

HB-2456

Submitted on: 2/1/2020 1:49:00 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hilary Lang	Hana High & Elementary	Support	No

Comments:

Aloha,

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

Hilary Lang

A concerned teacher and parent

February 3, 2010

RE: HB 2456

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 2456**, which would allow greater regulation of vaping products. As such, we urge you to pass this Bill.

Thank you very much for allowing us to testify.

Paula Adams

Ray L'Heureux

Michael Broderick

Daniel Leung

Joy Barua

May Okihiro

Susie Chun Oakland

Diane Tabangay

Jennifer Dang

Tina Tamai

Stacy Evensen



February 4, 2020
State Capitol, House Conference Room 329

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

From: Maile Ketelsen, Program Coordinator
Kapi'olani Smokefree Families: Tobacco & Nicotine Cessation Program

Re: Strong Support of HB 2456, Relating to Tobacco Products

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports HB 2456** to regulate shipment of e-liquid products, include e-liquid and electronic smoking devices under current tobacco tax laws, and allocate a portion of funds from tobacco taxes to fund health education and electronic smoking prevention programs for youth.

As a hospital-based tobacco and nicotine cessation program, we see the multitude of ways that these tobacco products impact the health of families in Hawai'i. We are very concerned that these electronic smoking devices are creating a generation of keiki that are hooked on nicotine. While there is decade's worth of research on smoking cessation, there is very little research on how to help our adolescents to quit using these e-cigarette products. It is crucial that we focus on prevention by taking measures such as creating tax parity between ESDs and cigarette products as research has shown taxes to be effective in lower tobacco use, regulating online sales to keep these products out of the hands of minors, and funding health programs to deliver clear messages to youths about the risks of ESDs.

In the best interest of our local youth and families, we would like to request your **support of HB 2456**. Thank you for the opportunity to provide testimony on this measure.



**American Heart Association testimony in SUPPORT of HB 2456,
Relating to Electronic Smoking Products**

Chairman of the Board

Mark Yamakawa

President

Kahealani Rivera, MD

Board Members

Rick Bruno, MD, FACEP
Brandt Farias
Mimi Harris
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Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Serviced by the Oahu
office

The American Heart Association **supports** HB 2456 which makes unlawful shipment of E-liquid products to anyone other than a licensee or permittee, includes e-liquid and electronic smoking devices within the definition of “tobacco products” in existing cigarette tax and tobacco tax state law, requires that wholesalers and retailers of electronic smoking devices obtain a tobacco license/permit, increases the license fee for wholesalers or dealers and the retail tobacco permit fee, and allocates \$100,000 of the tax revenue to the Hawaii Tobacco Prevention and Control Trust Fund. **We strongly urge that the allocation to that Fund be increased to help the community better address the education and prevention programs needed to overcome the tobacco industry’s heavy marketing investment in Hawaii.**

In Hawaii, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs (\$141.7 million of that is covered by the state Medicaid program). Hawaii residents’ state & federal tax burden from tobacco-caused government expenditures is \$836 per household. Hawaii’s estimated tobacco tax and license revenue, estimated to be almost \$138.8 million does not come close to offsetting the losses to the state caused by tobacco use. Tobacco use declines related to state taxes directly reduce these smoking-caused economic burdens for all taxpayers, and Hawaii businesses which bear the brunt of employee healthcare costs in our state.

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii’s less than \$5 million investment in tobacco prevention, control and cessation programs last year pale in comparison, and fall well short of the Centers for Disease Control’s (CDC) best practice recommendation of a \$13.7 million annual investment. Allocating revenue generated from taxing tobacco products to community prevention, education and cessation programs would help to increase the desired impact of this legislation by further reducing the use of electronic smoking devices by our youth and most health vulnerable populations.

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. As stated in the bill’s preface, Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate. The American Heart Association is working to combat this problem the same way we have battled health problems for nearly a century: We’re relying on the science.

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

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

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

Safety of vaping vs. cigarettes

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

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

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

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

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

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

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

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

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

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And

remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

E-cigarettes as tools to quit smoking

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

Of the small number of studies about this, most show no advantage for e-cigarettes over the temporary use of FDA-approved products such as gum, lozenges and patches. The latter products have been proven helpful as part of an overall program for quitting, which should also include counselling and can include medications to reduce cravings.

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

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

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

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

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

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

The dangers of nicotine and the unknown

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

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

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

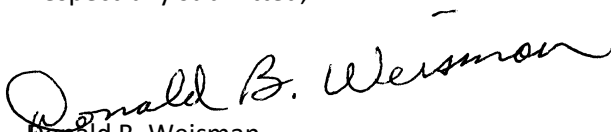
The National Academies of Science, Engineering and Medicine and the World Health Organization believe nicotine delivery via e-cigarettes during pregnancy can adversely affect the development of the fetus, and can affect immune system and lung function.

E-cigarettes are now the most popularly used tobacco product among Hawaii's youth. According to recent Department of Health data, approximately 42 percent of Hawaii's youths have tried e-cigarettes, and 25 percent are now regular users. On neighbor island, regular use of e-cigarettes by youths tops 30 percent.

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

The American Heart Association urges your strong support of HB 2456, with our suggested increase in investment in tobacco prevention and control funding, as a means to continue to curtail tobacco use in any form, especially among our youth, if we are to control our state's healthcare costs and keep its Pre-Paid Healthcare law sustainable.

Respectfully submitted,



Donald B. Weisman

Hawaii Government Relations/Communications Director



**Testimony to the House Committee on Health
Tuesday, February 4, 2020; 8:30 a.m.
State Capitol, Conference Room 329**

RE: HOUSE BILL NO. 2456, RELATING TO ELECTRONIC SMOKING PRODUCTS.

Chair Mizuno, Vice Chair Kobayashi, 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. 2456, RELATING TO ELECTRONIC SMOKING PRODUCTS.

The bill, as received by your Committee, would, among other things:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Apply the Cigarette Tax and Tobacco Tax Law (Chapter 245, Hawaii Revised Statutes (HRS)) to e-liquid and electronic smoking devices, and revise the definition of "smoke" under that law to include activities that constitute "vaping";
- (3) Prohibit the shipment of e-liquid products under the Cigarette Tax and Tobacco Tax Law, and establishing criminal penalties for violations;
- (4) Provide that on July 1, 2020, and thereafter, \$100,000 of Cigarette Tax and Tobacco Tax revenues collected be allocated to the University of Hawaii Cancer Center to support tobacco- and cancer-prevention research; and
- (5) Take effect on July 1, 2020.

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

Testimony on House Bill No. 2456
Tuesday, February 4, 2020; 8:30 a.m.
Page 2

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

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

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

Tuesday, February 4, 2020 at 8:30 AM
Conference Room 329

House Committee on Health

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

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

Re: **Testimony in Support of HB 2456
Relating to Electronic Smoking Products**

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

I write in support of HB 2456 which establishes the offense of unlawful shipment of e-liquid products; includes e-liquid within the definition of "tobacco products" in the cigarette tax and tobacco tax law, and allocates a portion of funds collected in excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for the youth.

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

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

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

Thank you for the opportunity to testify.



TO: House Committee on Health
RE: HB 2456 - Potential Tax on Vapor/Electronic Cigarette Products
DATE: January 31, 2020

Distinguished Committee members:

Logic Technology Development, LLC ("Logic"), headquartered in New Jersey, is one of the largest suppliers of electronic cigarettes/vapor products in the United States.

We write to you today to express our opposition to the proposed bill, HB 2456, that seeks to impose a tax on vapor products at a rate of 70 percent.

We urge you to reject the proposed percentage-based tax, which would be crippling to the industry and the jobs and economic activity it supports. Instead, we ask you to consider introducing legislation that would tax all e-liquids at a rate of 10 cents per milliliter of e-liquid, irrespective of whether they contain nicotine.

Our position is clear: minors should not use electronic cigarettes and should not be able to obtain these products. We market our products to adult smokers only and we abide by federal and state regulations that govern our industry. Logic, unlike others in the industry, is not instinctively anti-tax. We recognize the state's interest in deriving revenue via taxation. We have supported efforts nation-wide to implement tax mechanisms on vapor products that provide stable, predictable revenue, without doing irreparable harm to the industry.

Excise tax revenue from vapor sales in traditional retail outlets alone in Hawaii could amount to over \$180,000 under our proposed plan, according to the latest available data from MSAi, which tracks tobacco shipments nationwide.¹ This estimate does not include excise receipts from specialty shops (i.e. vape stores, tobacconists or the internet), which would increase the total revenue substantially. For example, in North Carolina, sales to these shops represented 90 percent of the total excise receipts based on MSAi estimates compared to the year-end actuals. If the same were true in Hawaii, tax collections would exceed **\$1.8 million**.

It is critical that any tax levied on vapor products in Hawaii is applied in a way that does not drive existing sales across state lines or to online sites that are not concerned with regulatory compliance. Any efforts to impose a percentage-based tax mechanism will only have the effect of increasing incentives for tax evasion and avoidance, thus undermining the state's revenue collections.

Our proposal reduces incentives for tax avoidance by implementing a tax strictly on the consumable material, applied at a fixed level per milliliter of e-liquid sold. States that have implemented similar tax structures have reported little-to-no industry disruption or job loss.

¹ Estimate is based on 720,284 consumer units (CU) sold in the last 52 weeks in Hawaii. Using a conservative estimate of a 2.5 milliliter average per CU, we can calculate the estimated revenue generated

A fixed 10 cent per milliliter tax on **all** e-liquids provides the most certainty and predictability over revenue while providing ease and simplicity of administration.

Conversely, states that have implemented a percentage-based structure, similar to that which you support, saw the category stagnate and businesses close, resulting in economic loss. In Pennsylvania, a 40 percent wholesale tax resulted in 100 businesses closing in the first year, with 1,000 jobs lost, according to the Vapor Technology Association. In Vermont, where a percent-based wholesale tax is set to take effect, there is already anecdotal evidence of small businesses relocating to states with more advantageous tax structures.

Further, any percentage-based tax inevitably advantages the cheapest products in the marketplace. The result of this is larger price differentials between the highest and lowest quality products, a price incentive for adult consumers to move to the cheapest brands, and a race to the bottom for manufacturers that may compromise safety or quality. A fixed tax on the liquid consumed across all devices avoids such a scenario.

From a revenue perspective, the math is simple - as adult consumers migrate to the cheapest products on the market, the state will take in less in tax revenue (both sales and excise) as they are applied as a percentage of the cost.

As the regulatory burden continues to grow on responsible suppliers such as Logic, less scrupulous operators that are not concerned with regulatory obligations, youth access, product quality or consumer protection, will continue to exploit a largely unregulated environment. Indeed, once the federal regulatory requirements take effect on the category next year, it is already estimated that the number of products on the legal market will shrink by up to 90 percent.

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

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

Yours respectfully,



Rick Chandler
State Government Affairs

HAWAII YOUTH SERVICES NETWORK

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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 3, 2020

To: Representative John Mizuno
And members of the Committee on Health

Testimony in Support of SB 2231 Related to Electronic Smoking Devices

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2456 Relating to Electronic Smoking Products.

Hawaii has the fifth highest amount of vaping in the United States. 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.

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

Funding education and prevention programs for youth on the risks of electronic smoking devices is needed and appropriate.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

HB-2456

Submitted on: 1/31/2020 4:56:35 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelly Ogata	Individual	Support	No

Comments:

Rep. John Mizuno, Chair

Rep. Bertrand Kobayashi, Vice Chair

Position: Strong Support

Chair Mizuno and members of the Committee on Health:

As a nurse and member of our community, I am shocked there are no licensing and permitting requirements for ESD retailers.

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

It is also shocking to learn there are no taxes for ESDs.

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

Finally, regarding online sales and funding for youth education programs:

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online.
- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates.

HB-2456

Submitted on: 2/1/2020 7:43:57 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John A. H. Tomoso	Individual	Support	No

Comments:

02-01-20

HB2456

I support this Bill. I believe that taxing and regulating vape products and regulating e-cigarettes is necessary to protect public health and prevent teen/ youth initiation and nicotine addiction. I know that this Bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to tobacco prevention, control, and research.

I support this Bill as part of the solution to this growing threat to the public health and quality of life we all share.

John A. H. Tomoso+, MSW

51 Ku'ula Street, Kahului, Maui, HI 96732-2906

CC: CTFH-Maui

HB-2456

Submitted on: 2/1/2020 9:10:51 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would also dedicate \$200,000 of the revenues to tobacco prevention, control, and research.

HB-2456

Submitted on: 2/1/2020 11:32:46 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

E-vapor flavor doesn't harm anyone. Don't ban the flavors people like.

HB-2456

Submitted on: 2/1/2020 11:46:39 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Nettles	Individual	Oppose	No

Comments:

Date: February 1, 2020

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

Re: **Strong Support for HB2456**, Relating to Tobacco Products

Hrg: February 4, 2020 at 8:30 AM in Capitol Room 329

Aloha House Committee on Health,

I am writing in **strong support of HB2456**, which establishes the offense of unlawful shipment of tobacco products; includes e-liquid and electronic smoking devices (ESDs) within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and, repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addition) 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 sweet flavors, these products are highly attractive to, and pose a huge risk of addiction and life-long impaired brain development for, youth who use these products.

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

Youth education is key to preventing nicotine use and addiction making it very important to allocate tobacco taxes to fund youth prevention and education programs.

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

Restricting online sales to retailers will further limit ESD access to underage youth.

I **strongly support HB2456** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-2456

Submitted on: 2/1/2020 1:38:18 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Kobayashi	Individual	Support	No

Comments:

We need to make it less appealing for people to use vape products and make it more difficult for kids to get them.

HB-2456

Submitted on: 2/1/2020 1:46:38 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Abe	Individual	Oppose	No

Comments:

I'm Alex and I srongly oppose this bill!

HB-2456

Submitted on: 2/1/2020 5:47:05 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

Comments:

HB-2456

Submitted on: 1/31/2020 7:52:02 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harald Ebeling	Individual	Support	No

Comments:

Dear Chair, dear Committee Members,

I am writing to express my **strong** support of HB2456.

E-cigarettes are cigarettes, they are tobacco products, they are addictive, and they must be regulated and taxed as such!

Mahalo for helping to keep Hawai'i healthy!

Harald

Edward Thompson, III

From: Gina Hungerford <xispmwqgmqcxfyj@ujoin.co>
Sent: Sunday, February 2, 2020 9:37 AM
To: HLTtestimony
Subject: Support HB2457 - Banning E-cigarettes

Follow Up Flag: Follow up
Flag Status: Flagged

From: ginahungerford@gmail.com <Gina Hungerford>

Message:

While I am a vape user, I support the discontinuation of flavored oils for e-cigs. We need to do what we can to deter children from entering into lifelong health issues, especially as it will present financial problems with future health care.

Aloha Chairs Mizuno and Woodson, Vice Chairs Kobayashi, Hashem, Quinlan and committee members,

Please support HB 2456.

Gina Hungerford

Waialua

Hawaii



HIPHI Board

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Chair
Hawaii Pacific Health

JoAnn Tsark, MPH
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Medicine, Native Hawaiian
Research Office

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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 2, 2020

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

Re: Strong Support HB2456, Relating to Electronic Smoking
Products

Hrg: February 4, 2020 at 8:30 am at Conference Room 329

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Strong Support of HB 2456** which (1) imposes a tax e-liquids and electronic smoking devices (ESDs) that include e-liquid; (2) requires e-liquid wholesalers to obtain a license and a e-liquid retailers to obtain a tobacco permit; (3) restricts the shipment of tobacco products to anyone other than a licensee; (4) funds health education and prevention programs relating to risks and dangers of ESD youth use; and (5) repeals various statutory provisions relating to ESDs.

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

In 2017, 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vapingⁱⁱ. Hawai'i has the third highest high school e-cigarette rate in the Country. Because ESDs remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that e-cigarettes are dangerous and a health threat to youth and young adultsⁱⁱⁱ. According to an article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations^{iv}."

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

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll^v conducted by Ward Research Inc.

for the Coalition in November 2019, 86% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. The Coalition recommends that the tax also be applied to all electronic smoking devices as defined in HRS 712-1258.

The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs. In the same poll conducted by Ward Research, 93% of registered Hawai'i voters believe it is important to dedicate some of the funding from an ESD tax to tobacco prevention and cessation programs.

ESD licensing and permits protect both consumers and merchants.

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

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

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

To reiterate, 25.5% of our high school youth reported that they are regularly vaping. However, our adult rate is 4.3%^{vi}. 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. The current Surgeon General, VADM Jerome Adams issued an advisory in December 2018 “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people^{viii}.” Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support HB2456 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

ⁱⁱ 2017 Youth Risk Behavior Surveillance System (YRBS).

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

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

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

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

^{vi} 2016 Behavioral Risk Factor Surveillance System (BRFSS).

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

^{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^{1,2}; Jessica L. Barrington-Trimis, PhD³; Thomas A. Wills, PhD⁴; et al
JAMA Pediatr. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

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

HB-2456

Submitted on: 2/2/2020 9:01:10 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Stevens	Individual	Oppose	No

Comments:

A ban on flavored tobacco is an attack on our liberties.

February 2, 2020

Strong Support of HB 2456 RELATING TO ELECTRONIC SMOKING PRODUCTS.

To the House of Representatives

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

I strongly support HB 2456 RELATING TO ELECTRONIC SMOKING PRODUCTS, which would These bills will regulate e-cigarettes by: (1) requiring e-cigarette retailers and wholesalers to obtain a tobacco license and/or permit; (2) establishing a tax on e-liquid and electronic smoking devices of 70% of the wholesale price; and (3) only allow the shipment of ESDs to those with a tobacco license. In addition, it also appropriates monies towards tobacco prevention, control, and research.

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.

I strongly support HB 2456 RELATING TO ELECTRONIC SMOKING 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-2456

Submitted on: 2/2/2020 10:25:30 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

HB-2456

Submitted on: 2/2/2020 1:16:24 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	Yes

Comments:

HB-2456

Submitted on: 2/2/2020 4:00:54 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

HB-2456

Submitted on: 2/2/2020 2:14:25 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dallas Nelson	Individual	Oppose	Yes

Comments:

So nasty to people who vape. This bill lacks any logic.

HB-2456

Submitted on: 2/2/2020 9:37:19 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Dear Representatives:

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

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

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

Online sales of e-cigarettes or vaping devices and liquid nicotine also needs to be regulated and monitored. Many young people can easily access vaping supplies via the internet. This bill would prohibit online shipment of tobacco products to consumers, limiting it to licensed sellers.

ESDs are the only tobacco product without a tobacco tax, yet they are essentially sold and used in the same manner. Please bring the tax amount on par with other tobacco products.

Please do not let vaping continue to go unregulated in Hawai'i. Thank you for your consideration and supporting this important bill.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

Testimony Presented Before the
House Committees for Health and Lower & Higher Education
Hearing Date: Tuesday, February 4, 2020

HB 2456 - Relating to Vaping

Chairs Woodson and Mizuno, Vice Chairs Hashem and Kobayashi, and Members of the committees:

I am writing in **strong support** of HB2456.

As a physician, I believe that preventing kids from vaping is the most important public health intervention of our generation.

With 42% of Hawai'i high school students trying e-cigarettes, we have an urgent need to act!

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

Therefore, we have to stop kids from getting hooked on these dangerous products.

Thank you for the opportunity to provide testimony.

Kelley Withy, MD, PhD

HB-2456

Submitted on: 2/3/2020 2:48:51 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Committee: House Health Committee

Hearing Date/Time: Tuesday, February 4, 2020 at 8:30AM

Place: Conference Room 329

Re: Testimony of Judith Armstrong in Support of HB2456, Relating to Health

Dear Chair John M. Mizuno, Vice Chair Bertrand Kobayashi, and members of the Committee on Health:

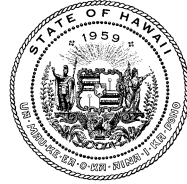
I, Judith Armstrong, am writing in support of HB2456, which would tax and regulate vape products. I am not sure why these products are not simply banned. With regular cigarettes one maybe subjected to a slow death after years of smoking and with these vaping products it seems more like Russian roulette since 47 people died last year and another 2290 developed illnesses from the use of these devices and they haven't been on the market that long. (per Reuters.com Factbox: U.S. vaping-related deaths rise to 47). The least we can do is regulate them and try and limit the damage they do.

For the above reasons, I ask the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,
Judith Armstrong

1717 Ala Wai Blvd
Apt 3006
Honolulu, HI 96815

DAVID Y. IGE
GOVERNOR
JOSH GREEN M.D.
LT. GOVERNOR



RONA M. SUZUKI
DIRECTOR OF TAXATION
DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
Phone: (808) 587-1540 / Fax: (808) 587-1560
Email: Tax.Directors.Office@hawaii.gov

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

From: Rona M. Suzuki, Director
Department of Taxation

Re: H.B. 2456, Relating to Electronic Smoking Products

Date: Tuesday, February 4, 2020

Time: 8:30 A.M.

Place: Conference Room 329, State Capitol

The Department of Taxation (Department) supports H.B. 2456. This measure makes multiple amendments to chapter 245, Hawaii Revised Statutes. These amendments will enable improved regulation of the sale of e-liquid.

The Department supports this measure, but respectfully requests the effective date be changed to January 1, 2021 to give the Department time to update its forms and instructions.

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

HB-2456

Submitted on: 2/3/2020 9:19:26 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Companies shouldn't target children because it's pretty much ruining childrens lives just for money.

like how dare you. 7th grader meleana

HB-2456

Submitted on: 2/3/2020 9:21:07 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jake lowery	Individual	Support	No

Comments:

I am a 7th grade student and i think tobaco should not be targetting children. Fun flavors attract kids like me. Elementary kids really like cotten candy flavor. Adults don't. Even menthol flavor is fun for teens. All of these flavors and advertising should not be available to kids, but they are. Please help us stop this problem.

HB-2456

Submitted on: 2/3/2020 9:21:38 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cole camara	Individual	Comments	No

Comments:

I am a 7th grade student and i think tobaco should not be targetting children. Fun flavors attract kids like me. Elementary kids really like cotten candy flavor. Adults don't. Even menthol flavor is fun for teens. All of these flavors and advertising should not be available to kids, but they are. Please help us stop this problem.

HB-2456

Submitted on: 2/3/2020 9:28:04 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
J-Lah Sinenci	Individual	Support	No

Comments:

hi im a 7th grade student at hana school and i think vaping is just targeting kids mostly.

HB-2456

Submitted on: 2/3/2020 9:29:31 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cherish-piimauna-beck	Individual	Support	No

Comments:

ALOHA!! Im a 7th grade student and I think that tabaco should not target kids my age because there to young to start smoking tabaco.I know that many kids other schools smoke tabaco because of the smell or the flavor like unicorn tears,cotton cand i dont no but i here that many kids like it to make them popular and just know that if people dont accept you for who you are then accept your self for who you want to be in the futur that means no to smoke tabaco.

HB-2456

Submitted on: 2/3/2020 9:31:22 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
janaiah kaupe	Individual	Support	No

Comments:

Aloha i am a 7th grade student that thinks tobacco/vaping company's should not be allowed to target children because of causes with death and being led sick or into the hospital . tobacco can cause your lungs to collapse or can cause popcorn lungs . vaping can lead to having vapor smoke in your lungs and can also cause yellow/rotten teeth along with tobacco .

HB-2456

Submitted on: 2/3/2020 9:34:05 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
koalii shamblin	Individual	Support	No

Comments:

My name koalii im a 7th grader from hana school from Maui, Hawaii. Tobacco is bad for everyone and it can give you cancer and can hurt a lot of kids if people are trying to hurt and kill other people and children when they dont want to be hurt.

HB-2456

Submitted on: 2/3/2020 9:35:19 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

vaping has nicotine in it witch is an addicting product.

HB-2456

Submitted on: 2/3/2020 9:38:29 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

I am a 7th grade student. Vaping or smoking in any way makes your lungs look like a raizen and it could have some bad consequences like lung cancer and when it comes to vaps and the nicatin inside is really bad for kids. Flavors attract them more.

HB-2456

Submitted on: 2/3/2020 9:50:37 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laksmi M Abraham	Individual	Support	No

Comments:

I strongly support HB2456 and the following measures:

Tobacco License and Permit requirement:

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

ESD tax:

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

Online Sales:

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

Funding for ESD health and education programs for youth

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

Sincerely,

Laksmi Abraham



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

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

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 4, 2020
TIME: 8:30am
PLACE: Conference Room 329

RE: HB2456 Relating to Electronic Smoking Products

Position: Comments

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

HFIA is in support of efforts to regulate the shipping of electronic smoking devices and e-liquid. During the October 17, 2019 informational briefing on vaping that this Committee held jointly with the Senate Committee on Commerce Consumer Protection and Health experts discussed the fact that almost 90% of underage people who use electronic smoking devices buy them online or get them from their friends. Very few purchase them in stores where they are already subject to age restrictions. Regulating the shipping of these products is a common sense way to keep them out of the hands of young people.

HB-2456

Submitted on: 2/3/2020 10:04:51 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

I highly oppose this bill, we have been shipping cigarettes for many decades and now it's a problem shipping flavored tobacco, I see how it's a little more awared now because of underage smoking but in that case we should find and/or make it harder for underage to get it in there hands, not make it harder or take away the access for the of age people to be able to enjoy what they choice to smoke

HB-2456

Submitted on: 2/3/2020 10:12:11 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

I don't understand how you guys keep trying to make it harder for the people of Hawaii to get their cigarettes and e cigarettes. It should just be a heftier penalty on the people who are breaking existing rules. Thank you for you time.

HB-2456

Submitted on: 2/3/2020 10:18:07 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

We strongly oppose this bill. Adults should be able to make the choice to vape or enjoy flavors themselves.

HB-2456

Submitted on: 2/3/2020 10:18:46 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Miyakado	Individual	Oppose	No

Comments:

Hi All

I do understand the recent news articles have dramatically hyped up the usage of ecigarettes in a bad way, but you have to review both sides and all the studies. Increasing taxes on a product doesn't curb the usage or demand but it further increases the use of black mark items which spurred up all the illnesses. If 1.3M more teens are really using the product wouldn't you think that the health issues would have come up in the past? The problem is not the product but the illegal usage by underage users. Instead of taxing and penalizing small businesses which are already struggling to make ends meet penalize the end user, if they are underage issue a still penalty, if someone sells to an underage user penalize them, same with cigarettes and alcohol. If you compare the usage in the Bill \$1.3M teens started or are using compared to all the teens in the US that number is very small. Its like all the teens doing drugs and alcohol which is higher than that compared to ecigs.

I do support tougher laws/ penalties for those who break the laws as it punishes the guilty party. As with the other Bills that try to limit the usage or tax a product that doesn't always contain nicotine only puts a burden or punishes the law abiding citizen. There have been recent studies that show that e-cigarettes have helped people quit smoking regular cigarettes (reducing second hand smoke) and contrary to popular belief it doesn't cause lung disease or other illnesses as stated by the CDC.

"CDC DROPS its warning against vaping nicotine for adults as officials say it's blackmarket THC e-cigarettes that are 'driving' the outbreak of almost 3,000 lung illnesses"

https://www.dailymail.co.uk/health/article-7900803/CDC-drops-warning-against-vaping-nicotine-adults.html?fbclid=IwAR1n_hqDYRZ07tF5oMc8K_e0wLvVvh8Ik4NUz5Xgjhp3w6B Cuh7MU66Ye9I

Here is another articles that references ecigs from the CDC.

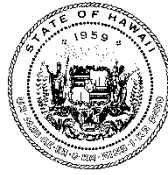
https://reason.org/commentary/cdc-survey-shows-flavors-arent-driving-youth-vaping/?fbclid=IwAR051bwZRSZB4hhH2J_Id_Hqr_9SQafJRaBGrwjWND852H6UvaZnRBBfKKY

The problem is the illegal use of ecigs which needs to be addressed with tougher laws or punishments. Punish those who are breaking the laws and not the law abiding citizen who chooses to smoke ecigs.

Best Regards

Sheldon Miyakado

Register voter.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
Hana High & Elementary School
P.O. BOX 128
HANA, HAWAII 96713

Aloha,

I have been a school counselor in rural Maui for almost 20 years. The past 2-3 years there has been a significant rise in electronic cigarette use by students in my school as young as 3rd and 4th grade. As you know there are devastating consequences to beginning this habit as children and young adults. As a school and community we are doing all we can to educate and prevent this from happening including parent meetings, prevention presentations, counseling, etc, however, we are no match for big-vape companies with unlimited money for advertising to children on social media.

Our community is predominantly Native Hawaiian, data shows that our people have the highest use rate in our state. Something more has to be done to turn the tide away from these harmful devices.

As a counselor, as a mother, as a very concerned citizen, please do all you can to ensure regulation so our children do NOT have access to these devices. This includes a flavor ban (which will directly impact children) and online sale regulation, I am terrified about their future health and happiness if this continues unregulated.

Me ka mahalo,

Moani Aiona

Moani Aiona, School Counselor
Hana High & Elementary School

The Hawaii State Department of Education (HIDOE) and its schools do not discriminate on the basis of race, sex, age, color, national origin, religion, or disability in its programs and activities. Please direct inquiries regarding HIDOE nondiscrimination policies as follows:

ADA/Section 504 Inquiries	Title VI, Title IX, and other inquires
Krysti Sukita, ADA/504 Specialist	Anne Marie Puglisi, Director
Civil Rights Compliance Office	Civil Rights Compliance Office
Hawaii State Department of Education	Hawaii State Department of Education
P.O. Box 2230	P.O. Box 2230
Honolulu, Hawaii 96804	Honolulu, Hawaii 96804
(808) 586-3322 or relay	(808) 586-3322 or relay
crco@notes.k12.hi.us	crco@notes.k12.hi.us



HAWAII SUBSTANCE ABUSE COALITION

HB2456 E-Cigarette Taxes Needed to Support Prevention

COMMITTEE ON HEALTH:

- Rep. John Mizuno, Chair; Rep. Bertrand Kobayashi, Vice Chair
- Tuesday, Feb. 4th, 2020: 8:30 am
- Conference Room 329

Hawaii Substance Abuse Coalition Supports HB2456:

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.

Funding for Prevention is needed to address the major concern for the health of our children:

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

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

HB-2456

Submitted on: 2/3/2020 12:31:37 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nedabiah hoopai-feliciano	Individual	Support	No

Comments:

I'm a 7th grader and I think the tabaco company should not target us children because if us kids start vaping or smoking cigarettes there gonna get addited to it and can't stop doing it also they will be doing it until they die.They will be dead because they were smoking sooo much of cierettes and vapes. Also, because they would be a bad examples for other children and other fucture generationthat is coming into the would.

HB-2456

Submitted on: 2/3/2020 12:38:25 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ocean Lanakila Kanuha	Individual	Support	No

Comments:

Hi, I my name is Ocean Lanikila Kanuha and I am a 7th grader at Hana School in Hawaii. I don't think tobacco products should be targeted to kids because they can die. Flavors attract kids more than adults. This is not ok.

HB-2456

Submitted on: 2/3/2020 12:48:34 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

HB-2456

Submitted on: 2/3/2020 12:49:30 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
zaesha-myah Anela okealoha ortiz	Individual	Support	No

Comments:

Im a 7th grader and i dont think that vaping is ok exspetially if the vape and tabako compony` is targeting littel kids

Date: February 3, 2020

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

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

Re: Strong Support for HB2456, Relating to Electronic Smoking Products

Hearing: Wednesday, February 4 at 8:30am at Capitol Room 329

Thank you for the opportunity to submit testimony in SUPPORT of HB2456, which establishes the offense of unlawful shipment and includes the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law. The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

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

According to the Center for Disease Control and Prevention, Hawaii’s middle schoolers rank the highest and high schoolers rank the second highest in the nation for reported usage of e-cigarettes. This underscores the severity with which e-cigarette use has penetrated our state’s middle and high schools.

Under the Food and Drug Administration, electronic smoking devices are classified as a tobacco product, and yet they are the only product with that classification that does not have a tobacco tax. From the many decades of research done on tobacco control policy, it is clear that increasing the price of these products is a proven strategy that discourages access to these products. By prohibiting online sales to retailers, underage youth will have limited access to e-cigarettes. In addition, distributing tobacco taxes towards health education and prevention programs could help youth quit or prevent them from using vape products in the first place.

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

Mahalo,
Student Health Advisory Council

HB-2456

Submitted on: 2/3/2020 12:52:21 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

HB-2456

Submitted on: 2/3/2020 12:55:19 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stratton McClure	Individual	Support	No

Comments:

I am a 7th grade student at Hana School. I think that tobacco should not be targetting kids. Flavors attract kids. Tobacco companies flavor products so they can attract more people including children.

HB-2456

Submitted on: 2/3/2020 12:58:11 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beverly Victorine-Dyment	Doe	Support	No

Comments:

To Whom it may concern,

I am a Special Educational Assistant at the Hana High and Elementary School. I have been here working at the school for over 16 years. I have seen the difference in the amount of students vaping at our school and it saddens me that there is more and more younger students starting to vape. It doesn't help that manufacturers are making flavors that draw these children to wanting to even vape more. Some flavors that are candy smelling and tasting. Even menthol attracts kids. We as teachers and parents need to show this young generation that there is more in life to do than just Vaping. Teaching them that following or peer pressure is not the right thing to do. That you do have the right and don't need to be afraid to say no. To stand up to other peers or friends that think vaping makes you look like your older or mature but in fact it just makes you getting closer to death. So please help us stop the Vaping with them, our younger generation. To help them see the risk in vaping that one day can cause them to become very ill or even lose their lives. Please help our young generations to have a chance to have better futures for themselves.

HB-2456

Submitted on: 2/3/2020 12:35:13 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
nanea morton	Individual	Support	No

Comments:

my name is nanea morton and i and a middle schooler from hana school and i tink tobacco coumpinays should NOT target kids my age or younger. i think this because tobacco can be in possecion of a kid my age and younger, and i dont tink thats ok.

HB-2456

Submitted on: 2/3/2020 1:07:45 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Aloha Board. Please OPPOSE Bill HB2456 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. SO PLEASE OPPOSE THIS BILL.

Thanks for your time.
Valentino Miranda-Kepa



American Cancer Society
Cancer Action Network
2370 Nuʻuanu Avenue
Honolulu, Hawaiʻi 96817
808.432.9149
www.acscan.org

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

HB 2456 – RELATING TO TOBACCO PRODUCTS

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

Thank you for the opportunity to provide testimony in support of HB 2456, which establishes the unlawful shipment of tobacco products, applies the tax on other tobacco products e-liquids, increases the license and permit fees for wholesalers, dealers, and retailers engaged in the sale of tobacco products and allocates a portion of funds collected from excise taxes on tobacco products to tobacco control programs and the University of Hawaii Cancer Center.

According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration’s National Youth Tobacco Survey, the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by 135% between 2017 and 2019.

The following statistics highlight the problem we are facing.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2019, more than 5 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 10.5% of middle school students and 27.5% of high school students.
- In 2017, 2.8% of U.S. adults were current e-cigarette users.
- In 2015, among adult e-cigarette users overall, 58.8% also were current regular cigarette smokers, 29.8% were former regular cigarette smokers, and 11.4% had never been regular cigarette smokers.
- Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Tobacco retail licensing is a policy tool that enables the state to regulate businesses that sell tobacco products to ensure they comply with tobacco laws by holding retailers accountable and actively enforcing tobacco youth access laws with strong retailer

penalties that include suspension and revocation for non-compliant retailers. Strong tobacco retail license laws are part of a comprehensive strategy to reduce tobacco use among youth and young adults.

The committee may want to consider including electronic smoking devices into the definition of tobacco products to ensure that all related products are subject to the same tax. Should the committee decide to include devices we can provide definitions to address those issues.

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

HB-2456

Submitted on: 2/3/2020 1:32:48 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

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

HB-2456

Submitted on: 2/3/2020 1:26:33 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawaiolaakealoha Sanita	Individual	Support	No

Comments:

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

HB-2456

Submitted on: 2/3/2020 1:39:52 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

you look rounchy

HB-2456

Submitted on: 2/3/2020 1:42:03 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

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

HB-2456

Submitted on: 2/3/2020 1:43:14 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

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

HB-2456

Submitted on: 2/3/2020 1:45:54 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

I'm in the 8th grade and think that its bad that the tobaco companys are targeting little kids by selling products that are pleasing to their liking. This is causing problems for these young kids like having health issue due to vaping. Several cases has shown us that it is taking their lives because of them using it. We need to take a stand and get it off the shelves for good. These products are dangerous for us students, so if it is banned for good, we will not have to worry about it any more. It will also not be so tempting when it is easily accessed to young kids. Help save us from dying.

Mahalo

HB-2456

Submitted on: 2/3/2020 2:24:21 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

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 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 their actions tell a different story. 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, 42% of Hawai'i high schoolers reported ever using an electronic smoking device.
- Hawaii has the highest reported vaping rate among middle schoolers and the second highest vaping rate among high schoolers in the nation, just behind Colorado
- **32.3%** of Maui County high school students and **18.3%** of Maui County middle school students reported current use of e-cigarettes (2017)
- **41.7%** of Maui County Native Hawaiian high school students and **27.8%** of Maui County Native Hawaiian middle school students reported current use of e-cigarettes (2017)
- Only **4.7%** of adults in Hawaii reported current use of e-cigarettes (2017)
- 81% of youth who ever used tobacco products started with a flavored product
- 97% of youth who vape say they use a flavored product
- 90% of adult smokers started by age 18, and 95% started by 21. The tobacco industry is quoted as saying that, "The base of our business is the high school student."

ACTIONS HAWAI'I CAN TAKE TO REDUCE YOUTH VAPING

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.

LATE

Testimony to House Committee on Health
Tuesday, February 4, 2020; 8:30 a.m.
State Capitol, Conference Room 329

Dear Chair Mizuno, Vice-Chair Kobayashi, and Committee Members,

My name is Ramic Santiago and I **support** HB 2456: RELATING TO ELECTRONIC SMOKING 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.

Testimony to House Committee on Health
Tuesday, February 4, 2020; 8:30 a.m.
State Capitol, Conference Room 329

Dear Chair Mizuno, Vice-Chair Kobayashi, and Committee Members,

I support HB 2456: RELATING TO ELECTRONIC SMOKING 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 2456 to save our children for the future.

Sincerely,

Jennifer Hausler
Pearl City, 96782

Date: February 4, 2020
To: The Honorable John M. Mizuno, Chair
Bertrand Kobayashi, Vice Chair
Members of the Committee on Health

The Honorable Justin H. Woodson, Chair
Mark J. Hashem, Vice Chair
Sean Quinlan, Vice
Members of the Committee on Lower and Higher Education

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

Re: Support for HB2456, RELATING TO ELECTRONIC SMOKING PRODUCTS

Hearing: Tuesday, February 4, 2020 at 8:30 am at Conference Room 309

Dear Chair Mizuno, Vice-Chair Kobayashi, and Committee Members,

Thank you for the opportunity to submit testimony in SUPPORT of HB2456, RELATING TO ELECTRONIC SMOKING 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 HB2456, 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 HB2457 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

LATE

HB-2456

Submitted on: 2/3/2020 4:12:29 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Strongly support HB2456

Tax and regulate vape products
Protect Our Keiki

Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to tobacco prevention, control, and research.

www.WeAreOne.cc

LATE

HB-2456

Submitted on: 2/3/2020 4:14:58 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

The American Academy of Pediatrics, Hawaii Chapter is in support of HB2456.

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

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

Online sales of e-cigarettes or vaping devices and liquid nicotine also needs to be regulated and monitored. Many young people can easily access vaping supplies via the internet. This bill would prohibit online shipment of tobacco products to consumers, limiting it to licensed sellers.

ESDs are the only tobacco product without a tobacco tax, yet they are essentially sold and used in the same manner. Please bring the tax amount on par with other tobacco products.

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

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

LATE

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

Testimony in Strong Support of House Bill 2456 Relating To Electronic Smoking 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 calls on Hawaii officials to implement taxation of electric smoking devices (in parity with other tobacco products). Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

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

Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to tobacco prevention, control, and research.

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

The use of electronic smoking devices by youth in Hawaii is nearly double the national average, and urgent action is required by state legislators in 2020 to address it. The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by passing House Bill 2456.



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

LATE

HB-2456

Submitted on: 2/3/2020 4:53:06 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

Protect freedom of choice.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 2456, RELATING TO ELECTRONIC SMOKING PRODUCTS.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

DATE: Tuesday, February 4, 2020

TIME: 8:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Clare E. Connors, Attorney General, or
Delanie D. Prescott-Tate, Deputy Attorney General

Chair Mizuno and Members of the Committee:

The Department of the Attorney General offers the following comments on this bill.

The bill seeks to address the significant risks to public health caused by the rapidly growing use of electronic smoking devices and e-liquids in Hawaii, especially among the youth. The bill establishes the offense of unlawful shipment of e-liquid products; includes e-liquid and electronic smoking devices containing e-liquids within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law; requires retailers of e-liquid to obtain a retail tobacco permit; prohibits persons from engaging in the business of a wholesaler or dealer of e-liquid without obtaining a license from the Department of Taxation; funds health education and tobacco prevention programs; repeals part XII of chapter 28, Hawaii Revised Statutes (HRS), relating to the Electronic Smoking Device Retailer Registration Unit; and repeals section 245-27, HRS (Supp. 2019), relating to delivery sales.

It should be noted that section 2 of H.B. No. 2456 essentially adopts the wording of HRS section 245-16 (2017 & Supp. 2019), which sets forth the offense of unlawful shipment of cigarettes. H.B. No. 2456 replaces the term "cigarettes" with "e-liquid products" to create a new offense intended to allow e-liquids to be treated as tobacco products within the framework of the Cigarette and Tobacco Tax Law. The inclusion of e-liquid and electronic smoking devices containing e-liquid in the definition of "tobacco

products", enables the State to restrict delivery of e-liquids and electronic smoking devices containing e-liquids to legitimate wholesalers and dealers of tobacco products.

For clarity and consistency, the newly added offense of unlawful shipment of e-liquid products should track the wording of HRS section 245-16 and use the same language throughout the new offense. Specifically, on page 6, lines 2 and 3, and page 7, lines 8 and 9, the term "person" in subsections (a) and (f) of the new section in section 2 of the bill should be replaced with the phrase "person or entity" so the sections read as follows:

(a) A person or entity commits the offense of unlawful shipment of tobacco products if the person or entity:

...

(f) Notwithstanding the existence of other remedies at law, any person or entity that purchases, uses, controls, or possesses any e-liquid products for which the applicable taxes imposed under title 14 have not been paid, shall be liable for the applicable taxes, plus any penalty and interest as provided for by law.

This also conforms the wording of subsections (a) and (f) with the "person or entity" wording in subsections (a)(2), (c), (d), and (e) of that same new section in section 2 of this bill. Use of the term "person or entity" is consistent with the wording in HRS section 245-16 and these terms are already defined in HRS section 245-1.

As noted above, the terms "person" and "entity" are already defined in HRS section 245-1, which renders the definition of "person" on page 7, line 17, unnecessary and it should be deleted.

This bill would allow the regulation of electronic smoking devices that contain e-liquid and e-liquid products to be combined with the retail tobacco permitting process, a function already within the purview of the Department of Taxation, and would render the Electronic Smoking Device Retailer Registration Unit, created by section 28-163, HRS (Supp. 2019), unnecessary. The Department of the Attorney General supports the repeal of part XII of chapter 28, HRS (Supp. 2019), based upon this bill's goal of subjecting electronic smoking devices that contain e-liquid and e-liquids to taxation and

regulation under chapter 245, HRS. Including electronic smoking devices that contain e-liquid and e-liquid products within the same regulatory framework as other tobacco products would conserve resources and make the regulation of electronic smoking devices that contain e-liquid and e-liquid products a more efficient process for the public and retailers.

Thank you for the opportunity to provide comments.

LATE

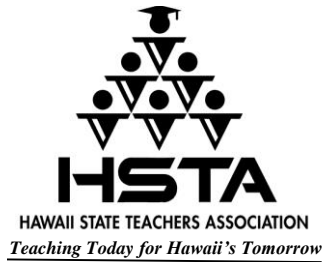
HB-2456

Submitted on: 2/3/2020 5:34:31 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org



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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
HEALTH

RE: HB 2456 - RELATING TO ELECTRONIC SMOKING PRODUCTS

TUESDAY, FEBRUARY 4, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Mizuno and Members of the Committees:

The Hawaii State Teachers Association **strongly supports HB 2456** which establishes the offense of unlawful shipment of e-liquid products, includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth, and repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

The use of e-smoking products among youth is at epidemic levels. According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, **the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.** Furthermore, 1 in 5 high school students reported using e-cigarettes in the past month according to the Surgeon General. **Locally, Hawaii's 2017 Youth Risk Behavior Survey revealed that over 42% of Hawaii high school students have tried using electronic smoking devices and over 25% of Hawaii high school students indicated that they are regular users.**

Adolescence 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.

The electronic cigarette industry has gone largely unregulated for far too long and has therefore been able to market their products both directly and indirectly to our youth. It is time that regulation of the e-cigarette industry be on par with the regulation of traditional tobacco products. As such, this bill would align taxation of electronic smoking device products to that of other tobacco products at 70 % of the wholesale price. Because taxation of tobacco products is a proven strategy to reduce usage among youth, this bill would help deter children from not only trying e-cigarettes but also from becoming habitual users of these products.

This bill will also prohibit the direct shipment of e-liquids to consumers which will help ensure these harmful chemicals don't end up in the hands of our keiki via online purchases. Additionally, it will help provide funding for enhanced health education and prevention programs to educate youth on the dangers of using e-cigarette products. For these reasons, we respectfully ask you to **support on HB 2456.**

LATE

HB-2456

Submitted on: 2/3/2020 7:28:00 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

HB-2456

Submitted on: 2/3/2020 7:35:11 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

LATE

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

Comments:

LATE

HB-2456

Submitted on: 2/3/2020 8:06:36 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

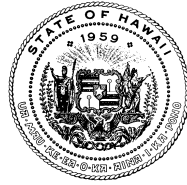
Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Hagan	Individual	Support	No

Comments:

As a nurse, parent, and teacher concerned about the prevalence of vaping in our middle and high schools in Maui County, I am writing in strong support of HB2456. We have an epidemic of youth vaping/e-cigarette use in Hawaii and this is a multi-pronged approach to help curb it. Taxing tobacco products is a proven way to reduce youth initiation. Limiting online shipment of tobacco products to those with a license will reduce access to electronic smoking devices for our youth. Allocation of funds from taxes on these tobacco products towards education and prevention programs will raise awareness about the health risks of electronic cigarette use which are still widely unknown or underestimated in our community. As a nurse with training as a tobacco cessation specialist, I have seen first-hand how hard it is for people to quit tobacco; so much better for us to keep our keiki from getting addicted in the first place!

Mahalo,

Kathleen Hagan, MS, APRN, ANP-BC



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

LATE

**Testimony in SUPPORT of H.B. 2456
RELATING TO ELECTRONIC SMOKING PRODUCTS**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 4, 2020

Room Number: 329

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

4 **Department Testimony:** The DOH supports House Bill 2456 (H.B. 2456) as a measure to
5 protect the public's health, especially youth, from the harmful effects of tobacco use and
6 initiation. This is a public health measure which comprehensively addresses Hawaii's youth
7 vaping epidemic by prohibiting online sales to consumers and creating parity between the
8 taxation and regulation of cigarettes and electronic smoking devices (ESD) containing e-liquid,
9 and e-liquid products. Youth are price sensitive and historically, increasing the cost of cigarettes
10 is associated with decreasing smoking rates, and likewise recent studies are now showing that
11 increasing the price of e-cigarettes will reduce consumption by youth^{1,2}.

12 Since the U.S. Food and Drug Administration (FDA) and Surgeon General declaration
13 of the unprecedented youth e-cigarette epidemic in the fall of 2018, youth use continues to rise.
14 By 2019, 27.5% of high school students said they vaped compared to 20.8% in 2018³. In total
15 numbers, 4.1 million high school youth and 1.2 million middle school youth said they currently
16 use e-cigarettes⁴. Youth who use e-cigarettes have been casualties in the outbreak of -cigarette,

¹ Jawad, M., Lee, J. T., Glantz, S., & Millett, C. (2018). Price elasticity of demand of non-cigarette tobacco products: a systematic review and meta-analysis. *Tobacco control*, 27(6), 689–695. doi:10.1136/tobaccocontrol-2017-054056

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

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>

⁴ Ibid.

1 or vaping, product use associated lung injury (EVALI) nationwide, and nationally by January
2 21, 2020 resulted in 2,711 confirmed hospitalizations and 60 deaths⁵.

3 The DOH supports taxing e-liquid products, which includes the e-juice as well as
4 products with e-liquid pre-filled cartridges or pod-based products. The proposed tax would be the
5 same as other tobacco products, which is 70% of the wholesale price. According to the U.S.
6 Surgeon General, increasing the price of tobacco products is the single most effective way to
7 reduce consumption⁶. A ten percent increase in price has been estimated to reduce overall
8 cigarette consumption by 3-5%⁷. Research suggests that both youth and young adults are two to
9 three times more likely to respond to increases in price than adults⁸.

10 The federal administration raised the national legal age of sale of all tobacco products,
11 including ESDs, from 18 to 21 years of age. While such legislation is meant to prevent youth
12 access and initiation of tobacco, the acceleration of unregulated online tobacco product sales has
13 created a dangerous loophole, by providing an appealing option for underage smokers. In the
14 current unregulated online market, youth easily, and often, circumvent the age verification
15 process for purchasing tobacco. According to the Internet Tobacco Vendors Study (ITV),
16 supported by the National Cancer Institute and the United States Food and Drug Administration
17 (USFDA) Center for Tobacco Products, minors were successful in buying ESDs online 93
18 percent of the time despite age restrictions. Another study found that ESDs were often shipped
19 from internet vendors without instructions or health warnings. Due to the easy access for
20 minors through online marketing, public health researchers recommend more vigorous policies
21 to prohibit sales to minors.^{9,10}

⁵ Centers for Disease Control and Prevention, Office on Smoking and Health. Outbreak of Lung Injury Associated with the Use of E-cigarette, or Vaping, Products, retrieved January 28, 2020 from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information

⁶ U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2018 Jan 22].

⁷ Ibid

⁸ Ibid

⁹ Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

¹⁰ Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features*. *Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

1 The Department supports H.B. 2456 as a strong and comprehensive measure that
2 addresses and prohibits online sales of ESDs, and provides key components, including
3 increasing the price of ESDs with e-liquids, and regulatory parity between combustible cigarettes
4 and ESDs to reduce access for Hawaii's youth and young adults and encourage users to quit.

5 Thank you for the opportunity to testify.

**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 3, 2020

HOUSE COMMITTEE ON HEALTH

Rep. John M. Mizuno, Chair

Rep. Bertrand Kobayashi, Vice Chair

Rep. Della Au Belatti, Rep. Calvin K.Y. Say, Rep. Nadine K. Nakamura,

Rep. James Kunane Tokioka, Rep. Joy A. San Buenaventura, and Rep. Gene Ward

STRONG SUPPORT FOR
HB 2456 RELATING TO ELECTRONIC SMOKING DEVICES

Aloha Health Committee Members,

The undersigned are members of the Friends of Kamalani and Lydgate Park Beach Cleanup Team, and we would like to register our strong support for HB 2456.

We collaborated with appointed and elected officials to designate portions of Lydgate Beach Park as the County of Kauai's first tobacco-free park, and we believe in advancing the health and wellness of our youth by protecting them from becoming tobacco product addicts.

Electronic smoking devices and 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 2456. 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

LATE

HB-2456

Submitted on: 2/3/2020 8:57:19 PM
Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

I oppose this bill.

February 3, 2020

To: Chair Mizuno
Vice Chair Kobayashi
House Committee on Health

LATE

Re: **Support for HB2456**

Aloha Chair Mizuno, Vice Chair Kobayashi, members of the House Committee on Health:

Thank you for your dedication to our community and for this opportunity to provide testimony in strong **support** of **HB2456**. 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 youth.

Electronic smoking devices directly attack our communities and, given the availability of over 7,000 different varieties of flavored e-liquids, our they especially put our keiki at a high risk for negative health outcomes. Research shows that chemicals used in flavorings of ESD liquid, such as Diacetyl and acetyl propionyl, are not approved by the FDA for inhalation and are associated with respiratory disease when inhaled.¹² Specifically, high doses of diacetyl have been shown to cause acute-onset bronchiolitis obliterans, a severe and irreversible obstructive lung disease when inhaled.³ Additionally, human lung cells that are exposed to ESD aerosol and flavorings are show increased oxidative stress and inflammatory responses.⁴

Therefore, I urge you to pass **HB2456** to tax and better regulate ESD products and allocate the funds raised to tobacco prevention, control, and cessation. Mahalo for this opportunity to testify.

Sincerely,



Colby Takeda
President, Kaho'omiki

¹ CDC (2018). Quick facts on the risks of e-cigarettes for kids, teens, and young adults. Retrieved from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html

² Konstantinos E. Farsalinos, KE; Kistler, KA; Gilman, G; Voudris, V., "Evaluation of electronic cigarette liquids and aerosol for the presence of selected inhalation toxins," *Nicotine and Tobacco Research* 17(2): 168-174, February 2015.

³ "Preventing Lung Disease in Workers: Who Use or Make Flavorings," National Institute for Occupational Safety and Health. DHHS (NIOSH) Publication Number 2004-110, December 2003.

⁴ Lerner CA, Sundar IK, Yao H, Gerloff J, Ossip DJ, McIntosh S, et al. "Vapors Produced by Electronic Cigarettes and E-Juices with Flavorings Induce Toxicity, Oxidative Stress, and Inflammatory Response in Lung Epithelial Cells and in Mouse Lung," *PLoS ONE* 10(2): e0116732, February 6, 2015.

LATE

HB-2456

Submitted on: 2/3/2020 8:32:07 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments: