



**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. 2348, HOUSE DRAFT 1, RELATING TO THE SALE OF 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. 2348, House Draft 1, RELATING TO THE SALE OF TOBACCO PRODUCTS.

The bill, as received by your Committee, would establish a schedule of civil fines for violations of Section 712-1258, Hawaii Revised Statutes (HRS) [Tobacco products and electronic smoking devices]. Among other things, this bill would:

- (1) Provide that an employee of a retailer, permittee, or registrant who violates the prohibition on the sale of tobacco products and electronic smoking devices, be fined \$100 for the first offense, and \$500 for any subsequent offense within five years of a previous offense;
- (2) Provide that any retailer, permittee, or registrant who violates or whose employee violates this prohibition be fined \$500 for the first offense, between \$500 and \$5,000 for a second offense within five years of a previous offense, and have the retailer's, permittee's or registrant's license suspended for a third or any subsequent offense within the five years of the last offense;
- (3) Clarify that for purposes of this law, the definition of "tobacco product" includes "e-liquid"; and
- (4) Provide that upon approval, this law take effect on July 1, 2020.

Testimony on House Bill No. 2348, House Draft 1
Wednesday, February 12, 2020; 2:00 p.m.
Page 2

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@hawaiiipca.net.



**American
Heart
Association.**

**American Heart Association Testimony for HB 2348, HD1
“Relating to the Sale of 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 2348, HD1, **but opposes the imposition of youth fines included in Section 1, Part (6)(c).**

The bill’s intention is to clarify existing state law to insure that both retailers and their employees are subject to fines related to enforcement of the State’s Tobacco to 21 law. It also would ban the sale of flavored tobacco products, or the mislabeling of tobacco products as nicotine-free.

It is important that not only tobacco retailer sales staff be held accountable for illegal sales of tobacco products to those under age 21, but also the retailers themselves who stand to profit most from those illegal sales. Clarifying our laws to insure that retailers are also accountable will help to insure that they properly train their staff on the law, and work to insure that illegal sales do not occur.

The American Heart Association, however, strongly opposes youth possession and penalties (PUP) tobacco laws. The rise in PUP laws is linked to Big Tobacco’s response to the Synar amendment which required states to enact and enforce laws prohibiting distribution and sale of tobacco products to minors. As states imposed restrictions on tobacco retail sales, the tobacco industry and retail merchants associations pressured lawmakers to penalize buyers and users as well as vendors.

Advocates for PUP laws hoped that the laws would play a central role in a multi-pronged approach to reducing youth initiation and smoking rates, but studies show little evidence of a deterrent effect over time.

Big Tobacco targeted youth for decades, seeking to create new generations of customers addicted to its products. Instead of holding industry and retailers accountable, PUP laws shift responsibility to their victims – young consumers who are purchasing and using a deadly and highly addictive product.

Psychologists have found that punishment is not an optimal strategy for behavior change – a finding that is even more relevant when the behavior in question is addictive. PUP laws are unlikely to reduce youth initiation and smoking prevalence at the population level. Some researchers suggest that they are counterproductive, actually increasing smoking rates among youth who seek to engage in behavior deemed deviant or behavior associated with adulthood.

PUP laws are inequitable because they disproportionately affect youth of color. Youth of color – as well as LGBT youth, youth with disabilities, and boys – are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry.

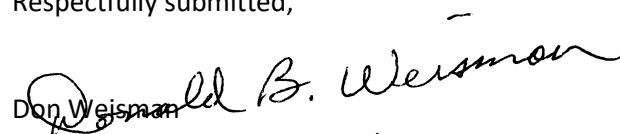
Enforcement of PUP laws also disproportionately affects youth from low-income communities. High smoking rates are correlated with low income, and there are more tobacco retailers and advertisements in less affluent areas. Consequently, low-income youth are more likely to smoke and to be affected by PUP laws. A child with a job, a single parent, or 2 parents who work outside the home may struggle to complete community service or pay fines. A child who is unable to complete community service or pay fines may be subject to escalating penalties that are increasingly difficult to resolve. Further, the resulting stress takes a toll on health and increases the likelihood of risky behaviors or involvement with juvenile justice, mental health, substance use, or other systems.

PUP laws stigmatize youth who smoke, yet smoking is an addictive behavior promoted by a billion-dollar industry that directly and deliberately targets them. Stigma is not an effective public health intervention, and it may keep kids from seeking cessation treatment or education. Problematic behaviors such as smoking may be more likely to continue in the face of punishment (as opposed to cessation interventions) because punishment provides an incentive to hide the behavior and protect those engaged in it.

The Association instead recommends a focus on policies that have been proven effective in reducing youth tobacco use including increasing taxes, allocating state funding to meet the CDC's recommended level of tobacco prevention, control and cessation funding for the state, limiting sales to youth through effective enforcement of retailers for underage sales, restricting online sales, and prohibiting flavored tobacco products.

In Hawaii alone, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs directly caused by smoking (\$141.7 million of that is covered by the state Medicaid program). Hawaii's estimated tobacco tax revenue, estimated to be approximately \$110 million per year, does not come close to offsetting the losses to the state caused by tobacco use.

Respectfully submitted,


Donald B. Weisman
Hawaii Government Relations/Communications Director

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 2348, HD1
Relating to the Sale of 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 2348, HD1** which establishes a schedule of penalties for employees and holders of retail tobacco permits to sell electronic smoking devices who illegally sell tobacco products and electronic smoking devices to persons under 21.

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, electronic smoking device (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. Establishing a schedule of penalties for persons who sell ESDs to persons under 21 is a step forward in ensuring the health and wellness of our youth.

Thank you for the opportunity to testify.

HB-2348-HD-1

Submitted on: 2/10/2020 8:19:21 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Johnson	Hawaii Substance Abuse Coalition	Support	No

Comments:

HSAC supports penalties for selling e-cigarettes to minors to help curb youth's growing use to avert a potential public crisis.

HB-2348-HD-1

Submitted on: 2/10/2020 10:45:58 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.

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 **HB2348 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 **HB2348 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.

This bill aids enforcement efforts around the illegal sale of tobacco products to minors. With your support, we can while continue to lead the nation with effective tobacco-related policies and demonstrate Hawaii's ongoing commitment to curbing the use of tobacco products, especially among our most vulnerable populations.

Thank you for this opportunity to testify in support of **HB2348 HD1**.

Sincerely,



Colby Takeda, MBA, MPH
President, Kaho'omiki



HIPHI Board

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Robinson, MBA, MA
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Hawaii Pacific Health

JoAnn Tsark, MPH
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Medicine, Native Hawaiian
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University of Hawaii at Manoa,
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 2348 HD1, Relating to the Sale of 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 Instituteⁱ is in **Support of HB2348, HD1** which clarifies that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity rather than the employee.

The Coalition supports HB2348, HD1, which shifts the responsibility from an individual employee to the retailer or permittee. This will incentivize them to provide their employees education and direction on our state law, ensuring retailers keep closer oversight of the sale activities in their stores. This change places majority of the responsibility on the entity with the power to ensure compliance with Hawaii's Tobacco 21 law.

Thank you for the opportunity to testify. We respectfully ask you to pass this measure out of committee.

Mahalo,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

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.

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 HB2348 HD1**, Relating to the Sale of Tobacco Products

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

Aloha House Committees on Consumer Protection & Commerce and Judiciary,

I am writing in **strong support of HB2348 HD1**, which establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic cigarette smoking devices who illegally sell tobacco products and electronic smoking devices to persons under 21.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addition) epidemic and has one of the highest rates of youth e-cigarette use in the nation.

Stronger deterrents to underage access to e-cigarettes and e-liquids in retail establishments is a positive step toward reducing the availability and use of e-cigarettes among our youth.

Establishing penalties for retail tobacco permit holders, not just sales clerks, will encourage retailers to effectively train their staff to avoid all tobacco product sales, including e-cigs and e-liquids, to those under the age of 21. This will provide additional community support to deter youth e-cig access and encourage all tobacco product retailers to be part of the solution to the youth vaping epidemic.

I **strongly support HB2348 HD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-2348-HD-1

Submitted on: 2/10/2020 4:09:44 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-2348-HD-1

Submitted on: 2/10/2020 5:14:54 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-2348-HD-1

Submitted on: 2/11/2020 12:53:19 PM

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

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

Comments:

Will there be penalties for those who purchase tobacco products for minors?

HB-2348-HD-1

Submitted on: 2/11/2020 1:38:08 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-2348-HD-1

Submitted on: 2/11/2020 3:25:53 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:

HB-2348-HD-1

Submitted on: 2/11/2020 2:11:42 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-2348-HD-1

Submitted on: 2/11/2020 2:29:06 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 HB2348 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-2348-HD-1

Submitted on: 2/11/2020 2:41:57 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:

HB-2348-HD-1

Submitted on: 2/11/2020 2:51:51 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 because we already have laws where the people selling get penalized for selling to an underage minor. For minors that do break the rules they themselves and the parents should be punished. Thank you for your time.

HB-2348-HD-1

Submitted on: 2/11/2020 2:57:47 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-2348-HD-1

Submitted on: 2/11/2020 2:59:24 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 HB2348 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-2348-HD-1

Submitted on: 2/11/2020 3:00:16 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-2348-HD-1

Submitted on: 2/11/2020 3:03:43 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-2348-HD-1

Submitted on: 2/11/2020 3:56:30 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 HB2348 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-2348-HD-1

Submitted on: 2/11/2020 3:07:19 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-2348-HD-1

Submitted on: 2/11/2020 3:57:15 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-2348-HD-1

Submitted on: 2/11/2020 4:06:27 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-2348-HD-1

Submitted on: 2/11/2020 5:03:47 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 18 or older.

www.hawaiismokersalliance.net



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

**SUPPORTING THE INTENT OF HOUSE BILL 2348, HOUSE DRAFT 1,
RELATING TO THE SALE OF 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 2348, House Draft 1 establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic cigarette smoking devices who illegally sell tobacco products and electronic smoking devices to persons under 21. Effective July 1, 2050.

HPMA supports the intent of HB 2348, HD 1.

We appreciate the language in HD 1 that includes employees among those who could be fined for violating this statute. Last year’s bills insulated frontline retail employees from liability. In our estimation, that would have worked against the overall objective of keeping tobacco products out the hands of underage buyers.

Thank you for allowing HPMA the opportunity to submit written testimony on this bill.



HAWAI'I COMMUNITY FOUNDATION
Amplify the Power of Giving

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

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

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

**Re: Testimony in Support of HB 2348, Proposed HD1,
Relating to the Sale of Tobacco Products**

Date: Wednesday, February 12, 2020

Time: 2:00 P.M.

Place: Conference Room 325, State Capitol

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

The Hawai'i Community Foundation strongly supports HB 2348, Proposed HD1. The proposed changes strengthen enforcement of Hawaii's groundbreaking state law prohibiting sales of tobacco products to persons under age 21 by creating separate penalties for tobacco retailers, permittees, or registrants and their employees. This establishes clear incentives for all parties involved in the retail sales of tobacco products, including electronic smoking devices, to abide by the Age 21 law.

Stronger enforcement of the Age 21 law is an important component of statewide efforts by HCF and many others to reduce the epidemic-level usage of electronic smoking devices (ESDs) by youth throughout our state. The epidemic is creating a new generation dependent on nicotine, which can cause long-term damage to the developing adolescent brain, affecting attention, learning, mood,

and impulse control.¹ Stronger enforcement also will help further reduce smoking of combustible tobacco by our keiki below current 8% levels, compared to 30% in 1997.² We all need to work together to continue reducing tobacco consumption to improve the health of our communities.

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

² Youth Risk Behavior Survey, 1997- 2017, Hawai'i Department of Health.



11 February 2020

**Re: Testimony in Support to HB2348
Relating to the sale of tobacco products**

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

We support this bill which moves the responsibility of underage tobacco sales from the clerk to the business. This would help make the sale of tobacco not as easy to come by for individuals and youth.

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 policies 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 progress 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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TestimonyHB2348_HB2348HD1_96499

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bluezonesproject.com



February 12, 2020
Conference Room 329

House Committee on Health

Testimony in SUPPORT of HB 2348, Proposed HB1: Relating to the Sale of Tobacco Products

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

My name is Lisa Dau, RN, Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPC) which is a non-profit agency with a mission to decrease childhood injuries. KIPC **SUPPORTS** of HB 2348, Proposed HB1: Relating to the Sale of Tobacco Products, which establishes penalties for employees and holders of retail tobacco permits to sell electronic smoking devices who illegally sell products and electronic smoking devices to persons under 21 years of age.

E-cigarettes, particularly JUUL products that come with appealing flavors are very popular with tweens and teens. Marketing and peer pressure have led to this popularity. Flavoring and the sweet odors of these products mask the dangers of using JUUL and other products that contain flavored tobacco. Consuming these potent addicting products can lead to live-long illnesses. Vaping entrepreneurs have been using strategies from tobacco companies to market their products directly to children. Add-on products like flavored tobacco make the product very appealing to tweens and teenagers. Friends and younger siblings are eager to try a new cool activity, this increases peer pressure of being a part of the "in group" which might lead a teen's decision to use tobacco products.

There is significant dangers associated with nicotine. According to JUUL (e-cigarette product), a single pod (flavored tobacco) contains the same amount of nicotine as a pack of cigarettes. The *American Journal of Medicine* linked teen e-cigarette use with future cigarette use. There is a perception that vaping is unoffending, and even a healthy way to wean off of cigarettes, however it has been reported that 63% of young adults who use JUUL products with flavored nicotine did not know the substance contains nicotine (Safe Kids Worldwide).

Establishing penalties for those retailers, employees who sell smoking devices and products to anyone under 21 years of age is important to ensure the health and safety of our keiki.

Mahalo,

Lisa Dau, RN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition



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

Executive Officers

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

TO:

Committee on 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: HB2348 Relating to the Sale of Tobacco Products

Position: Comments

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

Making sure that tobacco products are not sold to underage persons is a responsibility that retailers take very seriously. It requires a team effort between retailers, managers, employees at all levels, and State enforcement agencies. This measure reduces an important incentive for the people who are actually making tobacco sales to follow the law. If the employees who are selling tobacco do not face real repercussions for underage sales it could lead to less ID checking, and even employees intentionally selling to underage friends or others.

HB-2348-HD-1

Submitted on: 2/11/2020 4:22:28 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-2348-HD-1

Submitted on: 2/11/2020 4:37:47 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-2348-HD-1

Submitted on: 2/11/2020 4:40:13 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	Individual	Oppose	Yes

Comments:

HB-2348-HD-1

Submitted on: 2/11/2020 5:08:38 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-2348-HD-1

Submitted on: 2/11/2020 7:20:44 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-2348-HD-1

Submitted on: 2/11/2020 8:04:19 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:

HB-2348-HD-1

Submitted on: 2/11/2020 7:39:59 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:

This bill is unfair over-regulation.

HB-2348-HD-1

Submitted on: 2/11/2020 9:04:11 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 support this bill to move the responsibility of underage tobacco sales from the clerk to the business.

HB-2348-HD-1

Submitted on: 2/12/2020 12:17:53 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 HB2348. There are valid regulations in place at this moment that I feel are sufficient to address this issue. Please vote against HB2348.

Respectfully submitted,

Theresa Revell

HB-2348-HD-1

Submitted on: 2/12/2020 5:48:29 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-2348-HD-1

Submitted on: 2/12/2020 12:53:19 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 HB2348. Please listen to your voters.

Mahalo,

Louis Bauguess

HB-2348-HD-1

Submitted on: 2/12/2020 6:08:12 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 any more laws to punish tobacco sellers in the name of fixing underage smoking. There are enough of these laws in place. If you really want to curb underage smoking pass a possession law.

HB-2348-HD-1

Submitted on: 2/12/2020 8:44:05 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:

Flawed regulatory approach

HB-2348-HD-1

Submitted on: 2/12/2020 8:44:13 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:

LATE

HB-2348-HD-1

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

LATE

HB-2348-HD-1

Submitted on: 2/12/2020 9:52:36 AM

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

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

Comments:

I, Shani Gacayan mother of 4 young children and community member of a local high school and multiple middle schools strongly support HB2348 that would hold those responsible for selling e-cigarette products, e-juice included to those who are under the age of 21.

HB-2348-HD-1

Submitted on: 2/12/2020 10:25:50 AM

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

LATE

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

Comments:

HB-2348-HD-1

Submitted on: 2/12/2020 8:56:31 AM

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

LATE

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

Comments:

As a employee of a organization that sales tobacco products I Oppose this bill. When Where Hired and Trained that is the number one thing we are taught, Always check ID's even before showing any products if you felt they weren't of age. If they are underage we in form them that they can not ingage in any of the products and it might be better to wait outside. We have To scan there ID on our system as well. Every company of places that sale tobacco products should be like that. If We where on Top of it we could all help stop underage smoking or purchasing. There should be penalties for underage smoking in public like there is for drinking in public.

LATE

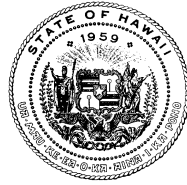
HB-2348-HD-1

Submitted on: 2/12/2020 10:54:25 AM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsie Cajka	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. 2348, H.D. 1
RELATING TO THE SALE OF TOBACCO PRODUCTS

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

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 12, 2020 Room Number: 325

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports House Bill 2348, House
3 Draft 1 (H.B. 2348, H.D. 1) which clearly establishes the legal responsibility of the retailer,
4 permittee, or registrant who sells tobacco products and the liability incurred when illegal tobacco
5 sales are made to anyone under 21 years of age. The DOH agrees with the recommendation in
6 the House Standing Committee Report (HSCR 197-20) to insert a definition for “e-liquid and
7 offers an amendment.

8 The inclusion of penalties for the retailer/permittee and registrant provides a meaningful
9 incentive for retailers to comply with tobacco and electronic smoking device (ESD) sales laws.
10 It holds licensees responsible for the actions of their employees, reinforces supervisory
11 responsibility and on-site employee training and education while reducing youth access and
12 subsequent addiction. The proposed change also aligns with the amended Federal Food, Drug
13 and Cosmetic Act which raised the federal minimum age of sale of tobacco products to 21 years.

14 This measure removes the ambiguity of simply referring to a “person” and replaces it
15 with “employee of a retailer, permittee, or registrant” who illegally sells to persons under 21 and
16 reduces the fine from \$500 to \$100 for the first offense. Subsequent offenses within five years
17 are not less than \$100 nor more than \$500. The retailer, permittee, or registrant in violation or
18 whose employee illegally sells to persons under 21 years is to be fined \$500 for the first offense.

1 Subsequent offenses within five years start at \$500 and can go to \$5,000. Further, a third or
2 more offenses shall result in license suspension.

3 The DOH supports H.B. 2348, H.D. 1 which provides clarity on selling tobacco products
4 to persons under 21 by specifying that retail entities and retail tobacco permit holders are subject
5 to the penalty provisions for illegal underage tobacco sales. The DOH met with representatives
6 from the four county Offices of the Prosecuting Attorney, to hear their concerns with youth ESD
7 use. The prosecutors requested clarification to Section 712-1258, Hawaii Revised Statutes, to
8 help standardize enforcement across counties, and to increase compliance with the identification
9 checks and required signage and hold accountable those persons who allow or influence the sale
10 or consumption of tobacco products to a person under the age of 21.

11 Thank you for the opportunity to testify.

12 **Offered Amendment:** The DOH suggests the following “e-liquid” definition in response to the
13 request by the Health Committee in HSCR 197-20 (on page 2, paragraph 3), to the Committee on
14 Consumer Protection and Commerce.

15 Section 1, page 3, line 3, add the following:

16 "E-liquid" means any liquid or like substance, which may or may
17 not contain nicotine, that is designed or intended to be used in
18 an electronic smoking device, whether or not packaged in a
19 cartridge or other container. E-liquid shall not include
20 prescription drugs; medical cannabis or manufactured cannabis
21 products pursuant to chapter 329D; or medical devices used to
22 aerosolize, inhale, or ingest prescription drugs, including
23 manufactured cannabis products manufactured or distributed in
24 accordance with section 329D-10(a).