



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**LATE**

**Date:** 02/13/2020  
**Time:** 02:05 PM  
**Location:** 325  
**Committee:** House Judiciary

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 2457, HD1 RELATING TO THE YOUTH VAPING EPIDEMIC.

**Purpose of Bill:** Beginning 1/1/2021: bans the sale of flavored tobacco products; prohibits mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations. Requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic smoking devices in their possession. Requires public school teachers and educators to confiscate electronic smoking devices. Increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age. Authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine. Effective 7/1/2050. (HD1)

**Department's Position:**

The Department of Education (Department) appreciates the intent and offers comments and concerns on HB 2457, HD 1.

There is a zero-tolerance for tobacco products and ESDs on the Department's campuses, transportation, and/or during DOE school-sponsored activities. In addition, any tobacco product(s) or ESDs found in a student's possession is a violation of Chapter 19 and shall be seized by school administration and forfeited to law enforcement in accordance with Section 712-1258, Hawaii Revised Statutes (HRS).

Nicotine products, including ESDs, are considered an acutely toxic hazardous waste under the state's regulations. The regular and timely pick-up and disposal of ESDs are essential in ensuring schools do not harbor and store hazardous waste on their school campus.

This bill may inadvertently oppose the actions of the Department's highest priority which is the safety and well-being of students. As such, the Department is working in partnership with the Hawaii Department of Health (DOH) to educate youth to make positive decisions about their health. In raising awareness about the risks and dangers of tobacco products and ESDs, the Department's efforts focus on the following:

- Providing health education to develop skills that support healthy behaviors;
- Collaborating with DOH on the collection of Youth Risk Behavior Survey (YRBS) data on Hawaii's youth and their usage of tobacco and ESDs;
- Promoting public awareness through parent letters and flyers of Section 712-2158, HRS, which makes it unlawful for anyone under the age of 21 years of age to be sold, purchase, use, or possess tobacco products and ESDs; and
- Monitoring students for compliance or violations of Title 8, Chapter 19, Hawaii Administrative Rules (HAR) Student Misconduct, Discipline, School Searches, and Seizures, Reporting Offenses, Police Interviews, and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment, (Including Sexual Harassment), Bullying and/or Retaliation, as it relates to the use of tobacco products and ESDs.

Thank you for the opportunity to provide testimony on HB 2457, HD1.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



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

**LATE**

**ON THE FOLLOWING MEASURE:**

H.B. NO. 2457, H.D. 1, RELATING TO YOUTH VAPING EPIDEMIC.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 13, 2020      **TIME:** 2:05 p.m.

**LOCATION:** State Capitol, Room 325

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

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Chair Lee 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 seeks to establish a safe harbor for disposal of electronic cigarettes by persons under twenty-one years of age; allows public school teachers or educators to confiscate an electronic smoking device found in the possession of a student under twenty-one years of age; establishes the offense of sale or advertising of tobacco products within the Hawaii Penal Code; and amends section 712-1258(6), Hawaii Revised Statutes (HRS), by increasing the penalty for violating subsection (1) or (4), the offense of selling or furnishing tobacco products to persons under twenty-one years of age, and for violating subsection (5), the offense of purchasing or possessing a tobacco product or electronic smoking device by a person under twenty-one years of age.

Section 4 of H.B. No. 2457, H.D. 1, adds a new section to chapter 712, HRS, entitled "sale or advertising of tobacco products; remote retail sales; flavored; nicotine-free." As part of the sentencing provisions set forth on page 8, lines 10 to 12, the bill requires all fines to be "paid to the department of health and deposited into the Hawaii tobacco prevention and control trust fund established pursuant to section 328L-5."

However, section 706-643, HRS (2014), states that all fines shall be paid to the "cashier or clerk of the district or circuit court" and that all fines received by the clerk or other officer of the court "shall be deposited with the director of finance to the credit of the general fund of the State."

The Hawaii tobacco prevention and control trust fund is "a separate fund of a nonprofit entity . . . into which shall be deposited moneys received as provided under section 328L-2(b)(2)[.]" Section 328L-5(a), HRS (2009). The moneys deposited into the tobacco prevention and control trust fund under section 328L-5(b)(2), HRS, are acquired from the Hawaii tobacco settlement special fund established by section 328L-2, HRS (2010). The tobacco settlement special fund is comprised of "(1) All tobacco settlement moneys; and (2) All interest and earnings accruing from the investment of moneys in the fund[.]" Section 328L-2(a), HRS (2010).

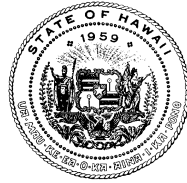
Fines paid to the Department of Health are not designated assets of the tobacco prevention and control trust fund. Section 328L-5(e), HRS (Supp. 2019), lists the individual assets of the Hawaii tobacco prevention and control trust fund as: "(1) Moneys appropriated under section 328L-2(b)(2); (2) Moneys appropriated to the Hawaii tobacco prevention and control trust fund by the state, county, or federal government; (3) Private contributions of cash or property; and (4) Income and capital gains earned by the trust fund." See chapter 328L, HRS (2010 & Supp. 2019).

The Department of Health, pursuant to section 328L-2(a), HRS (2010), has specifically been delegated the responsibility of administering the tobacco settlement special fund. As such, the Department of the Attorney General recommends that page 8, lines 11 to 12, of the bill be stricken so the sentence reads "All fines shall be paid to the department of health."

Lastly, the Department of the Attorney General recommends that the term "heated tobacco products" be stricken from the definition of "e-liquid" on page 9, lines 5 to 6. Heated tobacco products falls under the definition of "cigarette", which means "any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (2) tobacco, in any form, that is functional in

the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette[.]" Section 675-2(d), HRS (2016) (emphasis added). See also section 1332(1) of title 15, United States Code.

Thank you for the opportunity to provide comments.



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. 2457, H.D. 1  
RELATING TO THE YOUTH VAPING EPIDEMIC**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: February 13, 2020

Room Number: 325

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

5 **Department Testimony:** The DOH supports the intent of Section 4 of House Bill 2457, House  
6 Draft 1 (H.B. 2457, H.D. 1) which makes it unlawful to sell, offer to sell, or possess with the  
7 intent to sell or offer to sell any flavored tobacco product, including menthol in the State, and  
8 establishes legal responsibilities and fines for retailers, and prohibits the mislabeling of e-liquid  
9 products containing nicotine. The DOH offers comments on Section 3(b) on the confiscation of  
10 electronic smoking devices (ESDs) by the DOE, and opposes Section 5, item 6(a) related to  
11 youth possession and use penalties.

12 The Department requests the support of the Committee to maintain the parts of  
13 H.B. 2457, H.D.1 namely Section 4, to prevent more youth in Hawaii from initiating ESD use  
14 and becoming dependent on nicotine. Since the 2018 U.S. Food and Drug Administration (FDA)  
15 and Surgeon General declaration of the youth e-cigarette epidemic, use among young people  
16 continues to rise. By 2019, 27.5% of high school students said they vaped compared to 20.8% in  
17 2018.<sup>1</sup> These figures represent a doubling of proportions between 2017 and 2019 for high

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

1 schoolers (11.7% to 27.5%) and tripling effect for middle schoolers (from 3.3% to 10.5%).<sup>2</sup> In  
2 total numbers, 4.1 million high school youths and 1.2 million middle school youths said they  
3 currently use e-cigarettes.<sup>3</sup> Hawaii youth in 2017 had amongst the highest ESD rates in the  
4 nation, with 25.5% high school, and 15.7% middle school students reporting regular use.<sup>4</sup>

5 Scientific studies increasingly confirm flavors are one of the main reasons that youth use  
6 tobacco. According to the 2013-2014 Population Assessment of Tobacco and Health (PATH)  
7 study, 81% of 12 to 17 year old teens who had ever used a tobacco product initiated tobacco use  
8 with a flavored product. Additionally, 80% of current users had used a flavored product in the  
9 last month.<sup>5</sup> In 2019, the large majority of youth ESD users reported use of flavors with fruit,  
10 menthol or mint, candy, desserts, or other sweets being the most commonly used.<sup>6,7</sup> According  
11 to the same research, mint and menthol went from being among the least popular to among the  
12 most popular flavors for high school students over the past four years.<sup>8</sup> Data from another 2019  
13 study revealed that the most popular flavor among 10th and 12th grade Juul users was mint.<sup>9</sup>  
14 These data illustrate that trends among youth users of flavored e-cigarette products change  
15 quickly and therefore must be swiftly addressed. It is well documented that flavors facilitate  
16 youth initiation of tobacco use, which can expose the developing brain and body to the harmful  
17 effects of nicotine. The FDA Commissioner stated, “No child should be using any tobacco or  
18 nicotine-containing product. We need to do everything possible to reverse the alarming trend of

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

<sup>3</sup> Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

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

<sup>5</sup> Ambrose, B. K., Day, H. R., Rostron, B., Conway, K. P., Borek, N., Hyland, A., & Villanti, A. C. (2015). Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 314(17), 1871–1873. <https://doi.org/10.1001/jama.2015.13802>

<sup>6</sup> Campaign for Tobacco-Free Kids, Statement of Matthew L. Myers, President, “JAMA Studies Show Youth E-Cigarette Epidemic is Getting Worse and Kids Shifted to Mint/ Menthol After Other Flavors Were Restricted”, November 5, 2019, retrieved from [https://www.tobaccofreekids.org/press-releases/2019\\_11\\_05\\_jama](https://www.tobaccofreekids.org/press-releases/2019_11_05_jama)

<sup>7</sup> Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

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

<sup>9</sup> Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O’Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA*. 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

1 rising youth use of novel products like e-cigarettes and help kids who may already be  
2 addicted.”<sup>10</sup>

3 The Department does not support the proposed increase in penalties for young people in  
4 Section 5, beginning on page 10. Research shows that penalizing youth for possession, use, or  
5 purchase, are not only ineffective but may have the unintended consequence of stigmatizing  
6 youth and exacerbating socioeconomic, racial, gender and other disparities.<sup>11</sup> The association  
7 between harsh or remedial consequences for youth violations and associations with student self-  
8 reported use of smoking is found to be weak.<sup>12</sup>

9 This measure requires the schools to “coordinate with the DOH for the proper disposal of  
10 electronic cigarettes.” Waste nicotine products, including electronic cigarettes, are considered  
11 acutely toxic hazardous waste under the state’s regulations and schools would be considered the  
12 “generator” of the hazardous waste when disposing of electronic cigarettes confiscated from  
13 students. Electronic cigarettes are also hazardous because of the lithium batteries they contain.  
14 The DOH does not provide or manage any waste disposal services; rather, it regulates the  
15 disposition of solid and hazardous waste. Existing regulations for hazardous waste disposal  
16 (chapters 11-260.1 to 11-279.1, Hawaii Administrative Rules) require hazardous waste to be sent  
17 to a permitted hazardous waste treatment, storage, or disposal facility (TSDF), unless the  
18 generator is a Very Small Quantity Generator (VSQG). There are no commercial TSDFs in the  
19 state, and the waste will need to be transported to the U.S. mainland by a specialized hazardous  
20 waste transportation contractor. If the school is a VSQG, its hazardous waste can be managed at  
21 a permitted municipal solid waste facility. Public schools do not typically generate large  
22 quantities of hazardous waste nor acute hazardous waste.

23 The DOH suggests removing any provisions that shifts the responsibility away from the  
24 tobacco industry and onto the youth whom they target. The DOH and DOE are coordinating on

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<sup>10</sup> Press Announcement; Statement from FDA Commissioner Scot Gottlieb, MD, on the agency’s continued efforts to address growing epidemic of youth e-cigarette use, November 2, 2018.

<sup>11</sup> ChangeLab Solutions. PUP in Smoke: Why youth tobacco possession and use penalties are ineffective and inequitable. Fact Sheet retrieved January 31, 2020 from <https://www.changelabsolutions.org/product/pup-smoke>

<sup>12</sup> The impact of school tobacco policies on student smoking in Washington State, United States and Victoria, Australia. - PubMed—NCBI. (n.d.). Retrieved February 7, 2020, from <https://www.ncbi.nlm.nih.gov/pubmed/20616998>



1 youth ESD use, and consultation on solid and hazardous waste issues. Amendments are offered  
2 for Section 3 that aligns with existing state regulations and supports the working relationship.

3 Thank you for the opportunity to testify.

4

5 **Offered Amendments:**

6 Section 3, page 6, lines 8-10 strike the following:

7 "**§302A- Confiscation of electronic smoking devices.**

8 (a) A teacher or educator at a public school shall confiscate  
9 an electronic smoking device that is found in the possession of  
10 a student who is under the age of twenty-one.

11 ~~(b) Each public school shall coordinate with the~~  
12 ~~department of health for the proper disposal of electronic~~  
13 ~~smoking devices confiscated pursuant to subsection (a).~~

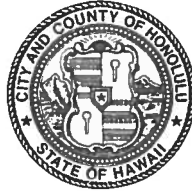
14

15 Section 3, page 6, lines 8-10, add the following:

16 (b) "Each public school shall dispose of confiscated  
17 electronic cigarettes in compliance with all applicable solid  
18 waste and hazardous waste regulations, including chapters 11-  
19 260.1 to 11-273.1, Hawaii Administrative Rules."

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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CHIEF

JOHN D. McCARTHY  
CLYDE K. HO  
DEPUTY CHIEFS

OUR REFERENCE MK-SA

February 13, 2020

The Honorable Chris Lee, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 2457, H.D. 1, Relating to the Youth Vaping Epidemic

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

The HPD supports House Bill No. 2457, H.D. 1, Relating to the Youth Vaping Epidemic.

The HPD strongly supports this bill that prohibits the sale of flavored tobacco products including electronic liquids. Flavored tobacco products directly target adolescents and young adult age groups. Recent deaths in these age groups have been directly linked to the use of e-products.

The HPD supports Section 3, Chapter 302A- Confiscation of electronic smoking devices.  
(a) A teacher or educator at a public school shall confiscate an electronic smoking device that is found in the possession of a student who is under the age of 21. The HPD strongly supports  
(b) Each public school shall coordinate with the department of health for the proper disposal of electronic smoking devices confiscated pursuant to subsection (a).

Thank you for the opportunity to testify in support of House Bill No. 2457, H.D. 1, Relating to the Youth Vaping Epidemic.

Sincerely,

  
Mikel Kunishima, Captain  
Community Affairs Division

APPROVED:



Susan Ballard  
Chief of Police

**HB-2457-HD-1**

Submitted on: 2/11/2020 3:30:46 PM

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

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

Comments:



## **HB2457 HD1 Ban Flavored E-Cigarettes and Impose Fines**

### **COMMITTEE ON JUDICIARY:**

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

## **Hawaii Substance Abuse Coalition Recommends and Supports HB2457 HD1:**

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

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

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

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

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

**House Committee on Judiciary**

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

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

Re: **Testimony in Support of HB 2457, HD1  
Relating to The Youth Vaping Epidemic**

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

**I write in support of HB 2457, HD1**.which bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, and establishes fines and penalties for violations. The measure also requires the Department of Education (DOE) to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession and authorizes public school teachers to confiscate electronic cigarettes, among other provisions.

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

E-cigarette use or vaping among youth and young adults has become a national public health concern. Research conducted by the University of Hawaii Cancer Research Center, an NCI designated institute, found that the use of e-cigarettes by middle and high school aged children is rising at an alarming rate. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have decreased through the years, electronic smoking device (ESD) use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Products are glamorized in order to appeal to our youth, using flavors such as candy, fruit, chocolate, mint, Kona coffee, Maui Mango, Shaka strawberry, and Moloka'i hot bread.

This measure is an important step toward guarding against the harmful effects of smoking and e-cigarette use.

Thank you for the opportunity to provide testimony on this bill.



**American Heart Association testimony for HB 2457,  
"Relating To The Youth Vaping Epidemic"**

**Chairman of the Board**

Glen Kaneshige

**President**

Kahealani Rivera, MD

**Board Members**

Rick Bruno, MD, FACEP

Jackie De Luz

Brandt Farias

Jason Fujita

Mimi Harris

Brandon Kurisu

Michael Lui, MD

Arnold Martines

Michael Rembis, FACHE

Andrew Rosen

Timothy Slottow

Jennifer Walker

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

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The American Heart Association supports Section 4 of HB 2457 which would enact a ban on sales of flavored tobacco products, and supports the intent of **Section 4, part (5) which would restore the counties' ability to adopt rules or ordinances concerning the sales of flavored tobacco products**, but request that part be amended to restore counties' ability to adopt ordinances concerning the sales of *all* tobacco products. The Association **OPPOSES Section 5** of the bill which proposes to impose penalties for those underage who purchase or possess tobacco products. The Association takes no position on other sections of the bill.

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

The evidence supporting a flavor ban is clear. As we discuss below, flavored tobacco products are highly attractive to youth and have led to increased initiation and use among children and adolescents. The number of flavored products on the market has also increased substantially with the tobacco industry marketing thousands of fruit, candy, and mint flavored products that appeal to children. Allowing these products to remain on the market puts a new generation at risk of a dangerous addiction. In addition, some of the flavors designed to make e-cigarettes more attractive to children have been shown to harm lung tissue, heart muscle cells, the lining cells of blood vessels, and the cells we need for blood clotting after injury.

While we understand that some adult tobacco users report using flavored products to transition or switch from combustible cigarettes, there is little evidence supporting their use as a cessation tool. The idea that vaping is a better way to quit cigarettes than reliable methods using FDA-approved nicotine replacement products isn't backed up by the weight of science.

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

One study frequently cited by industry and its supporter did show e-cigarettes to be effective in stopping smoking. However, as is often the case with science, that part of the study's results don't tell the whole story. The study, published in the New England Journal of Medicine, was conducted in England. That's significant because the e-cigarettes in England are far different from those in the U.S. English products have much lower levels of nicotine (as regulated by the government), and physicians there actually encourage their use to quit smoking.

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

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn’t work for many people. They cut back, but they still smoke while vaping and they remain addicted. That’s called “dual use” in public health literature. The dangers of cigarettes remain, with the added dangers of e-cigarette use. The American Heart Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don’t want anyone to ever start any nicotine-containing product.

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

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

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

A convincing body of evidence has shown that tobacco-related health disparities are exacerbated by targeted marketing in minority areas and the consumption of menthol tobacco products. Internal tobacco industry documents show that tobacco companies have a long history of using flavors, including menthol, to reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18. The FDA’s Tobacco Products Scientific Advisory Committee noted that “Menthol cannot be considered merely a flavoring additive to tobacco. Its pharmacological actions reduce the harshness of smoke and the irritation from nicotine.” The Committee concluded:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking; and



- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

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

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

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

The American Heart Association believes that local governments should be able to determine their own needs for tobacco policies, and the state legislature should support those efforts by establish a floor, not a ceiling on what local governments can do to address those needs. Some 1,400 Hawaii residents die each year from smoking, and 21,000 kids alive today in Hawaii will die prematurely from smoking if nothing is done to reduce tobacco use.

**In regards to Section 5,** however, **the American Heart Association strongly opposes youth possession and penalties (PUP) tobacco laws.** The rise in PUP laws is linked to Big Tobacco's response to the Synar amendment which required states to enact and enforce laws prohibiting distribution and sale of tobacco products to minors. As states imposed restrictions on tobacco retail sales, the tobacco industry and retail merchants associations pressured lawmakers to penalize buyers and users as well as vendors.

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

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

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

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

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

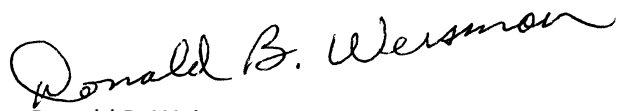
PUP laws stigmatize youth who smoke, yet smoking is an addictive behavior promoted by a billion-dollar industry that directly and deliberately targets them. Stigma is not an effective public health intervention, and it may keep kids from seeking cessation treatment or education. Problematic behaviors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

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

We strongly urge you to support Section 4, with the suggested amendment to part (5) of that section, and to delete the language in Section 5 pertaining to youth possession and

penalties. Thank you for considering our recommendations which we feel will have a substantial effect in reducing tobacco use among Hawaii's youths.

Respectfully submitted,

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

Donald B. Weisman

Hawaii Government Relations/Communications Director

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

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

### **Comments for House Bill 2457, House Draft 1, Relating to the Youth Vaping Epidemic**

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.

**While the American Lung Association in Hawaii fully supports the portions of this bill that aim to ban the sale of flavored tobacco products, including menthol, we do not support punishment for youth possessing or purchasing tobacco products.**

Youth purchase, use, or possession (PUP) laws are not an effective approach to reducing youth tobacco use and inappropriately shift the blame for underage tobacco use from the tobacco industry and retailers, to young people. Penalizing youth is not an effective strategy for reducing youth smoking; and some experts argue that PUP laws could actually detract from more effective enforcement measures and tobacco control efforts.<sup>1</sup>

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.

Many youth smokers are addicted, making it difficult for them to quit, and some research suggests that penalizing youth could deter them from seeking support for cessation<sup>2</sup>. Promoting interventions that provide cessation resources for youth interested in quitting could be a more beneficial alternative.

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

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<sup>1</sup> Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl 1):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," J Drug Education, 35(4):275-290, 2005.

<sup>2</sup> 2 Hrywna, M, et al., "Content Analysis and Key Informant Interviews to Examine Community Response to the Purchase, Possession, and/or Use of Tobacco by Minors," J Comm Health, 29(3):209-216, 2004; Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl 1):i6-i13, 2003; Loukas, A, et al., "Examining the Perspectives of Texas Minors Cited for Possession of Tobacco," Health Promotion Practice, 7(2):197-205, 2006.

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 that ban flavored tobacco products, including menthol, but that do not punish youth that have become victims of the tobacco industry and predatory retailers.



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



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

**RE: HOUSE BILL NO. 2457, HOUSE DRAFT 1, RELATING TO THE YOUTH VAPING EPIDEMIC.**

Chair Lee, Vice Chair San Buenaventura, and Members of the Joint Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 2457, RELATING TO THE YOUTH VAPING EPIDEMIC.

The bill, as received by your Committee, would:

- (1) Require the Department of Education to establish and administer a safe harbor program by which persons under the age of twenty-one may dispose of electronic smoking device in their possession;
- (2) Require a public school teacher or educator to confiscate an electronic smoking device if it is found in the possession of a student under the age of twenty-one;
- (3) Prohibit the sale or advertising of tobacco products, remote retail sales and the marketing of nicotine-free products that contain nicotine, and raises the civil fines for violations beginning January 1, 2021;
- (4) Require a first-time violator to complete a tobacco education program or a tobacco use cessation program, and perform three hours of community service; and
- (5) Take effect on July 1, 2050.

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

**Testimony on House Bill No. 2457, House Draft 1**  
**Thursday, February 13, 2020; 2:05 p.m.**  
**Page 2**

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

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

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

11 February 2020

**Re: Testimony in Support to HB2457  
Relating to the Youth Vaping Epidemic**

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

### **HAWAII'S YOUTH VAPING EPIDEMIC**

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

### **WHY FLAVORS?**

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

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

### **WHY MENTHOL?**

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

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Although we support the bill, we oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking.

Teachers already have the ability to confiscate the devices if needed. This bill unfairly places the burden of enforcement on public school teachers. Instead, other policies to regulate the industry would be more effective.

Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make Hawaii a healthier, happier place to live, work and play. To accomplish that goal, we work with people, places, and polices in areas of well-being including better access to our natural and built environment resources.

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

Blue Zones Project strongly supports this bill and asks that it be approved with the other concerns inputted as well.

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

Sincerely,

*Crystal Robello*

Community Engagement Lead  
Blue Zones Project – Hawaii

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**HB-2457-HD-1**

Submitted on: 2/12/2020 12:02:30 AM

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

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

Comments:

We Strongly oppose bill HB2457. First of all this bill infringes on the freedom of ADULTS. Vaping/Smoking is an adult activity. So is drinking alcohol. Alcohol use is nearly identical to vaping use among Hawaii high school students according to a report by the Hawaii Department of Health. Although vaping use is identical to drinking alcohol among teens in Hawaii, Alcohol is never a target. Why? Alcohol has just as many or more flavors. Adults like flavors also!

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

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

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

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

Thank you for your time in reading this testimony.



February 12, 2020

**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  
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Scott McCubbins  
816 781-5883

Graeme Merrin  
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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

HOUSE JUCICIARY COMMITTEE

*STRONG SUPPORT FOR*  
**HB 2457 RELATING TO THE YOUTH VAPING EPIDEMIC**

Aloha Judiciary 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 support prohibiting the use of flavors, including menthol, in ALL tobacco products (including e-cigarettes) as set forth in HB 2457.

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 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. Hawai'i has among the highest rates of middle school and high school e-cigarette use in the nation; the U.S. Surgeon General has declared vaping a youth epidemic. This is extremely concerning. Teens are particularly vulnerable to nicotine, which permanently impacts the developing brain.

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawai'i that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava).

Please fulfill your allegiance to the people of Hawaii and advance House Bill 2457. 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

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:17:44 AM

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

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

Comments:

Protect People Not Corporate Poisons

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



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

To: Hawaii State Legislature

Regarding: Flavor Tobacco Ban

Position: Strong Support

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

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

I also ask that you to remove youth penalties. I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics. Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking. Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

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

Sincerely,

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

# HUI NO KE OLAPONO

95 Mahalani St. Rm #21

Wailuku, HI 96793

P - (808)244-4647, F – (808)442-6884

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

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

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

## **Some troubling facts:**

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

## **Though,**

We oppose penalizing youth. Instead:

- Hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.
- Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking.



- Use policies with proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

## **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.

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:51:31 AM

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

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

Comments:

**We oppose youth penalties. This will be punitive and likely to be ineffective and difficult to implement.**



February 12, 2020

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

**RE: HB 2457 HD1 (HSCR255-20) – oppose.**

Thank you for the opportunity to submit testimony. VOLCANO eCigs is the largest retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 100 full-time workers to support sales of our products not only here in Hawaii, but to most all continental USA states as well as over 30 International countries. We stand in opposition to HB 2457 HD1 (HSCR255-20) for the following:

- Most recently, the FDA has issued updated guidance on vapor products which limit a flavor restriction to prefilled pods such as the Juul device which has been proven in the recent CDC Youth Tobacco Risk Survey to be the #1 brand choice for youth usage. This is a measured approach to an issue The FDA purposefully left the “open tank” market off their guidance for flavor restrictions because they want to keep the adult users and industry participants insulated from a blanket ban that would send adults back to cigarettes and put 15,000 small businesses out of business & 100,000 people out of work nationally.
- HB 2457 HD1 (HSCR255-20) would decimate the Hawaiian vapor industry by banning the sale of all electronic cigarette liquids and cartridges. Every electronic cigarette available on the worldwide market is “flavored.” Because they do not contain tobacco, electronic cigarettes have no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. Even electronic cigarettes advertised as coming in “tobacco flavor” are actually just the result of the blending of several different flavorings such as caramel and nut flavors in an attempt to mimic the flavor of tobacco. To use the language of the proposed statute, every electronic cigarette imparts to the user a “distinguishable or distinctive” aroma, or taste other than tobacco. As a result, SB 1009 SD2 HD1 will act as a de facto ban of the manufacture and sale of all electronic cigarettes.
- Even if HB 2457 HD1 (HSCR255-20) permitted the sale of electronic cigarettes flavored to taste like tobacco, its enactment would still ban the manufacture and sale of the vast majority of our products. This bill would present more than just a competitive disadvantage for local suppliers and retailers. It would be a death knell for vapor industry in Hawaii. Local consumers will either flavor liquids themselves or purchase from out of state, causing a loss of jobs and tax revenues for the state. Similarly, we will be forced to close our stores and move all or most of our business and operations to the mainland, taking with us jobs and tax revenue that has grown every year since our founding.
- Enactment of HB 2457 HD1 (HSCR255-20) will deal a similar fate to our competitors in the electronic cigarette industry. Between them these businesses have likely created 1000 jobs in Hawaii. All or more of these jobs will be lost as a result of this legislation. Additionally, convenience stores and other businesses that sell vapor products will feel the impact of consumers purchasing products from the mainland.



● The baseless claims that electronic cigarettes flavors are made to attract children must be weighed against the significant evidence that electronic cigarette flavors are very popular with adult users. The International Journal of Environmental Research and Public Research recently published the most expansive survey performed on the subject. We urge you to read the full text of this study, which we have attached to our testimony. Below are some highlights:

- Researchers conducted an Internet survey of over 4,500 adult electronic cigarette consumers. The participants' average age was 40 years old. The vast majority (90%) of those surveyed were ex-smokers, with the average respondent having been cigarette-free for approximately one year.
- Among the survey respondents, the most commonly used flavors were fruits, followed by sweets and tobacco.
- Those electronic cigarette users who were still smoking ("dual users") were actually more likely to use tobacco flavors than those vapers who had quit smoking.
- On a scale of 1-5, the average score given by the respondents for the importance of flavor variability in reducing or quitting smoking was 4 ("very important").
- Almost 50% of the respondents answered that a lack of flavor availability would increase their cravings for tobacco cigarettes and would decrease their chances of remaining abstinent from smoking.
- <https://www.mdpi.com/1660-4601/10/12/7272>
- The use of flavorings in electronic cigarette liquids is one of the driving factors in helping prevent adult former smokers who switch to e-cigarettes from going back to traditional cigarettes. Most users report that after switching to electronic cigarettes and experiencing the pleasant tastes one can enjoy with an electronic cigarette, they no longer find the taste of traditional tobacco cigarettes appealing.
- Enactment of this bill will actually benefit Big Tobacco by stifling their competition. Analysts credit electronic cigarettes, not government intervention, nor traditional nicotine replacement therapy products, with causing cigarette sales to experience larger than forecasted declines in the U.S. and Europe. Regardless of the good intentions involved, every step taken to reduce adult access to electronic cigarettes is really a step towards protecting cigarette markets.
- HB 2457 HD1 (HSCR255-20) exempts traditional Nicotine Replacement Therapy (NRT) products that contain nicotine even though electronic cigarettes have been shown to be a much more effective tool for helping people quit smoking and have been demonstrated to have a similar risk profile as NRT's.
- <http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract>
- [http://m.circ.ahajournals.org/content/130/Suppl\\_2/A14945.short](http://m.circ.ahajournals.org/content/130/Suppl_2/A14945.short)
- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes
- [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)
- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for adult smokers to these products, not tighter regulations that steers current vapers back to tobacco cigarettes
- <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- If flavors are not important in helping adult smokers switch from, or quit traditional cigarettes, why is GlaxoSmithKline's nicotine gum exempt from this bill and sold in flavors?



- HB 2457 HD1 (HSCR255-20) would not successfully remove all flavored e-liquid products from the market. It would simply force local customers to go online and purchase them from vendors across the 49 other states who would not be subject to this ban. It would severely impact local based businesses from competing with businesses from the 49 other states who would not be subjected to this law further lowering jobs and revenues already being created in the state.

While we agree that curbing youth usage and enforcing our current laws prohibiting the sale and use of vapor products is of utmost importance, doing so at the detriment to adults who use these products every day as an alternative to traditional tobacco is not the right way to do it. This bill is not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Cory N. Smith  
CEO & Owner  
VOLCANO eCigs  
197 Sand Island Access Rd. #213  
Honolulu, HI 96814  
[cory@volcanoecigs.com](mailto:cory@volcanoecigs.com)

**HB-2457-HD-1**

Submitted on: 2/12/2020 11:30:32 AM

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

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

Comments:

We are in strong opposition to bills such as hb2457 that steal people's freedom of choice and harm local businesses.

[www.hawaiismokersalliance.net](http://www.hawaiismokersalliance.net)

**HB-2457-HD-1**

Submitted on: 2/12/2020 11:36:04 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elena Cabatu	Hilo Medical Center	Support	No

Comments:

Hilo Medical Center supports HB 2457 to prohibit the sale and distribution of flavored tobacco products.



American Cancer Society  
Cancer Action Network  
2370 Nu`uanu Avenue  
Honolulu, Hawai`i 96817  
808.432.9149  
[www.acscan.org](http://www.acscan.org)

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

**SB 2457, HD1 – RELATING TO THE YOUTH VAPING EPIDEMIC**

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

Thank you for the opportunity to provide testimony in support with comments on HB 2457, HD1, which creates a safe harbor for disposal of electronic smoking devices, requires teachers to confiscate electronic smoking devices, prohibits the advertising, sales, and remote sales of flavored tobacco products, and amends the penalties for violations of use and possession by individuals under the age of 21. This measure is effective on July 1, 2050.

Flavors in tobacco products are a marketing weapon the tobacco manufacturers use to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal. Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies. Products with flavors like li hing gummy bears, taro pancake, cotton candy, and passion orange guava are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth. Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.

We take no position on provisions to create a safe harbor for disposal of electronic smoking devices in section 2 of the bill. We would defer to the Department of Education for implementation and administration of this part.

We also take no position on the provisions to require public school teachers to confiscate electronic smoking devices in section 3 of the bill. We would defer to the Department of Education for implementation of this requirement for teachers. We do note the Department does have rules under Hawaii Administrative Rules Title 8, Chapter 19, to address smoking and tobacco products.



While we support provisions to restrict the sale of flavored tobacco products, we do have concerns over the increases of fines for violations of possession of a tobacco product by persons under the age of 21. In section 5 of the measure, fines are increased from \$10 to \$100 for the first offense and \$50 to \$300 for subsequent offenses. While these increased penalties are discretionary and other options in lieu of the fine currently exist in the measure, we are wary of the fine increases that affect youth who may be addicted to these products. We would support any effort to remove all monetary fines for under-age use and possession for these reasons.

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



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Corey Rosenlee  
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Osa Tui, Jr.  
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Logan Okita  
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Wilbert Holck  
Executive Director

## TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY

RE: HB 2457, HD1 - RELATING TO THE YOUTH VAPING EPIDEMIC

THURSDAY, FEBRUARY 13, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Lee and Members of the Committee:

The Hawaii State Teachers Association **provides comments on HB 2457 HD1** which bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, establishes fines and penalties for violations, requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession, authorizes public school teachers to confiscate electronic cigarettes, increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age, authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine.

**Hawaii State Teachers Association supports some components of the bill however we are concerned with others. We strongly support banning the sale of flavored tobacco products. Flavored tobacco products are strongly correlated to usage among youth. With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 97% of youth who vape say they use a flavored product.**

We also support providing a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession. It's important that we provide our youth with a way out when it comes to the use and possession of e-cigarettes and e-cigarette products. For this reason, we also suggest expanding the

safe harbor program to accept other electronic smoking device products such as e-liquids.

**We do not support the component of the bill requiring public school teachers to confiscate electronic smoking devices because it does not solve the youth vaping epidemic.** The confiscation of these devices is extremely difficult because it has to be visible before a teacher can attempt to confiscate it. Furthermore, if a teacher witnesses a student vaping but the student has hidden the device, the teacher is unable to confiscate it. **These products are already contraband as set by the BOE and DOE and teachers are already confiscating what they can when they can but this does not reduce the use of these products by students at all.**

**We also do not support increasing fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age.** Imposing higher fines on youth will not solve the vaping epidemic. **Conversely, what will help solve the youth vaping epidemic is banning flavored tobacco, imposing a tax on electronic smoking products so that they are on par with the taxation of traditional tobacco products, and using funds from taxation to support health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth.**

To ensure we reduce the youth vaping epidemic in the most effective and targeted way, we respectfully ask you to **consider our comments on this bill.**



## HIPHI Board

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and Human Resources

Garret Sugai  
Kaiser Permanente

Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: February 12, 2020

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

Re: Strong Support HB 2457, HD1, Relating to the Youth Vaping  
Epidemic

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

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> is in **Strong Support of HB 2457, HD1**, which would end the sale of all menthol and flavored tobacco products in the state and prohibit mislabeling of e-liquid products containing nicotine. The Coalition also recommends amendments regarding the creation of a safe harbor program within the Department of Health for disposal of e-cigarettes, enabling teachers to confiscate e-cigarettes from underage students, and penalties for underage tobacco users.

### **This measure will help to save lives.**

Tobacco use remains a serious threat to public health. Each year, Hawai'i spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking. Candy flavors such as Fruit Hoops, Sour Straws, and Cookie Monsta are designed to appeal to kids, and make nicotine go down easier. With 81% of youth starting with a flavored product<sup>ii</sup>, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

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

Hawai'i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the

rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an “electronic vaping product” in 2017, we have an urgent need to act. More troubling is that because of the historic declines in smoking, big tobacco has decided to focus on candy flavors and nicotine delivery solutions. Tobacco giant Altria, maker of Marlboro, is investing in the popular vaping company Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.

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

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

### **Hawai’i voters support ending the sale of flavored tobacco in Hawai’i.**

In a poll<sup>iii</sup> conducted by Ward Research Inc. for the Coalition in November 2019, 77% of registered Hawai’i voters were in support of prohibiting flavored tobacco products, including e-cigarettes, and 70% support including menthol.

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

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

### **The Coalition opposes laws that focus on penalizing youth use and possession of tobacco products, including e-cigarettes.**

Possession of tobacco products by underage persons (“PUP”) unfairly punish and stigmatize children, who become addicted at such a young age as a result of the tobacco industry’s aggressive marketing to kids. PUP laws are a known tobacco industry tactic<sup>v</sup> that shift the blame away from the industry’s irresponsible marketing and retailers’ violations of our Tobacco 21 law. Further, PUP laws are not effective on reducing underage tobacco use and divert policy attention from effective tobacco control strategies and reinforce the tobacco industry’s position that parents or guardians are responsible for restricting minors’ access to tobacco.

**The Coalition recommends consideration of other measures to decrease youth use of tobacco products.**

Instead of criminalizing our children or placing the burden on our public-school educators, the focus should be on passing laws that are known to be effective at reducing tobacco use. Confiscation and disposal will not solve our youth vaping epidemic and will place high cost and burden on the Department of Education for disposal of these hazardous materials. The health of our children needs to be protected at all costs, in and out of the classroom. When children are not in school, it is unclear what the enforcement will be. Rather than focus on punitive laws, we must hold the industry responsible. Vaping products must be regulated and treated in the same manner as tobacco products to counter the tobacco industry's targeted marketing to kids.

The Centers for Disease Control and Prevention outlines a number of proven strategies to prevent youth tobacco use, none of which include penalizing youth for possession or using tobacco products. Recommended efforts include: regulating tobacco products; decreased access to tobacco products; increased price of tobacco products; tobacco prevention policies and programs in schools; and increased enforcement of restrictions on tobacco sales to minors.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke cigarettes or e-cigarettes, and can encourage those addicted to these products, to quit. We appreciate Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction. We respectfully urge the committee to **pass HB 2457, HD1 with the removal of youth penalties.**

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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

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

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

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

<sup>iv</sup> Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis

Samir Soneji, PhD<sup>1,2</sup>; Jessica L. Barrington-Trimis, PhD<sup>3</sup>; Thomas A. Wills, PhD<sup>4</sup>; et al  
JAMA Pediatr. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

<sup>v</sup> Wakefield M, Giovino G Teen penalties for tobacco possession, use, and purchase: evidence and issues Tobacco Control 2003;12:i6-i13; via [https://tobaccocontrol.bmj.com/content/12/suppl\\_1/i6.citation-tools](https://tobaccocontrol.bmj.com/content/12/suppl_1/i6.citation-tools)



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

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

**RE:** HB 2457 HD1 - RELATING TO THE YOUTH VAPING EPIDEMIC  
In Support

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

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee:

The Hawaii Association of Independent Schools (HAIS) supports HB 2457 HD1.

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

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

HAIS and its member schools support HB 2457 HD1 because, in banning the sale of flavored tobacco products – including menthol-flavored tobacco products – and increasing the penalties for the purchase of e-cigarettes by persons under the age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students and help to protect the current and future generations of Hawaii's citizens.

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





**WAIANAЕ COAST  
COMPREHENSIVE  
HEALTH CENTER**  
[www.wcchc.com](http://www.wcchc.com)

**February 12, 2020**

**Testimony to the House Judiciary Committee  
Thursday, February 13, 2020, 2:05 pm, Capitol Room 325**

**Re: Testimony in STRONG SUPPORT of HB 2457 Relating to Flavored Tobacco Products; Electronic Smoking Devices; Sale; Ban; DOE; DOH**

**Submitted By: Richard Bettini, President and CEO & Dr. Vija Sehgal, Chief Quality Officer, Director of School Based Health Services, Pediatrician, Waianae Coast Comprehensive Health Center**

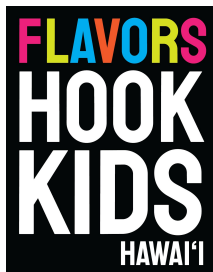
**Aloha Chair Lee, Vice Chair Buenaventura, and Members of the Committee:**

The Waianae Coast Comprehensive Health Center (WCCHC) would like to state its strong support for HB 2457 which would prohibit the sale and distribution of flavored tobacco products in Hawai'i.

Hawai'i is already experiencing a youth vaping epidemic. About 42% of Hawai'i high school students are trying e-cigarettes. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to appeal to young adolescents. With more than 15,500 flavors, these products are being irresponsibly marketed.

The sale of candy-flavored tobacco contributes to leading our youth to a lifetime of nicotine addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act.

We oppose youth penalties, as we need to hold the tobacco industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.



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

Re: Support: HB2457, HD1: Relating to the Youth Vaping Epidemic

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

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Dear Chair, Vice Chair, and Members of the Committee,

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT of SB2457, HD1** to prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State of Hawai'i. We support the first step that this bill takes towards limiting the sale of flavored tobacco. Additionally, we oppose the inclusion of monetary penalties on youth, as these have not been found to be effective and adversely impact the ability for youth to come forward and ask for help.<sup>1</sup>

Flavors Hook Kids Hawai'i is working to protect our keiki by prohibiting the sale of all flavored tobacco products, including menthol, to prevent the tobacco industry from enticing children with these flavors. Endorsed by more than 200 organizations, community leaders and advocates, this campaign is a joint initiative of the American Heart Association, the American Lung Association, the American Cancer Society Cancer Action Network, the Campaign for Tobacco-Free Kids, and the Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute.

While Hawai'i has made great strides in reducing tobacco use, it remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually. In Hawai'i middle and high school e-cigarette use rates are truly alarming, (42% of all high school students and 27% of all middle school students reporting ever having used a "electronic vaping device."<sup>2</sup> Furthermore, we have recently

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<sup>1</sup> Change Lab Solutions, "PUP in Smoke: Why Youth Possession and Use Penalties Are Ineffective and Inequitable" April 2019. [https://www.changelabsolutions.org/sites/default/files/2019-05/PUPinSmoke\\_FINAL\\_2019-04-17.pdf](https://www.changelabsolutions.org/sites/default/files/2019-05/PUPinSmoke_FINAL_2019-04-17.pdf)

<sup>2</sup> 2016 Behavioral Risk Factor Surveillance System (BRFSS). <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

seen a drastic increase in the number of youth who use tobacco products. From 2017 to 2018 rates have increased among high schoolers from 11.7% to 20.8% and in middle schoolers from 3.3% to 4.4%.<sup>3</sup> It is clear that we must act and we must act now.

**Prohibiting the sale of flavored tobacco products, including menthol cigarettes, in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts of the tobacco industry to hook kids to a deadly addiction.** Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With colorful packaging and sweet flavors, these products are often hard to distinguish from the candy displays near which they are frequently placed in stores. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.<sup>4</sup>

**Menthol is the Most Popular Tobacco Flavor Among Youth** The minty taste imparts a cooling, soothing sensation, which masks the harshness of tobacco, making it easier to tolerate. The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

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

After a thorough review of the evidence, TPSAC concluded that "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."<sup>5</sup>

As of 2017, researchers identified more than 15,500 unique e-cigarette flavors available online.<sup>6</sup> Flavors are a critical part of the product design, and a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."<sup>7</sup> The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one

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<sup>3</sup>CDC, "Tobacco Use is Rising" February 2019 Report.

<sup>4</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>5</sup>Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011

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

<sup>6</sup>Zhu, S-H, et al., "Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

<sup>7</sup>HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

source, an increase from 68.9 percent in 2014.<sup>8</sup>

**Flavored Tobacco Products Are Popular Among Youth** Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth to start, and preference for flavors declines with age.

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that *81 percent of kids who have ever used tobacco products started with a flavored product*. Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.<sup>9</sup> Just like with cigarettes, menthol e-cigarettes are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.<sup>10</sup> Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.<sup>11</sup> Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”<sup>12</sup>

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>13</sup> A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”<sup>14</sup> It is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

Menthol cigarettes, the only flavored cigarettes on the market, are popular among youth. It cools and numbs the throat, reducing the harshness of cigarette smoke, making it more appealing to a young person just starting to smoke. Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.<sup>15</sup>

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<sup>8</sup>Marynak, K., et al., “Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014-2016,” *MMWR* 67(10): 294-299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.

<sup>9</sup>FDA, “Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products,” September 11, 2019, [https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm\\_source=CTPEblast&utm\\_medium=email&utm\\_term=stratout&utm\\_content=pressrelease&utm\\_campaign=ctp-vaping](https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm_source=CTPEblast&utm_medium=email&utm_term=stratout&utm_content=pressrelease&utm_campaign=ctp-vaping).

<sup>10</sup>Cullen, KA, et al., “e-Cigarette Use Among Youth in the United States, 2019” *JAMA*, published online November 5, 2019.

<sup>11</sup>FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

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

<sup>13</sup>HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.

<sup>14</sup>National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

<sup>15</sup>TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

**The industry wants to blame the users, to avoid further restrictions on the sale of their product.** A national tactic used by the industry is to encourage the penalization of youth who have become addicted to these products, to divert attention away from their marketing practices. Youth are unjustly and ineffectively punished through penalties and criminalization. These policies do not work. They allow the industry to ensure addicted youth are not seen as addicts, but instead as the one with control. It also makes kids less likely to come forward to ask for help from a teacher or parent, ensuring that they remain addicted to nicotine and regular customers.

**Education and Access Instead of Penalties** Youth should receive effective education and be able to access cessation programs. **The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and many die a premature death.**

This issue is about common sense and protecting our vulnerable populations. By adopting this policy, Hawai'i would become one of a growing number of states that are putting the health of their youth first.

**Thank you for considering a comprehensive policy. It will help to keep our children and others safe.**

Sincerely,



Liza Ryan Gill,  
MA Campaign Manager  
Flavors Hook Kids HI Campaign  
[liza@flavorshookkidshi.org](mailto:liza@flavorshookkidshi.org)

## **APPENDIX**

### **A1: ENDORSING ORGANIZATIONS AND INDIVIDUALS**

#### **HEALTH ORGANIZATIONS**

'Ohana Health Plan  
Adventist Health – Castle  
Akamai Recovery Maui  
American Academy of Pediatrics – Hawaii Chapter  
American Cancer Society Cancer Action Network (ACS  
CAN)  
American Heart Association  
American Lung Association  
American Pharmacist's Association – Academy of  
Student Pharmacists (APhA-ASP)  
Big Island Substance Abuse Council  
Blue Zones Project  
Campaign for Tobacco-Free Kids  
Coalition for a Drug-Free Hawaii  
Coalition for a Tobacco-Free Hawai'i a program of  
Hawai'i Public Health Institute  
Get Fit Kauai  
Hamakua Kohala Health Centers  
Hana Lima Physical Therapy  
Hawaii – American Nurses Association (Hawaii-ANA)  
Hawaii Association for Health, Physical Education,  
Recreation & Dance (HAHPERD)  
Hawaii COPD Coalition  
Hawaii Dental Hygienists' Association  
Hawai'i Nurses' Association  
Hawaii Pacific Health  
Hawaii Primary Care Association  
Hawaii Public Health Association  
Hui Malama Ola Na Oiwi  
I Ola Lahui  
Kaho'omiki; Hawaii Council of Physical Activity and  
Nutrition  
Kaiser Permanente  
Kapiolani Medical Center for Women & Children  
Kauai Rural Health Association  
Keiki Injury Prevention Coalition  
Lāna'i Community Health Center  
Malama Pono Health Services  
National Community Pharmacist Association – Hawaii  
Student Chapter  
Oahu Kidney Care LLC  
Papa Ola Lōkahi  
Pediatric Therapies Hawaii  
Project Vision Hawai'i

Tobacco Prevention Project, Daniel K. Inouye College  
of Pharmacy

Waimānalo Health Center

West Hawaii Community Health Center

#### **YOUTH AND COMMUNITY ORGANIZATIONS**

Ahuimanu Elementary's School Community Council  
Alexander Academy of Performing Art  
American Youth Soccer Organization (AYSO)  
Association of Hawaiian Civic Clubs  
Baldwin HS Peer Education  
Being Adept  
Big Island Interscholastic Federation (BIIF)  
Bridge Club Hawaii  
Hale 'Ōpio Kaua'i Inc.  
Hawaii Appleseed Center for Law & Economic Justice  
Hawaii Association of Independent Schools (HAIS)  
Hawaii Children's Action Network  
Hawaii Health and Harm Reduction Center  
Hawaii High School Athletic Association (HHSAA)  
Hawaii Job Corps Center  
Hawaii Youth Services Network  
Hui No Ke Ola Pono  
Hui Ola Pono (UH Public Health's Student  
Organization)  
Kauai Path Inc.  
Kiwanis Club of the Valley Island  
Konawaena HS Wellness Committee  
Maui Economic Opportunity, Inc. (MEO)  
Maui Interscholastic League (MIL)  
Moanalua HS Peer Education Program  
Pacific American Foundation  
Parents for Public Schools Hawai'i  
Pono Hawaii Initiative  
The Food Basket, Hawaii Island's Food Bank  
The Friends of Kamalani and Lydgate Park-Beach  
Cleanup Team  
Waiakea High School PTSA  
Waipahu Int. Youth for Safety Club  
We Are One Inc.  
**HEALTH & COMMUNITY LEADERS**  
Tina Alcain  
Forrest Batz, PharmD  
Frank R. Baum, M.D.  
Danielle Bergan  
Janet Berreman, M.D.  
Gregg Brenes, pastor  
Jeenna Canche  
Clifford Chang, MPH

Valerie Chang, JD  
Michelle Ching, JD  
Jeffrey H. Chester, DO  
Carmen Cook, LMFT  
Patti Cook  
Joan Craft, RN  
Keawe Kaholokula. PhD  
Gary Hooser  
Carol R. Ignacio  
Colleen F Inouye, M.D.  
Mark Levin, J.D.  
Jasmin Kiernan, RN  
Bryan Mih, M.D.  
Michael Robinson, MBA, MA  
Janice Shishido  
Elizabeth K. Tam, M.D.  
Catherine Taschner, J.D.  
Jill Tokuda  
John A. H. Tomoso, MSW, ACSW, LSW  
Linda Weiner, M.D.  
Stacy Woodson  
Cassiopia Yamashita

**SCHOOLS**

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

**ELECTED OFFICIALS & GOVERNMENT**

Sen. Stanley Chang  
Rep. Stacelynn Eli  
Rep. Sharon Har  
Maui County Councilmember Kelly King  
Hawai'i County Councilmember Sue Lee Loy  
Kuliouou-Kalani Iki Neighborhood Board #2  
Makakilo/Kapolei/Honokai Hale Neighborhood Board #34  
Makiki/Lower Punchbowl/Tantalus Neighborhood Board #10  
Mililani/Waipio/Melemanu Neighborhood Board #25  
Nanakuli-Mailii Neighborhood Board #36  
Pearl City Neighborhood Board #21  
Waipahu Neighborhood Board #22  
County of Kauai Office of the Prosecuting Attorney  
Department of Education  
Office of Hawaiian Affairs (OHA)

**BUSINESSES**

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



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

#### Executive Officers

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

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

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

RE: HB2457 HD1 Relating to the Youth Vaping Epidemic

Position: Comments

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

We ask that menthol cigarettes be exempted from this measure. Many adults choose to use menthol cigarettes and we don't believe there is sufficient justification for penalizing those users, or the businesses that sell to adults who legally purchase these products.

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

We thank you for the opportunity to testify.



**LATE**

**HB-2457-HD-1**

Submitted on: 2/12/2020 4:44:46 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark W. McCleave	E Ola Pono Ma Kapolei/DFC	Support	No

Comments:

Supporting HB2457 is the right thing to do. Hawaii legislators can follow the lead set by the City of San Francisco in banning the sale of all flavored tobacco products. Hawaii is at an epidemic status with the sale and use of flavored tobacco products. HB2457 sends a message to retailers, parents, students, and educators in the State of Hawaii. It is time to stop the selling of tobacco flavored products in the State of Hawaii. I support the DOE with establishing safe harbor programs and putting the responsibility with our public school administrators and teachers to take a stand against the use of e-cigarette devices inside our public schools and classrooms. HB2457 can seriously start the process of ending the sale of flavored tobacco products, implementing fines to violators while providing much-needed cessation programs for our Keiki. E Ola Pono Ma Kapolei supports HB2457.

Jamil Folio  
The Man Cave  
1993 S. Kihei Rd Suite 100  
Kihei, Hawaii 96733

**LATE**



To our Distinguished Legislators:

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

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

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

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

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

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

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

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

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

Thank you for your time.

Jamil Folio

February 12, 2020

To: Chair Lee  
Vice Chair San Buenaventura  
House Committee on Judiciary

**LATE**

Re: **Strong Support for HB2457**

Aloha Chair Lee, Vice Chair San Buenaventura, members of the House Committee on Judiciary:

Thank you for your dedication to community health and this opportunity to provide testimony in **strong support** for **HB2457**.

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

It is clear that ESD use by youth is on an upward trend, and overwhelming data from local and national sources, including the Centers for Disease Control and Prevention (CDC), cite numerous safety and public health concerns with its use. The CDC notes that “young people who use e-cigarettes may be more likely to smoke cigarettes in the future.”<sup>1</sup> Locally, 27% of middle school students and 42% of public high school students acknowledge trying electronic smoking devices in 2017.<sup>2</sup>

This bill establishes a safe harbor program for person under the age of 21 to dispose of electronic smoking devices and support Department of Education employees in the proper confiscation of such devices. Additionally, this bill would end the sale of flavored tobacco products and prohibit the mislabeling of e-liquid products containing nicotine.

Thank you for this opportunity to testify in support of **HB2457**.

Sincerely,



Colby Takeda, MBA, MPH  
President, Kaho'omiki

---

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

<sup>2</sup> 2017 Hawai'i Youth Risk Behavior Survey

**LATE**

February 12, 2020

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

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

RE: **HB 2457 HD1** - Relating to the Youth Vaping Epidemic  
Hearing Date: February 13, 2020  
Time: 2:05 pm

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

CAA **opposes HB 2457 HD1** to the extent that it seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the youth vaping epidemic in Hawaii. Cigars are primarily the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars.

Thank you for considering this testimony.



**LATE**

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

**OPPOSING HOUSE BILL 2457, HOUSE DRAFT 1,  
RELATING TO THE YOUTH VAPING EPIDEMIC**

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

Thursday, February 13, 2020 at 2:05 p.m.  
Hawaii State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and members of the Committee,

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

House Bill 2457, House Draft 1 bans the sale of flavored tobacco products; prohibits mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations. Requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic smoking devices in their possession. Requires public school teachers and educators to confiscate electronic smoking devices. Increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age. Authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine. Effective 7/1/2050.

HPMA supports strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. **However, we oppose provisions in HB 2457, HD 1 that prohibit the sale, distribution and marketing of all flavored tobacco products to persons of legal age.**

HPMA prefers replacing language in §712-\_\_ *Sale or advertising of tobacco products; remote retail sales; flavored; nicotine-free* (beginning on page 4) with language from **HB 2347, HD 1** that exempts menthol and liquid of like substances from the definition of “characterizing flavor” under §712-\_\_ *Sale of flavored tobacco products; mislabeling as nicotine-free* in that bill.

Testimony opposing HB 2457, HD 1, Relating to the Youth Vaping Epidemic  
House Committee on Judiciary  
Hawaii State Capitol, Room 325  
Thursday, February 13, 2020 at 2:05 p.m.  
Page 2

Additionally, we are concerned that granting individual counties the ability to pass ordinances that are stricter than State law will result in varying restrictions from county to county that make compliance for retailers difficult. We respectfully recommend having a uniform statewide law and suggest deleting the following section from HB 2457, HD 1 on page 8:

**§712 - Sale or advertising of tobacco products; remote retail sales; flavored; nicotine-free.**

~~[(5) Notwithstanding any other law to the contrary, any county may adopt a rule or ordinance that places greater restrictions on the access to flavored tobacco products than provide for in this section. In the case of a conflict between the restrictions in this section and any county rule or ordinance regarding access to flavored tobacco products, the more stringent restrictions shall prevail.]~~

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

**LATE**

Aloha honorable members of the Committee,

On behalf of Maui Family Magazine, I submit this testimony in STRONG support of a flavored tobacco ban.

- 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."

I also want to state that I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics. Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking. Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

We know that flavors hook kids, and we know that eliminating flavored products will reduce youth use. **Please remove flavored tobacco products from our market to help protect our children.**

Mahalo,  
Nicole Shipman

**Maui Family Magazine**

p:808-573-2731 | e:[info@mauifamilymagazine.com](mailto:info@mauifamilymagazine.com) |

w:[www.mauifamilymagazine.com](http://www.mauifamilymagazine.com) | a:80 Ohaoha Place Makawao HI 96768





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Founded in 1865

William Booth  
*Founder*

Brian Peddle  
*General*

Kenneth Hodder  
*Territorial Commander*

Jeff Martin  
Eloisa Martin  
*Divisional Leaders*

Melanie Boehm  
*Executive Director*

# *The Salvation Army*

*Addiction Treatment Services and Family Treatment Services*

**LATE**

2-13-20

## **HB2457 HD1 Ban Flavored E-Cigarettes and Impose Fines**

COMMITTEE ON JUDICIARY:

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

## **The Salvation Army Addiction Treatment Services and Family Treatment Services Recommends and Supports HB2457 HD1:**

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

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

We appreciate the opportunity to provide testimony.

Sincerely,

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

Participating Agency



Aloha United Way

Addiction Treatment Services

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

Family Treatment Services

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

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

**HB-2457-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ellen Godbey Carson	Individual	Support	No

Comments:

I support this bill and request its passage. The numbers of our youth now engaged in smoking has grown exponentially, with much of that growth being attributed to the sale of flavored tobacco products that they manage to obtain, that are marketed in ways very attractive to our youth.

Let's save them - and our community - from the costs of major health care in the decades to come by banning those products, and helping stop flavored tobacco products from being a gateway to a new generation of smokers.

Thank you for your consideration and support of this bill.

Ellen Godbey Carson

**HB-2457-HD-1**

Submitted on: 2/11/2020 2:25:39 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 2:31:37 PM

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

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

Comments:

Aloha. Please OPPOSE Bill HB2457 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.  
Valentino Miranda-Kepa

**HB-2457-HD-1**

Submitted on: 2/11/2020 2:59:12 PM

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

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

Comments:

Like I said before smoking e cigarette is much better then smoking actual tobacco, why not just make a harsher punishment for people who break existing laws. Thank you for your time.

**HB-2457-HD-1**

Submitted on: 2/11/2020 3:00:45 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 3:01:40 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 3:08:06 PM

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

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

Comments:



**HB-2457-HD-1**

Submitted on: 2/11/2020 3:09:43 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 3:49:26 PM

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

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

Comments:

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

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

My name is Ramic Santiago and I **support** HB 2457HD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

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 Judiciary  
Thursday, February 13, 2020; 2:05 p.m.  
State Capitol, Conference Room 325

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

I support HB 2457HD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

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 2457HD1 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

Date: February 13, 2020

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

From: Ruthie Diaz, BSW  
rddiaz@hawaii.edu

Re: Support for HB2457HD1, RELATING TO THE YOUTH VAPING EPIDEMIC

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

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Thank you for the opportunity to submit testimony in **SUPPORT** of HB2457HD1, RELATING TO THE YOUTH VAPING EPIDEMIC

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 HB2457HD1, 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 HB2457HD1 becomes law.

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

**HB-2457-HD-1**

Submitted on: 2/11/2020 3:58:50 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 4:00:07 PM

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

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

Comments:

Aloha. Please OPPOSE Bill HB2457 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.  
Jonah Manuel



**HB-2457-HD-1**

Submitted on: 2/11/2020 4:18:36 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 5:11:02 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 5:50:55 PM

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

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

Comments:

I oppose HB2457 for several reasons. Regarding flavoring, we already have changed the age to purchase tobacco products to 21 (1st in the nation to do so). An adult consuming a legal product should have the right to choose whether or not they would like to have flavors.

Regarding involving educators confiscating vaping devices is very short sighted. Almost offensive to an educator that the writers of this bill hasnt consulted the teachers, the doe and the HSTA. Do you think teachers have time to deal with that? What about the teachers safety if they were to try and confiscate a device? The wording in the bill about a teacher not being held liable in a court of law. What if something else happens in the process of confiscating a device from a student? Thats not going to stop the parents from a lawsuit against a teacher. They have enough to worry about to have to deal with that as well. Frankly, they are not paid enough to deal with this.

Im hoping to committee sees the major flaws in this bill even if the intent might be in the right place from the creators of this bill.

Thank you for your time.

**HB-2457-HD-1**

Submitted on: 2/11/2020 6:42:53 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 6:56:41 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 6:59:31 PM

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

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

Comments:

Date: February 11, 2020

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

Re: **Strong Support for HB2457 HD1**, Relating to the Youth Vaping Epidemic

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

Aloha House Committee on Judiciary,

As a parent, educator and healthcare professional, I am writing in **strong support of HB2457 HD1**, which bans the sale of flavored tobacco products; prohibits mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations; requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic smoking devices in their possession; and requires public school teachers and educators to confiscate electronic smoking devices; increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age; authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addiction) epidemic and has one of the highest rates of youth e-cigarette use in the nation. With ultra-potent 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, our youth.

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

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

Under the HB2457 HD1 flavor ban, unflavored and tobacco-flavored e-cigarettes would remain available for adult cigarette smokers seeking to use e-cigs to quit smoking. Research finds that youth are not attracted to unflavored or tobacco-flavored e-cigs.

HB2457 HD1 strongly promotes factual labeling of e-liquids to make it more likely that both adults and youth will be easily able to determine if a product contains the highly

additive drug, nicotine. This is particularly important for youth, many of whom are unaware that most e-liquids and e-cigs contain nicotine, and, the products most popular with kids contain ultra-potent nicotine salts.

I applaud the safe-harbor measure that provides encouragement for underage users to surrender e-cigs and liquids for safe disposal.

I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who become addicted to nicotine due to predatory marketing tactics.

Penalties on youth for purchase, use, or possession (PUP) do not reduce youth tobacco/nicotine use. As an unintended consequence, PUP laws can stigmatize tobacco/nicotine use and deter addicted youth from seeking help to quit.

Teachers already have the *ability* to confiscate electronic smoking devices, if needed. This bill unfairly places the burden of enforcement on public school teachers by *requiring* them to confiscate e-cigs, rather than establishing policies to more effectively regulate the industry.

Proven policies to reduce youth tobacco/nicotine use include reducing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

I **strongly support HB2457 HD1**, respectfully ask you remove fines and the *requirement* for teachers to confiscate e-cigarettes, and to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI



**HB-2457-HD-1**

Submitted on: 2/11/2020 7:41:19 PM

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

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

Comments:

This bill is grossly unfair over-regulation.

**HB-2457-HD-1**

Submitted on: 2/11/2020 8:06:58 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 8:08:14 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/11/2020 11:12:49 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samantha Mae Domingo	Individual	Support	Yes

Comments:

My name is Samantha D. and I am from Honolulu. I am testifying as a high school student and testifying for HB2457 regarding the Youth Vaping Epidemic in Hawaii. I am testifying in support of this bill.

I highly support banning flavored tobacco products because many teens are not aware of the harmful effects it does to the body. If you just take a minute to look around, no matter where you are, it is clear that vaping has become a fairly easy trend to spot. Because of the 15,500 flavor options out there, e-cigarettes have been taking over our youth today. Teens now are attached to their vaping devices just like how they are attached to their phones. This issue is very personal to me. I know people my age who sell e-cigarettes and e-juices. They have connections who are willing to sell to kids even if it's illegal. I also know some of the kids who actually purchase from them. I see the effects that their nicotine addiction has and it's not good. This shows how e-cigarettes and even other tobacco products are very accessible to the youth in my community and it must stop. Tobacco industries are clearly targeting kids with all of the fruit, candy flavors available. These flavors play a big role as to why kids are getting hooked on vaping. Kids are so into vaping and have such little knowledge about the products they are inhaling. Teens vape also because they think that vaping is safer, but they need to understand that it is no safer than smoking a conventional cigarette.

This issue has become a true epidemic in Hawaii that is affecting the youth of this generation. The growing popularity of teens using flavored tobacco products is unbelievable and concerning. Of all the kids that use tobacco products, 81% of them started with a flavored product and 97% of youth who vape say they use a flavored product. Also, Hawaii has one of the highest rates of students, both middle and high schoolers, currently using e-cigarettes in the nation. As I have mentioned, there are harmful consequences to vaping. There are chemicals that are in the e-juice and the chemical that everyone seems to know is nicotine. Nicotine is the primary agent which is a highly addictive drug that affects the adolescent brain. The flavors attract the youth that leads them to inhale chemicals such as nicotine and there are dangers upon the

action of vaping. More kids are getting hooked on vaping and the epidemic must be put to an end.

The Hawaii Youth Vaping Epidemic is on the rise. As a concerned teen, I am in full support of this bill- HB2457- to build a healthier and safer community that may lead to saving the youth who currently are using flavored tobacco products and protecting the youth from vaping initiation.

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:11:37 AM

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

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

Comments:

The answer to Youth vaping is not by prohibiting adults from vape and hurting local businesses! The answer to youth vaping is enforcement! I am not responsible for kids breaking the law and bad parents who encourage vaping with their kids! Stop taking the rights of adults away and start enforcing the law!

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:36:26 AM

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

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

Comments:

Honorable Representatives:

I strongly oppose HB2457. The purchasing of flavored tobacco products should not be denied to persons of age. Please vote against HB2457.

Respectfully submitted,

Theresa Revell

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:50:19 AM

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

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

Comments:

To whom it may concern,

I oppose HB2457. Please listen to your voters.

Mahalo,

Louis Bauguess



**HB-2457-HD-1**

Submitted on: 2/12/2020 5:49:31 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 6:17:41 AM

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

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

Comments:

I oppose any more regulations/taxes on e-cig products in the name of stopping the use by youths. These laws will only hurt/tax law abiding adults who legally are purchasing e-cig products. If you want to fight this 'Youth Epidemic' PASS A POSSESSION LAW!!!  
simple

**HB-2457-HD-1**

Submitted on: 2/12/2020 7:28:05 AM

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

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

Comments:

To Whom This May Concern,

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

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

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

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

Kourtney Kwok

**HB-2457-HD-1**

Submitted on: 2/12/2020 7:45:03 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 7:50:43 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 8:31:29 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 8:40:34 AM

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

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

Comments:

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

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

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

It is vital that menthol flavors are included in this ban. Menthol flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

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



**HB-2457-HD-1**

Submitted on: 2/12/2020 8:47:44 AM

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

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

Comments:

I strongly support the flavor ban portion, but do have concerns regarding the safe harbor program, teacher confiscation, and youth penalties. I'd like to ask the committee to remove youth penalties and teacher confiscation from the bill. Some information you can include:

I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking.

Teachers already have the ability to confiscate the devices if needed. This bill unfairly places the burden of enforcement on public school teachers. Instead, other policies to regulate the industry would be more effective.

Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

**HB-2457-HD-1**

Submitted on: 2/12/2020 8:56:04 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:17:12 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
HANALEI BENN	irie hawaii	Oppose	No

Comments:

Stop taking away choice from legal people that can purchase it and make a possession law for underage

**HB-2457-HD-1**

Submitted on: 2/12/2020 8:59:07 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Powell	Individual	Oppose	Yes

Comments:

I, like most good liberals OPPOSE this kind of bill. Being a liberal democrat is about people having a choice, in things such as abortion, LGBT status, and freedom to choose what products we want to enjoy.

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:07:27 AM

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

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

Comments:

I am submitting written testimony in support of HB2457 to Prohibit the Sale and Distribution of Flavored Tobacco Products. As a long-time pediatrician on Kauai, I have been very discouraged by the rise in the use of vaping products among intermediate and high school students. Others of my patients complain that they are unable to use the rest rooms in school due to the widespread vaping done in the bathrooms. This is particularly disheartening after all of the extensive and successful efforts of the past 20 plus years to cut down on teen smoking.

It is well-established that youth are attracted by tasty flavors and clever colorful packaging of e-cigarette products. This is a deliberate strategy by tobacco companies to mislead teens as to the “risk-free” nature of these products. Local tobacco manufacturers have resorted to flavors such as Hawaiian Sweet Rolls, Halawa Guava, and Hawaiian POG, among others. Over 80% of young people who use vaping products begin with flavored liquids. In addition, another fact well-known to the public health community is that lower income smokers, especially Hawaiians and Pacific Islanders, start with and continue smoking menthol cigarettes. Cigarette companies are well-aware of this phenomenon and target these groups specifically with menthol advertising. In effect, flavored and menthol tobacco products are starter drugs, as nicotine is one of the most addicting substances.

It cannot be stressed enough that vaping products contain much higher nicotine concentrations than cigarettes, yet another strategy to hook vulnerable teens and maintain the nicotine dependence. E-cigarettes are marketed as a “tobacco cessation” product, but in fact are even more highly addictive and toxic than cigarettes and are manufactured to assure more and more need for the addicting nicotine in the vaping liquid. Smokers who believe they have “quit smoking” are only exchanging one poison delivery system for another.

Moreover, I do think teachers should not be responsible for confiscating electronic tobacco products, as they already are overburdened. In addition, the most appropriate penalty for an underage user would be a mandatory smoking cessation course; penalties for underage users have not been an effective disincentive ever.

In summary, there are no redeeming reasons for allowing flavored and menthol tobacco products, and many to make them illegal. It is time to protect our keiki from deadly substances and stand up to the tobacco industry. I implore you to vote for HB2457.

Linda Weiner, MD

Pediatrics, Kauai

# EMMA WHITNEY

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## PHOTOGRAPHY

To Whom it May Concern,

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

I am writing regarding the upcoming hearing for the measure HB 2457 I am testifying in STRONG, and UNYIELDING SUPPORT of HB 2457.

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

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

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

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

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

Mahalo for doing right by our community.

Aloha,  
Emma Whitney





**HB-2457-HD-1**

Submitted on: 2/12/2020 9:25:16 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:38:06 AM

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

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

Comments:

We must protect our children by doing the right thing for their health and their future: prohibit all e-cigarette flavors, including menthol. Continuing to allow the industry to manufacture seemingly benign flavors like POG is unconscionable. It is not surprising that the tobacco industry is now intertwined with the e-cigarette industry; it's all about their profit margin. Their profits and goals should not override the addiction and medical complications which will be the direct result of their manipulative, targeted advertising campaigns.

## **Flavored Tobacco Ban**

### **End the Sale of Flavored Tobacco Products!**

**I, Shani Gacayan, Strongly Support HB2457**

#### **HAWAII'S YOUTH VAPING EPIDEMIC**

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

#### **WHY FLAVORS?**

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

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

#### **WHY MENTHOL?**

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

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:44:40 AM

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

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

Comments:

While I support the ban on electronic smoking devices and their juices, I oppose the fines, and punishment of those who are underage and targeted. Punish the manufacturers and the industry, not the targeted youth. We have enough evidence that fines do not work for youth, and infact can be conterproductive. Teachers already have the right to confiscate these devices from students who are underage, and making them be the implementers of a law like this is conterproductive.

Mahalo for your consideration

Mary Santa Maria

Makawao, Hawaii, 96768

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:54:50 AM

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

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

Comments:

I support HB2457. I work with youth 5 years old to 18 years of age. I notice that some of them start vaping as early as 4th grade and I have even seen a 5 year old vaping. I know one of the reasons is the flavored vape and the ability to conceal it easily. If it tastes good, kids will use it. Vaping has become a youth epidemic because of these enticing flavored vapes. Please support this bill to prevent more youth from becoming hooked to these vapes that are nicotine addictive in nature.

Thank you, Lauralee Baoy (concerned youth development worker)

**HB-2457-HD-1**

Submitted on: 2/12/2020 10:05:06 AM

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

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

Comments:

Dear Committee members,

As the pastor of a Maui church, I see it as a personal responsibility to do everything I can to safeguard the overall wellness of our local young people. As elected officials, tasked in part with safeguarding the health of all our residents, I expect that you feel this responsibility very personally as well. If so, I can see no other choice than to support the ban of all flavored tobacco products. Please see below statistics that support this position. And please, vote with the health of our keiki in mind; not the opinions of industry lobbyists.

**HAWAII’S YOUTH VAPING EPIDEMIC**

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

**WHY FLAVORS?**

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

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

**WHY MENTHOL?**

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

In addition, I'd like to ask you to remove any youth penalties from the bill. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics. Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

Mahalo,

**The Rev. Kerith Harding, Rector of St. John's Church, Kula (Maui)**

**HB-2457-HD-1**

Submitted on: 2/12/2020 10:24:08 AM

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

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

Comments:



February 12, 2020

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 3<sup>rd</sup> and 4<sup>th</sup> 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. Please remove the penalties for children. If there are penalties, our community of young native Hawaiians will be impacted the most. By removing the option of purchasing these products sold to children we, the adults are doing something to improve their health and futures (out of jail).

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

**HB-2457-HD-1**

Submitted on: 2/12/2020 10:42:06 AM

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

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

Comments:

Vaping saved my life, and I used flavored E liquids to quit smoking, what you guys should be focusing on is creating harsher penalties for the parents purchasing these products and harsher penalties for people under the Age of 21 getting caught with e cigs or flavored e liquids.

Stop punishing adults for the actions of stupid kids. and stop taking away OUR RIGHT to choose how we want to quit smoking !!!

**HB-2457-HD-1**

Submitted on: 2/12/2020 10:44:26 AM

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

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

Comments:

I'm completely opposed to HB-2457.

**HB-2457-HD-1**

Submitted on: 2/12/2020 11:00:19 AM

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

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

Comments:

I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

**HB-2457-HD-1**

Submitted on: 2/12/2020 11:27:10 AM

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

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

Comments:

Strongly support.

**HB-2457-HD-1**

Submitted on: 2/12/2020 11:59:55 AM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:09:28 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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-2457-HD-1**

Submitted on: 2/12/2020 12:09:36 PM

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

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

Comments:

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



**HB-2457-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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-2457-HD-1**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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-2457-HD-1**

Submitted on: 2/12/2020 12:14:09 PM

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

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

Comments:

my testimony is that Filtration alone reduces nicotine delivery by 35 to 45 percent, as compared to cigarettes made of simply tobacco and paper. Through a process called ventilation, which allows fresh air to be drawn through the cigarette, nicotine levels are reduced by a further 10 to 50 percent. Through the use of expanded tobacco, a process developed by which Phillip Morris puffed tobacco much like puffed rice cereal, tar and nicotine levels are reduced still further. A fourth manufacturing technique, the reconstituted tobacco process also reduces the nicotine in cigarettes. This process, which has been thoroughly described in the literature for years, does not increase nicotine levels in tobacco or in cigarettes. Through this process, 20 to 25 percent of the nicotine in the tobacco used to make reconstituted leaf is lost and is not replaced.

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:16:41 PM

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

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

Comments:

.Hi my name is seaena, and im from Hana Maui and im an 8th grade student and I think that all tobacco products should not be sold in stores because it ruins our lungs and keeps us people from keeping our body healthy and living longer.

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:17:38 PM

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

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

Comments:

why vape when musubis taste way beter and plus musubis dont kill your lungs

**HB-2457-HD-1**

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

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

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

Comments:

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

**HB-2457-HD-1**

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

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

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

Comments:

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

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:28:50 PM

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

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

Comments:



**HB-2457-HD-1**

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

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

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

Comments:

I am a clinical psychologist specializing in substance use disorders which includes nicotine dependence. Hawaii as a state, and Hawaii Island specifically, have the youngest consumers of vape and e-juice products nationally. Our kids use flavors, INCLUDING MENTHOL/MINT, to tolerate this drug and the significant brain changes that accompany it. Banning flavors will decrease youth onset. .Please choose health over lobbyists.

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:29:11 PM

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

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

Comments:

I am a middle school girl from Hana and i think that having tabbaco flavored products shouldnt be a vape flavor because it can lead from rolling a joint to just vaping and thinking its ok when it can cause cancer and many other deseases.

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:29:23 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shaunnie tolentino-kaiwi	Individual	Support	No

Comments:

My name is Shaunnie im a 8th grader here at Hana High and Elementary school. I am writing this to testify on my behalf saying that the tabaco company should not be targeting us young youths. I have seen the product that they are making and it looks like what every child would like to have. It looks like a juice box, candy and jackets that make them hide it. These types of things should not be happening. It is dangerous for us kids and if you care for young children and their future, you need to put a stop to this kinds of companies. Flovoring is what is drawing us young kids to vape. Stop it once and for all.

Mahalo,

Shaunnie

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:29:40 PM

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

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

Comments:

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

Thank you for reading and hearing my concerns

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:33:40 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Claire Kamalu Carroll	Individual	Oppose	No

Comments:

Aloha,

My name is Claire Kamalu Carroll and I am opposing the fact as penalizing our youth is not a solution to our epidemic here. It is the companies/adults that target children and prey on our youth that should face any and all penalties. It is up to us as adults to focus decreasing product sale and increasing education to our youth in how damaging these product are even respiratory and death to youths across the country.

There should be more enforcement to online venues that allow these products to be sold with out verification of child real age. Number of youth and young adults are increasing and will only get worse if we don't take a stand. I ask to ban e-cigarettes that are flavored and more appealing to our younger generation. We can also raise taxes on these sales and make it difficult for sale. We face this crisis and its up to us to help make it right and save lives. These vaping devices were marketed and now we know the effects. These companies seem not to care but I do. Good decisions to our future,that's our responcebilty

Mahalo

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:37:28 PM

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

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

Comments:

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With more than 15,500 flavors, who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

**HB-2457-HD-1**

Submitted on: 2/12/2020 12:52:50 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 1:15:27 PM

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

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

Comments:

Take away any vape devices away from underage kids



**HB-2457-HD-1**

Submitted on: 2/12/2020 1:16:30 PM

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

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

Comments:

Take it away from the youth and the underage kids

**HB-2457-HD-1**

Submitted on: 2/12/2020 1:23:23 PM

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

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

Comments:

There is nothing these companies won't do to get our kids addicted...what is next?  
Nicotine infused pizza?

**HB-2457-HD-1**

Submitted on: 2/12/2020 1:44:04 PM

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

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

Comments:

Aloha,

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

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

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

Hilary Lang

A concerned teacher and parent

Hana High & Elementary

**HB-2457-HD-1**

Submitted on: 2/12/2020 1:23:25 PM

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

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

Comments:

Enough Already!

**HB-2457-HD-1**

Submitted on: 2/12/2020 1:56:29 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 2:11:56 PM

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

**LATE**

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 2:14:08 PM

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

**LATE**

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

Comments:

Vote NO!



**LATE**

**HB-2457-HD-1**

Submitted on: 2/12/2020 2:58:56 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 3:59:07 PM

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

**LATE**

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

Comments:

An Epidemic? WTF! An epidemic of freedom for adults that is.

**LATE**

**HB-2457-HD-1**

Submitted on: 2/12/2020 3:53:43 PM

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

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

Comments:

**HB-2457-HD-1**

Submitted on: 2/12/2020 5:45:20 PM

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



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

Comments:

I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics. Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking. Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

**HB-2457-HD-1**

Submitted on: 2/12/2020 6:24:22 PM

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

**LATE**

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

Comments:

**LATE**

**HB-2457-HD-1**

Submitted on: 2/12/2020 6:48:51 PM  
Testimony for JUD on 2/13/2020 2:05:00 PM

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

Comments:

February 12th, 2020

Re - Support HB2457

House of Representatives Judiciary Committee and Committee Chair,

I am submitting testimony in great support of HB2457. As a prevention worker in Maui County I have seen first hand the harms and consequences of flavored tobacco products. Surveys of local youth across the state indicate that over 40% of Hawaii's youth start using tobacco and vaping products because of the flavors. This epidemic has swept across our state with such swiftness that parents, schools, law enforcement, and community members are unable to keep up.

I do ask the committee to remove the penalties for youth. Research shows that penalties for youth are ineffective at reducing overall consumption rates but what is effective is the regulation of the industry that pushes these harmful products towards youth. In order to take a stand against the tobacco and vaping industry we must ban these products from existing in our communities. Please put our youth first and remove the penalties.

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

Please pass this bill.

Thank you,

Ashlee Klemperer, MSW

851 S Kihei Road, Apt O103

Kihei, HI 96753

February 12, 2020

**LATE**

**Strong Support of HB2457 RELATING TO THE YOUTH VAPING EPIDEMIC.**

To the House of Representatives

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

**I strongly support HB2457 RELATING TO THE YOUTH VAPING EPIDEMIC, which bans the sale of flavored tobacco products; prohibits mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations.**

I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

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

**Again, I strongly support HB2457 RELATING TO THE YOUTH VAPING EPIDEMIC 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*



**LATE**

**HB-2457-HD-1**

Submitted on: 2/12/2020 7:04:11 PM

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

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

Comments:

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With more than 15,500 flavors, who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

**I oppose youth penalties, as we need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.**

**Brit Reis, MD**

**Pediatrician**

**HB-2457-HD-1**

Submitted on: 2/12/2020 8:47:46 PM

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

**LATE**

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

Comments:

I'm against this bill, I don't believe a ban would solve the problem of our youth buying these flavor products but would increase the want to buy it illegally. We don't need to ban it we need to regulate how these minors are acquiring such products. Although we have deferents to stop them from purchasing flavored ejuice we don't have a way to regulate how they acquire these items and products online.

**HB-2457-HD-1**

Submitted on: 2/12/2020 9:41:34 PM

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

**LATE**

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

Comments:

I highly disagree.

**HB-2457-HD-1**

Submitted on: 2/12/2020 10:06:09 PM

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

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Miki	Small rural primary care office	Comments	No

Comments:

Yes and please for banning flavored vaping products.

But, please do not penalize potentially more than 1/3 of Hawaii's youth for purchase, use, or possession. Adults are suppose to encourage our youth to succeed in life, not setting them up to stumble by allowing the tobacco and vaping industry to have a free reign on how they target and market toward our youth.

- I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.
- Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking.
- Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.

**HB-2457-HD-1**

Submitted on: 2/12/2020 11:03:54 PM

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

**LATE**

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

Comments:

Aloha Kakou,

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With more than 15,500 flavors, who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction. **I oppose youth penalties, as we need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.**

**Sincerely,**

**Kahu Dennis Barger, Former Certified Prevention Specialist**

**HB-2457-HD-1**

Submitted on: 2/13/2020 6:07:21 AM

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

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Cyd L. Hoffeld	Individual	Oppose	No

Comments:

Aloha Chair Rep. Chris Lee, Vice Chair Rep. Joy A. San Buenaventura and Committee members,

My name is Cyd L. Hoffeld and I am a health promotions manager for a large community health center on Hawai'i Island. Today, I attended the HSTA Teachers Institute Day for East Hawai'i at Kea'au High School.

While there I had the opportunity to hear the stories of many teachers and other HSTA members regarding the way vaping products have affected their lives through the experiences of their students and their own children.

One teacher shared a story about her son. He has asthma and maybe because of curiosity, peer pressure, or from thinking it was a harmless candy flavored product, he tried vaping. When he did it triggered an asthma attack and his mother had to rush him to the hospital emergency room for treatment.

The cost to him was the inability to breathe freely. The cost to his mother was a \$100.00 emergency room copay. Youth and their families are already paying the price for these candy flavored products that are advertised as "harmless" and a better "safer" way to quit smoking.

Let's put the responsibility on the industry that target our youth who are already paying the price now and will continue to pay the price if this epidemic isn't stop.

**I strongly oppose youth penalties.** We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing.

Mahalo for the opportunity to testify on this very important bill.

**HB-2457-HD-1**

Submitted on: 2/13/2020 11:31:11 AM

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

**LATE**

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

Comments:

Considering that Hawaii has one of the highest rates of Middle and High School students currently using e-cigarettes in the nation, we need to do something NOW! The availability of flavored products OBVIOUSLY are meant to appeal to our youth. As an educator, I'm astonished that about close to 1 in 5 middle schoolers and 1 in 4 high schoolers are currently USING. I have heard reports of children as young as the 3rd grade vaping.

We are killing our children when we should be taking care of them. Not only are we allowing the industry an easy pass to drug our children, we are then punishing them with disciplinary consequences when we know that nicotine is highly addictive and what they need is help. And we have made it a responsibility of the adults in schools to police our youth, when we can more easily limit the use of vaping by first limiting accessibility of enticing products. I support ending the sale of flavored tobacco products, however, I think industry is the one that needs to be accountable through the law and not putting into law relying on teacher confiscation and student penalties/

**LATE**

**HB-2457-HD-1**

Submitted on: 2/13/2020 12:50:29 PM

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

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

Comments: