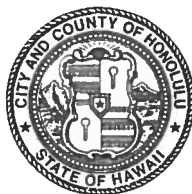


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE MK-SA

February 12, 2020

The Honorable Roy M. Takumi, Chair
and Members
Committee on Consumer Protection & Commerce
The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chairs Takumi and Lee and Members:

SUBJECT: House Bill No. 2347, H.D. 1, Relating to Flavored Tobacco Products

I am Mikel Kunishima, Captain of the Community Affairs Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2347, H.D. 1, Relating to Flavored Tobacco Products.

The HPD strongly supports this bill that prohibits the sale of flavored tobacco products including electronic liquids. Flavored tobacco products directly target adolescents and young adult age groups, and though H.D. 1 excludes menthol as a "characterizing flavor," the HPD still supports this bill. Recent deaths in these age groups have been directly linked to the use of e-products.

The HPD urges you to support House Bill No. 2347, H.D. 1, Relating to Flavored Tobacco Products.

Thank you for the opportunity to testify.

Sincerely,


Mikel Kunishima, Captain
Community Affairs Division

APPROVED:



Susan Ballard
Chief of Police

Serving and Protecting With Aloha

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 10, 2020

To: Representative Roy Takumi, Chair
And members of the Committee on Consumer Protection and Commerce

Representative Chris Lee, Chair
And members of the Committee on Judiciary

Testimony in Support of HB 2347 HD 1 Related to Flavored Tobacco Products

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports HB 2347 HD 1 Relating to Flavored Tobacco Products.

Elimination of flavored tobacco products across the state of Hawai'i will prevent addiction, reduce continued use of tobacco products throughout one's lifespan, and prevent chronic health conditions such as COPD and cardiovascular disease.

It is important to ban flavored tobacco products as today's marketing targets and encourages youth to take part in this unhealthy behavior. Hawaii has the fifth highest amount of vaping in the United States. E-cigarettes continue to grow in popularity leading to a potential health epidemic. With up to 15,500 flavors, e-cigarettes are of particular interest and attraction to Hawai'i's youth. Along with the enticing flavors and packaging, youth perceive e-cigarettes to be less harmful than other nicotine filled tobacco products. Students have shared that vaping is a popular activity that occurs both inside and outside of the academic setting. Youth have the ability to access flavorless tobacco through social media accounts, vape stores without regulation of the 21-year-old age law, and online orders with their parent's credit cards.

Youth do not understand the dangers of this harmful product. E-cigarettes contain toxic chemicals. These ingredients result in chronic health consequences including lung cancer, addiction, central nervous system damage, and delay of proper adolescent brain development.

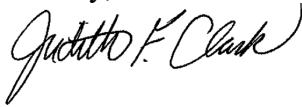
808novape researchers have found that:

- 26% of Hawai'i high school students are using e-cigarettes
- 94% online purchases of e-cigarettes have been successful amongst teens
- 60% of teens believe occasional use of e-cigarettes does little to of harm
- 70% of middle and high schoolers have recently seen e-cigarette advertising

Four of five young people who use tobacco start with a flavored product. Tobacco is one of the leading causes of death and should not be accessible to Hawai'i's youth. Please ban the sale of flavored tobacco products.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



American Heart Association testimony for HB 2347, HD1 "Relating To Flavored 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 Martines

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 or contact your nearest AHA office.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Served by the Oahu office

The American Heart Association supports the intent of HB 2347, HD1, **but opposes the exclusion of menthol flavor from the prohibition. By focusing only on electronic smoking devices and not extending the menthol ban to traditional cigarette and other tobacco products the bill invites the industry to market to youths, and youths to transition to menthol-flavored cigarettes and other menthol flavored tobacco products.**

The Association also supports the intent of Section 2, part (5) which would restore the counties' ability to adopt rules or ordinances concerning the sales of flavored tobacco products, but requests that part be amended to restore counties' ability to adopt ordinances concerning the sales of **all** tobacco products.

The number of flavored tobacco products on the market increased substantially after flavored cigarettes were banned. After the 2009 federal ban on flavored cigarettes (excluding menthol cigarettes) took effect, the tobacco industry started producing different types of flavored tobacco products that were not subject to the prohibition. This led to the rise in the number of youth using flavored cigars, and especially in Hawaii, e-cigarettes. Both the tobacco industry and youth adjusted to the cigarette flavor ban by moving to other tobacco products where flavors were still allowed. **If the Hawaii State Legislature were to pass a flavoring ban, but limit it to certain types of products or flavorings, we are likely to see the same thing happen again.**

The Association feels that a blanket flavoring ban is needed because a wide array of flavors appeal to youth and young adults, which increases the risk of initiation and continued tobacco use. In particular, studies show that menthol cigarettes increase initiation, especially among youth. Menthol is found in most cigarettes, even those not marketed specifically as menthol cigarettes. Menthol's cooling and analgesic properties reduce the harshness of cigarette smoke and irritation from nicotine. Evidence indicates that menthol enhances the addictiveness of cigarettes, both by increasing the likelihood of nicotine addiction in youth who experiment with smoking and by making cessation among adult smokers more difficult.

Menthol cigarettes are used at disproportionately higher rates by racial and ethnic minority smokers, including Native Hawaiians and Filipinos, and Asian Americans. Also, approximately 71 percent of all young LGBT smokers use menthol cigarettes. At least half of all teen smokers use menthol tobacco products. Use of menthol products is also prevalent among non-minority youth and those making less than \$10,000 per year.

A convincing body of evidence has shown that tobacco-related health disparities are exacerbated by targeted marketing in minority areas and the consumption of menthol tobacco products. Internal tobacco industry documents show that tobacco companies have a long history of using flavors, including menthol, to reduce the harshness of their

products to make them more appealing to new users, almost all of whom are under age 18. The FDA's Tobacco Products Scientific Advisory Committee noted that "Menthol cannot be considered merely a flavoring additive to tobacco. Its pharmacological actions reduce the harshness of smoke and the irritation from nicotine." The Committee concluded:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking; and
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

The 2014 Surgeon General's Report projects that if current trends continue, 5.6 million of today's youth under 18 will die prematurely in adulthood from smoking-related illness. To protect this vulnerable population, policymakers need to move quickly and ban the use of characterizing flavors, including menthol, from all tobacco products.

The evidence supporting a flavor ban is clear. As we discuss below, flavored tobacco products are highly attractive to youth and have led to increased initiation and use among children and adolescents. The number of flavored products on the market has also increased substantially with the tobacco industry marketing thousands of fruit, candy, menthol and mint flavored products that appeal to children. Allowing these products to remain on the market puts a new generation at risk of a dangerous addiction. In addition, 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.

While we understand that some adult tobacco users report using flavored products to transition or switch from combustible cigarettes, there is little evidence supporting their use as a cessation tool. 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 supporter 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 don'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 (as regulated by the government), 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 e-cigarette use. The American Heart 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.

That's why we encourage legislators to make protecting children its top priority when considering legislative options for flavored tobacco. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product, including 81 percent who have tried e-cigarettes and 65 percent who have ever tried cigars.

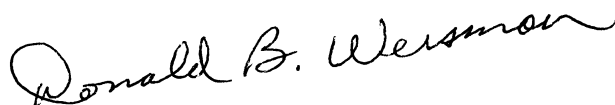
In regard to Section 4, part (5), most of Hawaii's most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii's counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law. Therefore, we believe that Hawaii's counties should have full control over the ability to enact tobacco sales laws, not just laws addressing flavored tobacco sales.

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

Some 1,400 Hawaii residents die each year from smoking, and 21,000 kids alive today in Hawaii will die prematurely from smoking if nothing is done to reduce tobacco use.

We encourage you to include the American Heart Association's recommended amendments listed above, and then to support HB 2347, HD2. With the suggested changes we feel the proposed bill will have a substantial effect in reducing tobacco use among Hawaii's youths.

Respectfully submitted,



Donald B. Weisman

Hawaii Government Relations/Communications Director



**Testimony to the House Joint Committee on Consumer Protection and Commerce, and
Judiciary
Wednesday, February 12, 2020; 2:00 p.m.
State Capitol, Conference Room 325**

RE: HOUSE BILL NO. 2347, HOUSE DRAFT 1, RELATING TO FLAVORED TOBACCO PRODUCTS.

Chair Takumi, Chair Lee, 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. 2347, House Draft 1, RELATING TO FLAVORED TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Beginning January 1, 2021, prohibit:
 - (A) The retail sale, possession with the intent to sell, or offer for sale of a flavored product; and
 - (B) The mislabeling as nicotine-free, or sale or market for sale as nicotine-free, any e-liquid product that contains nicotine; and
- (2) Make any statement or claim directed to consumers or the public that an e-liquid or electronic smoking device accessory is flavored prima facie evidence that the product is a flavored tobacco product;
- (3) Allow the seizure, forfeiture, and destruction of any flavored product for electronic smoking devices found in a retailer's possession that is in violation of the above;
- (4) Establish civil penalties of \$500 for the initial violation, and not less than \$500 and not more than \$2,000 for any subsequent violation;
- (5) Provide that if this law conflicts with any rule or ordinance, the more stringent requirement will prevail; and

(6) Take effect on July 1, 2050.

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.

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@hawaiipca.net.

HB-2347-HD-1

Submitted on: 2/11/2020 1:58:18 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dau	Keiki Injury Prevention Coalition	Support	No

Comments:

Keiki Injury Prevention Coalition (KIPC) supports HB2347, Proposed HD1 which would ban the sale of flavored tobacco products and prohibit the mislabeling of any e-liquid product containing nicotine as nicotine-free effective as of Jan 1, 2021.

Thank you,

Lisa Dau, RN
KIPC
Injury Prevention Coordinator



TO: The Honorable Roy M. Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
House Committee on Consumer Protection & Commerce

The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

FROM: Philip J. Bossert, Executive Director
Hawaii Association of Independent Schools

RE: HB 2347 HD1 - RELATING TO FLAVORED TOBACCO PRODUCTS
In Support

DATE: Wednesday, February 12, 2020
2:00 PM, Conference Room 325

Aloha Chairs Takumi and Lee, Vice Chairs Ichiyama and San Buenaventura and Members of the Committees:

The Hawaii Association of Independent Schools (HAIS) supports HB 2347 HD1.

HAIS is a membership organization that currently represents 102 of Hawaii's independent K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 119 private K-12 schools in the State.

Approximately 38,000 children attend these 119 private schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic sweeping the country. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support HB 2347 HD1 because, in banning the sale of flavored tobacco products – including menthol-flavored tobacco products – and increasing the penalties for the purchase of e-cigarettes by persons under the age of 21, it will make vaping both less

attractive and more difficult to pursue by elementary and secondary school students and help to protect the current and future generations of Hawaii's citizens.

Thank you for the opportunity to submit testimony and we look forward to working with you as this important measure moves through the legislative process.



Testimony in Support of RE: Relating to Flavored Tobacco Products

Hawaii Dental Hygienists' Association

Feb 10, 2020

Dear Chair Takumi, Chair Lee and Respected Members of the Committee on Consumer Protection & Commerce and the Committee on Judiciary:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports House Bill 2347, HD1** which proposes to amend Chapter 712, HRS by prohibiting the sale or distribution of flavored tobacco products, as well as the mislabeling and selling such products as nicotine-free.

We congratulate the Legislature for introducing a measure that seeks to address the health dangers caused by flavored tobacco products in Hawaii. The marketing of flavored tobacco products, clearly targets sales to Hawaii's youth as an initiation into the use of other nicotine products. In contrast to the positive decline in combustible tobacco smoking, use of electronic smoking devices (ESDs), also known as vaping or e-cigarettes, has increased dramatically over the last decade, making ESDs and flavored tobacco products the most common tobacco product used among youth.

HDHA believes that the nicotine in tobacco is clearly addictive and has been proven to be especially harmful to the oral health of those using it. Current research shows a direct correlation between smoking and periodontal disease. It has been shown to significantly increase the risk of tooth loss over time and decrease the ability for oral soft tissue to heal.

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports HB2347, HD1** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.



**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 10, 2020

HOUSE COMMITTEES ON CONSUMER PROTECTION AND COMMERCE & JUDICIARY

SUPPORT FOR
HB 2347 HD-1
RELATING TO FLAVORED TOBACCO PRODUCTS

Aloha Consumer Protection and Commerce & 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 RESTORING the ORIGINAL language of HB 2347 and advancing that bill. This bill should ban the use of menthol as a flavoring in combustible and electronic smoking devices along with all other flavors as originally submitted in order to truly be effective.

Electronic smoking products—especially but not limited to flavored vaping compounds—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 2347 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

Wednesday, February 12, 2020 at 2:00 PM
Conference Room 325

House Committee on Consumer Protection & Commerce

To: Representative Roy Takumi, Chair
Representative Linda Ichiyama, Vice Chair

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 2347, HD1
Relating to Flavored Tobacco Products**

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

I write in support of HB 2347, HD1 which would ban the sale of flavored tobacco products except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol and prohibit the mislabeling of any e-liquid product containing nicotine as nicotine-free effective as of January 1, 2021.

Tobacco use remains the leading cause of preventable disease and death in the United States and in Hawai'i. Tobacco use is a serious public health problem in terms of the human suffering and loss of life it causes, as well as the financial burden it imposes on society and our healthcare system. Annually, \$526,000,000 in health care costs are directly attributed to smoking in the State. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products. Menthol, in particular, is used by the tobacco industry because it has a cooling and numbing effect and can reduce the throat irritation from smoking, thus making menthol cigarettes an appealing option for youth who are initiating tobacco use. Candy and fruit flavors improve the taste and reduce the harshness of tobacco products, making them more appealing and easier for beginners to try tobacco

products and ultimately become addicted. The popularity of electronic cigarettes among youth is concerning, as these products contain nicotine.

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. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Products are glamorized in order to appeal to our youth, using flavors such as candy, fruit, chocolate, mint, Kona coffee, Maui Mango, Shaka strawberry, and Moloka'i hot bread.

Recognizing the increasing public health concerns of flavored tobacco products, other jurisdictions have enacted bans on the sale of those products. Hawaii should also take the step to impose a similar ban.

Thank you for the opportunity to testify.

Jamil Folio
The Man Cave
1993 S. Kihei Rd Suite 18
Kihei, Hawaii 96733



To our Distinguished Legislators:

My name is Jamil Folio, I am the Administrative Manager for “The Man Cave” retail business in Kihei, Hawaii. I am a property owner, father of young children, concerned citizen and a small business advocate who is proud to call Maui my home.

I am writing in **STRONG support** of banning flavored tobacco products. We sell tobacco products in our store, and understand the trepidation of other business owners/operators concerning potential lost revenue. BUT, we cannot jeopardize the health of our youth and our community by focusing on short term profit.

An alarming number of Maui County high school students, over 30%, are currently using e-cigarettes, while less than 5% of adults in Hawai'i are current users. These products are proving to be dangerous in themselves. A good portion of them will go on to use combustible tobacco products, which are the leading cause of preventable death and disease in the United States. Children are 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

21,000 children under the age of 18 currently living in Hawaii will die prematurely from smoking.

If you could please read the previous sentence one more time. Then consider the financial cost associated with long term cancer and end of life care. Any lost short term revenue from banning the sales of flavored tobacco products is a minor rounding error in the long term costs associated with cancer for tens of thousands of Hawaii's citizens.

We are not talking about the rights adults have to make informed discussions. We are talking about middle school children being hooked on bubble gum, cotton candy, and Pipeline POG flavored addiction. And that is what is being sold: addiction. This is a tried and true campaign of influence from tobacco companies who have been marketing to children for decades (as proven in their own internal documents multiple times).

In fact, the same documents show that tobacco companies have targeted minority groups like African Americans and Native Hawaiians even more so than other groups, which is evidenced by the fact that over 40% of Maui County Native Hawaiian high school students are using e-cigarettes. If our solution is to arrest and fine kids for being caught with these products, then more Native Hawaiian kids are going to end up criminalized for their addiction than other kids. This is a social justice issue that can't be ignored. Don't hold kids responsible for the industry's insidious manipulation. Hold the industry accountable, as they should be.

I also ask that you amend this bill to include menthol in order for this to be a comprehensive ban on flavored tobacco products. Menthol masks harshness, making it easier to start and harder to quit. Mint and menthol have historically been used to target youth and minority populations for the industry's profit. In fact, 78 percent of Native Hawaiian smokers smoke menthol cigarettes. This is a social justice issue that needs to be addressed.

For every potential sale that would be lost, a life might be saved. So please represent your constituents, our community, and our island ohana by doing the right thing. No child or adult needs candy flavored cancer causing products.

Thank you for your time.

Jamil Folio

HB-2347-HD-1

Submitted on: 2/10/2020 8:01:53 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Ching, MD, MPH	Hawaii Chapter of the American Academy of Pediatrics	Support	No

Comments:

The Hawaii Chapter of the American Academy of Pediatrics strongly supports this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

HB-2347-HD-1

Submitted on: 2/11/2020 11:59:41 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Azuma	Vape Kings LLC	Oppose	No

Comments:

I strongly OPPOSE HB2347 HD1. Vape Kings LLC, which I own and operate, consists of two branches and 10 employees. Our mission is to aid Adult Smokers (21+), first in replacing combustible cigarettes, and eventually to reduce nicotine consumption altogether. At no point do we encourage underage use, and actively verify age upon entry and purchase for 100% of the products we sell. We do not manufacture any E-liquids or ENDS and rely on FDA compliant suppliers to provide the highest quality products currently on the market. FDA compliance includes, but is not limited to, Marketing Restrictions on Packaging and Warning Labels, as well as labeling with regard to printed Nicotine content.

The bottom line is that flavors matter. As a bar with only two flavors of alcohol, and no mixers of any kind would fail. We too would be rendered out of business with the passage of any type of "flavor ban" which is what this bill essentially is. Following this thought, as we do not "mix" or alter any E-liquids prior to sale, we offer only the highest quality end-product to our customers. Black Market products are dangerous, and in our absence, consumers will have no other option. Reasonable regulation, which includes the 21+ age restriction, along with FDA guidance, rather than prohibition, is undoubtedly the best practice.

Washington State, which issued emergency action to combat deaths associated with Black Market (Vitamin E Acetate containing cannabis products) have included amendments following further due diligence, to include flavors, given that regulation is far safer for the consumer than prohibition itself.

Thank you for your time and consideration.

Paul Azuma

Owner

Vape Kings LLC

1915 S. King Street

Honolulu, HI 96826



HIPHI Board

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College of Tropical Agriculture
and Human Resources

Garret Sugai
Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 11, 2020

To: Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
Members of the Consumer Protection and Commerce
Committee

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

Re: Support HB 2347 HD1, Relating to Flavored Tobacco Products

Hrg: February 12, 2020 at 2:00 PM at Conference Room 325

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **Support of HB 2347 HD1** which would end the sale of flavored tobacco products, exempting menthol, and prohibit the mislabeling of e-liquids containing nicotine. The Coalition recommends that menthol is included in order to have a comprehensive flavor ban.

This measure will help to save lives.

Tobacco use remains a serious threat to public health. Each year, Hawaii spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. Candy flavors such as Fruit Hoops, Sour Straws, and Cookie Monsta are designed to appeal to kids, and make nicotine go down easier. With 81% of youth starting with a flavored productⁱⁱ, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

This measure helps to protect our keiki from a lifetime of addiction.

Hawaii is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. More troubling is that because of

the historic declines in smoking, big tobacco has decided to focus on candy flavors and nicotine delivery solutions. Tobacco giant Altria, maker of Marlboro, is investing in the popular vaping company Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.

Menthol is more than just a flavor for tobacco companies.

Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine making menthol cigarettes a popular starter product. A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable group. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettesⁱⁱⁱ. Leaving menthol on the market will allow the industry to use the exemption to switch from other flavors to menthol. After the 2009 federal ban on characterizing flavors in cigarettes, which exempted the flavor menthol, use of menthol cigarettes among high schoolers greatly increased^{iv} and more than half of youth smokers use menthol cigarettes^v.

Help us protect our keiki and vulnerable groups from deceptive marketing practices by the industry.

The industry claims that they're not targeting kids, but their actions tell a different story. With over 15,500 e-cigarette flavors and growing, these products are not being responsibly marketed. The industry selects colorful packaging and ads that appeal to taste and pop culture. Tobacco companies have a long history of using these same tactics to entice new and younger users and make them repeat customers. Addiction is the opposite of freedom. We're fighting to keep our kids free from the deadly addiction to these products. The health of Hawaii's keiki must be protected from the predatory marketing of tobacco companies.

Hawaii voters support ending the sale of flavored tobacco in Hawai'i.

In a poll^{vi} conducted by Ward Research Inc. for the Coalition in November 2019, 77% of registered Hawai'i voters were in support of prohibiting flavored tobacco products, including e-cigarettes, and 70% support including menthol.

E-cigarettes are not FDA-approved tobacco cessation products.

We have yet to see any scientific evidence, beyond anecdotal data, that e-cigarettes have helped smokers to quit completely from tobacco use. The concern is that with the aggressive and deceptive marketing of these products, we are seeing other consequences: **1) people who have never smoked are using e-cigarettes, 2) children are picking them up as a path to smoking, and 3) smokers are using them to perpetuate their habit instead of to completely quit.** A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes^{vii}. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products, to quit. We appreciate Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction. We respectfully urge the committee to **pass HB 2347 HD1 with the inclusion of menthol.**

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

ⁱⁱ Ambrose BK, Day HR, Rostron B, et al. Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*. 2015;314(17):1871-1873. doi:10.1001/jama.2015.13802

ⁱⁱⁱ *Hawaii Behavioral Risk Factor Surveillance System Survey Data*. 2008.

^{iv} Courtemanche, CJ, et al., "Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use," *American Journal of Preventive Medicine*, published online January 9, 2017.

^v Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014," *Tobacco Control*, published online October 20, 2016.

^{vi} This study by Ward Research, Inc. summarizes findings from a phone survey among n=807 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between November 7 - December 4, 2019.

^{vii} 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; Jessica L. Barrington-Trimis, PhD; Thomas A. Wills, PhD; et al. *JAMA Pediatrics*. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488



FILIPINO BUSINESS WOMEN'S ASSOCIATION (FBWA)
1159 Manuwa Drive, Honolulu, Hawaii 96818

Empowering Filipino Women in Leadership is our Core Value

February 2, 2020

The Hawaii State Legislature
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Support for HB2347, Relating to Flavored Tobacco Products

Dear Legislators:

The Filipino Business Women's Association **supports HB2347, relating to Flavored Tobacco Products.**

As mothers, grandmothers, aunts, and *ninangs*, our members are extremely concerned about the health of our Filipino youth. We are concerned by the statistics that Hawaii has the highest reported vaping rate among middle schoolers and the second highest vaping rate among high schoolers in the nation: 15.7% of middle schoolers and 25.5% of high schoolers reported that they have vaped.

We are also extremely concerned about the impacts of e-cigarettes on the Filipino community. Vaping among Filipino youth is even higher than it is among the general student population. With flavors such as mango, lychee, *ube*, and more, manufacturers and marketers of electronic smoking devices have found a way to specifically target and hook young *kababayans*. The flavors have proven to be alluring and addictive - research has shown that more than 80 percent of who have used tobacco started with a flavored product such as e-liquids or nicotine pods.

Social pressures have also contributed to the spread of vaping within the Filipino community. A California study found that among Filipino youth, 86% of e-cigarette users began because their friends started to vape. The same study also found that Filipino youth were vaping at twice the rate of their other Asian American peers.

Because of these negative impacts on our community, **we urge you to pass HB2347, Relating to Flavored Tobacco Products, and other measures aimed at curbing the e-cigarette epidemic among our youth.**

Very sincerely,

Fe Edita M. Velasco
President



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

House Committee on Consumer Protection and Commerce
Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair

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

HB 2347, HD 1 – RELATING TO FLAVORED 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 2347, HD 1 proposed, which prohibits the sale of flavored tobacco products, except for menthol, beginning January 1, 2021. While we are in support of the measure we do not support the exclusion of menthol from the prohibition of flavored tobacco products.

Every year in Hawaii over 6,700 people are diagnosed with cancer. Despite the fact that US cancer death rates have decreased by 26 percent from 1991 to 2015, not all have benefited equally from the advances in prevention early detection, and treatments that have helped achieve these lower rates. Significant differences persist in cancer incidence, survival, morbidity, and mortality among specific populations. Lung cancer remains the leading cause of cancer deaths in Hawaii.

Smoking not only causes cancer, it can damage nearly every organ in the body, including the lungs, heart, blood vessels, reproductive organs, mouth, skin, eyes, and bones. Smoking accounts for about 30 percent of all cancer deaths in the United States, including about 80 percent of all lung and bronchus cancer deaths. The impact of tobacco use goes beyond health. The annual health care costs in Hawaii directly caused by smoking are over \$500 million.

Flavored Tobacco Products

The 2009 Family Smoking Prevention and Tobacco Control Act implemented a federal prohibition of characterizing flavors other than tobacco or menthol in cigarettes. The prohibition included candy-and fruit-flavors. However, the federal law exempts “tobacco, menthol, mint or wintergreen flavors” and flavored electronic cigarettes.

While cigarette smoking rates have declined significantly in recent years, the use of electronic cigarettes has been skyrocketing, especially among youth. During the one-year period between 2017 and 2018, among high school students who currently used e-cigarettes, use of flavored e-cigarettes increased as well. Use of any flavored e-cigarette went up among current users from 60.9 percent to 67.8 percent, and menthol use increased from 42.3 percent to 51.2 percent among all current e-cigarettes users – including those using multiple products – and from 21.4 percent to 38.1 percent among exclusive e-cigarette users. Flavors in tobacco products are frequently listed as on the top three reasons youth use e-cigarettes. Additionally, kids whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco flavored. Furthermore, evidence indicates that many young people who use e-cigarettes also smoke cigarettes. There is some evidence that young people who use e-cigarettes may be more likely to smoke cigarettes in the future. Using nicotine in adolescence may also increase risk for future addiction to other drugs.

Recent spikes in the use of e-cigarettes makes clear that more must be done to regulate tobacco products and the industry's deceptive marketing practices.

Menthol use in tobacco products

Menthol is a chemical compound that creates a cooling effect, reduces the harshness of cigarette smoke and suppresses coughing. Those effects may make menthol cigarettes more appealing to young, inexperienced smokers. Research shows that they are more likely to addict youth and more difficult to quit than regular cigarettes. Many people who smoke think menthol cigarettes are less harmful. In fact, there is no evidence that cigarettes, cigars, or smokeless tobacco products that have menthol are safer than other cigarettes. This myth has been perpetuated via a decades long campaign by the tobacco industry. We recommend that the committee consider inserting menthol back into the prohibition of flavored tobacco products.

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

HB-2347-HD-1

Submitted on: 2/11/2020 12:20:40 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

This bill will remove these products that harm Hawaii's children but excludes the flavor menthol. We respectfully request you ADD MENTHOL back into the bill



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

To: Hawaii State Legislature

Regarding: Flavor Tobacco Ban

Position: Strong Support

I am writing to express my strong support for a ban on all flavored tobacco products, including menthol. I feel this is an important measure 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 and the flavors are what gets kids 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.

Banning flavor tobacco products would do so much to help keep our youth healthy. It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed. Who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? Flavors are designed to appeal to kids, while nicotine gets them hooked for life. 81% of youth who ever used tobacco products started with a flavored product and 97% of youth who vape say they use a flavored product.

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



HAWAII SUBSTANCE ABUSE COALITION

HB2347 HD1 Ban Flavored Tobacco

COMMITTEE ON CONSUMER PROTECTION & COMMERCE:

- Rep. Roy Takumi, Chair; Rep. Linda Ichiyama, Vice Chair

COMMITTEE ON JUDICIARY:

- Rep. Chris Lee, Chair; Rep. Joy San Buenaventura, Vice Chair
- Wednesday, Feb. 12th, 2020: 2:00 pm
- Conference Room 325

Hawaii Substance Abuse Coalition Supports HB2347 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.

Flavored tobacco targets youth and 95% of smokers start before legal age for smoking:

- Given the historic rise in e-cigarettes by youth, banning the sale of flavored tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern.

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

HB-2347-HD-1

Submitted on: 2/10/2020 10:45:11 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Veray	Pearl City Neighborhood Board Chair	Support	No

Comments:

The Pearl City Neighborhood Board is in total support of this bill as reflected in our Board Resolution on Flavored Vaping products.

**Written Testimony Presented Before the
House Committee on Consumer Protection and Commerce
and
House Committee on Judiciary**

**Hearing: February 12, 2020, 2:00pm
State Capitol, Conference Room 325**

By Hawaii – American Nurses Association (Hawaii-ANA)



HB 2347 RELATED TO FLAVORED TOBACCO PRODUCTS

Chair Roy M. Takumi, Vice Chair Linda Ichiyama and members of the House Committee on Consumer Protection and Commerce, and Chair Chris Lee, Vice Chair Joy A. San Buenaventura, and members of the House Committee on Judiciary thank you for this opportunity to provide testimony in strong support for HB 2347. This bill seeks to prohibit the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of tobacco products, and established penalties for same.

We are members of the American Nurses Association of Registered Nurses in Hawaii. As a profession, we advocate for the health of vulnerable populations in our community. Measures in this bill will help to protect protect young people in our community from these predatory flavored tobacco products and a lifetime of addiction. Health hazards of tobacco products are well known. This is a place where we can intervene as a community to influence the health habits of our young population. In establishing penalties for the retailers, we believe this bill shifts responsibility to the tobacco retailers for exposing young people to health-hazardous vaping behaviors.

We respectfully request that HB2347 pass out of this committee. Thank you for your continued support for measures that address the healthcare needs of our community.

Contact information for Hawaii – American Nurses Association
President: Katie Kemp, BAN, RN-BC
Executive Director Dr. Linda Beechinor, APRN-Rx, FNP-BC
phone (808) 779-3001
500 Lunalilo Home Road, #27-E
Honolulu Hawaii USA 96825

president@hawaii-ana.org
executivedirector@hawaii-ana.org

February 10, 2020

To: Chair Takumi
Vice Chair Ichiyama
House Committee on Consumer Protection
& Commerce

Chair Lee
Chair San Buenaventura
House Committee on Judiciary

Re: **Strong Support** for **HB2347 HD1**

Aloha Chair Takumi, Vice Chair Ichiyama, members of the House Committee on Consumer Protection & Commerce, Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

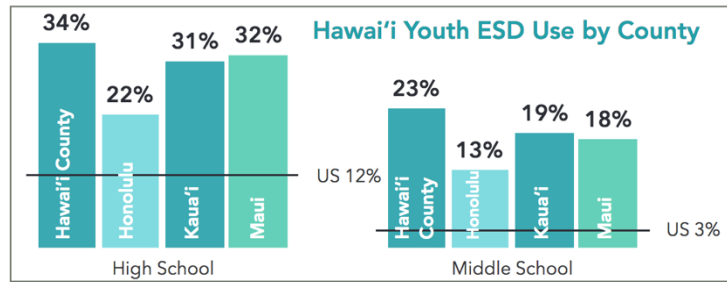
Thank you for your dedication to community health and this opportunity to provide testimony in **strong support** for **HB2347 HD1**.

Kaho'omiki, the Hawai'i Council on Physical Activity and Nutrition, is a local non-profit that supports and encourages lifelong healthy lifestyles and closely works with organizations across the state to better the lives of all people—keiki to kūpuna.

It is clear that ESD use by youth is on an upward trend, and overwhelming data from local and national sources, including the Centers for Disease Control and Prevention (CDC), cite numerous safety and public health concerns with its use. The CDC notes that “young people who use e-cigarettes may be more likely to smoke cigarettes in the future.”¹

We also know that flavored products target kids and lead to its increased use; in 2018, there was a 78% increase in youth vaping, a majority of which involved flavored products, and even higher increases among youth in Hawai'i. We must take a stand against this critical public health epidemic for the benefit of our most vulnerable populations and our future generations.

¹ Dunbar, M. S., Davis, J. P., Rodriguez, A., Tucker, J. S., Seelam, R., & D'Amico, E. J. (2018). Disentangling Within- and Between-Person Effects of Shared Risk Factors on E-cigarette and Cigarette Use Trajectories from Late Adolescence to Young Adulthood. *Nicotine & Tobacco Research*, nty179.



CDC. Tobacco Use among Middle and High School Students - United States 2011-2017.
Hawai'i Youth Risk Behavior Survey 2017.

Thank you for this opportunity to testify in support of **HB2347 HD1**.

Sincerely,

Colby Takeda, MBA, MPH
President, Kaho'omiki

EMMA WHITNEY

PHOTOGRAPHY

To Whom it May Concern,

My name is Emma Whitney, and I am the owner of Emma Whitney Photography. I live in Kula and I am writing you regarding a very important issue, for our community and out keiki.

I am writing regarding the upcoming hearing for the measure HB 2347 I am testifying in STRONG, and UNYIELDING SUPPORT of HB 2347.

For me, it is inconceivable that this is even a question on the table, for the facts regarding the harm of tobacco are undeniable. The use of candy flavors to directly target children, are reprehensible and as undeniable. When I was coming of age, in the 80's and 90's, tobacco manufacturers used menthol tobacco to do this, and it worked. This is the cigarette that my friends chose, because it tased minty.

The tobacco industry is depending on our lifelong addiction, for their monetary security, so it is no surprise that they are scared, for when the true nature of the addiction and health impacts, came to light, the number of smokers hit record lows. To now use flavors that mirror sugar children's candies, to gain new smokers, reaches a whole new level of low! This tragic and disgusting and it is only hurting our children and our community.

It should alarm you, that 42% of all High School students, and 27% of Middle School students have tried these products. Of course, they have! Candy flavored anything, is appealing. All of these children are at an enormous risk for long term, severely detrimental, and terminal health issues.

These products do not help people quit, as they are touted. Instead, children are picking them up and getting hooked. By choosing to sell these products, we are contributing to the inevitable long term harm of these children.

Please, protect our children. No one needs candy flavored tobacco.

Mahalo for doing right by our community.

Aloha,
Emma Whitney

Petition to Submit Testimony in Support of HB2347, HD1

Petition summary and background:	As Registered Dental Hygienists in the state of Hawaii, we are concerned that electronic smoking device (ESD) use among youth in Hawaii has reached epidemic levels. The toxic combination of nicotine and enticing flavors have made ESD use a preferred choice when compared to other tobacco products (ex. cigarettes). As oral health educators, it is our duty to inform our patients of the risks caused by smoking/vaping tobacco products (oral cancer, periodontal disease, tooth loss). We can avoid future nicotine addiction of our youth by addressing the problem now.
Action petitioned for:	We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT HB2347, HD1 and ban the sale of flavored tobacco products in an effort to stop this addicting behavior for the sake of our youth.

Printed name	Signature	Address	Comment	Date
Christopher Gamboa, RDH	gamboac@hawaii.edu			
Jennifer Takata, RDH	jen.takata@gmail.com			
Catherine Nakamura, RDH	katynak@yahoo.com			
Darlee Motosue, RDH	dkmotosue@yahoo.com			
Justin Larson, RDH	stanton6@hawaii.edu			
Jason Wolf, RDH	wolfrdh@gmail.com			
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Printed name	Signature	Address	Comment	Date
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Leanne Higa, RDH	higalea@hawaii.edu			
Kristine Osada, RDH	kmosada@gmail.com			
Jessica Lozano, RDH	jes_lozano@yahoo.com			

Printed name	Signature	Address	Comment	Date
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Janet Ancheta, RDH	janetancheta9@gmail.com			
Joycelyn Swan, RDH	jwan02@hotmail.com			
Beverly Duyan, RDH	duyan@hawaii.edu			
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Jennifer Pirie, RDH	jrpirie@gmail.com			
Loreizl Cahinhinan, RDH	loreizl1@gmail.com			

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

Representative Roy M. Takuni, Chair
Representative Linda Ichiyama, Vice Chair
Members of the Consumer Protection and Commerce Committee

Wednesday, February 12, 2020

Strong Support for H.B. 2347, Relating to Flavored Tobacco Products

My name is Ashley Choo and I am a student at the University of Hawaii at Mānoa. As a Public Health major, I have focused on examining the long term health effects of vaping, specifically in underage populations. As a student, I have seen firsthand, the damaging effects nicotine containing products has caused to my peers both mentally, physically, and socially. I strongly support H.B. 2347, Relating to Flavored Tobacco Products, which would ban the sale of flavored tobacco products and prohibit the mislabeling of e-liquid products containing nicotine. However, I recommend the following amendment regarding the exemption of menthol flavors in tobacco products.

Menthol flavors are appealing to new tobacco users as it alleviates the harshness of tobacco smoke. The marketing of menthol flavors in combination with fruit flavors are highly enticing to underage populations. Nicotine products that look to mimic fruit or candy flavors appeal to underage populations. It is important to take measures that would prevent the initiation of e-cigarette usage such as that of implementing a flavor ban, increasing fines for those under the age of 21 purchasing tobacco products, and the regulation of mislabeled tobacco products that this bill proposes. Nicotine is a highly addictive substance that alters neurotransmitters in the brain. Allowing the exposure of such harmful chemicals to adolescents' continually developing brains is detrimental to the productivity, physical well-being, and mental state of the individual.

Although the long-term health effects of vaping are still vague and have yet to be studied in detail, it is evident in recent news the health effects e-cigarettes have caused. Individuals have suffered from various respiratory illnesses and pulmonary complications that have been linked to the usage of e-cigarettes. It is important to take the necessary measures to promote the cessation

and decreased initiation of e-cigarette usage. By supporting S.B. 2903, it would ensure the safety of Hawaii's Youth. Thank you for the opportunity to testify.

HB-2347-HD-1

Submitted on: 2/10/2020 3:03:29 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Godbey Carson	Individual	Support	No

Comments:

I support this bill. We had made so much progress on stopping kids from indulging in tobacco products until recent years when flavored tobacco products have been targeting our youth. Sadly, the numbers of youth using tobacco products via these products has not risen dramatically, with adverse consequences to their health and our health systems for years to come. Please pass this bill.

HB-2347-HD-1

Submitted on: 2/10/2020 4:01:32 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

HB-2347-HD-1

Submitted on: 2/10/2020 4:09:24 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

HB-2347-HD-1

Submitted on: 2/10/2020 4:39:37 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Bennett	Individual	Support	No

Comments:

Consumption of tobacco and other nicotine products is proven harmful for youth and their developing minds. Underage consumption of these products is proven to increase likelihood of dependancy and addiction. Tobacco companies use artificial flavors to attract youth to use their products. Hawaii has some of the highest underage tobacco usage in the nation. I support this bill that would ban the sale of flavored tobacco products.

HB-2347-HD-1

Submitted on: 2/10/2020 4:50:25 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Young	Individual	Oppose	No

Comments:

Don't ban our flavors.

HB-2347-HD-1

Submitted on: 2/10/2020 5:14:31 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

HB-2347-HD-1

Submitted on: 2/10/2020 5:47:18 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

I am in support of HB2347 which will prohibit the sale of flavored e cigarette products to Keiki, but I do not agree with the continued sale of menthol flavored products. All tobacco products contain nicotine which is highly addictive. Hawaii's teenage vape rates are higher than the national rate. Flavored nicotine liquids are enticing to the youth and causes them to experiment, then become addicted because they like the taste and smell. Flavored e cigarette liquids are often unnoticeable by others so the kids can continue to vape without consequence.

i urge you to ban the sale of all tobacco products flavored and Menthol flavored

thank you

HB-2347-HD-1

Submitted on: 2/10/2020 10:13:44 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiffany M. Marquez	Individual	Support	No

Comments:

While volunteering at local schools I have witnessed numerous adolescents vaping and encouraging other kids to try it. Peer pressure is extremely stressful, popularity is a big deal amongst adolescents, yet unhealthy lungs can cause higher amounts of stress and even death.

HB-2347-HD-1

Submitted on: 2/10/2020 9:29:44 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Mih	Individual	Support	No

Comments:

As a pediatrician and medical director of the Kapi’olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

HB-2347-HD-1

Submitted on: 2/10/2020 11:18:51 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Shishido	Individual	Support	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 6:55:45 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

The plan of this bill must be to make enemies of everyone that enjoys these products.

HB-2347-HD-1

Submitted on: 2/10/2020 11:50:24 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alana Cayabyab	Individual	Support	No

Comments:

Hi, my name is Alana Cayabyab. I'm 16 years old and a Junior at Kauai High School on the island of Kauai. I am in strong support of HB2347 as it works towards the end of flavored tobacco sales because I want to protect our future generations from the addictive nicotine and the many chemicals that are behind it. I have never smoked once in my life, but I'm constantly seeing my fellow peers and even younger get so addicted to these products mainly because they are drawn to these candy flavors that these companies advertise. I believe that if we end these sales, teens will find the real flavor disgusting causing them to stop. Being the oldest out of three, I don't want my younger siblings who are 3 and 8 years old to be influenced by these products and eventually start themselves. We are the future generation, we need to act now for the sake of our tomorrow. thank you for your time.

HB-2347-HD-1

Submitted on: 2/11/2020 7:53:13 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

Date: February 11, 2020

To: The Honorable Roy M. Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
Members of the House Committee on Consumer Protection & Commerce

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

Re: **Strong Support for HB2347 HD1**, Relating to Flavored Tobacco Products

Hrg: February 12, 2020 at 2:00 PM in Capitol Room 325

Aloha House Committees on Consumer Protection & Commerce and Judiciary,

As a parent, educator and healthcare professional, I am writing in **strong support of HB2347 HD1**, which bans the sale of flavored tobacco products, *except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol*; prohibits the mislabeling, sale, or marketing as nicotine-free any e-liquid product that contains nicotine; and, specifies penalties for violations.

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 e-liquids available in a multitude of kid-friendly flavors, these products are highly attractive to, and pose a huge risk of addiction and life-long impaired brain development for, our youth.

The reality is, **flavors hook kids**. More than 80% of kids who use e-cigs report having started with a flavored product. In research comparing vaping patterns, kids who use flavored products puff deeper and more often than when using unflavored products. More than 80% of kids who use flavored e-cigs say *they wouldn't vape if flavors were unavailable*.

I respectfully ask the Committees to **amend HB2347 HD1 to include menthol** in this ban on the sale of flavored tobacco products.

Menthol is a sensation-deadening compound found naturally in mint plants that imparts a cooling feeling. Menthol is added to tobacco products to reduce the throat burn caused by smoking and nicotine, making it easier for youth to start smoking and get hooked on nicotine. And, menthol increases the satisfaction smokers experience while smoking, compounding the addictive nature of tobacco products. The tobacco industry has a long history of marketing menthol products to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes, while menthol products account for approximately 30% of tobacco sales.

While e-cigarettes have not been demonstrated to be effective quit aids, tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. The reality is that **for each adult who tries to quit smoking with e-cigarettes, 81 kids start using e-cigs**. And, kids who use e-cigarettes are four times more likely to go on to smoking combustible tobacco cigarettes than kids who don't use e-cigs.

For adult cigarette smokers who want to try e-cigs to quit smoking, unflavored and tobacco-flavored e-cigarettes would remain available, products that research finds are not attractive to youth.

I **strongly support HB2347 HD1, amended to include menthol**, and respectfully ask you to pass this bill out of committee including a ban on menthol in tobacco products.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-2347-HD-1

Submitted on: 2/11/2020 8:10:16 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
donald erway	Individual	Support	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 8:14:57 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashlee Klemperer	Individual	Support	No

Comments:

February 11th, 2020

Re - Support HB2347: Relating to Flavored Tobacco Products

House of Representatives Judiciary Committee members and Committee Chair,

I am submitting testimony in great support of HB2347. As a prevention worker in Maui County I have seen first hand the harms and consequences of flavored tobacco products. Surveys of local youth across the state indicate that over 40% of Hawaii's youth start using tobacco and vaping products because of the flavors. This epidemic has swept across our state with such swiftness that parents, schools, law enforcement, and community members are unable to keep up.

I ask the committee to please support the ban of flavored tobacco products and pass this bill as it would be a firm step in curbing the impacts of the tobacco industry who seek profits over health and do not care for the wellbeing of our people. This bill will save lives, help families, alleviate stress on schools, and give the community a real fighting chance at improving our health and wellness,

Please pass this bill.

Thank you,

Ashlee Klemperer, MSW

851 S Kihei Road, Apt O103

Kihei, HI 96753

HB-2347-HD-1

Submitted on: 2/11/2020 8:38:04 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Mills	Individual	Support	No

Comments:

Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and it has been declared vaping a youth epidemic by the U.S. Surgeon General.

As a parent and public health educator for the State Health Department, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids' ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it's very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.

So, I ask the committee to please add a ban on menthol back into the wording of this bill. This is vital to the health of our youth! Menthol flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco products (including menthol) have the greatest appeal to youth and we must end the sale of these products.

HB-2347-HD-1

Submitted on: 2/11/2020 9:22:08 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

Please add menthol back into the bill. These vaping products, espeially menthol and the other falvors, are a menace to public health. Every day there are people smoking/vaping billowing clouds on the street corners, endanging those of us who value our right to breathe and have healthy lungs. It is we the people who matter, not the vaping/smoking companies. Please save our children and the rest of us.

lynne matusow

HB-2347-HD-1

Submitted on: 2/11/2020 9:26:40 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaliko Amona	Individual	Support	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 9:30:32 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Keawe'aimoku Kaholokula	Individual	Support	No

Comments:

I support this bill for the following reasons:

Menthol is a flavor and needs to be included in this bill. Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit.

81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.

The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

HB-2347-HD-1

Submitted on: 2/11/2020 9:23:17 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Franz Weber	Individual	Support	No

Comments:

- **Menthol is a flavor and needs to be included in this bill.** Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit.
- 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
- The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

HB-2347-HD-1

Submitted on: 2/11/2020 9:40:46 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea	Individual	Support	No

Comments:

2/11/2020

Dear Members of the Committee,

My name is Andrea Snow, and I live and work on Maui. I lost my grandfather and aunt to lung cancer, so I understand how smoking and lung disease devastates families. My grandfather was so addicted to nicotine, he continued to secretly smoke after having part of a lung removed. He started by smoking menthol cigarettes at age 12, back in the day before we had the research showing smoking causes cancer. Vaping may be the new way to smoke, but just like smoking, it also causes lung injury, illness and death.

I often go into schools to speak with students about taking care of their health. It is devastating to hear that many of the young people I see are already addicted to nicotine, and thereby tobacco, through the use of flavored electronic vaping devices.

I am in support of HB2347, because vape and tobacco products should not be flavored to appeal to children. We need to stop this addictive product from being marketed, priced and consumed like candy bars.

Banning flavors and taxing tobacco products are proven strategies to reduce youth initiation. The vast majority of youth who vape start with menthol or flavored products. These may taste good and sound harmless, but they are a drug and are incredibly addictive. Some vape liquid gives kids doses of nicotine equivalent to 40 cigarettes worth, ensuring they are hooked.

Please add menthol back in, and pass HB2346 to ban flavored tobacco and vape products to stop kids getting addicted to nicotine now, before another generation faces the consequences.

Thank you,

Andrea Snow

61 Kapuai Rd.

Haiku, HI 96708

HB-2347-HD-1

Submitted on: 2/11/2020 9:47:29 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

Dear Chair & Members

Aloha,

My name is Jostin I am a former smoker of 20 year's, I strongly oppose Senate Hb2347 HD1, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away from legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use, state and nation wide. It will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.

Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-

zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM
Mahalo Nui Loa for your time & consideration

TESTIMONY IN SUPPORT OF
H. B. 2347 H.D.1 – RELATING TO FLAVORED TOBACCO PRODUCTS

House Committee on Health

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

I would like to thank the Committee for the opportunity to testify in SUPPORT of H.B. 2347 H.D. 1. This bill would ban the sale of flavored tobacco products and prohibit the mislabeling, sale, and marketing of any e-liquid product containing nicotine as nicotine-free effective as of July 1, 2050.

Tobacco use remains a serious threat to public health. A report by the U.S. Food and Drug Administration issued in 2013, found that menthol cigarettes led to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking. The tobacco industry is targeting the youth of Hawai‘i, through means of creative marketing strategies, mainly through social media and the usage of flavors. Eye-popping and appealing flavors attract young people who would otherwise not have chosen to vape. Hawaiian POG, Moloka‘i Hot Bread, and Haupia are popping up as e-cigarette flavors across the state, not only attracting specifically kids from Hawai‘i but creating a new generation of nicotine addicts. The accessibility of e-cigarette products and their flavors provides an easy venue for kids to obtain them.

This measure will help to protect our keiki from a lifetime of addiction. Hawai‘i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used “electronic vaping product” in 2017, we have an urgent need to act.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products to quit. With the passage of H.B. 2347 H.D. 1, we can take a significant step forward towards ending the detrimental cycle of teenage vaping. Please help protect the lungs and lives of our keiki from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond.

Thank you for the opportunity to testify in support of H.B. 2347 H.D. 1.

Sincerely,

Taralyn Titus
MSW Candidate at University of Hawai‘i at Mānoa, Myron B. Thompson School of Social Work

HB-2347-HD-1

Submitted on: 2/11/2020 10:15:59 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

I strongly oppose HB2347. A flavor ban will take away my right to choose a cessation device including eliquids that have helped me choose a healthier alternative to combustible tobacco products. I have tried other nicotine replacement therapy, patches etc. None of which that have worked for me. Vaping has helped me. I have not touched a traditional cigarette for many many years. I will not go back to smoking. As I started vaping my health changed. I am able to run without stopping to catch my breath every 2 minutes. I can taste food that while smoking tasted a whole lot different. Unless you smoked and switched to vaping you wont understand what I am talking about. The overall decision is that as an adult I like eliquid flavors. They taste better than cigarettes. They smell better. My clothes dont stink cause of them. Electronic nicotine delivery systems and all its particulars definitely has and is playing a huge part in my life and health. Taking away such products will force people to seek other means. Not all will be legal. I have read and watched video testimonies of suicide cases of Veterans that could not attain vaping products because of their state banning devices and eliquids. Those veterans deaths are directly because of flavor bans and device bans. Do you want to head down that road. You are to make decisions to protect the public not cause deaths directly. Make anything vape related be only sold in vape shops. Make them like night clubs, must be 21+ to enter. Work with vape shop owners to adress the problems. Again I oppose HB2347

HB-2347-HD-1

Submitted on: 2/11/2020 11:56:16 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
TIMOTHY OISHI	Individual	Oppose	No

Comments:

Aloha

The island of Oahu has many issues concerning its residents and visitors that should be addressed by the board to whom I am writing this to. One of the issues that you are discussing right now pertains to flavored tobacco products and the use of them by residents of the state especially underage users. I do agree that the use of flavored tobacco products by minors is a problem but bill HB2347 which is proposed is not the right way of dealing with the issue. I don't know a right way to address this problem, but I can point out ways that will prevent this bill from working and in return hurting Hawaii's residents and tax payers of this beautiful state.

I started using tobacco products at the age of sixteen and have been using them ever since then. I started smoking Marlboro Lights and later moved to stronger ones like Marlboro Reds. None of the tobacco products that I started with or kept using were flavored in anyway including using menthol. Flavor did not attract me to start using tobacco products, but the curiosity of a sixteen-year-old kid did. The age to use tobacco products at that time was 18 but that doesn't prevent a curious teenager from getting what they want, and if anything, it makes it more desirable if they do. Minors these days are not getting flavored tobacco products from retail stores and they never will till they are of age. The easiest way of getting them today would be to get them online or from someone they know of age and willing to buy it for them. Many online websites don't require much to obtain flavored tobacco products like e-liquid for vaporizers. At the most they require either a birthdate which you select the month, day and date of the year you were born or just clicking the yes button saying that you are over 21 years of age. Any minor that is old enough to order something online will be able to figure out the birthdate they need to put to make it seem like they are of legal age to the site. Once they gain access, the whole inventory of that site is available to them and all they need is a credit card or visa gift card to purchase it. I currently work at a vaporizer store in the city of Honolulu and our establishment is strict on ID checking and making sure that no minor enters/purchases anything from the establishment or that any of the products that we sell are to our knowledge, being bought for a minor. Everyday we have to turn away eighteen to twenty-year-old kids that try to sneak by and hope that we are lenient or can slip by without us knowing. We even must turn away parents and grandparents that come in with minors that try to buy it for them to be the "cool" one in the minor's eyes. We constantly get from guardians that come in with minor why is it that they can't buy

the products since the kid just was telling them what to buy but they are the ones buying it. Some will even say that they would rather have their child/grandchild vaping than smoking things like marijuana or methamphetamine.

In the introduction of the bill it states that According to the 2010 study Smoking and Tobacco Use in Hawaii, seventy-eight per cent of Native Hawaiian/Pacific Islander adult smokers and forty-two per cent of White adult smokers consume menthol cigarettes. A 2008 study also indicated the high use of menthol cigarettes among Filipino adults. Conservative estimates noted in a 2011 paper suggest that over 300,000 deaths can be averted by the year 2050, if menthol cigarette smoking is eliminated. While this might be true, bill HB2347 will force all vapers that have already switched over from traditional tobacco back to their old habits. The data was taken before ESD's became a popular way for people to get off traditional tobacco products. The data is based on a majority cigarettes smoker and the number of deaths that were calculated to happen by 2050 will become a reality if people who used ESD's end up switching back.

Another concern that is addressed is The popularity of electronic cigarettes among youth is concerning, as these products contain nicotine. The United States Surgeon General noted in the 2016 report titled "E-Cigarette Use Among Youth and Youth Adults" that "because the adolescent brain is still developing, nicotine use during adolescence can disrupt the formation of brain circuits that control attention, learning, and susceptibility to addiction." Yes, these products are popular with teens and of course no one wants to see them develop addictions and life long habits, but these products aren't meant to be used by them. City's such as San Francisco were one of the first to completely ban flavors for ESD's yet the made medical marijuana recreational. Making marijuana recreations like ESD's have a lot of positives for adults but have made it ridiculously easy for children and teens to get a hold of. If you ask any respectful psychiatrist, they will agree that nicotine, while still bad for developing minds, will do less damage than a psychoactive like the THC found in marijuana. Making a substance banned for the sake of the future generation will be pointless if you are making a far dangerous substance for them far more easily available.

A solution to help reduce this problem would be to make harsher punishments for children and teens found possessing or using an ESD. Working in a Vape store I have had the chance to talk to many teachers and they will all agree with there being harsher punishments. Right now, all the teachers can do is contact the parents and most of the times the parents will ask the teacher to give the ESD back to the child so that they can bring it home to them. With out a harsher consequence, kids will continue to use ESD's and the worst that can happen is the parents that bought the device for their kids is called to be notified. With no consequences neither the child nor the parent will feel the need for anything to change because its just a slap on the wrist with no repercussions. Also just prohibiting purchasing ESD's online would decrease the number of underage users. If purchasing alcohol were like ESD's and be easily obtained online, we would have a whole generation of alcoholics. Even alcohol has candy, fruit and dessert flavors and they are used to make it more enjoyable to drink and also help mask the harshness of the liquid. The sale of alcohol is prohibited online, and more restrictions are in place

to help prevent the sale to underage. So if flavored alcohol has these restrictions then why wouldn't that be done for ESD's as well.

Kids are always going to find a way to get what they want and what they are most curious about, and in return the adults that are trying to get off from traditional tobacco products are the ones that will be most affected by this bill. Many adults were successful in getting off tobacco products like cigars, cigarettes and chew by switching to vaping. Most cigar and cigarette users were able to make the switch using flavored e-liquid. The flavors helped by making it enjoyable to vape and if they would get the urge to smoke a cigar or cigarette, it would make them taste horrible as well as the smell. Many ex-smokers can't go back to cigarettes or cigars after vaping because of how horrible it tastes and the smell that lingers from the smoke. The flavors would help keep them from smoking and stay off the tobacco products that we for sure know kills. The whole reason that smokers switch to vaping is so that they can stay away from traditional tobacco. A flavor ban will take away a very big part of vaping that plays a positive role in helping people switch and not want to go back. Banning flavored e-juice will also force many ex-smokers to get their products online which will result in vaporizer stores statewide to close their doors come January 1, 2021. There will be hundreds of residents that are part of the industry that will be without a job once that happens and all the money that would have been spent in the state would be going elsewhere. Money will be leaving our state economy, hundreds will be out of a job and no taxes can be collected from any of the businesses that were forced to close. We are already facing a problem with the increasing number of homeless in the state and this would only add to the existing problem.

This is the reason why I don't believe that bill **HB2347** will be effective in a positive way for the residents and tax payers of the state of Hawaii. I am writing this testimony because **I STRONGLY OPPOSE HB2347 AND FEEL THAT IT SHOULD NOT BE PASSED**. One group of the population should not have to be sacrificed for the other's sake. Just because some of the population is obese doesn't mean that we should ban everyone from eating rice and gravy. That's why we educate kids and parents about proper nutrition and a well-balanced diet. Everyone has the right to make choices including children and the only way we can help in making the best decisions for us would be through education. The vaping industry along with teachers, parents and government officials should work together to help solve this problem of underage vaping. Everyone in this state is part of one big Ohana and as an Ohana we should be coming together when trying to fix a problem involving all of us. Thank you for taking the time to listen to me.

Much Mahalo,

Timothy M. Oishi

HB-2347-HD-1

Submitted on: 2/11/2020 10:20:09 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

My name is Robin Iriarte and I oppose HB2347, HB1 as it would take away my rights as an adult to vape flavored eliquids. The CDC has portrayed the Vape industry in such a negative way has really put a bad name on the industry and greatly impacted many vape stores both large and small as well as eliquid manufacturers. By completely banning flavors it has already been proven with other states that this is not the root cause of our teens to get ahold of these. I understand that this is a new thing in the market but, however we need more education on why this is a healthier alternative. The UK has been prescribing vape mods and eliquids to individuals whom are trying to quit traditional cigarettes for some time now. People were not dying or getting sick from eliquids manufactured in a lab from reputable companies, they were getting sick from people making their own eliquid and thc cartridges and not knowing the right type of ingredients that are used to formulate it. If these teens choose to get them they will find a way to do so. We need enforcement rather than completely banning flavors, this will greatly impact jobs, revenue causing more hurt than good. Please understand that by completely banning flavors will cause people to resort back to conventional cigarettes and risk their health inhaling all the other carcinogens opposed to vaping which has four ingredients.

HB-2347-HD-1

Submitted on: 2/11/2020 11:26:01 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Miriam Mendoza Martinez	Individual	Support	No

Comments:

My name is Miriam Mendoza Martinez and I am a student at Konawaena High school. I am in favor of this bill which bans the sale of flavored tobacco in Hawaii. The tobacco consumption rates on this Island are extremely high. Today the youth is suffering due to the marketing of these products because they appear just like our favorite candy flavors. Just at my school alone many teens vape in the bathrooms and even in classrooms around other students making it seem cool when maybe they're just that addicted or hooked up to the nicotine that it is very hard to just spend a few minutes without vaping. Additionally, teens are now hanging out in the bathrooms vaping for whole class periods so this is not only affecting their health but affecting their education. As part of my coalition I support this ban because I have seen people that want to quit and it is extremely hard to quit. These products are causing severe health issues throughout our island and even nation wide. Also, I have seen and talked to many people that want to stop especially with all the recent deaths but can't because they need help and also sometimes they're parents don't even know what they are going through so they don't have the emotional support to quit making it so hard for them. Overall, Hawaii should ban the sale of flavored tobacco products because it is taking control of many people especially the youth affecting their lives in many negative ways there are no benefits with these harmful products to society so why should we keep them if all they do is cause more and more harm.

HB-2347-HD-1

Submitted on: 2/11/2020 11:32:06 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Juszczak	Individual	Support	No

Comments:

I am in support of this bill but strongly believe it should include menthol flavoring. I ask the committees to please add menthol into the bill.

Menthol is a flavor and needs to be included in this bill. Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit.

- 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
- The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

(Source: Hawaii BRFSS, 2008)

HB-2347-HD-1

Submitted on: 2/11/2020 11:42:51 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

Hawai'i is already experiencing a youth vaping epidemic. With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With over 15,500 flavors on the market, restricting the sale of kid-friendly flavors that appeal to youth is necessary to help protect them from a lifetime of nicotine addiction.

HB-2347-HD-1

Submitted on: 2/11/2020 12:15:34 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Carigon	Individual	Support	No

Comments:

Dear Hawaii State Legislature,

My name is Elijah Carigon and I am a senior at Waiakea High School in Hilo. I am writing to you in testimony of HB2347 and my strong support of this bill.

I believe the youth of Hawaii are tremendously impacted by the effects of vaping, in particular, the flavors used to entice young users. Although the use of traditional cigarettes is quite low among the youth of Hawaii, the use of e-cigarettes and vaping devices is at an all-time high. Flavors are the primary reason why young people are enticed to start vaping.

The US Surgeon General, CDC and FDA have actually declared that vaping among youth to be an epidemic. Currently 97% of youth who vape report that they use a flavored product and 81% of youth who have used tobacco products actually started with a flavored one. Additionally, and most importantly, in Hawaii, 1 in 4 high school students vape while 1 in 5 middle school students vape.

As a student, I can honestly say that vaping is a major problem among young people here in Hawaii. In my own school, students are constantly trying to find ways to vape. They do it in the bathrooms and other locations throughout the school. My mom is a middle school teacher in Hilo and she sees that vaping is a huge problem among the students at her school. Students as young as 11 years old are getting hooked on vaping and really it is mainly due to the flavors.

Young people really are the ones being targeted by the tobacco industry. With flavors like: sour patch, cotton candy, green apple, mango, and bubble gum, it is easy to see just exactly who the tobacco industry is going after. These flavors make it very easy and appealing for youth, basically children, to start vaping and soon become addicted to nicotine. Besides the life-impacting effects of nicotine addiction, other toxic chemicals are found in vaping such as formaldehyde, arsenic, and lead among several other toxins.

My sincere plea to you, on behalf of my peers, the youth of Hawaii, is to vote in support of HB2347.

Thank you very much for your strong consideration of my testimony.

Sincerely,

Elijah Carigon

February 11, 2020

To Whom it May Concern,

I am in support of bill:

HB2347 HD1

Relating to Flavored Tobacco Products

Bans the sale of flavored tobacco products, except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol. Prohibits the mislabeling, sale,, or marketing as nicotine – free any e-liquid product that contains nicotine.

HOWEVER,

- I recommend amendments to **include the flavor menthol for a comprehensive ban on flavored tobacco products**
- Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit
- The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, ***78% of Native Hawaiian and Pacific Islander smokers use menthol cigarette.***

Hawaii has one of the highest rates of middle schoolers and high schoolers use of vaping products IN THE NATION! Flavored products are targeted to our youth.

- 81% of youth who ever used tobacco products started with a flavored product
- 97% of youth who vape say they use a flavored product

Hawaii has one of the highest costs of living...this wasted money on vaping and all tobacco products could be used by these consumers to support a much healthier lifestyle...why even give this temptation?

I have two children...there are enough stresses and social pressures already in their world. Please, we need to take control of this vaping issue now!

Sincerely,

Mary Nees

HB-2347-HD-1

Submitted on: 2/11/2020 12:51:37 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erika Vargas	Individual	Comments	No

Comments:

I would support the ban all flavors, including menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol.

HB-2347-HD-1

Submitted on: 2/11/2020 1:00:55 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hillary Vidinhar	Individual	Support	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 1:17:40 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DANIEL DRAPESA	Individual	Oppose	No

Comments:

My wife smoked cigarettes for more than fifteen years. She would constantly get sick and would get winded easily She tried quitting many times with no success. After trying vaping she was able to quit over night. She has been smoke free for over a year and a half now with out the urge to return. Her health has dramatically improved and she can run and play with our children. If this bill was to pass into law, the cost vaping in Hawaii would dramatically increase. This could effect retailers and their employees. It would result in a lot of Hawaii's people losing their jobs. My wife's progress would not be possible without Vaping and she would most likely got back to traditional cigarettes if it vaping was no longer a viable option.

Aside from my wife's story, I myself work at brick and mortar Vape shop. My coworkers and I would have our careers threatened by this bill passing and becoming law. That would take away our livelihood and the means that we provide for our families. From our business standpoint this bill would add on alot of unexpected cost to maintaining our small business. The cost of our product would have to go up and we would most likely lose alot of customers. The worse case scenario our shop would shut down.

On a daily basis, at work, I meet adults who are of age who tell me how vaping has helped them quit and stay off smoking for a month, a year, five years or more. They tell me that vaping was the only way that truly worked for them. Studies show its 95% less harmful. Studies also show vaping gives smokers twice the likelihood of quitting over other methods (I.e. patches, gum, etc.) VAPING IS NOT SMOKING!! Alot of your supporting details bundle the two together and they are not the same thing. A more effective path you could pursue would be stricter punishments for retailers that sell to underage and for parents of kids caught vaping or with devices/eliquid. Parents need to be accountable for their children. Often times they are the ones buying it for the kids.

In closing I highly oppose HB2347 , Aloha!

HB-2347-HD-1

Submitted on: 2/11/2020 1:36:10 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cyrus	Individual	Support	No

Comments:

My name is Cyrus D., and I am from Kalihi, on the island of Oahu. I am testifying as a high school student. I am testifying on the HB2347 - Relating To Flavored Tobacco Products. I am testifying in support of this bill.

I support the banning of flavored tobacco products because I see teens near or outside the school I am currently attending vaping. Every time I walk to school or go home, most of the time, the smell of flavored vapors, such as Strawberry and Bubblegum, suddenly appear, and it is distinguishable that it is from an electronic cigarette. My friends and I would always cover our nose and mouth to avoid inhaling the vapor since studies show that the vapers affect one's lungs and even the brain. Seeing this youth breathing-in flavored tobacco products makes me worried for them. Many of them might not be thinking or know the negative consequence of vaping. The worst thing is when my friends, my sister, and I are at the bus stop waiting for the bus. There are times when an individual, or several of them, is vaping at the bus stop, and often we have no choice but to leave where we are, away from all the vapors. It is displeasing. Besides this experience, I conducted an educational presentation to health classes in the school I am attending, and their experiences of encountering flavored tobacco seem to be the same. The most common experience students had is finding that e-cigs and e-juice are places next to candies in convenient stores, and the sweets appear identical to the tobacco product. Flavored tobacco products are affecting the youth, including me, in our community, and something needs to happen.

In addition to my experiences, Hawaii's youth vaping epidemic is on the rise. Our state is one of the smallest states in our country, yet the youth vaping is one of the highest rates. According to the Hawaii YRBS (2017), about 15.7% of middle schoolers, and 25.5% of high schoolers are currently vaping in our small state. This statistic is high and concerning because electronic cigarettes contain dangerous chemicals such as nicotine. As we all know, nicotine is a highly addictive chemical that can impact the lungs and the adolescent's brain. Apart from the nicotine and other dangerous drugs, the youth vaping rates in our state and other areas are high due to the number of flavors that exist in the market. There are over 15,500 flavors currently being irresponsibly sold in the market. The flavors are for sure attracting the youth to try different ones, but one thing they don't know is that the nicotine has hooked them in a dangerous path.

As a future healthcare worker, the health of the youth and future generations is important. It bothers me that the Tobacco companies are focused on targeting the youth. I am in full support of this bill- HB2347 - for the safety of the youth and the future generation.

HB-2347-HD-1

Submitted on: 2/11/2020 1:38:34 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Hernandez	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 1:43:43 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Irene Papaconstadopoulos	Individual	Support	No

Comments:

Aloha,

I am a Pediatrician practicing on Maui and the amount of vaping in Maui's youth is devastating and calls for immediate action!!

Hawaii has one of the highest rates of middle schoolers and high schoolers currently using e-cigarettes in the nation - 15.7% of middle schoolers and 25.5% of high schoolers (Source: Hawaii YRBS, 2017). This is extremely concerning, as nicotine is a highly addictive drug that impacts the adolescent brain. [A study](#) found that e-cigarette use is a strong risk factor for eventual cigarette smoking, and for every adult that quits smoking using e-cigarettes, 81 young people will become future smokers - an unacceptable trade off.

WHY FLAVORS?

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? Flavors are designed to appeal to kids, while nicotine gets them hooked for life. Some troubling facts:

- **81% of youth who ever used tobacco products started with a flavored product**
- **97% of youth who vape say they use a flavored product**

WHY MENTHOL?

Tobacco companies use flavored products to keep customers of all ages addicted to their products. However, it's well-documented that menthol flavors

are particularly enticing to teens and adults who haven't previously used tobacco. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the African American community. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Source: Hawaii BRFSS, 2008).

HB-2347-HD-1

Submitted on: 2/11/2020 1:59:08 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Neubert	Individual	Support	No

Comments:

Please help keep our children from getting addicted to unhealthy tobacco products.

Date: February 12, 2020
To: The Honorable Roy Takumi, Chair
Linda Ichiyama, Vice Chair
Members of the Committee on House Committee on Consumer Protection & Commerce

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

From: Ruthie Diaz, BSW
rddiaz@hawaii.edu
Honolulu, HI 96813

Re: Support for HB 2347HD1: RELATING TO FLAVORED TOBACCO PRODUCTS

Hearing: Wednesday, February 12, 2020 at 2:00 pm at Conference Room 325

Thank you for the opportunity to submit testimony in SUPPORT of HB 2347HD1: RELATING TO FLAVORED 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 HB2347HD1, 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 HB2347HD1 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

Testimony to House Committee on Consumer Protection & Commerce AND
Committee on Judiciary

Wednesday, February 12, 2020; 2:00 pm.
State Capitol, Conference Room 325

Dear Chair Takumi, Chair Lee, and Joint Committee Members,

I support HB 2347HD1: RELATING TO FLAVORED 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 2347HD1 to save our children for the future.

Sincerely,

Jennifer Hausler
Pearl City, 96782

Testimony to House Committee on Consumer Protection & Commerce AND
Committee on Judiciary
Wednesday, February 12, 2020; 2:00 pm.
State Capitol, Conference Room 325

Dear Chair Takumi, Chair Lee, and Joint Committee Members,

My name is Ramic Santiago and I **support** HB 2347HD1: RELATING TO FLAVORED 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.

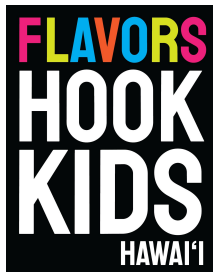
Hawaii needs to further the Trump administration's efforts to reduce the increasing number of underage children who use vaping products. Hawaii needs to ban all flavored vaping products in the state to fight the epidemic of underage teen vaping.

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-cigg Flavors to the Curb.
3. NIH National Institute on Drug Abuse.(2015). Teens and E-cigs.



To: Representative Roy Takumi, Chair Consumer Protection & Commerce
Representative Chris Lee, Chair Judiciary

Re: Support: HB2347, HD1: Relating to Flavored Tobacco Products

Hearing: Wednesday, February 12, 2020 at 2:00pm in Room 325

Dear Chairs, Vice Chairs, and Members of the Committees,

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT** HB2347. Flavors Hook Kids Hawai'i is working to protect Hawai'i's keiki by prohibiting the sale of all flavored tobacco products, **including menthol**, to prevent the tobacco industry from enticing children with these flavors. Endorsed by more than 200 organizations, community leaders and advocates, this campaign is a joint initiative of the American Heart Association, the American Lung Association, the American Cancer Society Cancer Action Network, the Campaign for Tobacco-Free Kids, and the Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute. We thank the Committees for hearing this measure. **We respectfully request that menthol, mint and, and wintergreen be added back into this bill.**

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in our state and the nation, killing 480,000 Americans annually. Hawaiian middle and high school e-cigarette use rates are truly alarming, (42% of all high school students and 27% of all middle school students reporting ever having used a "electronic vaping device."¹ Furthermore, we have recently seen a drastic increase in the number of youth who use tobacco products. From 2017 to 2018 rates have

¹ 2016 Behavioral Risk Factor Surveillance System (BRFSS). <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

increased among high schoolers from 11.7% to 20.8% and in middle schoolers from 3.3% to 4.4%.² It is clear that we must act and we must act now.

Prohibiting the sale of flavored tobacco products, including menthol cigarettes, at all tobacco retailers is critical protecting our keiki from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.³

Menthol is the Most Popular Tobacco Flavor Among Youth

Most insidious among the flavors preferred by youth, are mint and menthol. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

After a thorough review of the evidence, TPSAC concluded that "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."⁴

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of

² CDC, "Tobacco Use is Rising" February 2019 Report.

³ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

⁴ Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011

<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.⁵ Menthol cigarettes comprised 36 percent of the market in 2018.⁶

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.⁷ Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”⁸ The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.⁹

Flavored Tobacco Products Are Popular Among Youth

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.¹⁰ Just like with cigarettes, menthol e-cigarette are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.¹¹ Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.¹² Moreover, youth cite flavors as a major reason for

⁵ Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

⁶ U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018*, 2019, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereport2018.pdf> [data for top 5 manufacturers only].

⁷ Zhu, S-H, et al., “Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites,” *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

⁸ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

⁹ Marynak, K., et al., “Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014-2016,” *MMWR* 67(10): 294-299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.

¹⁰ FDA, “Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products,” September 11, 2019, https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm_source=CTPEblast&utm_medium=email&utm_term=stratout&utm_content=pressrelease&utm_campaign=ctp-vaping.

¹¹ Cullen, KA, et al., “e-Cigarette Use Among Youth in the United States, 2019” *JAMA*, published online November 5, 2019.

¹² FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”¹³

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁴ The manufacturer of JUUL, the most popular e-cigarette, claims that each JUULpod contains as much nicotine as a pack of twenty cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹⁵ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁶

The industry wants to blame the users, to avoid further restrictions on the sale of their product.

A tactic used by the industry around the country is to encourage the penalization of youth who they have successfully addicted to their product through the introduction of youth possession penalties and criminalization. These policies do not work, but allow the industry to ensure their users are hooked for life rather than accessing critical cessation and education programs that would lead to a decrease in customers.

The scientific evidence leaves no doubt that menthol cigarettes and other flavored e-cigarette tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry’s aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our keiki and vulnerable populations. By adopting this policy Hawai’i would become one of only a handful of states that have already

¹³ FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

¹⁴ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.

¹⁵ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

¹⁶ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

taken action to *end* the sale of flavored tobacco products. **Thank you for considering a strong and comprehensive policy. It will save lives.**

Sincerely,

Liza Ryan Gill, MA
Campaign Manager
Flavors Hook Kids HI Campaign
liza@flavorshookkidshi.org

Appendix

A1:Flavors Hook Kids HI- Supporting and Endorsing Organizations

HEALTH ORGANIZATIONS

‘Ohana Health Plan
Adventist Health – Castle
Akamai Recovery Maui
American Academy of Pediatrics –
Hawaii Chapter
American Cancer Society Cancer
Action Network (ACS CAN)
American Heart Association
American Lung Association
American Pharmacist’s Association
– Academy of Student Pharmacists
(APhA-ASP)
Big Island Substance Abuse Council
Blue Zones Project
Campaign for Tobacco-Free Kids
Coalition for a Drug-Free Hawaii
Coalition for a Tobacco-Free
Hawai‘i a program of Hawai‘i
Public Health Institute
Get Fit Kauai
Hamakua Kohala Health Centers
Hana Lima Physical Therapy
Hawaii – American Nurses
Association (Hawaii-ANA)
Hawaii Association for Health,
Physical Education, Recreation &
Dance (HAHPERD)
Hawaii COPD Coalition
Hawaii Dental Hygienists’
Association

Hawai‘i Nurses’ Association
Hawaii Pacific Health
Hawaii Primary Care Association
Hawaii Public Health Association
Hui Malama Ola Na Oiw
I Ola Lahui
Kaho’omiki; Hawaii Council of
Physical Activity and Nutrition
Kaiser Permanente
Kapiolani Medical Center for
Women & Children
Kauai Rural Health Association
Keiki Injury Prevention Coalition
Lāna‘i Community Health Center
Malama Pono Health Services
National Community Pharmacist
Association – Hawaii Student
Chapter
Oahu Kidney Care LLC
Papa Ola Lōkahi
Pediatric Therapies Hawaii
Project Vision Hawai‘i
Tobacco Prevention Project, Daniel
K. Inouye College of Pharmacy
Waimānalo Health Center
West Hawaii Community Health
Center
**YOUTH AND COMMUNITY
ORGANIZATIONS**
Ahuimanu Elementary’s School
Community Council

Alexander Academy of Performing Art
American Youth Soccer Organization (AYSO)
Association of Hawaiian Civic Clubs
Baldwin HS Peer Education
Being Adept
Big Island Interscholastic Federation (BIIF)
Bridge Club Hawaii
Hale 'Ōpio Kaua'i Inc.
Hawaii Appleseed Center for Law & Economic Justice
Hawaii Association of Independent Schools (HAIS)
Hawaii Children's Action Network
Hawaii Health and Harm Reduction Center
Hawaii High School Athletic Association (HHSAA)
Hawaii Job Corps Center
Hawaii Youth Services Network
Hui No Ke Ola Pono
Hui Ola Pono (UH Public Health's Student Organization)
Kauai Path Inc.
Kiwanis Club of the Valley Island
Konawaena HS Wellness Committee
Maui Economic Opportunity, Inc. (MEO)
Maui Interscholastic League (MIL)

Pacific American Foundation
Parents for Public Schools Hawai'i
Pono Hawaii Initiative
The Food Basket, Hawaii Island's Food Bank
The Friends of Kamalani and Lydgate Park-Beach Cleanup Team
Waiakea High School PTSA
Waipahu Int. Youth for Safety Club
We Are One Inc.

ELECTED OFFICIALS & GOVERNMENT

Sen. Stanley Chang
Rep. Stacelynn Eli
Rep. Sharon Har
Maui County Councilmember Kelly King
Hawai'i County Councilmember Sue Lee Loy
Kuliouou-Kalani Iki Neighborhood Board #2
Liliha/Puunui/Alewa/Kamehameha Heights #14
Makakilo/Kapolei/Honokai Hale Neighborhood Board #34
Makiki/Lower Punchbowl/Tantalus Neighborhood Board #10
Mililani/Waipio/Melemanu Neighborhood Board #25
Nanakuli-Maili Neighborhood Board #36
Pearl City Neighborhood Board #21
Waipahu Neighborhood Board #22
County of Kauai Office of the Prosecuting Attorney

Department of Education
Office of Hawaiian Affairs (OHA)

**HEALTH & COMMUNITY
LEADERS**

Tina Alcain
Forrest Batz, PharmD
Frank R. Baum, M.D.
Danielle Bergan
Janet Berreman, M.D.
Gregg Brenes, pastor
Jeenna Canche
Clifford Chang, MPH
Valerie Chang, JD
Michelle Ching, JD
Jeffrey H. Chester, DO
Carmen Cook, LMFT
Patti Cook
Joan Craft, RN
Keawe Kaholokula. PhD
Gary Hooser
Carol R. Ignacio
Colleen F Inouye, M.D.
Mark Levin, J.D.
Jasmin Kiernan, RN
Bryan Mih, M.D.
Michael Robinson, MBA, MA
Janice Shishido
Elizabeth K. Tam, M.D.
Catherine Taschner, J.D.
Jill Tokuda
John A. H. Tomoso, MSW, ACSW,
LSW
Linda Weiner, M.D.

Stacy Woodson
Cassiopia Yamashita

SCHOOLS

Chiefess Kamakahahei Middle School
Damien Memorial School
Kamaile Academy
Maryknoll School
Maui Preparatory Academy
Mid Pacific Institute
Sacred Hearts Academy
Saint Louis Schools
Waiakea High School
Waimea Middle Public Conversion
Charter School

BUSINESSES

Emma Whitney Photography
Filipino Business Women's
Association
Ganesha Body Piercing
Heartlight Montessori Homeschool
Home Remedies Interior Design
JCS Enterprises Inc.
Paia Tattoo Parlor
Shaka Tea
The Man Cave
The Root Cellar Studio Maui
Wailuku Dental Group

February 11, 2020

TO: Chair Roy M. Takumi
Vice Chair Linda Ichiyama
Members of the House Committee on Consumer Protection & Commerce

Chair Chris Lee
Vice Chair Joy A. San Buenaventura
Members of the House Committee on Judiciary

FROM: Cigar Association of America, Inc.
(William Goo)

RE: **HB 2347 HD1** - Relating to Flavored Tobacco Products
Hearing Date: February 12, 2020
Time: 2:00 pm

My name is William Goo. I represent the Cigar Association of America, Inc. (CAA).

CAA **opposes HB 2347 HD1** which seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the rising use of flavored tobacco products especially in electronic smoking devices by youth in Hawaii. Cigars are the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars.

Thank you for considering this testimony.

HB-2347-HD-1

Submitted on: 2/11/2020 3:26:28 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DOC	Irie Hawaii Waimea	Oppose	No

Comments:



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Wednesday, February 12, 2020

Relating to Flavored Tobacco Products
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports HB2347 HD1 Relating to Flavored Tobacco Products**, which bans the sale of all flavored tobacco products, excluding menthol products.

In the last few years the sale of traditional tobacco products has decreased while the sale of electronic smoking devices has grown. Studies have found that flavored products entice younger users and mask the harshness and taste of tobacco smoke making tobacco product smoother to intake. Federally, flavored tobacco products, excluding menthol are prohibited however only cigarettes, roll-your-own tobacco, and smokeless tobacco are only subject to that regulation. **HB2347 HD1** would make sure that these federal regulations on flavors would also apply to e-liquids and electronic smoking devices under Hawaii State statute effectively closing loopholes and treating all tobacco products the same.

Other jurisdictions have paved the way and introduced legislation to regulate the sale of flavored tobacco products. There is no reason that Hawai'i cannot be next.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

HB-2347-HD-1

Submitted on: 2/11/2020 4:11:15 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie	tabacco free	Support	No

Comments:

I strongly support the ban of tabacco as a student in Kealekehe High School.

HB-2347-HD-1

Submitted on: 2/11/2020 2:11:16 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Owens	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 2:30:10 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha. Please OPPOSE Bill HB2347 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-2347-HD-1

Submitted on: 2/11/2020 2:40:27 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Y Omura	Individual	Support	No

Comments:

Please ban flavors including menthol/mints from tobacco products as kids are attracted to these additives.

HB-2347-HD-1

Submitted on: 2/11/2020 2:41:40 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

Stop trying to take away my rights!!

HB-2347-HD-1

Submitted on: 2/11/2020 2:54:16 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
dillon rellez	Individual	Oppose	No

Comments:

I oppose this bill because e-cigarettes are proven to help people get off of bad habits and live a more healthy life. I quit smoking because of fruity e-cigarettes flavors and I don't feel I should be penalized for taking charge for health in my life. Thank you for your time.

HB-2347-HD-1

Submitted on: 2/11/2020 2:56:46 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathryn Braun	Individual	Support	No

Comments:

I am a professor of Public Health, testifying as an individual. My husband has Chronic Obstructive Pulmonary Disease, caused by smoking cigarettes from age 14 to age 34. When he started at age 14, he had no idea that he was causing damage to his lungs. Now, he is a high utilizer of our healthcare system!

About 80% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes. About 42% of Hawai'i high schools students report trying e-cigarettes, and this is a pathway to tobacco addiction. With flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum, the industry is clearly targeting our children!

Menthol is another flavor, and should be added back in the bill. It's well-documented that menthol flavors are particularly enticing to teens who haven't previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit. My husband started with menthol.

Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of addiction and subsequent disease, which is costly to families and to the state.

HB-2347-HD-1

Submitted on: 2/11/2020 2:58:20 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Muronaka	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 3:00:32 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ellen benton	Individual	Oppose	No

Comments:

Aloha. Please OPPOSE Bill HB2347 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-2347-HD-1

Submitted on: 2/11/2020 3:00:31 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ricky Alaniz	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 3:05:02 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
laraine snyder	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 3:08:20 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jericho Tobin	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 3:57:36 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
natalea mikami	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 3:57:51 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

Aloha. Please OPPOSE Bill HB2347 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-2347-HD-1

Submitted on: 2/11/2020 4:07:36 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

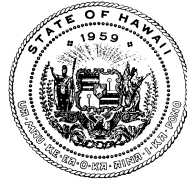
HB-2347-HD-1

Submitted on: 2/11/2020 4:14:29 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:



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

**Testimony in SUPPORT of H.B. 2347, H.D. 1
RELATING TO FLAVORED TOBACCO PRODUCTS**

REPRESENTATIVE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 12, 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 2347, House Draft 1 (H.B. 2347,
5 H.D. 1) as a measure to address the growing and unprecedented youth electronic smoking device
6 (ESD) epidemic in Hawaii. The DOH recommends the reinsertion of menthol in the definition
7 of characterizing flavors as a compelling public health and social justice issue.

8 Since the 2018 U.S. Food and Drug Administration (FDA) and Surgeon General
9 declaration of the youth e-cigarette epidemic, use among young people continues to rise. By
10 2019, 27.5% of high school students nationally reported vaping compared to 20.8% in 2018.¹
11 These figures represent a doubling of e-cigarette use between 2017 and 2019 for high schoolers
12 (11.7% to 27.5%) and tripling of use for middle schoolers (from 3.3% to 10.5%).² In total
13 numbers, 4.1 million high school youths and 1.2 million middle school youths said they currently

¹ 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>

² Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

1 use e-cigarettes.³ Hawaii youth in 2017 had amongst the highest ESD rates in the nation, with
2 25.5% high school, and 15.7% middle school students reporting regular use.⁴

3 The recent FDA announcement was not a ban on the availability of all flavored tobacco
4 products. Instead, products that are not legally on the market are being prioritized by the FDA
5 for enforcement. Since only flavored cartridge-based ESD products excluding tobacco- or
6 menthol-flavored are part of the announcement, flavored disposable and refillable ESDs remain
7 on the market. None of the ESDs on the market now have gone through premarket authorization
8 to determine public health risks and benefits to the population as a whole, including whether
9 non-tobacco users will start using the new products.⁵

10 Scientific studies increasingly are documenting evidence that flavors are the major reason
11 youth use tobacco. According to the 2013-2014 Population Assessment of Tobacco and Health
12 (PATH) study, 81% of 12-17-year olds, who had ever used a tobacco product, initiated tobacco
13 use with a flavored product. Additionally, 80% of current users had used a flavored product in
14 the last month.⁶ In 2019, the large majority of youth ESD users reported use of flavors, with
15 fruit, menthol or mint, candy, desserts, or other sweets being the most commonly used.^{7,8}
16 According to the same research, mint and menthol went from being among the least popular to
17 among the most popular flavors for high school students over the past four years.⁹ Data from
18 another 2019 study revealed that the most popular flavor among 10th and 12th grade Juul users

³ 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>

⁴Department of Health, [Hawaii Health Data Warehouse, Indicator-Based Information System](#), 2017 Hawaii Youth Risk Behavior Survey.

⁵ U.S. Department of Human Services, FDA, Center for Tobacco Products, Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization, Guidance for the Industry, January 2020, FDA-2019-D-0661: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-priorities-electronic-nicotine-delivery-system-ends-and-other-deemed-products-market>

⁶ Ambrose, B. K., Day, H. R., Rostron, B., Conway, K. P., Borek, N., Hyland, A., & Villanti, A. C. (2015). Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 314(17), 1871–1873. <https://doi.org/10.1001/jama.2015.13802>

⁷ Campaign for Tobacco-Free Kids, Statement of Matthew L. Myers, President, “JAMA Studies Show Youth E-Cigarette Epidemic is Getting Worse and Kids Shifted to Mint/ Menthol After Other Flavors Were Restricted”, November 5, 2019, retrieved from https://www.tobaccofreekids.org/press-releases/2019_11_05_jama

⁸ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

⁹ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

1 was mint.¹⁰ These data illustrate that trends among youth users of flavored e-cigarette products
2 change quickly and therefore must be addressed swiftly.

3 It is well documented that flavors, including menthol and mint, facilitate youth initiation
4 of tobacco use, which can expose the developing brain and body to the harmful effects of
5 nicotine. The former FDA Commissioner stated, “No child should be using any tobacco or
6 nicotine-containing product. We need to do everything possible to reverse the alarming trend of
7 rising youth use of novel products like e-cigarettes and help kids who may already be
8 addicted.”¹¹ The DOH supports this measure as both a health and social justice issue to protect
9 the next generation from a lifelong addiction to tobacco use.

10 Thank you for the opportunity to testify.

11

12 **Offered Amendments:**

13 Section 2, page 6, line 19, add the following:

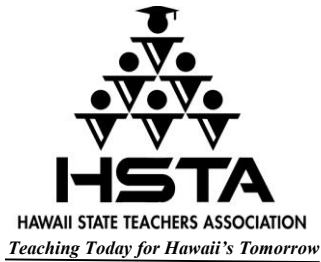
14 “. . . alcoholic beverage, menthol, mint, wintergreen, herb,
15 or spice.”

16 Section 2, page 8, lines 4-7 strike the following:

17 “. . .”E-liquid” does not include ~~any liquid or like~~
18 ~~substance designed or intended to be used in an electronic~~
19 ~~smoking device that has a distinguishable taste or aroma of~~
20 ~~tobacco or menthol~~; . . .”

¹⁰ Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O’Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA*. 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

¹¹ Press Announcement; Statement from FDA Commissioner Scot Gottlieb, MD, on the agency’s continued efforts to address growing epidemic of youth e-cigarette use, November 2, 2018.



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Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEES ON
CONSUMER PROTECTION AND COMMERCE
AND JUDICIARY

RE: HB 2347, HD1 - RELATING TO FLAVORED TOBACCO PRODUCTS

WEDNESDAY, FEBRUARY 12, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi, Chair Lee, and Members of the Committees:

The Hawaii State Teachers Association **supports HB 2347, HD1** which bans the sale of flavored tobacco products **with a suggested amendment that mentholated tobacco products also be included in the flavored tobacco ban.**

Flavored tobacco products have been proven as the entry point for youth to start smoking. **With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say they only use a flavored product.**

The use of e-smoking products among youth is at epidemic levels, especially in Hawaii. According to the 2017 Youth Risk Behavior Survey, **Hawaii has one of the highest rates of middle and high school usage in the nation at 15.7% and 25.5% respectively.** Moreover, 27% of middle school students and a whopping 42% of high school students have tried e-cigarettes. On the neighbor islands, usage trends are particularly concerning—in Hawaii county 34% of students reported they are regular users while on Kauai 32% are regular users.

Adolescence in 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.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking. According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” **Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.**

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawaii State Teachers Association requests you **support HB 2347, HD1 with the requested amendment.**

Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair
House Committee on Consumer Protection & Commerce

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

February 12, 2020, 2pm., Conference Room 325

Comments for House Bill 2347, House Draft 1, Relating to Flavored Tobacco Products

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 supports the intent of this bill but cannot support the exclusion of menthol tobacco products and liquid or like substances with a distinguishable taste or aroma of menthol. We call on Hawaii officials to ban flavored tobacco products, including e-cigarette products, to protect youth. 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.

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. 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.

Research has shown that menthol flavors are particularly enticing to teens and adults who haven't previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit. Therefore, the tobacco industry has an inherent need to block any bans on menthol.

Hawaii has long been a leader in tobacco control across the nation but has fallen behind in protecting youth from the dangers of flavored tobacco products. According to the Campaign for Tobacco-Free Kids, over 250 localities across the nation have passed restrictions on the sale of flavored tobacco products. In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes.

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 2347.



Pedro Haro
Executive Director
American Lung Association in Hawaii
pedro.haro@lung.org

HB-2347-HD-1

Submitted on: 2/11/2020 4:55:05 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Yamauchi	Hawaii Children's Action Network	Support	No

Comments:

I am writing in strong support of this bill, which would help protect the health of our Hawaii residents and, in particular, adolescents and young people.

I urge you to support this bill, and thank you for the opportunity to express my support.

Erica Yamauchi

President, Board of Directors, Hawaii Children's Action Network

HB-2347-HD-1

Submitted on: 2/11/2020 5:03:01 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

We are opposed to any bill that would take freedom of choice away from adult smokers or vapers.

www.hawaiismokersalliance.net



Testimony of Kimo Haynes,
President of the Hawaii Petroleum Marketers Association

**SUPPORTING THE INTENT OF HOUSE BILL 2347, HOUSE DRAFT 1,
RELATING TO FLAVORED TOBACCO PRODUCTS**

House Committee on Consumer Protection & Commerce
The Honorable Roy Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair

House Committee on Judiciary
The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair

Wednesday, February 12, 2020 at 2:00 p.m.
Hawaii State Capitol, Conference Room 325

Chairs Takumi and Lee, Vice Chairs Ichiyama and San Buenaventura, and members of both Committees,

I am Kimo Haynes, president of the Hawaii Petroleum Marketers Association (“HPMA”). HPMA is a non-profit trade association comprised of members who directly market liquid motor fuel products across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and who buy liquid motor fuel products at the wholesale level and sell or distribute products to retail customers, other wholesalers, and other bulk consumers.

House Bill 2347, House Draft 1 bans the sale of flavored tobacco products, except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol. Prohibits the mislabeling, sale, or marketing as nicotine-free any e-liquid product that contains nicotine. Specifies penalties for violations. Takes effect on 7/1/2050.

HPMA supports the intent of HB 2347, HD 1.

HPMA appreciates that the HD 1 version exempts menthol and liquid or like substances from the definition of “characterizing flavor.”

We also favor strict enforcement of laws regulating access to tobacco products. However, we are concerned that granting individual counties the ability to pass ordinances that are stricter than State law will result in varying restrictions from county to county that make compliance for retailers difficult. We respectfully recommend having a uniform statewide law and suggest

Supporting the Intent of HB 2347, HD 1,
Relating to Flavored Tobacco Products
House Committee on Consumer Protection & Commerce
House Committee on Judiciary
Hawaii State Capitol, Room 325
Wednesday, February 12, 2020 at 2:00 p.m.
Page 2

deleting the following section from the Proposed HD 1: **§712 - ____ Sale of flavored tobacco products, (5)**, *“Notwithstanding any other law to the contrary, any county may adopt a rule or ordinance that places greater restrictions on the access to flavored tobacco products than provide for in this section. In the case of a conflict between the restrictions in this section and any county rule or ordinance regarding access to flavored tobacco products, the more stringent restrictions shall prevail.”*

Thank you for allowing HPMA the opportunity to submit written testimony for the Committees' consideration.

HB-2347-HD-1

Submitted on: 2/11/2020 7:47:41 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Micah A. Kane	Hawaii Community Foundation	Support	No

Comments:

11 February 2020

**Re: Testimony in Support to HB2347
Relating to Flavored Tobacco Products**

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

HAWAII'S YOUTH VAPING EPIDEMIC

Hawaii has one of the highest rates of middle schoolers and high schoolers currently using e-cigarettes in the nation - 15.7% of middle schoolers and 25.5% of high schoolers (Source: Hawaii YRBS, 2017). This is extremely concerning, as nicotine is a highly addictive drug that impacts the adolescent brain. [A study](#) found that e-cigarette use is a strong risk factor for eventual cigarette smoking, and for every adult that quits smoking using e-cigarettes, 81 young people will become future smokers - an unacceptable trade off.

WHY FLAVORS?

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? Flavors are designed to appeal to kids, while nicotine gets them hooked for life. Some troubling facts:

- 81% of youth who ever used tobacco products started with a flavored product
- 97% of youth who vape say they use a flavored product

WHY MENTHOL?

Tobacco companies use flavored products to keep customers of all ages addicted to their products. However, it's well-documented that menthol flavors are particularly enticing to teens and adults who haven't previously used tobacco. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the African American community. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Source: Hawaii BRFSS, 2008).

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- I recommend amendments to include the flavor menthol for a comprehensive ban on flavored tobacco products
- Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit
- The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

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 slow down 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 passed.

Please contact me with any questions at Crystal.Robello@Sharecare.com.

Sincerely,

Crystal Robello

Community Engagement Lead
Blue Zones Project – Hawaii

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Hawaii by



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TestimonyHB2347_HB2347HD1_96499

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bluezonesproject.com

February 11, 2010

RE: HB 2347 HD1

Relating to Flavored Tobacco Products

The Pioneering Healthier Communities Initiative brings together local, diverse leaders to discuss and support strategies, policies and programs that we can accomplish together to build healthier communities in our island home. The members of PHC Honolulu are involved in supporting efforts that enable children and families to become healthier through schools, afterschool programs, healthcare and more.

E-cigarette use, especially among today's youth, has skyrocketed. Drive by any local Hawaii middle or high school before or after school and you will witness the large number of youth using these devices. But e-cigarettes are far from healthy. They contain chemicals, such as nicotine and diacetyl, that are known to have serious health consequences. Research has shown that most kids start their e-cigarette, and nicotine addiction, with flavored products such as bubble gum, fruity pebbles and cotton candy. Menthol cigarettes are also a popular starter product. E-cigarette manufacturers are aggressively marketing their products to our most vulnerable community members including kids, teens, and young adults.

We strongly support of **HB 2347 HD1**, which would end the sale of flavored tobacco products, including flavored e-liquids

Please understand **that menthol is a flavor and needs to be included in this bill.** While many kids start vaping with fun flavors, such as bubble gum, they often transition to menthol flavors soon thereafter – a sign of being cool and “healthy.”

As such, we urge you to pass this Bill.

Thank you very much for allowing us to testify.

Paula Adams

Ray L'Heureux

Amy Asselbaye

Daniel Leung

Michael Broderick

May Okihiro

Joy Barua

Diane Tabangay

Susie Chun Oakland

Tina Tamai

Jennifer Dang

Jordan Smith

Stacy Evensen

HB-2347-HD-1

Submitted on: 2/12/2020 12:04:51 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariner Revell	Irie Hawaii Stores	Oppose	No

Comments:

We Strongly oppose bill HB2347. First of all this bill infringes on the freedom of ADULTS. Vaping/Smoking is an adult activity. So is drinking alcohol. Alcohol use is nearly identical to vaping use among Hawaii high school students according to a report by the Hawaii Department of Health. Although vaping use is identical to drinking alcohol among teens in Hawaii, Alcohol is never a target. Why? Alcohol has just as many or more flavors. Adults like flavors also!

Secondly this bill mentions the vaping injury's of 2019. If the authors of this bill researched properly, they would find that in November 2019 the US Center for Disease Control has found that the vaping injuries were linked to Vitamin E Acetate that were in illegal black market THC vape cartridges not store bought items.

Also this bill would take the livelihood away of hundreds of people in Hawaii that are employed by vape shops. The vape shops in Hawaii are mom and pop stores not owned by big tobacco. This bill would devastate these businesses forcing all of them to close including my native Hawaiian owned business and my 30 employees. This is not fair to businesses such as my own that works hard to keep ecig and tobacco out of the hands of minors. We are doing the right things to prevent minors from acquiring tobacco/vape products! We just spent over \$25,000 for specialized software at our shops that scan IDs to further support our employees finding under age and fake IDs.

Finally just a couple of years ago legislators answer to underage smoking and vaping was to raise the age to purchase tobacco products to 21. Did it work? NO! This legislation took freedoms away from adults, has failed horribly and has made the problem worse. Why hasn't any legislator spoken of this failed law? This bill will only hurt Hawaii business, take away peoples freedoms and open up the black market to flavored vapes.

Stop taking away peoples freedoms and find real solutions! A good start is SB2049. Start punishing underage people for using vape items. Do not punish adults and businesses for the actions of teens. Teen texting and driving is illegal but happens very often. Are adults banned from driving due to this? Please make sensible laws and stop infringing on the rights of adults.

Thank you for your time in reading this testimony. I hope a sensible solution to vaping will be found.

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 HAWAII CAN TAKE TO REDUCE YOUTH VAPING

TAX E-CIGARETTES AS TOBACCO PRODUCTS

E-Cigarettes are the only tobacco products without a tobacco tax. These products often contain nicotine, which is derived from tobacco, and have not been approved by the FDA for cessation. Thus, they should be regulated via taxation as a tobacco product.

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.

Mahalo a nui loa for your time and consideration.

HB-2347-HD-1

Submitted on: 2/11/2020 4:22:14 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 4:37:04 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ASHLEY MATTOS	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 4:39:56 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 5:04:27 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

My name is Keala Solomon, and I am opposing this bill. I have been vaping flavored eliquids since I have started vaping. As an adult I do not see the harm in flavored eliquids, for adults. But as for kids who are getting ahold of vape products, it goes deep.

Do I affiliate with underage who vape, no. But I can say honestly I have encountered underage who vape. I asked a few how do they get their devices and their liquids, with no hesitation I had answers such as " parents got it for me", " my older brother", "my cousin". I've been in different vapes to know that all vape shops it is required to show a valid I.D. stating birthday and age. You want to keep these flavors out of underage hands, put a fine on the legal guardian. Put a confiscate on the underage with a fine to the legal guardian and watch how quick parents/adults will think twice about and of their kids/underage family member having these products.

I love the flavored eliquids, it is the reason why and how I got off of cigarettes. Since vaping I can't stand the smell of cigarettes. You want to put this flavor ban for vaping but yet you (the government) can't keep alcohol beverages out of underage hands. I don't want no kids ruining my reason of vaping, and a healthier lifestyle. Put out a fine to the underage who is caught with flavored eliquids. Give the legal guardian a \$1000 dollar fine, something like that. DO NOT BAN FLAVORED TOBACCO.

HB-2347-HD-1

Submitted on: 2/11/2020 5:09:31 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 6:33:55 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 6:58:33 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monika Lopez	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 7:21:15 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Heaukulani	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/11/2020 7:39:20 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

Unfair over-regulation.

HB-2347-HD-1

Submitted on: 2/11/2020 8:04:50 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique gunn	Individual	Oppose	No

Comments:

February 11, 2020

Strong Support of HB 2347 RELATING TO FLAVORED TOBACCO PRODUCTS.

To the House of Representatives

Hrg: Tuesday, February 4, 2020, 8:30 a.m., Conference Room 329

I strongly support HB 2347 RELATING TO FLAVORED TOBACCO PRODUCTS, which would Ban the sale of flavored tobacco products.

I also request that the committee add menthol back into this bill. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, including Native Hawaiians and Pacific Islanders.

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 HB 2347 RELATING TO FLAVORED 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-2347-HD-1

Submitted on: 2/11/2020 8:24:43 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Takumi, Chair Lee and Members of the Joint Committee on Consumer Protection & Commerce and the Committee on Judiciary,

I am writing in support of HB2347 HD1 which bans the sale of flavored tobacco products, except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol. Prohibits the mislabeling, sale, or marketing as nicotine-free any e-liquid product that contains nicotine. Specifies penalties for violations. Takes effect on 7/1/2050. (HD1)

The State of Hawaii needs to take a stand on tobacco products which harm human health. Too many innocent and ignorant teenagers believe that vaping is safer than smoking cigarettes. We need to protect non-smokers from the second hand vapors, just like second hand smoke.

Please pass this bill.

Mahalo,

Caroline Kunitake

HB-2347-HD-1

Submitted on: 2/11/2020 8:29:01 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Hagan	Individual	Support	Yes

Comments:

As a parent, nurse, and teacher, I am strongly in SUPPORT of the Flavored Tobacco Ban, however I recommend that the flavor menthol be included. We have an epidemic in youth vaping/e-cigarette use in Hawaii and statistics show that 81% of youth who vape say that they started with a flavored product. The sweet flavors- some of them locally themed like Maui Mango and Hawaiian POG and coming in deceptive packaging that looks like candy- lure kids in, decrease perception of harm, and then they become addicted to nicotine. Menthol is another flavor popular with those trying tobacco for the first time due to its cooling properties. Furthermore, menthol has historically targeted vulnerable groups and is popular amongst Native Hawaiians and Pacific Islanders, making it a social justice issue as well as a public health one. In Hawaii, 78% of Native Hawaiians and Pacific Islander smokers use menthol cigarettes. The health risks of e-cigarettes are well documented as are the disruptions to classes and schools, so a comprehensive ban is in order. As a nurse who provides tobacco cessation services I have seen how hard it is to quit tobacco products; so much better to prevent addiction in our vulnerable populations in the first place.

Mahalo,

Kathleen Hagan, MS, APRN, ANP-BC

HB-2347-HD-1

Submitted on: 2/11/2020 9:19:36 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Robello	Individual	Support	No

Comments:

- I recommend amendments to include the flavor menthol for a comprehensive ban on flavored tobacco products
- Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit
- The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

HB-2347-HD-1

Submitted on: 2/11/2020 9:53:09 PM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Poynter	Individual	Oppose	No

Comments:

Date: February 11, 2020

To: The Honorable Chris Lee, Chair

The Honorable Joy San Buenaventura, Vice Chair

Members of the House Judiciary Committee

Re: Strong Opposition of HB2347, Relating to tobacco flavored products

Hrg: February 12, 2020 at 2:00pm at Capitol Room 325

Dear Committee Members:

I strongly oppose HB2347 *which attempts to bans the sale of flavored tobacco products, except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol. Prohibits the mislabeling, sale, or marketing as nicotine-free any e-liquid product that contains nicotine. Specifies penalties for violations. Takes effect on 7/1/2050. (HD1)*

I have been a smoker for 18 years, and for the past 5 years I have been off of traditional tobacco by switching to e-cigarettes. As an adult, flavors played a major role in the process of me quitting traditional cigarettes. Since I made the switch, I feel that my overall health has improved. I used to suffer from major coughing, fatigue, congestion, and was more prone to frequent illnesses (such as colds). Since I made the switch to e-cigarettes, I have not had colds as frequently or as severe as when I was smoking traditional cigarettes and feel my energy has increased significantly.

E-cigarettes are a healthier alternative. E-cigarette use has helped traditional tobacco users quit and help save lives. There are numerous studies that have shown vapor emitted from electronic smoking devices (ESDs) to have much lower levels of toxicants present in traditional tobacco smoke. Long term health effects of vaping are unknown compared with traditional tobacco such as cigarettes. ESD vapor are likely to be much

less, if at all, harmful to users or bystanders (Hajek, P., Etter, J.F., Benowitz, N., et.al., Electronic cigarettes: review of use, content, safety, effects on smokers and potential for harm and benefit. Society for the Study of Addiction, vol 109, issue 11, Nov. 2014. 1801-1810).

Dr. Michael Siegal of the Boston University of Public Health, an expert in public health, supports vaping as an alternative to cigarettes. In his professional opinion, e-cigarette use is more reasonably effective than most nicotine replacement therapies via pharmaceutical products which often have nicotine in them. E-cigarettes are increasingly popular among smokers as an alternative and there is no hard evidence of regular use to be as detrimental as traditional tobacco. Just the fact that e-cigarettes enable users to reduce or quit smoking is a huge benefit and could save the state in health care costs.

Banning flavors may have unintentional consequences. Banning flavored e-liquids may drive a black market causing increased risk of e-liquids being made incorrectly and potentially harming thousands of vapers/citizens in the state. Right now the FDA have certain regulations in place for facilities and have standardized guidelines to ensure product safety. If people start making their own e-juice or e-liquid this may create more unintentional harm to the people of Hawaii.

Prohibiting flavor options creates a barrier to becoming smoke free and, as a result, many people will actually be encouraged to continue smoking instead of making the switch to a product that is estimated to be 99% less hazardous than smoking traditional cigarettes.

Banning flavored tobacco products will not curb teen vaping, which is the main concern for this flavor ban. Some agencies believe that flavors hook kids, but adults favor flavors as well. Flavors are an important aspect of vapor product as they help people who are quitting smoking disassociate nicotine consumption from inhaling smoke and the taste of burning tobacco.

Instead, please consider stronger laws that should deter the purchase of e-cigarettes among Hawaii's youth. The state of Hawaii already has an age to 21 law in place which should be enforced heavily to deter kids from attaining these products.

Please allow the people of Hawaii to continue to access e-cigarettes to help with their tobacco addiction. There are harmful medications available of which have been used to treat tobacco addiction that have dangerous side-affects. For example Chantix can cause depression, seizures, cardiovascular and blood vessel complications. These medications can be very expensive. E-cigarettes are definitely a healthier alternative. I have been vaping for 5 years after smoking cigarettes since I was in the 7th grade. I feel stronger, healthier (breathe better) and my sense of taste has returned. There are positive effects of e-cigarettes. Please don't take away the opportunity and personal choice for tobacco smokers to access lower cost alternatives.

I strongly oppose HB2347 and ask you to kill this bill on the spot.

Mahalo,

Electronically signed

Jonathan Poynter

HB-2347-HD-1

Submitted on: 2/12/2020 12:23:43 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Revell	Individual	Oppose	No

Comments:

Honorable Representatives:

I strongly oppose HB2347. A ban on flavored eliquids would go against Federal law enacted in 2009. Adults should have the right to use flavored eliquids. Please vote against HB2347.

Respectfully submitted,

Theresa Revell

HB-2347-HD-1

Submitted on: 2/12/2020 12:54:43 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Bauguess	Individual	Oppose	No

Comments:

To whom it may concern,

I oppose HB2347. Please listen to your voters.

Mahalo,

Louis Bauguess

HB-2347-HD-1

Submitted on: 2/12/2020 5:48:15 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	No

Comments:

HB-2347-HD-1

Submitted on: 2/12/2020 6:10:10 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andy Takaaze	Individual	Oppose	No

Comments:

I oppose taking away choices from law abiding adults in the name of stopping underage smoking. If you really want to curb underage use PASS A POSSESSION LAW.

HB-2347-HD-1

Submitted on: 2/12/2020 7:32:37 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kourtney Kwok	Individual	Support	No

Comments:

To Whom This May Concern,

The sale of flavored tobacco should be banned in Hawaii. My name is Kourtney Kwok and I am a senior at Punahou School. I was always aware of the problem around tobacco, but it wasn't until a year ago that I first realized how troublesome the issue was becoming. When I learned that more than half of my younger cousin's class vaped, I knew this was a serious issue. She was only in middle school and yet kids her age were using drugs. A couple months later, news regarding e-cigarette related illnesses and deaths were happening almost every week. It was surprising and concerning to see the numbers skyrocket on TV. I remembered those kids my cousin mentioned and felt a need to do something about it. I didn't want them to get sick, and I definitely didn't want any of my younger siblings or relatives to be involved with tobacco.

Tobacco, whether it's in the form of a cigarette or vaping liquid has significant effects on a child's brain development and overall health. There are hundreds of different carcinogenic and dangerous chemicals found in tobacco products, such as arsenic, formaldehyde, cadmium or lead. Young kids end up using these products mainly because of the various flavors offered. E-cigarettes, for example, offer over 16,000 unique flavors. For kids unaware of the harmful effects, this is what can hook them into using this dangerous product. Big Tobacco companies use this to their advantage by marketing flavors in ways that are familiar to children. They use packaging and designs similar to name brand candies and cereals to appeal to a younger audience.

By banning the sale of flavored tobacco, including menthol cigarettes, it would prevent kids from getting hooked into using these products. The law may state you need to be 21 and over to purchase these items, but those who are underage still manage to get a hold of them. In fact, Hawaii has one of the highest vaping rates in both middle and high school for the United States. Ending the sale of these addicting and enticing flavors would stop kids from continuing or joining. Educating others does play a role in prevention, but so does stopping the source as well. Without cool flavors to choose from or availability to menthol's minty feeling, many youth would be discouraged from starting in the first place. This is why completely stopping the sale of flavored tobacco is important.

Whichever side of the argument you fall on, at the very least this action should be taken. Yes, this decision will affect businesses and adults who choose to use tobacco, but it will also save the lives of children in our community. Placing this bill into law will prevent kids from ever getting the opportunity to try using tobacco. While it is inevitable for there to be economic repercussions, I believe it is a necessary sacrifice we should all be making. When it comes to the health of those around us, especially of those in the next generation, it is an issue we should take seriously. By spreading awareness, educating others, and enforcing this bill, we can be one step closer to ending this epidemic.

Kourtney Kwok

HB-2347-HD-1

Submitted on: 2/12/2020 7:53:51 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

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

Comments:

This legislation is fatally flawed:

- Regular commercial, legal nicotine (or no-nicotine) e-cigarette use or vaping is not linked to lung injury, let alone death. The CDC has conclusively linked the recent outbreak of illness to specific chemicals used by illegal THC/cannabis/marijuana concentrates dealers. These are two very different products and markets. The state department of health must be aware of this and must not lie about it.

- Most youth do not cite flavors as the reason the primary reason they tried ecigarettes on the 2019 National Youth Tobacco Survey. Only 22% cited flavors, versus 55% citing simple curiosity and 30% citing a friend or family member using them.

- The so-called "youth epidemic" is overblown. The vast majority of youth reporting in the 2018 and 2019 youth tobacco surveys are not habitual users, and of the ones that are, the great majority are or were tobacco users. And as the statistics show, youth smoking is down. This means that vaping, while novel and interesting to experimenters being an ascendant technology, is in fact doing the same thing in youth as it is in adults -- displacing smoking. This is good.

- Nicotine ecigarette risk is assessed at least 95% less than smoking cigarettes and a recent study confirmed it to be twice as effective for quitting smoking as patches, gum, and other similar products. This is why the UK's public health system embraces ecigarettes as smoking harm reduction and even places vape shops in hospitals.

Flavors are an integral component of tobacco harm reduction vaping, the vast majority of legal, adult vapers use and prefer non-tobacco flavors. Banning them would destroy a legal, vastly healthier alternative to tobacco smoking, destroying many businesses in Hawaii while leading tens of thousands of Hawaii residents back to smoking. Vaping is not smoking, it is the SOLUTION to smoking, yet every year the legislature tries to ban it again. It is past time for the state to recognize that vaping is one of the best harm-reduction technologies ever invented and embrace it.

HB-2347-HD-1

Submitted on: 2/12/2020 8:43:35 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Tabata	Individual	Support	No

Comments:

I would also recommend amendments to include the flavor menthol for a comprehensive ban on flavored tobacco products. Menthol's minty taste masks the harshness, allowing for deeper and longer inhalation, making it easier to start and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.



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Beau Oshiro, C&S Wholesale Grocers, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*

TO:

Committee on Consumer Protection and Commerce, and Committee on Judiciary
Rep. Roy M. Takumi and Rep. Chris Lee, Chairs
Rep. Linda Ichiyama and Rep. Joy A. San Buenaventura, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 12, 2020
TIME: 2pm
PLACE: Conference Room 325

RE: HB2347 HD1 Relating to Flavored Tobacco Products

Position: Oppose

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.

The federal government already has in place regulations regarding flavored cigarettes. Tobacco regulations are handled at the federal level for good reason. Enforcing this type of ban on very specific kinds of a product, which are legal at the federal level would require be a potentially logistically difficult and very expensive process.

Trying to ban products that are legal in other parts of the country also heavily incentivizes black market purchases. As we've seen in recent years with the fireworks ban, creating very specific state laws that are not enforceable can simply create a totally unregulated black market.

This bill unfairly targets and penalizes adults who choose to use certain types of products, and the business that serve these customers. We thank you for the opportunity to testify.

HB-2347-HD-1

Submitted on: 2/12/2020 9:37:18 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

LATE

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

Comments:

People before Profit

Stop poisoning people.

www.WeAreOne.cc

HB-2347-HD-1

Submitted on: 2/12/2020 8:54:36 AM

Testimony for CPC on 2/12/2020 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Molly Mamaril	Individual	Support	No

Comments:

Flavored Tobacco Ban

End the Sale of Flavored Tobacco Products!

LATE

I, _____ Strongly Support HB2347

HAWAII'S YOUTH VAPING EPIDEMIC

Hawaii has one of the highest rates of middle schoolers and high schoolers currently using e-cigarettes in the nation - 15.7% of middle schoolers and 25.5% of high schoolers (Source: Hawaii YRBS, 2017). This is extremely concerning, as nicotine is a highly addictive drug that impacts the adolescent brain. [A study](#) found that e-cigarette use is a strong risk factor for eventual cigarette smoking, and for every adult that quits smoking using e-cigarettes, 81 young people will become future smokers - an unacceptable trade off.

WHY FLAVORS?

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? Flavors are designed to appeal to kids, while nicotine gets them hooked for life. Some troubling facts:

- 81% of youth who ever used tobacco products started with a flavored product
- 97% of youth who vape say they use a flavored product

WHY MENTHOL?

Tobacco companies use flavored products to keep customers of all ages addicted to their products. However, it's well-documented that menthol flavors are particularly enticing to teens and adults who haven't previously used tobacco. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the African American community. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Source: Hawaii BRFSS, 2008).

LATE

HB-2347-HD-1

Submitted on: 2/12/2020 10:25:38 AM
Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Royce Fukuroku	Individual	Support	No

Comments:

HB-2347-HD-1

Submitted on: 2/12/2020 10:54:05 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsie Cajka	Individual	Support	No

Comments:

I recommend amendments to include the flavor menthol for a comprehensive ban on flavored tobacco products.

HB-2347-HD-1

Submitted on: 2/12/2020 9:01:46 AM

Testimony for CPC on 2/12/2020 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
HANALEI BENN	Irie Hawaii	Oppose	No

Comments:

I Oppose This bill mainly because as a e-liquid smoker I myself do not like menthol and would dislike that fact i would no longer have the choice of the flavor i do like because they could only now sale one or two choices (menthol or tobacco flavor) so the others that do like those are able to still smoke but i would no longer be able to enjoy it.

LATE

HB-2347-HD-1

Submitted on: 2/12/2020 10:27:09 AM

Testimony for CPC on 2/12/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Moani Aiona	Individual	Support	No

Comments: