive Director

American Lung Association in Hawaii, [pedro.haro@lung.org](mailto:pedro.haro@lung.org)

210 Merchant Street, Suite 901 | Honolulu, HI 96813

P h : 8 0 8 - 5 3 7 - 5 9 6 6      F : 8 0 8 - 5 3 7 - 5 9 7 1



**Testimony to the House Committee on Judiciary  
Thursday, February 13, 2020; 2:05 p.m.  
State Capitol, Conference Room 325**

**RE: HOUSE BILL NO. 2346, HOUSE DRAFT 1, RELATING TO TOBACCO PRODUCTS.**

Chair Lee, Vice Chair San Buenaventura, and Members of the Joint 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. 2346, House Draft 1, RELATING TO TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Establish the offense of unlawful shipment of tobacco products;
- (2) Include e-liquid and electronic smoking devices within the definition of "tobacco products", in the cigarette tax and tobacco tax law;
- (3) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (4) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (5) Fund health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and
- (6) Repeal various statutory provisions relating to electronic smoking devices.

The bill would also take effect on July 1, 2020.

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved 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 healthcare.

**Testimony on House Bill No. 2346, House Draft 1**  
**Thursday, February 13, 2020; 2:05 p.m.**  
**Page 2**

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 American Cancer Society of Hawaii, the Hawaii Public Health Institute, and other advocates in strong support of all efforts to rid the marketplace of these products.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or [eabe@hawaiiipca.net](mailto:eabe@hawaiiipca.net).



11 February 2020

**Re: Testimony in Support to HB2346  
Relating to Electronic Smoking Devices Regulation/ Tobacco**

Blue Zones Project - Hawaii strongly supports this bill for the following reasons:

Tobacco License and Permit requirement:

- This requirement is critical to educating and enforcing current laws applicable to ESD retailers.
- Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor license for the City and County of Honolulu is \$2,640.

ESD tax:

- Currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products.
- The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.
- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

Online Sales:

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online.

Funding for ESD health and education programs for youth

- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates.

Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make Hawaii a healthier, happier place to live, work and play. To accomplish



that goal, we work with people, places, and polices in areas of well-being including better access to our natural and built environment resources.

Blue Zones Project has worked with our community partners statewide since 2012. Initiatives such as this help the progress our many partners have made to make the communities, we live in even better healthier places to live, work and play.

Blue Zones Project strongly supports this bill and asks that it be approved.

Please contact me with any questions at [Crystal.Robello@Sharecare.com](mailto:Crystal.Robello@Sharecare.com).

Sincerely,

*Crystal Robello*

Community Engagement Lead

Blue Zones Project – Hawaii

Brought to  
Hawaii by



An Independent Licensee of the Blue Cross and Blue Shield Association



**HB-2346-HD-1**

Submitted on: 2/11/2020 11:58:25 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mariner Revell	Irie Hawaii Stores	Oppose	No

Comments:

We Strongly Oppose HB2346

Owning a business in Hawaii is very hard. We have tremendous competition from big box stores, national convenience stores, online sales, and even foreign online mega sites such as wish.com, Alibaba, and others. In addition to competition, price wars etc we have an enormous amount of shipping added to the cost of our goods sold thanks to the Jones act. On top of all of the competition and product costs challenges we have the cost of doing business, enormous employee insurance coverages and state regulation costs, taxes, rent, advertising, and more. As a business I am lucky to profit 10 cents on every dollar we bring in.

Doing business is extremely hard in Hawaii please do not take more of our customers away by imposing an additional tax on goods we sell. We are facing many bills that if passed will devastate many businesses in Hawaii, this is one of them.

**Committee  
Members**

Annaleah Atkinson  
808 652-7743

Lori Carlson  
651 587-2904

Tom Christy  
808 645-1594

Eric Devlin  
808 429-3229

Regina Floyd  
702 292-2372

Doug Haigh  
808 635-1120

Eve Hands  
808 346-7799

Steve Hardy  
707 481-5070

Larry Lindsay  
808 634-4559

Scott McCubbins  
816 781-5883

Graeme Merrin  
808 651-7211

Ryan Moen  
808 651-0726

Lelan Nishek  
808 245-7747

Tommy Noyes  
808 639-1018

Ron Rector  
808 639-2443

Valerie Woods  
808 822-2420

Ron Wiley  
808 245-9527



February 12, 2020

HOUSE JUDICIARY COMMITTEE

**SUPPORT FOR HB 2346 HD1—RELATING TO TOBACCO PRODUCTS**

Aloha Judiciary Committee Members,

The volunteers listed on the left are members of the Friends of Kamalani and Lydgate Park committee, and we would like to register our strong support for HB 2346. This bill calls for long-overdue regulation of electronic smoking devices.

This requirement is critical to educating and enforcing current laws applicable to ESD retailers. Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor license for the City and County of Honolulu is \$2,640.

Regarding taxing Electronic Smoking Devices, currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products. The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.

Electronic smoking products are pernicious devices clearly profiting the tobacco industry by addicting children to nicotine. The detrimental long-term public health effects of nicotine addiction is established science.

Please fulfill your allegiance to the people of Hawaii and advance House Bill 2346 HD-1 Proposed. It is your responsibility to protect our youths' health and wellness, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality-of-life impairments.

Sincerely,

Tommy A. Noyes

General Coordinator  
The Friends of Kamalani and Lydgate Park

# 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 2346, HD-1

INTRODUCED BY: House Committee on Consumer Protection & Commerce

EXECUTIVE SUMMARY: Establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used 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. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Effective 7/1/2050. (HD1)

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of e-liquid products. If a person is in the business of selling e-liquid 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 (defined to be fair market value at the time of the offense) 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.

Defines "smoke" or "smoking" as inhaling, exhaling, burning, carrying, or possessing any lighted or heated tobacco product, or similar substance intended for human consumption, including the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form.

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. Provides that the applicant for such a permit shall specify whether each place of business sells e-liquid or electronic smoking devices, and that the permit shall state whether the place of business permitted sells e-liquid or electronic smoking devices.

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.

Also makes technical and conforming changes.

EFFECTIVE DATE: 1/1/2050.

STAFF COMMENTS: This bill is an Administration-sponsored bill from the Department of Health, identified as HTH-09 (20).

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.

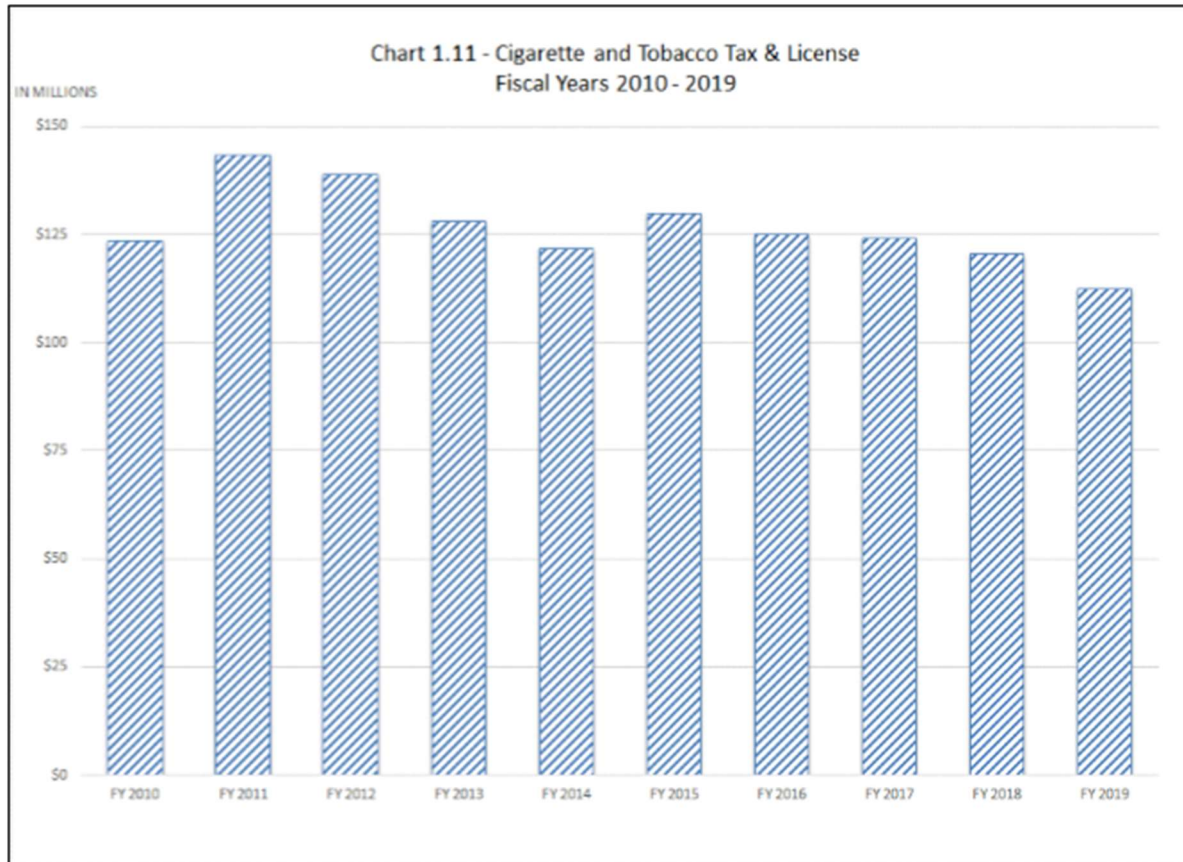
The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument 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 are influencing smokers as tax collections on the sale of cigarettes have fallen. 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 (2018-2019), page 24.

Re: HB 2346, HD-1  
Page 4

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 2/11/2020

**HB-2346-HD-1**

Submitted on: 2/12/2020 9:23:48 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Stop poisoning people for profit.

[www.WeAreOne.cc](http://www.WeAreOne.cc)



Ph: (808) 446-2032  
Fax: (833) 565-3144  
PediatricTherapiesHawaii@gmail.com  
PediatricTherapiesHawaii.com

To: Hawaii State Legislature

Regarding: Electronic Smoking Device Regulations

Position: Strong Support

I am writing to express my strong support for stronger regulations for electronics smoking devices. I fully support the following changes to current regulations.

Tobacco License and Permit requirement:

- This requirement is critical to educating and enforcing current laws applicable to ESD retailers.
- Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor license for the City and County of Honolulu is \$2,640.

ESD tax:

- Currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products.
- The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.
- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

Online Sales:

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee should be able to purchase and ship e-cigarettes online.

Funding for ESD health and education programs for youth

- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates. The revenue from the ESD tax should go to these programs.



I feel these are important measures that needs to be taken by our community leaders to protect our keiki and their health. As we all know, tobacco is highly addictive and detrimental to people's health so we need to prevent kids from getting hooked in the first place. Since Hawaii has one of the highest middle and high school vaping rates in the country, it seems obvious that immediate action needs to be taken to address this epidemic. [A study](#) found that e-cigarette use is a strong risk factor for eventual cigarette smoking so preventing kids from starting vaping should be the focus for addressing this issue. Big tobacco argues that vaping helps adults quit smoking but the truth is, that for every adult that quits smoking using e-cigarettes, 81 young people will become future smokers, which is an unacceptable trade off.

Please do the right thing and help protect our keiki from Big Tobacco. Protect them from getting starting using tobacco products and protect them from all the health risks that come with it. It is our job as adults, parents, business owners, law makers, and community leaders to do something about this issue because we can and it is our obligation to our youth.

Sincerely,

Dr. Amy Peterson  
Executive Director/Physical Therapist  
Pediatric Therapy Hawaii

# HUI NO KE OLAPONO

95 Mahalani St. Rm #21

Wailuku, HI 96793

P - (808)244-4647, F – (808)442-6884

**Hui No Ke Ola Pono strongly supports** banning the sale of flavored tobacco products for these reasons:

Lack of tobacco regulations on e-cigarettes has led to astronomical levels of youth vaping in Hawai'i. In order to reverse the alarming trend, Hawai'i must enact policies that create uniform regulations across all tobacco products, as well as allowing counties to create local solutions.

The tobacco industry claims that they're not targeting kids, but with more than 15,500 flavors, who is the industry really targeting. With flavors like "Blue Raspberry Sour Straws", "Cookie Monsta," or "Maui Mango" the answer is clear. Flavors are designed to appeal to kids, while nicotine gets them hooked for life.

## **Some troubling facts:**

- In 2017, 25.5% of Hawai'i high schoolers reported ever using an electronic smoking device.
- Hawaii has the highest reported vaping rate among middle schoolers (15.7%) and the second highest vaping rate among high schoolers in the nation, just behind Colorado (Source: Hawaii YRBS, 2017)
- **32.3%** of Maui County high school students and **18.3%** of Maui County middle school students reported current use of e-cigarettes (2017)
- **41.7%** of Maui County Native Hawaiian high school students and **27.8%** of Maui County Native Hawaiian middle school students reported current use of e-cigarettes (2017)
- Only **4.7%** of adults in Hawaii reported current use of e-cigarettes (2017)
- 81% of youth who ever used tobacco products started with a flavored product
- 97% of youth who vape say they use a flavored product
- 90% of adult smokers started by age 18, and 95% started by 21. The tobacco industry is quoted as saying that, "The base of our business is the high school student."

## **ACTIONS HAWAI'I CAN TAKE TO REDUCE YOUTH VAPING**

### **END THE SALE OF FLAVORED TOBACCO PRODUCTS**

Appealing flavors are driving the youth vaping epidemic. With thousands of kid-friendly flavors on the market and little regulation, the industry has no incentive to stop selling flavors like Strawberry Milk Moo or Blue Raz Cotton Candy.

### **RESTORE COUNTY AUTHORITY TO TAKE ACTION**

Counties need and want the ability to address youth vaping in their communities, but are prevented by state law. Changing the state law to give counties the authority to regulate the sale of e-cigarettes will allow for local solutions.

**Raise Tobacco License and Permit requirement:**

- Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor license for the City and County of Honolulu is \$2,640.

**ESD tax to include e-cigs:**

- Currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products.
- The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.
- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

**Prohibit Online Sales:**

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online.

**Funding for ESD health and education programs for youth**

- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates.

Mahalo a nui loa for your time and consideration.

**HB-2346-HD-1**

Submitted on: 2/12/2020 9:54:19 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
amy agbayani	Filipina Advocacy Network FAN	Support	No

Comments:

We support regulating e-cigarettes as tobacco products and urge taxing the industry to protect our youth.



February 12, 2020

To: The Honorable Rep Chris Lee, Chair  
The Honorable Rep San Buenaventura, Vice Chair  
Committee on Judiciary

From: Cory Smith, VOLCANO eCigs  
CEO and Owner

RE: HB2346 HD1 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 80 full-time workers to support sales of our products not only here in Hawaii, but to most USA states as well as over 30 International countries. We stand in opposition to HB2346 HD1 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet HB2346 HD1 deceptively refers to vapor products as “Electronic Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.
- HB2346 HD1 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 latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found 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 ecigarettes are doing so to replace the use of traditional tobacco.
  - o <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>
  - o <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
  - o [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)
- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for



these products, not tighter regulations that steers vapers back towards tobacco cigarettes

o <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

- 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.

o <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththat-vaping-is-as-toxic-as-smoking/article/2646804>

o [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

- HB2346 HD1 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.

- 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.

o [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](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)

- HB2346 HD1'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.

- Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state. We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.



VOLCANO®

It is our belief that this continuing 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.

Sincerely,

Cory N. Smith  
CEO & Owner  
VOLCANO eCigs  
197 Sand Island Access Rd. #213  
Honolulu, HI 96819  
[cory@volcanoecigs.com](mailto:cory@volcanoecigs.com)



1050 Bishop St. PMB 235 | Honolulu, HI 96813  
P: 808-533-1292 | e: info@hawaiiifood.com

#### Executive Officers

**Joe Carter**, Coca-Cola Bottling of Hawaii, *Chair*  
**Charlie Gustafson**, Tamura Super Market, *Vice Chair*  
**Eddie Asato**, The Pint Size Corp., *Secretary/Treas.*  
**Lauren Zirbel**, HFIA, *Executive Director*  
**John Schlif**, Rainbow Sales and Marketing, *Advisor*  
**Stan Brown**, Acosta Sales & Marketing, *Advisor*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*  
**Beau Oshiro**, C&S Wholesale Grocers, *Advisor*  
**Toby Taniguchi**, KTA Superstores, *Advisor*

---

TO:

Committee on Judiciary  
Rep. Chris Lee, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: February 13, 2020  
TIME: 2:05pm  
PLACE: Conference Room 325

RE: HB2346 HD1 Relating to Tobacco 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 are in favor of portions of this bill that seek to regulate the shipping of electronic smoking devices and e-liquid. During the October 17, 2029 informational briefing on vaping that this Committee held jointly with the Senate Committee on Commerce Consumer Protection and Health experts discussed the fact that almost 90% of underage people who use electronic smoking devices buy them online or get them from their friends. Very few purchase them in stores where they are already subject to age restrictions. Regulating the shipping of these products is a common sense way to keep them out of the hands of young people.

We oppose the section 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.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Judiciary  
Thursday, February 13, 2020 at 2:05 pm

By

Thomas A. Wills, PhD  
Director, Cancer Prevention in the Pacific Program  
University of Hawai'i Cancer Center

And

Michael Bruno, PhD  
Provost  
University of Hawai'i at Mānoa

HB 2346, HD1 – RELATING TO TOBACCO PRODUCTS

Chair Lee, Vice Chair Bueneventura and Members of the Committee:

The University of Hawai'i Cancer Center (UHCC) strongly support HB 2346, which would regulate e-liquids and electronic smoking devices (ESDs) as tobacco products through taxation, shipment, and licensing and permitting.

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

Our research has 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 Hawai'i have been reported in national and international scientific journals such as JAMA Pediatrics [1] and have been confirmed in over 20 different sites, in the US as well as in Britain, Germany, Canada, and Mexico.

Moreover, our research has shown that e-cigarette use is related to a higher likelihood of respiratory disease (asthma and COPD) among Hawai'i adolescents and adults. This has been reported in two scientific journals, Preventive Medicine and Drug and Alcohol Dependence [2, 3]. This research takes account of cigarette smoking as well as other existing risk factors for respiratory disease. These findings have been confirmed in several independent studies with large representative samples conducted in the US, Europe, and Asia [4], which notably includes longitudinal studies showing that e-cigarette use precedes the onset or worsening of respiratory symptoms [5, 6]. Thus, there is evidence that e-cigarette use may be linked to adverse health consequences as well as adverse behavioral consequences such as smoking initiation. In addition, there is now considerable evidence to refute the belief that e-cigarettes help adults quit

smoking. Rather, empirical studies of large populations of adults have shown that people who use e-cigarettes are less likely to quit smoking [7] and that former smokers who use e-cigarettes are more likely to relapse to smoking [8].

We have observed that e-cigarettes are aggressively marketed to Hawai'i youth in television, 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 in a similar way to 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 Hawai'i and work with these merchants to educate them and enforce current tobacco laws.

Again, UHCC strongly support HB 2346, HD1 and ask you to pass this out of committee.

#### References

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4. Wills TA, Soneji S, Choi K, Jaspers I. E-cigarette use and respiratory disorder: Converging evidence from epidemiological and laboratory studies. Manuscript submitted for publication, 2019.
5. Bhatta DN, Glantz SA. Electronic cigarette use associated with respiratory disease among adults: A longitudinal analysis. *Am J Prev Med* 2019. doi:10.1016/j.amepre.2019.07.028.
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7. Glantz SA, Bareham DW. E-cigarettes: Use, effects on health, risks, and policy implications. *Ann Rev Public Health* 2018;39:28.1–28.21.
8. McMillen R, Klein JD, Wilson K, et al. E-cigarette use and future cigarette initiation among never smokers and relapse among former smokers in the PATH study. *Public Health Rep* 2019. doi:10.1177/0033354919864369.

**HB-2346-HD-1**

Submitted on: 2/12/2020 11:28:50 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

We oppose further unwanted and unneeded regulation.

Date: February 13, 2020

To: The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair  
Members of the House Committee on Judiciary

From: Members of the University of Hawaii Student Health Advisory Council

Re: Strong Support for HB2346, Relating to Tobacco Products

Htg: Thursday, February 13, 2020 at 2:05 pm at Capitol Room 325

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Thank you for the opportunity to submit testimony in SUPPORT of HB2346, which establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices 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 Center for Disease Control and Prevention, Hawaii's middle schoolers rank the highest and high schoolers rank the second highest in the nation for reported usage of 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. By prohibiting online sales to retailers, underage youth will have limited access to e-cigarettes. In addition, distributing tobacco taxes towards health education and prevention programs could help youth quit or prevent them from using vape products in the first place.

We therefore urge you to support this measure. For the sake of our 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



**HAWAI'I COMMUNITY FOUNDATION**  
*Amplify the Power of Giving*

To: The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair  
And Members of the House Committee on Judiciary

From: Micah Kāne, Chief Executive Officer & President  
Hawai'i Community Foundation

Re: **Testimony in Support of HB 2346, HD1, Relating to Tobacco Products**

Date: Thursday, February 13, 2020

Time: 2:05 P.M.

Place: Conference Room 325, State Capitol

The Hawai'i Community Foundation (HCF) administers the Hawai'i Tobacco Prevention and Control Trust Fund. Through the Trust Fund, we have funded a variety of community grants and contracts to support tobacco prevention and control activities statewide for nearly 20 years. Our goal is to help improve the health and well-being of Hawaii's people by reducing death and disease caused by tobacco consumption. By managing statewide community grant programs in tobacco cessation and youth prevention for many years, HCF has gained substantial knowledge about what it takes at the grassroots level to reduce tobacco consumption in our communities.

The Hawai'i Community Foundation strongly supports HB 2346, HD1. Nearly all commercially available electronic smoking devices (ESDs) and e-liquids contain nicotine derived from tobacco, yet they are the only tobacco products in Hawaii's market that are not regulated or taxed under state law. It is entirely appropriate, and overdue, to regulate and tax ESDs and e-liquids on the same basis as other tobacco products.

The easy statewide availability of unregulated ESDs to our keiki and the resulting epidemic of ESD use among middle and high school students is creating a new generation dependent on nicotine, with long-term adverse health consequences to our state. Nicotine is a highly addictive substance that can cause long-term damage to the developing adolescent brain, affecting attention, learning, mood, and impulse control.<sup>1</sup>

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<sup>1</sup> US Department of Health and Human Services. [E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General](#) [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016.

Many of our tobacco cessation program grantees across the islands have learned from their patients and community partners that online sales are a major source of ESDs and e-liquids for youth or their suppliers, despite Hawaii's Age 21 law. Unlike cigarettes and other traditional tobacco products that are illegal to sell online, currently there are few barriers for online sales of ESDs and e-liquids to adults or youth. The regulatory framework in HB 2346, HD1 will close this very large loophole and reduce youth access to ESDs and e-liquids.

Increasing price of tobacco products through taxation is a proven evidence-based method to reduce tobacco consumption. Youth buying and consumption patterns are particularly sensitive to price increases. Increasing the price of ESDs and e-liquids through taxation that is comparable to taxes on other tobacco products will greatly assist statewide efforts by HCF and many others to reduce the epidemic-level usage of ESDs by youth throughout our state.



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Executive Director

## TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY

RE: HB 2346, HD1 - RELATING TO TOBACCO PRODUCTS

THURSDAY, FEBRUARY 13, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Lee and Members of the Committee:

The Hawaii State Teachers Association **strongly supports HB 2346, HD1**, that establishes the offense of unlawful shipment of tobacco products, includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used 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, increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products, and repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

The use of e-smoking products among youth is at epidemic levels. 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.** Furthermore, 1 in 5 high school students reported using e-cigarettes in the past month according to the Surgeon General. **Locally, Hawaii's 2017 Youth Risk Behavior Survey revealed that over 42% of Hawaii high school students have tried using electronic smoking devices and over 25% of Hawaii high school students indicated that they are regular users.**

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as



diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

The electronic cigarette industry has gone largely unregulated for far too long and has therefore been able to market their products both directly and indirectly to our youth. It is time that regulation of the e-cigarette industry be on par with the regulation of traditional tobacco products. Taxation of tobacco products is a proven strategy to reduce usage among youth; thus, this bill would help deter children from not only trying e-cigarettes but also from becoming habitual users of these products. Also, this bill will prohibit the direct shipment of e-liquids to consumers which will help ensure these harmful tobacco products don't end up in the hands of our keiki via online purchases.

To prevent easy access to tobacco products via online purchases and to help make electronic smoking devices and e-liquids more cost prohibitive for youth via taxation parity with traditional tobacco we ask you to **support this bill**.



American Cancer Society  
Cancer Action Network  
2370 Nuʻuanu Avenue  
Honolulu, Hawaiʻi 96817  
808.432.9149  
[www.acscan.org](http://www.acscan.org)

House Committee on Judiciary  
Representative Chris Lee, Chair  
Representative Joy San Buenaventura, Vice Chair

### **HB 2346, HD1 – RELATING TO TOBACCO PRODUCTS**

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 2346, HD1, which establishes the unlawful shipment of tobacco products, applies the tax on other tobacco products to electronic smoking devices and e-liquids, increases the license and permit fees for wholesalers, dealers, and retailers engaged in the sale of tobacco products and allocates a portion of funds collected from excise taxes on tobacco products to tobacco control programs. The measure is effective July 1, 2020.

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 135% between 2017 and 2019.

The following statistics highlight the problem we are facing.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2019, more than 5 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 10.5% of middle school students and 27.5% 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 by holding retailers accountable and actively enforcing tobacco youth access laws with strong retailer

penalties that include suspension and revocation for non-compliant retailers. Strong tobacco retail license laws are part of a comprehensive strategy to reduce tobacco use among 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 the active enforcement of tobacco control laws and support tax parity for all tobacco products.

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



## HIPHI Board

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MacKinnon LLP

Date: February 12, 2020

To: Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
Members of the Judiciary Committee

Re: Strong Support HB 2346, HD1, Relating to Tobacco Products

Hrg: February 13, 2020 at 2:05 pm at Conference Room 325

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> is in **Strong Support of HB 2346, HD1** which imposes a tax on electronic smoking devices (ESDs) and e-liquids, 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<sup>ii</sup>. 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 adults<sup>iii</sup>. According to an article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations<sup>iv</sup>."

### **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 poll<sup>v</sup> conducted by Ward Research Inc. for the Coalition in November 2019, 86% 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 local retailer is selling 30mL of e-liquid, some with strengths up to 50 mg of nicotine per mL, for as little as \$2.99<sup>vi</sup>. 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 emphasizes that is important to include all e-liquids in a tobacco tax, as a 2015 study of more than 58 million e-cigarette units found that 99% of these contained nicotine, whether or not they were labeled as zero nicotine or nicotine-free<sup>vii</sup>. We are concerned that the State lacks the resources to test if e-liquids sold are indeed nicotine-free and the study is evidence that we cannot rely on self-reported information on nicotine content alone.

The Coalition supports establishing an ESD tax and appreciates the intent of the measure to dedicate a portion of the tax revenue to tobacco prevention and control programs, however it appears to only be in the purpose section of the bill. In the same poll conducted by Ward Research, 93% of registered Hawai'i voters believe it is important to dedicate some of the funding from an ESD tax to tobacco prevention and cessation 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.

To reiterate, 25.5% of our high school youth reported that they are regularly vaping. However, our adult rate is 4.3%<sup>viii</sup>. A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth will become cigarette smokers<sup>ix</sup>. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids. The current Surgeon General, VADM Jerome Adams issued an advisory in December 2018 “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<sup>x</sup>.” 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 HB2346, HD1 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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<sup>i</sup> 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.

<sup>ii</sup> 2017 Youth Risk Behavior Surveillance System (YRBS).

<http://www.hawaiihealthmatters.org/indicators/index/dashboard?id=83016762154173692>

<sup>iii</sup> 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](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)

<sup>iv</sup> Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796. <https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>

<sup>v</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=807 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between November 7 – December 4, 2019.

<sup>vi</sup> <https://volcanoecigs.com/collections/nicotine-salt-e-liquids/products/beard-vape-the-salty-one-apple-nicotine-salt-30ml?variant=29461231992855> on January 29, 2020

<sup>vii</sup> Kristy L. Marynak, Doris G. Gammon, Todd Rogers, Ellen M. Coats, Tushar Singh, Brian A. King, "Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015", *American Journal of Public Health* 107, no. 5 (May 1, 2017): pp. 702-705. via <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2017.303660?url>

<sup>viii</sup> 2016 Behavioral Risk Factor Surveillance System (BRFSS).

<http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

<sup>ix</sup> Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis  
Samir Soneji, PhD<sup>1,2</sup>; Jessica L. Barrington-Trimis, PhD<sup>3</sup>; Thomas A. Wills, PhD<sup>4</sup>; et al  
*JAMA Pediatr.* 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

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

Aloha honorable members of the Committee,

On behalf of Maui Family Magazine, I submit this testimony in STRONG support of regulating e-cigarettes. Lack of tobacco regulations on e-cigarettes has led to astronomical levels of youth vaping in Hawai'i. In order to reverse the alarming trend, Hawai'i must enact policies that create uniform regulations across all tobacco products.

- Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor
- Currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products.
- The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.
- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.
- 8 in 10 or 81 percent of registered voters in Hawaii would support taxing e-cigarettes in the same way as cigarettes or other tobacco products. (2017)
- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online. This would help reduce youth access to these products!

Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates. In this bill, the revenue from taxing ESDs is not dedicated to tobacco prevention, education, cessation or research, but rather goes into the general fund. I ask that you please allocate the revenue from an ESD tax to such programs.

We know that tobacco industries must be regulated to protect our children. Please regulate the e-cigarette industry and create policy parity between cigarettes and e-cigarettes.

Mahalo,  
Nicole Shipman

**Maui Family Magazine**

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Melanie Boehm  
Executive Director

# The Salvation Army

Addiction Treatment Services and Family Treatment Services

**LATE**

2-13-20

## HB2346 HD1 Tax E-Cigarettes and Increase Permit Fees

COMMITTEE ON JUDICIARY:

- Rep Chris Lee, Chair; Rep. Joy San Buenaventura, Vice Chair
- Thursday, Feb. 13th, 2020: 2:05 pm:
- Conference Room 325

## The Salvation Army Addiction Treatment Services and Family Treatment Services Recommends and Supports HB2346 HD1:

**The Salvation Army recommends using the tax funds towards funding for prevention, which is needed to address the major concern for the health of our children:**

- Given the Surgeon General’s warning about the dangers of vaping, especially by the historic rise in its use by youth, allocating taxes to fund a youth prevention campaign is paramount.
- The danger to children is a growing major public health concern.
- Excise taxes and the continuing increase in taxes has proven to help people quit or sustain cessation.

We appreciate the opportunity to provide testimony.

Sincerely,

Melanie T. Boehm MA, LMHC, CSAC  
Executive Director ATS-FTS

Participating Agency



Aloha United Way

Addiction Treatment Services

3624 Waokanaka Street ♦ Honolulu, Hawai‘i 96817 ♦Tel: (808) 595-6371 ♦Fax: (808) 595-8250

Family Treatment Services

845 22<sup>nd</sup> Avenue ♦ Honolulu, Hawai‘i 96816 ♦Tel: (808) 732-2802 ♦Fax: (808) 734-7470

Visit us at: [www.SalvationArmyHawaii.org](http://www.SalvationArmyHawaii.org)



Testimony to House Committee on Judiciary  
Thursday, February 13, 2020; 2:05 p.m.  
State Capitol, Conference Room 325

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members,

My name is Ramic Santiago and I **support** HB 2346HD1: Relating to Tobacco Products.

There are too many children under 18 that are choosing to vape in Hawaii. According to the Center for Disease Control and Prevention Hawai'i ranks second in children ranging from 6th to 12th grade who choose to vape (1). According to Kaiser Health News numbers reported in 2018 translate to 3 million high school students nationally who vape. These staggering numbers continue to rise with advancements in vaping technology. Vaping devices can come in a variety of sizes and others like the JUUL product which is the size of a small USB port and can be used almost undetectable. Nicotine levels are manipulated and highly concentrated like the JUUL that can contain as much nicotine as 20 packs of cigarettes.

Nicotine is extremely unhealthy for youth because it can be extremely harmful to the developmental process in the youths brain and nicotine causes changes in the brains synapses which are built faster than the adults brain (1). Most e cigs contain nicotine and nicotine use in adolescence may further the risk for future addiction to drugs (1). There are many carcinogenic chemicals used in the production of e-cigs including cancer-causing compounds and heavy metals such as nickel, tin, and lead (1).

Many vaping products come with or are used with flavor additives such as candy flavorings. These flavorings are targeted at making nicotine products familiar to youth and make the vaping product more palatable to taste than traditional burning tobacco products which are restricted by the 2009 Family Smoking Prevention and Tobacco Control Act which banned fruit and candy flavorings in cigarettes but did not include smokeless tobacco products like chew and e-cigs.

As of January 2020 the Trump administration has enacted a ban on the flavoring of e-cigarettes which use pre filled cartridges but does not include tank based systems where users fill their own nicotine and flavor mixturing(2). Furthermore, mentol pre-filled vaping devices are excluded from the ban (2) . According to the National Institute on Drug Abuse 66% of teens vape only flavoring (2). Banning pre-filled e-cig products will have little effect when teens can still get ahold of products that contain flavored vaping products like fillable tank systems.

Hawaii needs to further the Trump administration's efforts to reduce the increasing number of underage children who use vaping products. Hawaii needs to ban all flavored vaping products in the state to fight the epidemic of underage teen vaping.

Sincerely,

Ramic P.H. Santiago, B.S.  
1614 Emerson Street # 5  
Honolulu, Hawaii 96813

Resources

1. Center for Disease Control and Prevention(2019). Smoking and Tobacco Use
2. MarketWatch.(2020). Federal Government Bans Popular E-cig Flavors to the Curb.
3. NIH National Institute on Drug Abuse.(2015). Teens and E-cigs.

Testimony to House Committee on Judiciary  
Thursday, February 13, 2020; 2:05 p.m.  
State Capitol, Conference Room 325

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members,

I **support** HB 2346 HD1: Relating to Tobacco Products.

Tobacco killed my husband last March from smoking. He ended up dying from COPD and had lung cancer. He suffered greatly before he passed away and died an early death.

We have 6 grandchildren that I don't want to have the same fate as their grandfather. Our keiki are a vulnerable group and must be protected. Don't make it easy for electronic smoking devices to get into the hands of our kids from accessibility online and for being cheap to buy.

Please pass HB 2346HD1 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

Date: February 13, 2020  
To: The Honorable Chris Lee, Chair  
Joy A. San Buenaventura, Vice Chair  
Members of the Committee on Judiciary

From: Ruthie Diaz, BSW  
[rddiaz@hawaii.edu](mailto:rddiaz@hawaii.edu)  
Honolulu, HI 96813

Re: Support for HB 2346HD1: Relating to Tobacco Products.

Hearing: Thursday, February 13, 2020 at 2:05 pm at Conference Room 325

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Thank you for the opportunity to submit testimony in **SUPPORT** of HB 2346HD1: Relating to Tobacco Products.

I am a non-traditional student at the University of Hawai'i, Mānoa, and completing the master's degree at the Myron B. Thompson School of Social Work. As a full-time student, social work practicum student, and a part-time employee, I have opportunities to engage with the communities at the University of Hawai'i as well as the Oahu community working with individuals and families. Most importantly, I am a mother of two children, ages five and an 11. I care deeply for my children as well as all the youth of Hawai'i, and prevention is key to many health risks.

Although there are various stories that I have encountered with electronic nicotine delivery systems ENDS and vape products, the one I can recall involves my four-year-old son. I live in a condominium with a wraparound lanai that welcomes cool trade wind breezes on most days. Because of this, my lanai doors are always wide open. My home is a smoke-free building, which should eliminate such behaviors and provide clean air for my family. However, addictive behaviors will often lead to the disregarding of such rules. Neighboring units smoking on their lanai lead to clouds of smoke to travel down to my family's unit. My four-year-old smelled the strawberry flavors and savored it. Luckily, he spoke out loud and mentioned that it smells like candy. I knew what it was, and I had no choice but to report it to our building management and close my lanai door. I realized that the smell of such flavors was very enticing to my four-year-old, and had I not stopped him, he would have continued to inhale the vape products contaminating our fresh air. This was a teaching moment for my older child about the health risk and the inconvenience it causes other people and families, but not necessarily to a four-year-old. This experience allowed me to see how dangerously enticing these ENDS flavors to even the youngest children. It made me aware of how normalized use or even continued exposure to ENDS and vape products may lead to experimentation and subsequent addiction.

Bill HB2346HD1, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

The opposition's argument that the use of ENDS and vape products is successful as a smoking cessation product has not been proven true, nor is it FDA approved. A study conducted in 2016 by Garcia-Arcos *et al.*, concluded that mice who were exposed to aerosolized nicotine-free and nicotine-containing e-cigarette fluid "triggered

effects normally associated with the development of COPD including cytokine expression, airway hyper-reactivity, and lung tissue destruction" (Garcia-Arcos et al., 2016). The medically proven and documented health risks and addictive behaviors of ENDS and vaping outweighs the unsubstantiated arguments of successful cessation for existing smokers.

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if HB2346HD1 becomes law.

Garcia-Arcos, I., Geraghty, P., Baumlin, N., Campos, M., Dabo, A. J., Jundi, B., ... Foronjy, R. (2016). Chronic electronic cigarette exposure in mice induces features of COPD in a nicotine-dependent manner. *Thorax*, *71*(12), 1119–1129. doi: 10.1136/thoraxjnl-2015-208039

**HB-2346-HD-1**

Submitted on: 2/11/2020 2:30:54 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha. Please OPPOSE Bill HB2346 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.  
Valentino Miranda-Kepa

**HB-2346-HD-1**

Submitted on: 2/11/2020 2:57:10 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dillon rellez	Individual	Oppose	No

Comments:

Why should people pay more for a product that is helping get rid of cigarettes which have been harmful for too long. You guys should focus on the possession laws for minors because everyone else is following the rules. Thank you for your time.

**HB-2346-HD-1**

Submitted on: 2/11/2020 2:59:24 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi Muronaka	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:00:49 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ricky Alaniz	Individual	Oppose	No

Comments:



**HB-2346-HD-1**

Submitted on: 2/11/2020 3:01:19 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ellen benton	Individual	Oppose	No

Comments:

Aloha. Please OPPOSE Bill HB2346 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.  
Ellen Benton

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:07:01 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
laraine snyder	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:08:53 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jericho Tobin	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:49:02 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kahealani	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:58:29 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
natalea mikami	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 3:59:03 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jonah	Individual	Oppose	No

Comments:

Aloha. Please OPPOSE Bill HB2346 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.  
Jonah Manuel

**HB-2346-HD-1**

Submitted on: 2/11/2020 4:14:46 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
pua	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 4:38:24 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ASHLEY MATTOS	Individual	Oppose	No

Comments:



**HB-2346-HD-1**

Submitted on: 2/11/2020 5:10:39 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hoku	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 6:42:39 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ned Garcia	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 6:56:27 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

Date: February 11, 2020

To: The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair  
Members of the House Committee on Judiciary

Re: **Strong Support for HB2346 HD1**, Relating to Tobacco Products

Hrg: February 13, 2020 at 2:05 PM in Capitol Room 325

Aloha House Committee on Judiciary,

As a parent, educator and healthcare professional, I am writing in **strong support of HB2346 HD1**, which establishes the offense of unlawful shipment of tobacco products; includes e-liquid and electronic smoking devices (ESDs) within the definition of "tobacco products", as used 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; increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addiction) epidemic and has one of the highest rates of youth e-cigarette use in the nation. Due to the highly concentrated nicotine salt vape juices available in a multitude of sweet flavors, these products are highly attractive to, and pose a huge risk of addiction and life-long impaired brain development for, our youth.

For the health and welfare of our children and future generations the measures as addressed in **HB2346 HD1** are urgently needed to effectively halt the youth vaping epidemic in Hawai'i.

E-cigarettes are far less expensive than combustible tobacco cigarettes, making them economically attractive to youth. Tobacco taxes are a proven strategy to discourage use of tobacco products, especially among price-sensitive youth.

Restricting online sales to retailers will further reduce youth access to e-cigarettes.

Education is key to preventing nicotine use and addiction. Treatment for youth nicotine addiction is poorly understood and grossly underfunded. I respectfully request that **HB2346 be amended to allocate tobacco taxes to youth nicotine prevention, education, cessation and research programs.**

Bringing ESDs with the definition of tobacco products for licensing and permitting will create a level playing field for all retail establishments selling any tobacco products, allowing state agencies to readily and effectively communicate regulatory changes, product recalls and other important information to retailers.

**I strongly support HB2346 HD1, amended to direct tobacco taxes for youth nicotine prevention, education, cessation and research programs,** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

**HB-2346-HD-1**

Submitted on: 2/11/2020 6:59:17 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Monika Lopez	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/11/2020 7:40:56 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clayton Silva	Individual	Oppose	No

Comments:

This bill is unfair over-regulation.

**HB-2346-HD-1**

Submitted on: 2/11/2020 8:06:17 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Monique gunn	Individual	Oppose	No

Comments:



**HB-2346-HD-1**

Submitted on: 2/11/2020 8:07:02 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Heaukulani	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:29:04 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Revell	Individual	Oppose	No

Comments:

Honorable Representatives:

I strongly oppose HB2346. There are a large number of eliquid users that do not use nicotine. An added tax would only burden these individuals unfairly. Please vote against HB2346.

Respectfully submitted,

Theresa Revell

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:48:05 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Bauguess	Individual	Oppose	No

Comments:

To whom it may concern,

I oppose HB2346, please listen to your voters.

Mahalo,

Louis Bauguess

**HB-2346-HD-1**

Submitted on: 2/12/2020 5:49:16 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas Winters	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 6:13:44 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andy Takaaze	Individual	Oppose	No

Comments:

E-cig products are the number 1 way for adults to quit smoking tobacco. I oppose any more fees on e-cig products which would inturn make it more costly for consumers looking to quit smoking.

**HOUSE COMMITTEE ON JUDICIARY**  
**Rep. Chris Lee, Chair**  
**Rep. Joy A. San Buenaventura, Vice Chair**

HEARING:  
February 13, 2020, 2:05pm, Conference Room 325

**Testimony in Support of HB 2346, House Draft 1**

My name is Justin Mortensen and I am an undergraduate public health student at the University of Hawaii at Manoa. HB 2346 now includes e-liquid and electronic smoking devices in the definition of tobacco products, which will have a significant public health impact.

**I urge that the state implement this vital bill to help decrease a habit that has taken lives of more than 480,000 people in the U.S.** In my experience in working in health care I have seen tobacco products take the lives of many individuals through lung disease. Seeing my own mother use tobacco products, and even electronic smoking device has been detrimental to her health. Using electronic smoking devices contrary to what the public thinks, is not any better to an individual's health.

The use of tobacco products by youth is continuously on the rise, and Hawaii is double the national average. The support of this bill will allow more control and better allow public health initiatives to be more effective. I ask you to continuously support this bill for our youth and older adults who have struggled with this addiction.

Thank you for your time.

Justin Mortensen

**HB-2346-HD-1**

Submitted on: 2/12/2020 7:46:18 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dory Kong	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 7:51:30 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erika Vargas	Individual	Support	No

Comments:



**HB-2346-HD-1**

Submitted on: 2/12/2020 8:31:08 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Kim	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 8:45:35 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Megan Tabata	Individual	Support	No

Comments:

In this bill, the revenue from taxing ESDs is not dedicated to tobacco prevention, education, cessation or research (goes into the general fund).

**HB-2346-HD-1**

Submitted on: 2/12/2020 8:54:21 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Powell	Individual	Oppose	No

Comments:

I myself, like most Democrat voters OPPOSE this bill.

**HB-2346-HD-1**

Submitted on: 2/12/2020 8:55:26 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Molly Mamaril	Individual	Support	No

Comments:

## **Electronic Smoking Device/E-Cigarette Regulations**

### **I, Shani Gacayan, Strongly Support HB2346**

#### Tobacco License and Permit requirement:

- This requirement is critical to educating and enforcing current laws applicable to ESD retailers.
- Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor license for the City and County of Honolulu is \$2,640.

#### ESD tax:

- Currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products.
- The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.
- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

#### Online Sales:

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online.

#### Funding for ESD health and education programs for youth

- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates.

**HB-2346-HD-1**

Submitted on: 2/12/2020 9:23:44 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mary santa maria	Individual	Support	No

Comments:

Please pass this bill. It will regulate all smoking devices thus making it more difficult for import, sales and use of unregulated smoking devices. We owe this to our youth who are targeted by the tobacco companies. Funds from the taxes and other regulations can be used by the State to create prevention and treatment programs for targeted youth and young adults.

Mahalo for your consideration

Mary Santa Maria

Makawao, Hawaii, 96768

**HB-2346-HD-1**

Submitted on: 2/12/2020 9:37:41 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristin Mills	Individual	Support	No

Comments:

As a health educator for the State Health Department and as a parent of two children, I am in support of HB2346. ALL tobacco products (including electronic smoking devices [ESDs]) need to be regulated and taxed. Further, online sales of ESDs need to be regulated to assure that our youth are not able to purchase these devices.

Regarding regulation of ESDs: Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase of \$250 for a tobacco license and \$50 for a retailer permit are still much lower than alcohol license and permit fees.

Regarding taxing ESDs: currently these products are not taxed. ESDs and e-liquids are tobacco products and they need to be treated as so and taxed likewise. The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle. Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

Regarding online Sales: This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online. This aspect is CRITICAL to reduce youth who are becoming addicted to nicotine and tobacco products! Our youth need to be protected by prohibiting online sales of ESDs.

I support the intent of the bill, which seeks to fund health and education programs on the dangers of ESDs for youth and ask that language be inserted to allocate tobacco tax revenue towards these programs.

**HB-2346-HD-1**

Submitted on: 2/12/2020 9:43:33 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Delfin	Individual	Support	No

Comments:



**HB-2346-HD-1**

Submitted on: 2/12/2020 10:25:06 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Royce Fukuroku	Individual	Support	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 10:38:33 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Grehawick	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 10:43:36 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica Chang	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 10:59:53 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelsie Cajka	Individual	Support	No

Comments:

Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates.

**HB-2346-HD-1**

Submitted on: 2/12/2020 11:27:47 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alysa Lavoie	Individual	Support	No

Comments:

Strongly support

**HB-2346-HD-1**

Submitted on: 2/12/2020 11:34:47 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Blair	Individual	Support	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 11:41:23 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katherine Stene	Individual	Support	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:02:33 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi Bikle	Individual	Support	No

Comments:



**HB-2346-HD-1**

Submitted on: 2/12/2020 12:05:51 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shay Chan Hodges	Individual	Support	No

Comments:

Hawai'i has one of the highest rates of youth e-cigarette use in the nation, as these products have evaded many of the tobacco regulations that led to historically low smoking rates. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:06:38 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kaimana	Individual	Support	No

Comments:

i no like popcorn lungs

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:07:18 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mahea	Individual	Support	No

Comments:

I am an 8th grade student. Smoking is bad in general but its even worses for kids. Smoking at a young age is very bad because your brain and body or still growing and it couol effect your growth. Also it is very bad for your lungs and heath in general. It is very addictive and it is hard to stop smoking .

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:07:38 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kawaiolaakealoha Sanita	Individual	Support	No

Comments:

Hi I am Kawaiolaakealoha Sanita a 8th grade student ant Hana High and Elementary School. I'm here to say that tobacco products are very bad for not just minors but also adults to. Vapes, weed, cigaretts ec. are all very bad and for your phycical and metal health. I know the side affects that affect minors and adults. Smoking weed can sometimes cause certian peopls brain to react differently which can cause depression and suicidal thoughts. "Marijuana use has also been linked with depression and anxiety, and with suicidal thoughts among teens" says the Center for Disease Control and Pervation. What I read from them tells me that smoking can really harm everyone espesally teens. We as a comunnity need to stop tobacco and drug abuse for our generation.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:10:13 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jessa	Individual	Support	No

Comments:

Hello! My names Jessa S. :). I'm from Hana, Maui which is on the eastside of the hawaiian island Maui. I'm 13 years of age and a 8th grade student. My reason for this is to tell u my opinion on Why tobacco products shouldn't target youths. I think tobacco products shouldn't target the youth because if this targets our youth it could change their future, which when they get into society they can change other peoples future. Such as if they get too addicted to tobacco at a young age such as 13-18 years old they wont be doing as well in school which when they get older they won't have a much of a future they could be proud of. The kids these days see ads on how these products are ok for them to use. Such as the people that make these products as everyday looking objects. Like office supplies, children juice boxes, jacket strings, and etc. So with this said I would want these kids to have a better future by not using these "products" and live a healthy non tobacco life.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:08:01 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zoe	Individual	Support	No

Comments:

Hello! My name is Zoe and I'm a 8th grade student. I believe vaping products shouldn't be targeted at youth. If kids see adds that their interested in they are possible to get it and may not even know what they're doing. They don't know the risks or affects. Vaping and nicotine could change the course of their lives and not for the better. These kids arent fully developed and this will mess them up even worse than if they were adults. Some affects kids could get by vaping is slow brain development, affect memory, concentration, learning, self-control, attention, and mood increase the risk of other types of addiction as adults. Having big companies affect the next generation like this should stop.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:19:28 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexia	Individual	Support	No

Comments:

Hi my name is alexia i'm in 8th grade and i think they should not sell tabaco to kids.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:14:54 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kainalu	Individual	Support	No

Comments:

I am an 8th grade student from Hana. and i think it is up to other kids to smoke if they like die.

I don't think kids should get in trouble, instead we should help them pick better choices.



**HB-2346-HD-1**

Submitted on: 2/12/2020 12:23:23 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
hoaka	Individual	Support	No

Comments:

Hi i am a 8th grade student from hana school and this is my testimony is that we should stop these smokers because were killing too many people in the world, why dont people relise that everyone dont have to smoke, is it because its a trend and everone body wants to get on this trend and Tobacco use is a cause or risk factor for many diseases; especially those affecting the heart, liver, and lugs, as well as many cancer. We had this Tobacco as long been used in the Americas, with some cultivation sites in Mexico dating back to 1400–1000 BC.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:24:03 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kawelo	Individual	Support	No

Comments:

I am a middle school girl from hana school and i think the tabacco products shouldnt be put out because tabacco is very adicting and it can lead from rolling a joint to just vaping wich can cause cancer and many other things.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:24:11 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jacob pu	Individual	Support	No

Comments:

am a 8th grade student. i think tobaco products are bad for kids because they have different kinds of flavors that are adicting to kids.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:26:12 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
william	hana high and elementary	Support	No

Comments:

I support this bill but the bill should get tabacco companies anad the youth with tabacco products should get in trouble too or at least punished not with just a slap on the wrist and the child gets scott free. I support this bill but the youth should get punished.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:26:34 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arianna	Individual	Support	No

Comments:

i am a 8th grader from hana school.This product should be stopped because it an kill you .

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:28:15 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
julian	Individual	Support	No

Comments:

, hi im an 8th grade student my thought's about tobacco killing kid's is bad. the companies should get in trouble not the little kids. These products are bad for us kids, and if they get rid of the tobacco products us kids will not be tempted to using or even trying the product. So please help me in getting rid of this items. Banned it right now. Save us so we can live a healthy life in the future.

Thank you for reading and hearing my concerns

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:30:21 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diane Logan	Individual	Support	No

Comments:

I am a clinical psychologist specializing in substance use disorders which includes nicotine dependence. Hawaii as a state, and Hawaii Island specifically, have the youngest consumers of vape and e-juice products nationally. Please help decrease the easy access to these products and get them back out of our elementary schools. Please choose health over lobbyists.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:30:26 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Loverleen	Individual	Support	No

Comments:

As a parent here in Hana, I would like to see that all tobacco products being sold be completely STOPPED! These types of product should be taken off of the shelves because they products are no longer being sold to adults of age, it is being sold to young teenagers. These types of products should never be in the hands of teenagers or any kids. This is bad for them and being that they are young and not knowledgeable about these types of products and the side effects, this is why i feel it should BANNED. You guys can make the change to help save our kids today.

Many of this companies are targeting kids by selling products that are attracting to them like making it look and taste like candy, a soda pop or a desert. Now how can you let these company do this type of advertising products that gets in the hands of our kids. Be smart and make the right decision in stopping these companies once and for all. These companies are making money off of our kids. They should not have the option of making money off of them and ruining their lives.

Take a stance against all of these companies put and end to it.



**HB-2346-HD-1**

Submitted on: 2/12/2020 12:40:08 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C. Azelski	Individual	Support	No

Comments:

Hawai'i has one of the highest rates of youth e-cigarette use in the nation, as these products have evaded many of the tobacco regulations that led to historically low smoking rates. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction.

**HB-2346-HD-1**

Submitted on: 2/12/2020 12:51:14 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randi D	Individual	Oppose	No

Comments:

Aloha. Please OPPOSE Bill SB2904 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.

**HB-2346-HD-1**

Submitted on: 2/12/2020 1:13:28 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
azaya mandini	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 1:13:36 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elijah	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 1:26:03 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael deYcaza	Individual	Support	No

Comments:

Most adult smokers got addicted in their teens.

**HB-2346-HD-1**

Submitted on: 2/12/2020 1:43:14 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Park	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 1:44:40 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hilary Lang	Individual	Support	No

Comments:

Aloha,

I am a teacher at Hana High & Elementary School for 11 years. I was an elementary teacher and now I am a middle school teacher. I have 7 and 11 year old children. We have had students as young as 3rd grade using vape products and bringing them to school. They are particularly drawn to the fun flavors, cute packaging, and being like their middle school family and friends. My kids are so excited about cotton candy, chocolate, strawberry, etc. Adults who are cigarette smokers are not looking for cotton candy flavor. Those are targeting my children. We have DARE at our school and anti-vape poster contests, but many students are not interested because they already use it. Vape products have highly addictive nicotine and many chemicals that are very hard on growing bodies and minds. There are many vape products that are easy for the kids to conceal (looking like regular classroom supplies, candy, or tiny enough to keep in their clothing). When the kids use these chemical products, they have a hard time focusing on their academic classes. Nicotine is very addictive. Our children have so many challenges growing up to have large corporations targeting them to be life long customers addicted to their products. They are not old enough to make educated and informed choices about this level of addiction, chemical dependency, medical problems, loss of academic learning, and social emotional problems. Please help us keep these tobacco and nicotine products out of the hands of children so that they have an opportunity to grow up with healthy minds and bodies.

I oppose penalties for our youth. We can not have our youth be afraid to get adult help. These are very addictive products and they have used these products it is because of the industry has targeted them. They will need to have support and help getting away from this addictive nicotine product and not be afraid that they will get in trouble.

We need to have intelligence in helping combat these industries targeting our youth and trying to get them to become new life long customers. Please support these bills in protecting our at risk native youth.

Hilary Lang

A concerned teacher and parent

Hana High & Elementary



**LATE**

**HB-2346-HD-1**

Submitted on: 2/12/2020 2:59:28 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cyrus Howe	Individual	Support	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 3:54:17 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi C. Liu	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 5:54:25 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Hagan	Individual	Support	No

Comments:

**As a nurse, parent, and teacher concerned about the prevalence of vaping in our middle and high schools in Maui County, I am writing in strong support of HB2346. We have an epidemic of youth vaping/e-cigarette use in Hawaii and this is a multi-pronged approach to help curb it. Taxing tobacco products is a proven way to reduce youth initiation. Limiting online shipment of tobacco products to those with a license will reduce access to electronic smoking devices for our youth. Allocation of funds from taxes on these tobacco products towards education and prevention programs will raise awareness about the health risks of electronic cigarette use which are still widely unknown or underestimated in our community. As a nurse with training as a tobacco cessation specialist, I have seen first-hand how hard it is for people to quit tobacco; so much better for us to keep our keiki from getting addicted in the first place!**

**Mahalo,**

**Kathleen Hagan, MS, APRN, ANP-BC**

**HB-2346-HD-1**

Submitted on: 2/12/2020 6:24:09 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Stevens	Individual	Oppose	No

Comments:

**HB-2346-HD-1**

Submitted on: 2/12/2020 6:59:18 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashlee Klemperer	Individual	Support	No

Comments:

February 12th, 2020

Re: Support of HB2346 HD1 - Relating to Tobacco Products

House Committee on Judiciary Members and Chair,

I wish to submit testimony in support of HB2346 - Relating to Tobacco Products. As a social worker, substance prevention specialist, and parent I ask you desperately to pass this bill and take a major step towards protecting our youth. The need for regulation and taxation of e-cigarettes is absolutely vital in our efforts to combat the sweeping epidemic of youth vaping.

As the e-cigarette/vaping industry has operated without any regulations or parameters the accessibility of this product has been a great contributing factor that influences youth use. Our state is losing this battle and the only way forward is to regulate and tax these products heavily. The elimination of online sales is imperative to limiting the accessibility as youth in Maui County specifically talk about how they primarily purchase these products from online retailers.

Thank you, committee members and chair and please pass this bill to save lives and protect the youth of Hawaii.

Ashlee Klemperer, MSW

851 S Kihei Rd, Apt O103

Kihei, HI 96753

February 12, 2020

**LATE**

**Strong Support of HB2346 RELATING TO TOBACCO PRODUCTS.**

To the House of Representatives

Hrg: Thursday, February 13, 2020, 2:05pm, Conference Room 325

**I strongly support HB2346 RELATING TO TOBACCO PRODUCTS, which establishes the offense of unlawful shipment of tobacco products.**

State lawmakers have been trying to regulate ESDs for the last five years. 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 with ESD prevention efforts and support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

**Again, I strongly support HB2346 RELATING TO TOBACCO PRODUCTS and ask you to pass this out of committee.**

Sincerely,  
*Jessica Cambra ~mother of 3 Maui boys*  
*101 Kealohilani Street*  
*Kahului HI 96732*  
*808-280-0055*

**HB-2346-HD-1**

Submitted on: 2/12/2020 8:51:32 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
isac	Individual	Oppose	No

Comments:

I'm against the increase to wholesale dealers that distribute tobacco products. This seems like a specific policy that is singling out the wholesalers that have tobacco products, but should just increase tax and reform policies.

**LATE**

**HB-2346-HD-1**

Submitted on: 2/12/2020 9:45:03 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ivan	Individual	Oppose	No

Comments:

I highly disagree.



**LATE**

**HB-2346-HD-1**

Submitted on: 2/12/2020 10:18:16 PM  
Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diane Y Omura	Individual	Support	No

Comments:

My name is Diane Omura and I am a retired health educator from the island of Maui. My focus has been on reducing teen risks while promoting safety and wellness. The students in the Baldwin Peer Education program and I have fought hard in preventing vape use among youth. Thanks to the comprehensive and continued training received from Kate Folio and the Coalition for Tobacco Free Maui, my students were motivated and well prepared to share knowledge among their peers. However, about four years ago the students realized that education alone could not stop the trend and got involved in the legislative process. Last year the students were extremely dismayed that the flavor ban failed despite repeated submissions of their testimonies. Now that premature deaths have made the headlines, please do the right thing and please support HB 2346 which will tax and regulate vapes as tobacco products. Thank you for your time and consideration.

**HB-2346-HD-1**

Submitted on: 2/12/2020 10:36:01 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Miki	Small rural primary care office	Support	No

Comments:

Please allocate a portion of the tax revenue from this to support tobacco cessation and prevention programs.

**LATE**

**HB-2346-HD-1**

Submitted on: 2/13/2020 12:50:14 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teddy Kim	Individual	Oppose	No

Comments: