

LATE



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

Date: 02/04/2020
Time: 02:15 PM
Location: 309
Committee: House Health
House Lower & Higher Education

Department: Education

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

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

Purpose of Bill: 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. Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Department's Position:

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

There is a zero tolerance policy for tobacco products and electronic smoking devices (ESDs) on the Department's campuses, transportation, and/or during Department 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).

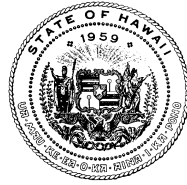
Nicotine products, including ESDs, are considered acutely toxic hazardous waste under the state's regulations. The regular and timely pick-up and disposal of ESDs are essential in ensuring schools do not harbor and store hazardous waste on their school campus.

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 data on Hawaii's youth and their usage of tobacco and ESDs;
- Promoting public awareness through parent letters and flyers of Section 712-1258, 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.

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.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
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LATE

**Testimony COMMENTING on H.B. 2457
RELATING TO THE YOUTH VAPING EPIDEMIC**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR
HOUSE COMMITTEE ON LOWER AND HIGHER EDUCATION

Hearing Date: February 4, 2020

Room Number: 309

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 offers comments on House Bill 2457 (H.B. 2457) which
6 makes it unlawful to sell, offer to sell, or possess with the intent to sell or offer to sell any
7 flavored tobacco product, including menthol in the State. The Department supports the
8 components that address the youth electronic smoking device (ESD) epidemic, that establish
9 legal responsibilities and fines for retailers, and which prohibit mislabeling of e-liquid products
10 containing nicotine. The DOH offers comments related to youth possession and use penalties
11 and the additional confiscation management expectations on the DOE.

12 Since the 2018 U.S. Food and Drug Administration (FDA) and Surgeon General
13 declaration of the youth e-cigarette epidemic, use among young people continues to rise. By
14 2019, 27.5% of high school students said they vaped compared to 20.8% in 2018¹. These figures
15 represent a doubling of proportions between 2017 and 2019 for high schoolers (11.7% to 27.5%)

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

1 and tripling effect for middle schoolers (from 3.3% to 10.5%)². In total numbers, 4.1 million
2 high school youths and 1.2 million middle school youths said they currently use e-cigarettes³.

3 Scientific studies are increasingly reporting that flavors are one of the main reasons that
4 youth use tobacco. According to the 2013-2014 Population Assessment of Tobacco and Health
5 (PATH) study, 81% of 12-17 year olds who had ever used a tobacco product-initiated tobacco
6 use with a flavored product. Additionally, 80% of current users had used a flavored product in
7 the last month.⁴

8 In 2019, the large majority of youth ESD users reported use of flavors with fruit,
9 menthol or mint, candy, desserts, or other sweets being the most commonly used^{5,6}. According
10 to the same research, mint and menthol went from being among the least popular to among the
11 most popular flavors for high school students over the past four years⁷. Data from another 2019
12 study revealed that the most popular flavor among 10th and 12th grade Juul users was mint⁸.
13 These data illustrate that trends among youth users of flavored e-cigarette products change
14 quickly and therefore must be addressed urgently.

15 It is well documented that flavors facilitate youth initiation of tobacco use, which can
16 expose the developing brain and body to the harmful effects of nicotine. The FDA
17 Commissioner stated, “No child should be using any tobacco or nicotine-containing product. We

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

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

⁴ 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>

⁵ 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

⁶ 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

⁷ 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

⁸ 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 need to do everything possible to reverse the alarming trend of rising youth use of novel products
2 like e-cigarettes and help kids who may already be addicted.”⁹

3 Regarding penalties for underaged violators, research has shown that provisions that are
4 punitive for youth possession or use are not only ineffective but may have the unintended
5 consequence of stigmatizing youth and exacerbating socioeconomic, racial, gender and other
6 disparities¹⁰.

7 Waste nicotine products, including electronic cigarettes, are considered acutely toxic
8 hazardous waste under the state’s regulations and schools would be considered the “generator”
9 of the hazardous waste when disposing of electronic cigarettes confiscated from students.
10 Electronic cigarettes are also hazardous because of the lithium batteries they contain.

11 This measure requires the schools to “coordinate with the DOH for the proper disposal of
12 electronic cigarettes. However, the DOH does not provide or manage any waste disposal
13 services; rather, it regulates the disposition of solid and hazardous waste. Existing regulations
14 for hazardous waste disposal (chapters 11-260.1 to 11-279.1, Hawaii Administrative Rules)
15 require hazardous waste to be sent to a permitted hazardous waste treatment, storage, or disposal
16 facility (TSDF), unless the generator is a Very Small Quantity Generator (VSQG). There are no
17 commercial TSDFs in the state, and the waste will need to be transported to the U.S. mainland by
18 a specialized hazardous waste transportation contractor. If the school is a VSQG, its hazardous
19 waste can be managed at a permitted municipal solid waste facility. Public schools do not
20 typically generate large quantities of hazardous waste nor acute hazardous waste.

21 The DOH offers comments on this measure as both a health and social justice issue to
22 protect the next generation from lifelong addiction to tobacco use. The DOH suggests removing
23 any provisions that may inadvertently shift the responsibility away from the tobacco industry and
24 onto the youth whom they target, and to further allow the DOE to coordinate with the DOH on
25 solid and hazardous waste issue.

26 Thank you for the opportunity to testify.

⁹ Press Announcement; Statement from FDA Commissioner Scot Gottlieb, MD, o the agency’s continued efforts to address growing epidemic of youth e-cigarette use, November 2, 2018.

¹⁰ 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>



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

LATE

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEES ON HEALTH AND ON LOWER AND HIGHER EDUCATION

DATE: Tuesday, February 4, 2020 **TIME:** 2:15 p.m.

LOCATION: State Capitol, Room 309

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

Chairs Mizuno and Woodson and Members of the Committees:

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 cigarette 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, Hawaii Revised Statutes (HRS), by increasing the penalty for violating the criminal offense of selling or furnishing tobacco products to persons under twenty-one years of age.

Section 4 of H.B. No. 2457 establishes a new criminal offense in 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 shall be "paid to the department of health and deposited into the Hawaii tobacco prevention and control trust fund established pursuant to section 328L-5." Moneys paid to the Department of Health become public funds. Section 37-54, HRS (2009). 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 (Supp. 2019). Section 328L-2(b)(2), HRS, directs that “Twelve and one-half per cent [of the tobacco settlement moneys] shall be appropriated into the Hawaii tobacco prevention and control trust fund under section 328L-5[.]” The Hawaii tobacco prevention and control trust fund may be used for “tobacco prevention and control, including but not limited to, reducing cigarette smoking and tobacco use among youth and adults through education and enforcement activities, and controlling and preventing chronic diseases where tobacco is a risk factor.” Section 328L-5(c), HRS (2010).

The Hawaii tobacco prevention and control trust 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). 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.” The purpose of this trust fund is dictated by the terms of the tobacco Master Settlement Agreement. See chapter 328L, HRS (2010 & Supp. 2019). Fines paid to the Department of Health are not designated assets of the tobacco prevention and control trust fund.

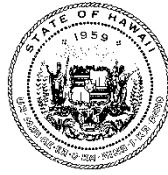
Additionally, section 706-643(1) & (2), HRS (2014), states that all fines shall be paid to the “cashier or clerk of the district or circuit court” and that all fines received by the clerk or other officer of the court “shall be deposited with the director of finance to the credit of the general fund of the State.”

Lastly, the Department of the Attorney General notes the bill requires “the parent or guardian of a person under eighteen years of age to be notified of the offense and given fifteen days to select which penalty shall be imposed on the person[.]” A minor who violates any federal, state, or local law or county ordinance falls under the exclusive jurisdiction of the family court. Section 571-11, HRS (2018). The minor’s parents, guardian, or legal custodian must be notified immediately whenever a minor is taken into custody for violation of any federal, state, or local law or county ordinance.

Section 571-31(b), HRS (2018). Where the minor is not in custody, the family court will issue a summons to the person who has custody and control of the minor to bring the minor before the court at the time and place stated on the summons. Section 571-23, HRS (2018).

Proceedings held under section 571-11, HRS, are "heard by the [family] court" and it is the family court judge that issues the final disposition upon finding that criminal allegations against the minor were proven beyond a reasonable doubt. Section 571-41(a), (c) & (d), HRS (2018). The disposition of a minor's adjudication as a law violator is the purview of the family court judge, not the parents or guardians. The Department of the Attorney General recommends that page 12, lines 3 to 8, of the bill be stricken.

Thank you for the opportunity to provide comments.



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

Aloha,

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

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

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

Me ka mahalo,

Moani Aiona

Moani Aiona, School Counselor
Hana High & Elementary School

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

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

HB-2457

Submitted on: 2/3/2020 1:00:29 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

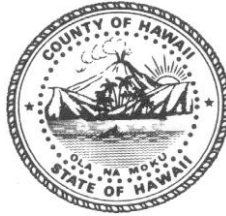
Comments:

To Whom it may concern,

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

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2457

A BILL FOR AN ACT RELATING TO THE YOUTH VAPING
EPIDEMIC

LATE

COMMITTEE ON HEALTH

Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

COMMITTEE ON LOWER & HIGHER EDUCATION

Representative Justin H. Woodson, Chair
Representative Mark J Hashem, Vice Chair
Representative Sean Quinlan, Vice Chair

Tuesday, February 4, 2020, 2:15 p.m.
State Capitol, Conference Room 309

Honorable Chairs Mizuno and Woodson, Honorable Vice Chairs Kobayashi, Hashem and Quinlan and Members of the Committee on Health & Committee on Lower & Higher Education. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of House Bill No. 2457.

Electronic smoking device (ESD) use among youth in Hawai'i has reached epidemic levels, and ESDs have surpassed cigarettes as the most used tobacco product among youth. In last year's visit to Hawai'i, Surgeon General Jerome Adams brought up the fact that our state ranks 2 from the highest in the nation for ESD use. Statistics from the State Department of Health show 1 out of ever 6 public middle school students in Hawai'i has used an ESD.

The tobacco industry claims they are not targeting children, but their actions tell a different story. The rise in youth use of EDSs has been in conjunction with the targeted branding of sweet, candy-flavored tobacco products. The toxic combination of enticing flavors and nicotine have led to a generation of youth addicted to tobacco products.

It is encouraging that the Food and Drug Administration has recognized flavors and ESDs as a national public health concern. It is also clear that we must act NOW to protect Hawai'i keiki from the enticement of candy-flavored tobacco products and a lifetime of addiction.

The Office of the Prosecuting Attorney, County of Hawai'i SUPPORTS the passage of House Bill No. 2457. Thank you for the opportunity to testify on this matter.



Testimony in Support of RE: Relating to Youth Vaping Epidemic

Hawaii Dental Hygienists' Association

Feb 3, 2020

Dear Chair Mizuno, Vice Chair Kobayashi and Respected Members of the Committee on Health and Chair Woodson, Vice Chair Hashem and Members of the Committee on Lower and Higher Education:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports House Bill 2457** which proposes to amend Chapter 302A, HRS by prohibiting the sale or distribution of flavored tobacco products.

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

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

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports HB 2457** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.



**Testimony to the House Joint Committee on Health, and Lower and Higher Education
Tuesday, February 4, 2020; 2:15 p.m.
State Capitol, Conference Room 309**

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

Chair Mizuno, Chair Woodson, 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 cigarettes in their possession;
- (2) Require a public school teacher or educator to confiscate an electronic cigarette 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) Require the notification of a violation to the minor violator's parents within fifteen days and the parent's election of a penalty other than a civil fine.

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
Tuesday, February 4, 2020; 2:15 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.

HB-2457

Submitted on: 2/1/2020 2:39:45 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Rodrigues	Irie Hawaii	Support	No

Comments:

HB-2457

Submitted on: 2/1/2020 2:49:07 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique gunn	Tobacco king llc	Support	No

Comments:

HB-2457

Submitted on: 2/1/2020 2:56:19 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I believe that kids should not be allowed to vape, we should be allowed to sell to adults of the age of 21, by stopping flavors from coming with only create other greater problems. Thank you for your time.

HB-2457

Submitted on: 2/1/2020 5:54:54 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Riley	Irie Hawaii	Support	No

Comments:

Tuesday, February 4, 2020 at 2:15 PM
Conference Room 309

House Committee on Health

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

House Committee on Lower and Higher Education

To: Representative Justin Woodson, Chair
Representative Mark Hashem, Vice Chair
Representative Sean Quinlan, Vice Chair

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

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

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, 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.

SB 2538 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.

LATE



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

OPPOSING HOUSE BILL 2457, RELATING TO THE YOUTH VAPING EPIDEMIC

House Committee on Health
The Honorable John Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair

House Committee on Lower & Higher Education
The Honorable Justin Woodson, Chair
The Honorable Mark Hashem, Vice Chair
The Honorable Sean Quinlan, Vice Chair

Tuesday, February 4, 2020 at 2:15 p.m.
Hawaii State Capitol, Conference Room 309

Chairs Mizuno and Woodson, Vice Chairs Kobayashi, Hashem and Quinlan, and members of both Committees,

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

House Bill 2457, Relating to the Youth Vaping Epidemic, bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, establishes fines and penalties for violations, and establishes anti-smoking and cessation education programs, including requiring the Hawaii Department of Education to establish a safe-harbor program.

HPMA opposes HB 2457 because it goes too far by prohibiting the sale, distribution and marketing of all flavored tobacco products to persons of legal age.

HPMA fully agrees with stricter enforcement of laws that prohibit the sale and distribution of tobacco products to underage buyers. However, we prefer language that prohibits the sale or distribution of flavored tobacco products, except menthol or mentholated cigarette, e-liquid and smokeless tobacco products, in the state of Hawaii.

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

HB-2457

Submitted on: 2/2/2020 10:46:14 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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 scholars 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 HB2457 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 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 just spent over \$25000 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 and has failed horribly. Why hasn't any legislator spoken of this failed law? HB2457 will only hurt Hawaii business, take away peoples freedoms and open up the black market to flavored vapes. This is INSANE! A prime example is the fireworks ban how is that working?

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

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

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



To our Distinguished Legislators:

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

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

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

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

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

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

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.

Mahalo,

Jamil Folio



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
Valerie@hawaiicopd.org
(808)699-9839

February 2, 2019

Honorable Chairs Representative John M. Mizuno and Justin H. Woodson
Honorable Vice-Chairs Representative Bertrand Kobayashi, Mark J. Hashem, and Sean Quinlan
Members of the Committees of Health and Lower and Higher Education

RE: Strong Support of HB2457, banning sale of all flavored tobacco products **including** menthol and mint in Hawaii

Dear Representatives Mizuno, Woodson, Kobayashi, Hashem, Quinlan and members of the Committees on Health and Lower and Higher Education:

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of HB2457, banning all flavored tobacco products including menthol and mint in Hawaii.

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers than they or any of us would like.

We are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping.

All our young people deserve protection from a lifetime of addiction. Sadly, 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! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain.

Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old!

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. In the Philippines, market share of menthol cigarettes was 55%. The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians and Filipinos die at higher rates of lung cancer than other groups. Also, 81% of youth who have ever used tobacco products started with a flavored product and 97% of youth who vape say they use a flavored product.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please vote in favor of HB2457 and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang
Executive Director

HB-2457

Submitted on: 2/3/2020 10:04:54 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Miriam Mendoza Martinez	Coalition for a free tobacco Hawaii	Support	No

Comments:

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

HB-2457

Submitted on: 2/3/2020 10:19:46 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:



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Executive Officers

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

TO:

Committee on Health and Committee on Lower and Higher Education
Rep. John M. Mizuno and Rep. Justin H. Woodson, Chairs
Rep. Bertrand Kobayashi, Rep. Mark J. Hashem, Rep. Sean Quinlan, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 4, 2020
TIME: 2:15pm
PLACE: Conference Room 309

RE: HB2457 Relating to the Youth Vaping Epidemic

Position: Oppose

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

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

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

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

LATE



TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 4, 2020

Re: HB 2457 RELATING TO THE YOUTH VAPING EPIDEMIC

Good afternoon Chairperson Mizuno, Chairperson Woodson and members of the House Committee on Health and the Committee on Lower & Higher Education. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We STRONGLY OPPOSE HB 2457 Relating to the Youth Vaping Epidemic. This measure 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. Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Currently Hawaii has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids and tobacco products. However, we are finding that the retailers are not intentionally selling these products and devices to those under the age of 21. With new technology and printers, some of the fake IDs that the minors present to the sales staff upon check out look like the real state IDs.

The majority of the vape shops on our islands are responsible and have a policy that they won't sell a vape device or cigarettes to anyone 21 years old and under. Retailers often go as far as to not selling to the adult that accompanies the minor into the store if it is revealed that the device or product that they are seeking to purchase is for the minor. Retailers have no control over their products once they are sold and the customer walks out the door with them. It is often the case that an adult family member or friend that purchases the vape devices for the minors and gives the device to the minor away from the retail store.

Many adults that are 21 and older enjoy their electronic vaping device with their favorite flavored e-liquid. Many adults like the sweet flavors of chocolate, candy, fruit, and vanilla to name a few. The New England Journal of Medicine published an article last year that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

We do however applaud the section in the bill that creates a safe harbor of minors to dispose of their vape products. There should be harsher penalties towards the adults who provided the minor with the Vaping devices as well as the minor who is breaking the law by using this device. Maybe with stricter penalties for the adults purchasing the devices for the minor and for the minor themselves, underage vaping would lessen as they are the ones ultimately getting penalized.

Mahalo again for this opportunity to testify.



To: Chairs John Mizuno and Justin Woodson
Vice Chairs Bertrand Kobayashi, Mask Hashem, and Sean Quinlan
Members of the House Health and Lower and Higher Education Committees

Re: Support: HB 2457 Relating to Flavored Tobacco Products

Hearing: Tuesday, February 4, 2020 at 2:15pm in Room 309

Dear Chair, Vice Chair, and Members,

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in SUPPORT of HB2457 prohibiting the sale or distribution of all flavored tobacco products, including products with menthol. While we strongly support a flavor ban, we want to emphasize to the committee the importance to include menthol in any future ban and to share information on the effectiveness of youth cessation programs over increased penalties for our youth.

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

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in our state and the nation, killing 480,000 Americans annually. 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."¹ Furthermore, we have recently seen a drastic increase in the number of youth who

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

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%.² 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 by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products, so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.³

Menthol is the Most Popular Tobacco Flavor Among Youth

Most insidious among the flavors preferred by youth, are mint and menthol. Given that many of our youth are now addicted to nicotine and will look for easy, similarly tastings products if flavored e-cigarettes are removed from the market, we strongly recommend that the committees consider expanding this proposed legislation to include menthol, mint and mentholated combustible tobacco. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

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

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

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

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

⁴ Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.⁵ Menthol cigarettes comprised 36 percent of the market in 2018.⁶

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

Although tobacco companies claim to be responding to adult tobacco users’ demand for variety, it’s clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use in the state.

Flavored Tobacco Products Are Popular Among Youth

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

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135%

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

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

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

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

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

increase from just two years ago.¹⁰ Just like with cigarettes, menthol e-cigarette are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.¹¹ Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.¹² Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”¹³

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

As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. More than half of youth smokers use menthol cigarettes, including seven out of ten African American youth smokers.¹⁶ The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted

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

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

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

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

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

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

¹⁶ Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, published online October 20, 2016.

marketing by the tobacco industry.¹⁷ As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁸

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

In lieu of penalizing children for using a product they were told was safe and then marketed to them, we suggest considering the implementation of youth/parent educational programming and alternative youth cessation programs to address the issue of under-21 tobacco consumption.

In Hawai'i we have access to several programs for our youth smokers:

Youth Cessation Programs:

- **Hawai'i Tobacco Quitline Youth Program:** Recently the Hawai'i Quitline expanded its services to provide evidence-based strategies for youth who have become addicted. The Youth Program can be accessed via phone at 1-800-QUIT-NOW (784-8669) or online at <https://hawaiiquitline.org/how-it-works/youth-program>. Program features include: Personalized counseling from highly skilled Youth Quit Coaches, Educational materials, Quit plan development, Anonymous, non-judgmental support, Support between scheduled calls via a toll-free support line, Discussion of triggers, peer influences, environmental/household exposure to tobacco use, stressors, Relapse prevention through planning and preparation, Total of 5 intervention calls. <https://hawaiiquitline.org/new-generation-nicotine-addicts/>
- **American Lung Association – INDEPTH:** an Alternative to Teen Nicotine Suspension or Citation: <https://www.lung.org/stop-smoking/helping-teens-quit/indepth.html> This program is offered nationwide as an alternative to more punitive punishments for youth that are not proven to be effective. Developed by the American Lung Association in partnership with the Prevention Research Center of West Virginia University, this new free education program is available for any school or community to establish to help our teens make healthier choices.

National Youth e-cigarette cessation programs:

¹⁷ SAMHSA's public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015.

http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT_C&results_received=true and https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C.

FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013, <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.

¹⁸ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

- Truth Initiative – E-Cigarette Quit Program: <http://www.thisisquitting.com/>;
<https://www.becomeanex.org/>
 - Early evaluation results from this program are promising. The program has been promoted entirely through earned media and organic social media and it has seen a high level of enrollment and high levels of engagement with the program. It shows that young people are interested in quitting vaping and can be engaged in an easily accessible, anonymous digital platform promoted through social media.
- National Cancer Institute’s SmokefreeTeen Quit Vaping: <https://teen.smokefree.gov/quit-vaping>

Youth Education Programs:

- Campaign for Tobacco-Free Kids – Taking Down Tobacco:
<https://www.takingdowntobacco.org/>
- Stanford Medicine Tobacco Prevention Toolkit – E-Cigarettes and Vape Pens:
<https://med.stanford.edu/tobaccopreventiontoolkit/E-Cigs.html>
- CATCH My Breath – Youth E-cigarette Prevention Program:
<https://catchinfo.org/modules/e-cigarettes/>

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 die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry’s aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our kids and vulnerable populations. By prohibiting adopting this policy would become one of only a handful of states that have already taking action to *end* the sale of flavored tobacco products. **Thank you for considering a strong and comprehensive policy. It will save lives.**

Sincerely,



Liza Ryan Gill, MA

Campaign Manager

Flavors Hook Kids HI Campaign

liza@flavorhookkidshi.org

Appendix

A1: Examples of Flavored Tobacco Products



A2: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

A2: Flavors Hook Kids HI- Supporting and Endorsing Organizations

HEALTH ORGANIZATIONS

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

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
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 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

Kaho'omiki; Hawaii Council of Physical Activity and Nutrition
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
HEALTH & COMMUNITY LEADERS
Tina Alcain
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.

Waiakea High School PTSA
Waipahu Int. Youth for Safety Club
We Are One Inc.
ELECTED OFFICIALS & GOVERNMENT
Sen. Stanley Chang
Rep. Stacelynn Eli
Rep. Sharon Har
Maui County Councilmember Kelly King
Hawai'i County Councilmember Sue Lee Loy
Kuliouou-Kalani Iki Neighborhood Board #2
Makakilo/Kapolei/Honokai Hale
Neighborhood Board #34
Makiki/Lower Punchbowl/Tantalus
Neighborhood Board #10
Mililani/Waipio/Melemanu Neighborhood Board #25
Nanakuli-Maili Neighborhood Board #36
Pearl City Neighborhood Board #21
Waipahu Neighborhood Board #22
County of Kauai Office of the Prosecuting Attorney
Department of Education
Office of Hawaiian Affairs (OHA)
SCHOOLS
Chiefess Kamakahelei Middle School
Damien Memorial School
Kamaile Academy
Maryknoll School
Maui Preparatory Academy
Mid Pacific Institute
Sacred Hearts Academy
Saint Louis Schools
Waiakea High School
Waimea Middle Public Conversion Charter School
BUSINESSES
Emma Whitney Photography

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

Ganesha Body Piercing

Heartlight Montessori Homeschool

Home Remedies Interior Design

Paia Tattoo Parlor

Shaka Tea

The Man Cave

The Root Cellar Studio Mau

February 3, 2020

TO: Chair John M. Mizuno
Vice Chair Bertrand Kobayashi
Members of the House Committee on Health

Chair Justin H. Woodson
Vice Chair Mark J. Hashem
Vice Chair Sean Quinlan
Members of the House Committee on Lower & Higher Education

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

RE: **HB 2457** - Relating to the Youth Vaping Epidemic
Hearing Date: February 4, 2020
Time: 2:15 pm

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

CAA **opposes HB 2457** 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.

HB-2457

Submitted on: 2/3/2020 12:51:16 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:



Tuesday, February 4, 2020
State Capitol, House Conference Room 309

To: Representative John Mizuno, Chair
House Committee on Health

Representative Justin Woodson
House Committee on Lower & Higher Education

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

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

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **supports HB 2457 to ban the sales of flavored tobacco products in Hawai'i with comments on Section 5 regarding fines.**

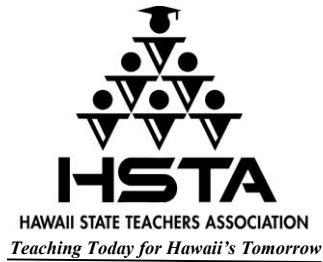
At Kapi'olani Medical Center for Women & Children, we often treat pediatric and adult patients who are adversely affected by tobacco products in multiple ways. For the past few years, we have seen an increasing number of teenagers and young children coming in who are screening positive for e-cigarette or vape use.

Initiation of e-cigarette use is almost always associated with a flavored product. Studies have shown that flavored tobacco-use is particularly enticing to youth. The e-cigarette and vape companies use attractive packaging and flavors that are very similar to candy products and sweets that are easily recognizable by children and teens. These flavors include common candies like cotton candy, sweet tart, blue raspberry, and even local Hawaii-inspired flavors like POG (passion orange guava), Hawaii Sweet Roll, and Pele's Papaya. One of the biggest concerns with e-cigarettes is the lack of longitudinal studies on health and safety of these products. It took decades for the harmful side-effects of combustible cigarettes to become well-known, and we do not want our youth to be the ones to suffer from any potential health effects of e-cigarettes or vape products. We cannot sit by as a generation of adolescents becomes addicted to nicotine because of these flavored products.

While we support the intent of this bill, we do have concerns about the inclusion of fines under Section 5. Previous research shows that these fines are not effective in preventing youth use. We should focus on the industry responsible for this epidemic, rather than the youth that have become victims of it.

In the best interest of our local youth, we would like to request your **support of HB 2457** to ban flavored tobacco products, but reconsider the use of fines defined under Section 5.

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



LATE

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

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

TESTIMONY BEFORE THE HOUSE COMMITTEES ON
HEALTH and LOWER & HIGHER EDUCATION

RE: HB 2457 - RELATING TO THE YOUTH VAPING EPIDEMIC

TUESDAY, FEBRUARY 4, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Mizuno, Chair Woodson, and Members of the Committees:

The Hawaii State Teachers Association **provides comments on HB 2457** 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, and requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Hawaii State Teachers Association supports some components of the bill; however, we are concerned with others. We strongly support banning the sale of flavored e-cigarette 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. **Teacher already confiscate what they can when they can, and they confiscate a lot at turn them over to their administration as these products are already contraband as set by the BOE and DOE, but it is not reducing 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 HB 2457.



Hawaii Dental Association

To: House Committees on Health and Lower & Higher Education
Time/Date: 2:15 p.m., February 4, 2020
Location: State Capitol Room 309
Re: HB 2457, Relating to the Youth Vaping Epidemic

Aloha Chairs Mizuno and Woodson, Vice Chairs Kobayashi, Hashem and Quinlan and members of the committees:

The Hawaii Dental Association (HDA), a professional association comprised of approximately 950-member dentists, is in **strong support** of HB 2457, relating to the Youth Vaping Epidemic. This bill, among other provisions, bans the sale of flavored tobacco products and prohibits mislabeling of e-liquid products containing nicotine.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. We will continue to support legislation aimed at enhancing and promoting oral health.

HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

Mahalo for the opportunity to testify in support of HB 2457.

HUI NO KE OLAPONO

95 Mahalani St. Rm #21

Wailuku, HI 96793

P - (808)244-4647, F – (808)442-6884

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

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

The tobacco industry claims that they're not targeting kids, but their actions tell a different story. With flavors like "Blue Raspberry Sour Straws", "Cookie Monsta," or "Maui Mango" the answer is clear. Flavors are designed to appeal to kids, while nicotine gets them hooked for life. Some troubling facts:

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

ACTIONS HAWAI'I CAN TAKE TO REDUCE YOUTH VAPING

TAX E-CIGARETTES AS TOBACCO PRODUCTS

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

END THE SALE OF FLAVORED TOBACCO PRODUCTS

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

RESTORE COUNTY AUTHORITY TO TAKE ACTION

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

Mahalo a nui loa for your time and consideration.

LATE



**Committee
Members**

Annaleah Atkinson
808 652-7743

Lori Carlson
651 587-2904

Tom Christy
808 645-1594

Eric Devlin
808 429-3229

Regina Floyd
702 292-2372

Doug Haigh
808 635-1120

Eve Hands
808 346-7799

Steve Hardy
707 481-5070

Larry Lindsay
808 634-4559

Scott McCubbins
816 781-5883

Graeme Merrin
808 651-7211

Ryan Moen
808 651-0726

Lelan Nishek
808 245-7747

Tommy Noyes
808 639-1018

Ron Rector
808 639-2443

Valerie Woods
808 822-2420

Ron Wiley
808 245-9527

February 3, 2020

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Rep. Bertrand Kobayashi, Vice Chair

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

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Rep. Dee Morikawa, and Rep. Val Okimoto

STRONG SUPPORT FOR

HB 2457 RELATING THE YOUTH VAPING EPIDEMIC

Aloha Health and Lower & Higher Education Committee Members,

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

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

LATE

HB-2457

Submitted on: 2/3/2020 4:16:57 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

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

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

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

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

Please also consider a revision to hold tobacco and e-cigarette companies responsible for this problem. They hope to shift the blame from this billion-dollar industry onto the

young people that they have targeted with their deadly and highly addictive product. Comprehensive tobacco retailer licensing policies place responsibility on retailers rather than young consumers. With appropriate funding and enforcement, these retailer licensing policies have proven more effective in reducing youth initiation of tobacco and nicotine.

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

Mahalo for your consideration and support of this important measure.

LATE



TO: The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
House Committee on Health

The Honorable Justin H. Woodson, Chair
The Honorable Mark J. Hashem, Vice Chair
The Honorable Sean Quinlan, Vice Chair
House Committee on Lower & Higher Education

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

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

DATE: Tuesday, February 4, 2020
2:15 PM, Conference Room 309

Aloha Chair Mizuno, Chair Woodson, Vice Chair Kobayashi, Vice Chair Hashem, Vice Chair Quinlan and Members of both Committees:

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

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 because, in banning the sale of 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.

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.



LATE

**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

Serving Hawaii since 1948

Mission Statement:

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

For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Served by the Oahu office

The American Heart Association **supports 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.

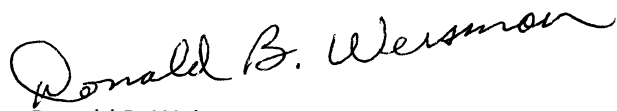
PUP laws stigmatize youth who smoke, yet smoking is an addictive behavior promoted by a billion-dollar industry that directly and deliberately targets them. Stigma is not an effective public health intervention, and it may keep kids from seeking cessation treatment or education. Problematic behaviors 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



LATE

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Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 2, 2020

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

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

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

Hrg: February 4, 2020 at 2:15 pm at Conference Room 309

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **Strong Support of HB 2456**, 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 productⁱⁱ, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

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

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 pollⁱⁱⁱ 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^{iv}. 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^v 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](#).

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

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

ⁱⁱⁱ 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.

^{iv} Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis

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

^v 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



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

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

House Committee on Lower and Higher Education
Representative Justin Woodson, Chair
Representative Mark Hashem, Vice Chair
Representative Sean Quinlan, Vice Chair

SB 2457 – 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, 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.

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.

HB-2457

Submitted on: 2/1/2020 1:49:53 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I'm Alex and I srongly oppose this bill!

HB-2457

Submitted on: 2/2/2020 9:14:41 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

To whom it may concern,

I am opposing the current bill that will destroy the vaping industry here in Hawaii and put hundreds of people out of employment/business. Our goal for public health is to have people quit smoking traditional tobacco cigarette which is the #1 cause for cancer here in America.

Yet we demonize this new technology which has helped millions of Americans make the switch and drastically improving their health. If this bill is about protecting children, vape shops here include stores in the mainland have strict guidelines and rules they follow that does not allow anyone under 21 to purchase any type of vaping devices or juice.

The questions we should be asking is HOW are these teens getting their hands on these devices? Where are their parents? Who's giving them money to try and purchase these devices? It's obviously not the vape shops who are allowing this to happen in fear of heavy fines. We do not advertise on TV or newspaper and try to attract young children.

We are ADULTS and we enjoy flavors as much as anyone else. What is the point of making a switch AWAY from tobacco, just to vape tobacco flavored e-liquids? That is the NUMBER 1 reason why so many adults make the switch, "I can stop killing myself smoking cigarettes while enjoying banana, strawberry, grape, etc!"

I implore you to take your time and review these bills that could possibly destroy something that in my opinion, a "PUBLIC HEALTH MIRACLE".

Vinh Tran,

Resident of Honolulu, Hawaii.

HB-2457

Submitted on: 2/1/2020 12:57:20 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

1. 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
2. Tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava.
3. 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

Submitted on: 2/1/2020 11:46:09 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/1/2020 11:10:26 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vin Kim	Individual	Oppose	Yes

Comments:

I oppose the flavor ban

HB-2457

Submitted on: 2/1/2020 11:29:10 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/1/2020 4:39:18 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Date: February 1, 2020

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

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

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

Hrg: February 4, 2020 at 2:15 PM in Capitol Room 309

Aloha House Committees on Health and Lower & Higher Education,

I am writing in **strong support of HB2457**, 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; and, requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

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

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*.

And it not just the sweet flavors. Mint and menthol are especially insidious. Recent research finds that mint flavor is quickly gaining popularity among high school students.

Menthol is an anesthetic compound found naturally in mint plants that provides a cooling

sensation. Menthol is added to tobacco cigarettes to reduce the throat burn caused by smoking, making it easier for non-smokers to start smoking and get hooked on nicotine. Menthol also increases the satisfaction smokers experience while smoking. The prevalence of menthol cigarette smoking (and nicotine addiction) is highest among members of communities with significant health disparities, including native Hawaiians.

Tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. But 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 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 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 addictive 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.

HB2457 also appropriately places priority on tobacco education over punitive measures for those under 21 caught vaping and provides a non-punitive means for underage users to surrender e-cigs and liquids for safe disposal.

I strongly support HB2457 and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-2457

Submitted on: 2/1/2020 7:46:05 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Inouye	Individual	Support	No

Comments:

Reps. Mizuno, Kobayashi, Woodson, Hashem, and Quinlan,

Please support and pass HB2457. Hawaii needs to ban the sale of all e-cigarette/tobacco flavored products. Both are deadly habits, easily started with using flavored products. As a physician of many adolescents, I have witnessed a tremendous increase in my patients using e-cigarettes. When I offer to help them quit, they state that they cannot, due to peer pressure or pressure from siblings or relatives, even parents, to use e-cigarettes. Many of our youth do not have the ability to control their own life. Thus, we need to do our part in making the community they live in, a healthy community- one without flavored e-cigarette/tobacco products.

Respectfully submitted,

Colleen F Inouye MD MMM FACOG

HB-2457

Submitted on: 2/1/2020 2:41:13 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/1/2020 2:41:38 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katelyn Kapua	Individual	Support	No

Comments:

HB-2457

Submitted on: 2/2/2020 10:02:00 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Castro	Individual	Support	No

Comments:

I support this bill, especially increasing the fine.

HB-2457

Submitted on: 2/1/2020 2:53:35 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/1/2020 2:56:41 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph E Yarbrough	Individual	Support	No

Comments:

HB-2457

Submitted on: 2/1/2020 5:48:11 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/2/2020 10:24:00 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/2/2020 10:38:47 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Mock	Individual	Support	No

Comments:

I support HB2457 in banning the sale of flavored tobacco products. When I was a kid, I remember despising the smell of cigarettes/tobacco and swore to myself that I would never smoke. However, if flavored products had been available then, I don't know if I would have been able to abstain. How many kids do you know that can say "no" to candy when it's right in front of their faces and actively marketed to them?

Tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava. By utilizing flavors, manufacturers are making it seem that it's "safe" by capitalizing on these nostalgic flavors we all know and love. This makes it difficult for children/adolescents to say "no" since their brains are still forming and decision-making capabilities are developing.

With 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.

Please support HB2457 to make it easier for our kids to live an addiction-free future.

HB-2457

Submitted on: 2/2/2020 1:17:44 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/2/2020 10:53:50 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I am strongly opposed to under age tobacco use however, I also strongly oppose a flavor ban. Therefore, I must oppose this bill.

HB-2457

Submitted on: 2/2/2020 2:17:46 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/2/2020 4:02:04 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/2/2020 7:53:39 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I support the confiscating of electronic devices but I DO NOT support this flavor ban! Any adult over the age of 21 should be able to smoke/vape what flavors they want choose to.

HB-2457

Submitted on: 2/2/2020 8:01:30 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chase Yoshida	Individual	Oppose	No

Comments:

HB-2457

Submitted on: 2/2/2020 8:56:41 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

So this has some mis-information for me as i thought HB2049 was for teachers to confiscate electronic devices which i SUPPORT 100 percent. I do oppose of the flavor banning for which i used for many years to get myself off of smoking. I don't get why the teacher confiscate and flavor ban is on one bill. Very tricky!

HB-2457

Submitted on: 2/2/2020 9:36:32 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Claudia Hartz	Individual	Support	No

Comments:

I strongly support HB2457. I have two teenagers at home. Constantly worried about thier exposure to vaping. I stongly believe vaping is an epidemic and we must do our best to stop this. All electroinic smoking devices and flavoring needs to be banned.

HB-2457

Submitted on: 2/2/2020 11:13:33 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Dear Hawaii State Legislature,

My name is Elijah Carigon and I am a senior at Waiakea High School in Hilo. I am writing to you in testimony of HB2457 and my strong support for this bill.

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

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

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

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

My sincere plea to you, on behalf of my peers, the youth of Hawaii, is to vote in support of HB2457.

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

Sincerely,

Elijah Carigon

HB-2457

Submitted on: 2/2/2020 11:15:49 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Dear Representatives:

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

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

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

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

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

Please also consider a revision to hold tobacco and e-cigarette companies responsible for this problem. They hope to shift the blame from this billion-dollar industry onto the

young people that they have targeted with their deadly and highly addictive product. Comprehensive tobacco retailer licensing policies place responsibility on retailers rather than young consumers. With appropriate funding and enforcement, these retailer licensing policies have proven more effective in reducing youth initiation of tobacco and nicotine.

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

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

HB-2457

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

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Aloha,

I strongly oppose HB2457 because it will impede on my rights to use eliquids and electronic devices. This would also prevent myself and others the choice to use flavored eliquids. Please vote against HB2457.

Mahalo,

Louis Bauguess

HB-2457

Submitted on: 2/2/2020 9:49:19 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Logan Lau	Individual	Support	No

Comments:

My name is Logan Lau and I am from 'Ā€ina Haina. I am currently a sophomore in high school and am testifying in strong support of the bill HB2457.

Although I cannot be here to testify in person because I am currently at school, I believe that this bill must be passed for three main reasons.

First, flavored tobacco products entice younger generations which causes an influx of younger vape and e-cigarette users. Currently, the percentage of high school students who vape is on the rise with polls averaging around 40%. Which is nearly a 30% increase from just two years ago.

Secondly, flavored tobacco products may have started with the intention of being an alternative to smoking which could decrease the number of smokers however it has miserably failed. Instead of encouraging smokers to quit and use vapes companies like JUUL are encouraging younger generations to start vaping, which we know can become highly addictive and lead to smoking. It is clear that these flavored tobacco products are completely counterproductive in their intentions.

Lastly, a real-life, personal example of the effects of teen vaping. Recently my mother's co-worker who is a nurse opened up about her son and his struggle with vaping. It all started when he was a student at Kalani High School and he began to vape using various flavors that made vaping look very appealing. However, this soon turned into a serious addiction and his previous straight A's and 4.0 GPA began to take a swift downturn. Despite this, he was able to get into USC however, within the first quarter that he was there he was introduced to weed and marijuana and was instantly hooked. Now he has dropped out of a great college, has a serious addiction, mental illness, and is currently in drug rehab. I had a chance to talk to him and ask him what happened to his life, and where it went wrong. He responded saying, it all started when he began vaping and got hooked on its flavors.

Thus, I stand in strong support of the bill HB2457, because flavored tobacco products target younger generations enabling a whole generation of addiction, because flavored tobacco products are counterproductive, and because these stories of how vaping ruins people's lives are all too common.

Thank you

HB-2457

Submitted on: 2/3/2020 2:40:20 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/2/2020 11:47:22 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Honorable Representatives,

I oppose HB2457. Please do not take away my right to use flavored eliquids at my discretion.

Respectfully submitted,

Theresa Revell

Petition to Submit Testimony in Support of HB2547

Petition summary and background:	As Registered Dental Hygienists in the state of Hawaii, we are concerned that electronic smoking device (ESD) use among youth in Hawaii has reached epidemic levels. The toxic combination of nicotine and enticing flavors have made ESD use a preferred choice when compared to other tobacco products (ex. cigarettes). As oral health educators, it is our duty to inform our patients of the risks caused by smoking/vaping tobacco products (oral cancer, periodontal disease, tooth loss). We can avoid future nicotine addiction of our youth by addressing the problem now.
Action petitioned for:	We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT HB2547 and ban the sale of flavored tobacco products in an effort to stop this addicting behavior for the sake of our youth.

Printed name	Signature	Address	Comment	Date
Christopher Gamboa, RDH	gamboac@hawaii.edu			
Jennifer Takata, RDH	jen.takata@gmail.com			
Catherine Nakamura, RDH	katynak@yahoo.com			
Darlee Motosue, RDH	dkmotosue@yahoo.com			
Justin Larson, RDH	stanton6@hawaii.edu			
Jason Wolf, RDH	wolfrdh@gmail.com			
Linda Austin, RDH	wlmbooks@gmail.com			
Ariel Ita, RDH	ariel1214@yahoo.com			
Shyla Fermahin, RDH	shylakf@hawaii.edu			
Kristin Gastineau, RDH	rdh@gmail.com			
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Marilyn Nonaka, RDH	texaninhawaii@gmail.com			
Stacy Matsuyama Sekioka, RDH	stsekioka@gmail.com			

Printed name	Signature	Address	Comment	Date
Tabitha Kukahiko, RDH	tabitha4avon@yahoo.com			
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Jessica Lozano, RDH	jes_lozano@yahoo.com			

Printed name	Signature	Address	Comment	Date
Gayle Chang, RDH	gchang50@gmail.com			
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HB-2457

Submitted on: 2/3/2020 6:45:15 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Isaac Hartz	Individual	Support	No

Comments:

When I was 12 my older brother told me to try his vape he said it was just inhale of flavored water when his said that it made me think of when he was 10 he told me that he would never smoke or do drugs. 4 years later he's smoking weed and vaping. It was sad to see him grow up slowly throwing his life away with every puff. In conclusion the flavors for vape juice should be banned because sweet flavors like that appeal to young kids and teens.

HB-2457

Submitted on: 2/3/2020 7:09:25 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
CLINT GIMA	Individual	Support	No

Comments:

This is a no-brainer. How many more teens do we have to get addicted to or die before something is done? Do the right thing and ban flavored vape juice.

HB-2457

Submitted on: 2/3/2020 6:31:33 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I support any possession law. It is the most effective way to deter youth from using e-smoking devices. Just as alcohol has strict possession laws so should cigarettes and e-smoking devices. Putting restrictions on flavors only limits the law abiding adults from choosing a more palatable flavor other than tobacco flavor for e-liquids.

HB-2457

Submitted on: 2/3/2020 7:21:14 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Swartz	Individual	Support	No

Comments:

I've seen young kids vaping and they like the sweet smelling candy-like flavors. That has to stop!

HB-2457

Submitted on: 2/3/2020 8:08:28 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

02-03-20

RE: HB2457

While I support this Bill, I oppose penalizing our youth. This Bill represents, in my opinion, how we must hold the industry accountable, through regulations, instead of punishing our youth, who have, indeed, shamefully fallen prey to the industry's predatory marketing tactics!

John A. H. Tomoso+, MSW

51 Ku'ula St., Kahului, HI 96732-2906

CC: CTFH-Maui

HB-2457

Submitted on: 2/3/2020 8:34:48 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/3/2020 8:38:50 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

2/3/2020

Dear Members of the Committee,

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

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

I am in support of HB2457, because vape and tobacco products, which contain the drug nicotine, should not be flavored to appeal to children. We need to stop this addictive product from being marketed like a candy bar.

Banning flavors and taxing tobacco products are proven strategies to reduce youth initiation. Please pass HB2346 to ban flavored tobacco and vape products to stop kids from getting addicted to nicotine now, before another generation faces the consequences.

Thank you,

Andrea Snow

61 Kapuai Rd.

Haiku, HI 96708

HB-2457

Submitted on: 2/3/2020 9:01:47 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darrel Goo	Individual	Oppose	No

Comments:

As with alcohol and tobacco I believe we should be free to choose and we are in a state where we should be able to make our own decision to use or not use such products.

HB-2457

Submitted on: 2/3/2020 9:17:44 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Cambra	Individual	Support	No

Comments:

I strongly support this Bil that bans the sale of flavored tobacco products! The deception of mislabeling e-liquid products containing nicotine is hooking in our kids! Fines and penalties for violations should be established!

Thank you,

mom of 3 boys

HB-2457

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

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 9:24:15 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 9:26:35 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Companies should not target children because its pretty much just ruing childrens lives.

How dare you. meleana 7th grader

HB-2457

Submitted on: 2/3/2020 9:29:16 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 9:30:21 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

i am a 7th grade student and i think vaping companies are targeting kids mostly.

HB-2457

Submitted on: 2/3/2020 9:30:53 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 9:31:53 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
mary santa maria	Individual	Support	No

Comments:

Please pass HB 2457. I support the banning of flavored tobacco products including menthol, mint, wintergreen and Hawaii specific flavors such as lilikoi and guava. These flavors attract teens and preteens to electronic smoking devices that mask that unpleasant flavor of tobacco and chemicals with chemicals that imitate natural flavors. These chemicals including the high concentrates of nicotine, injure the developing brains of youth.

I also oppose any and all fines for youth who are caught using. I encourage the House to hold the Tobacco Industry responsible for appealing to youth so as to guarantee future addicted smokers. Regulation for the industry is necessary.

Mahalo

Mary Santa Maria

Makawao, Hawaii

HB-2457

Submitted on: 2/3/2020 9:35:16 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

This legislation is fatally flawed:

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

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

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

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

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

HB-2457

Submitted on: 2/3/2020 9:40:33 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 9:44:38 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Aloha and Good Morning –

My name is Laks Abraham and I'm the Community Program Manager for Blue Zones Project – Central Maui. I writing today in support of HB2457, relating to flavored tobacco products.

This is a national concern, which prompted a statement released from FDA Commissioner Gottlieb, on steps to address the national epidemic of youth e-cigarette use. The commissioner quotes, "I use the word "epidemic" with great care. E-cigs have become an almost ubiquitous – and dangerous – trend among teens. The disturbing and accelerating trajectory of use we're seeing in youth, and the resulting path to addiction, must end." I'm sharing this with you because we, as a community are facing this epidemic right here in Maui County, rearing some of the highest youth vaping usage rates in the nation.

Blue Zones Project Hawaii will continue to support legislation to protect our keiki from tobacco products and continue to encourage smoke-free lifestyles and preventive measures for youth vaping.

Flavored tobacco products are intended to attract and addict youth to tobacco, which is wrong. It's as simple as that. Please support HB2457 and ensure our keiki are protected from big tobacco and help us work to decrease youth vaping in Hawaii. Mahalo!

Laksmi Abraham, Community Program Manager

Blue Zones Project – Central Maui

HB-2457

Submitted on: 2/3/2020 9:49:55 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
stacia deonte	Individual	Oppose	No

Comments:

i disagree

HB-2457

Submitted on: 2/3/2020 9:41:55 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie L Tanner	Individual	Support	No

Comments:

I, and all others who care about Hawaii's children, STRONGLY SUPPORT this Bill to prohibit e-cigarette flavors, including menthol, in this democratic state.

I am writing to confirm, along with the Dept. of Education's and Dept.of Health's research, that e-cigarette experimentation and QUICK DEPENDENCE upon nicotine occurs in children, as well as those 18-years and over, with devastating effect due to flavors and menthol. **Nicotine** is NOT 'maui mango, cookie monsta, or other 'cute' marketing ploys' but a killer of mucus membranes designed to protect our lung, throat, sinus, oral cavities, gastrointestinal track, etc.

As a highly qualified licensed teacher in Hawaii schools, I have been a direct witness: there have been continuing e-cigarette usage by elementary children (3rd, 4th, 5th) and middle, high schoolers, too, brought to campus and discovered AT SCHOOL. It is proven by social scientists that menthol flavors are marketed as 'cooling' [UNTRUE] and 'suave for women and minorities' [ALSO UNTRUE]. As a **former smoker**, the addiction of nicotine, was a devastating years-long habit for me, and the ability to quit took an extraordinary amount of action and motivation. However nicotine/tobacco is consumed, is truly harmful, and luring impressionable kids to try 'kicky' flavors seems draconian (for PROFIT) and outright cruel (for HOOKING PEOPLE on an every-20-minute habit). There is **no redemearing value** for e-cigs or any flavors, including menthol as they are NOT FDA-approved, DO NOT ASSIST nicotine dependent people to stop, nor better as second-hand smoke.

As a Representative in Committee for the People, you have a wonderful, excellent opportunity to directly encourage the health and welfare of our children and citizenry by **BANNING ALL E-CIGARETTE FLAVORS, INCLUDING MENTHOL. PLEASE BE PONO!**

HB-2457

Submitted on: 2/3/2020 9:53:47 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Weiner	Individual	Support	No

Comments:

I am supplying written testimony in support of HB2457. As a long-time pediatrician on Kauai, I have witnessed the discouraging rise in the use of vaping products among my patients, starting as early as sixth grade. Others of my patients complain they cannot use the restrooms in the middle and high schools because of the students vaping in the restrooms. E-cigarette use has exploded in the past few years, undoing all of the progress we have made over more than 20 years of strenuous and successful efforts to decrease adolescent tobacco use.

Hawaii has one of the highest rates of middle and high school use of e-cigarette in the US. There are several reasons for this - sweet flavorings, attractive colorful packaging, high concentrations of nicotine in the vaping liquid which is very addictive, among others. In Hawaii, local manufacturers are making and marketing flavors especially especially chosen to attract our keiki: Hawaiian POG, Hawaiian Sweet Rolls, Halawa Guava, etc. Over 80% of children and adolescents who use tobacco products have begun by using flavored products, equivalent to a starter drug. Likewise, it is well-known that vulnerable, low-income groups are particularly attracted by menthol tobacco products - we know that 78% of Hawaiian and other Pacific Islander smokers use menthol cigarettes, which is another compelling reason to eliminate menthol flavors as well.

It cannot be stressed enough that e-cigarette liquids contain a much higher nicotine concentration than even cigarettes, which make them extremely addictive as well as toxic. The irony is that those smokers who feel they have "quit smoking" have only substituted one poison for an even more deadly one. So in fact, Juul and the other manufacturers have intentionally increased the addictive nicotine exposure, which increases the desire for more and more vaping, while convincing both smokers and legislatures that this is a "smoking cessation product."

The case for prohibition of menthol and all other flavored tobacco products is very strong - it is creating nicotine addiction among children and adolescents who otherwise would not have become smokers, toxic nicotine is in high concentrations in vaping liquids, menthol flavors attract lower income adults to start smoking, and the sweet flavors and colorful packaging attract toddler and children to mistakenly ingest them and become very sick or even die from the nicotine exposure. There is no reason to have

flavored tobacco products, and many compelling reasons to make them illegal. I hope you will disregard tobacco company propaganda and approve HB2457.

Linda Weiner, MD

Pediatrics, Kauai

HB-2457

Submitted on: 2/3/2020 9:56:51 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

The reason why I oppose this bill is because I myself have used flavored tobacco to get myself off of cigarettes. Two years going now and I smoke way less and love the smell it puts off when I do smoke around other people. I myself have one certain flavor and it would be unfortunate if it didn't have the choice anymore. It's nice to have the choice of how I like to smoke.

HB-2457

Submitted on: 2/3/2020 10:10:27 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

As a parent, nurse, and teacher, I am strongly in SUPPORT of the flavored tobacco ban. We have an epidemic in youth vaping/e-cigarette use in Hawaii and statistics show that 81% of youth who vape say that they started with a flavored product. The sweet flavors- some of them locally themed like Maui Mango and Hawaiian POG and coming in deceptive packaging that looks like candy- lure kids in, decrease perception of harm, and then they become addicted to nicotine. Menthol is another flavor popular with those trying tobacco for the first time due to its cooling properties. Furthermore, menthol has historically targeted vulnerable groups and is popular amongst Native Hawaiians and Pacific Islanders, making it a social justice issue as well as a public health one. The health risks of e-cigarettes are well documented as are the disruptions to classes and schools. We have an opportunity to intervene in this unfolding public health crisis in Hawaii by passing this bill to protect our keiki. As the parent of a soon-to-be 11 year-old starting middle school this Fall, there is no time to delay.

Mahalo,

Kathleen Hagan, MS, APRN, ANP-BC

HB-2457

Submitted on: 2/3/2020 10:18:01 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I Strong;y OPPOSE this bill. I oppose the ban on flavored eliquids because i am an adult that chose over 8 years ago to change my life. I was succesful in transitioning from traditional cigarettes to Vaping because of flavored eliquids. My Pcp has given a better health report. I go to my doctor on a regular basis as i am a diabetic type 2. I have never been hospitalized from any injuries due to vaping. Vaping has been proven by the FDA and the CDC to be 95% healthier than smoking. I can taste my food now that i no longer smoke. I have more energy to play with and entertain my grandchildren. I do agree with the increase in fines that should be given to those whom are caught with a electronic cigarette or an eliquid. But dont make it a miniscual amount. If you can fine a Vapor shop \$500 to \$2500 for selling to a minor then the punishment for a minor whom succeeds in attaining a device or eliquid from a shop with a false ID or other means. Then that under age person should be given the same amount in fines. I also do not agree with just penalizing a person 18-21 years of age who is convicted of possession of a tobacco product. It should read all ages under the age of 21. The FEDERAL law (T21) is now nation wide. Requires all Purchases of Vape related tobacco products must be sold to persons 21 and older. I also DO NOT agree with your loop hole that an individual under the age of 21 convicted of possession of tobacco products will be allowed to circumvent the situation by disposing of a device and or eliquid in front of an police officer or D.O.E employee. You are creating a safe harbor for those offenders. Why are you shielding the offenders. Offenders mjust be dealt with swiftly to right the wrongs. Giving them a safe harbor or back door out of the situation just impllies that they can keep doing it ovfer and over again. You are giving them a way out. Does a shop get a way out if convicted to selling devices or eliquids to a person under the age of 21?

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

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

From: Ruthie Diaz, BSW
rddiaz@hawaii.edu

Re: Support for HB2457, RELATING TO THE YOUTH VAPING EPIDEMIC

Hearing: Tuesday, February 4, 2020 at 2:15 am at Conference Room 309

Thank you for the opportunity to submit testimony in SUPPORT of HB2457, 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 HB2457, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

The opposition's argument that the use of ENDS and vape products is successful as a smoking cessation product has not been proven true, nor is it FDA approved. A study conducted in 2016 by Garcia-Arcos *et al.*, concluded that mice who were exposed to aerosolized nicotine-free and nicotine-containing e-cigarette fluid "triggered effects normally associated with the development of COPD including cytokine expression, airway hyper-reactivity, and lung tissue destruction" (Garcia-Arcos et al., 2016). The medically proven and documented health risks and addictive behaviors of ENDS and vaping outweighs the unsubstantiated arguments of successful cessation for existing smokers.

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if HB2457 becomes law.

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

HB-2457

Submitted on: 2/3/2020 11:52:08 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Claire Kamalu Carroll	Individual	Support	No

Comments:

Aloha,

I would like to testify on HB2457. These flavored devices have been the culprit of an epidemic here in Hawaii and our nation with our youth. We need to proactive in working on the same mission such as saving lives and ban flavored products of vaping devices. We see such flavors such as Cotton candy, passion fruit, bubblegum,mint etc. These companies say they are not appealing to our youth but that comment is false. I have witnessed children who are wearing nicotine patches due to vaping and have become addicted. Please remember that our decisions may either help or hurt our future. Vaping is dangerous, it affects the respiratory and kids are ending up in hospitals and even death. I ask once again to support HB2457 and help with saving our community from further harm of e-cigarettes and vaping devices, especially flavored.

Mahalo nui,

Claire Kamalu Carroll

HB-2457

Submitted on: 2/3/2020 11:58:52 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Adults should be free to choose flavored vape products just as they are free to choose flavored alcohol products. Hawaii is becoming a huge communist state with all the restrictions and laws being passed taking the freedom away from the people! Please show us proof teens are purchasing flavored vape products from local stores real proof not hearsay. Punish those breaking the law!

HB-2457

Submitted on: 2/3/2020 12:28:14 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randi D	Individual	Oppose	No

Comments:

HB-2457

Submitted on: 2/3/2020 12:32:37 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 12:42:26 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 12:50:34 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 12:53:30 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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. SO PLEASE OPPOSE THIS BILL.

Thanks for your time.
Valentino Miranda-Kepa

HB-2457

Submitted on: 2/3/2020 1:00:35 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 1:01:53 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ho'ola'i fillazar	Individual	Support	No

Comments:

im a 7th grade student and i dont think the tabaco company should target us childeren becuse if us kids start vaping or smoking cigarettes there gonna get addicted and cant stop and there gonna keep on doing it until they die and the reason there gonna be dead is because of all those things they ur smoking like the vapes and the ciggerets.And vapes have all kinds of thing in there liquid like hair spray,gasoline,clorox,laundry diturgent.And all that bad stuff can make ur lungs callaps.

HB-2457

Submitted on: 2/3/2020 1:04:56 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Aloha, my name is Namahana (7th grader at Hana school), and I dont think they should target kids with tobacco because if kids start smoking at a young age their life could end really early and the human population could eventually lower by a lot. Flavors and fun packages attract kids

HB-2457

Submitted on: 2/3/2020 1:17:53 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

My name is Cyrus D., and I am from Kalihi, on the island of Oahu. I am testifying as a high school student. I am testifying on the HB2457- Relating To The Youth Vaping Epidemic. I am testifying in support of this bill.

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

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

As a future healthcare worker, the health of the youth and future generations is important. It bothers me that the Tobacco companies are focused on targeting the youth. I am in full support of this bill- HB2457 - for the safety of the youth and the future generation.

HB-2457

Submitted on: 2/3/2020 1:32:33 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Hi I am Kawaiolaakealoha Sanita a 8th grade student ant Hana High and Elementary School. I'm here to say that tobacco products are very bad for not just minors but also adults to. Vapes, weed, cigerets ec. are all very bad and for your phycical and metal health. I know the side affects that affect minors and adults. Smoking weed can sometimes cause certian peopls brain to react differently which can cause depression and suicidal thoughts. "Marijuana use has also been linked with depression and anxiety, and with suicidal thoughts among teens" says the Center for Disease Control and 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

Submitted on: 2/3/2020 1:34:24 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

HB-2457

Submitted on: 2/3/2020 11:14:25 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/3/2020 1:46:41 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

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

Mahalo

HB-2457

Submitted on: 2/3/2020 1:52:43 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Hi, I am an 8th grade student at Hana School. my thought's about tobacco killing kid's is bad.

HB-2457

Submitted on: 2/3/2020 1:53:53 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I am an 8th grade student. I don't think kids should be targeted with fun flavors. I think this because their life would be short and wont have any time to experience thing they never did before.

HB-2457

Submitted on: 2/3/2020 1:42:31 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

school is junk

EMMA WHITNEY

PHOTOGRAPHY

LATE

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 tasted 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

LATE

HB-2457

Submitted on: 2/3/2020 4:56:54 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

Protect our freedom of choice.

LATE

HB-2457

Submitted on: 2/3/2020 5:16:27 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I am writing in STRONG OPPOSITION to HB2457.

Any regulation of flavors should occur at the federal level - Congress empowered FDA to establish tobacco product standards such as restricting flavors only if FDA determines that such action would be appropriate for the protection of the public health based on science and evidence.

Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products. Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself.” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and not have access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase.

This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the loss of a multitude of local businesses, creation of a black market, and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,

Johnathon Myers

Concerned Constituent & Consumer

HB-2457

Submitted on: 2/3/2020 8:31:24 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

HB-2457

Submitted on: 2/3/2020 8:54:50 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

I oppose this bill.

LATE

HB-2457

Submitted on: 2/3/2020 8:57:27 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alysha Cosier	Individual	Support	No

Comments:

My name is Alysha Cosier and I am a pharmacy student. I am testifying in support of bill HB2457. I feel passionate about this bill because the use of Electronic Smoking Devices among youth in Hawai'i has increased and doubled or even tripled over the national rate. This vaping epidemic was brought by a perfect combination of easy access and flavorful tobacco products. If this epidemic continues, it would pose a significant risk for major health issues to the youth. Hawai'i is already experiencing a youth vaping epidemic. With 8 in every 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. I believe that the proposed ban on all flavored tobacco products and the increase in fines and penalties for any violations presented in this bill is essential in bringing a stop to this vaping epidemic. Again, I would like to emphasize my strong support for bill HB2457.

Thank you for the opportunity to testify.

LATE

HB-2457

Submitted on: 2/4/2020 8:23:40 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Watanabe	Individual	Oppose	No

Comments:

LATE

HB-2457

Submitted on: 2/4/2020 12:25:29 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mikkel	Individual	Comments	No

Comments:

I am part of a 7th grade class that doesn't support the use of vaps and or other tobacco related products and hopes that you will soon pass a law prohibiting the use of targeted ads on kids cartoons or shows that show tobacco products. They should know the risks of vaping or smoking .

HB-2457

Submitted on: 2/4/2020 12:57:54 PM

Testimony for HLT on 2/4/2020 2:15:00 PM



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

Comments:

I am a 7th grade student and i think that tobacco products are bad for the whole enviornment because alot of people dont know or they do but they dont care about the causes of their actions.

HB-2457

Submitted on: 2/4/2020 1:32:22 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

LATE

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

Comments:

Im a student from Hana and im against youth vaping because little kids basically babies are smoking which will affect them from having a bright future.

LATE

HB-2457

Submitted on: 2/4/2020 1:37:52 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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

LATE

HB-2457

Submitted on: 2/4/2020 1:41:24 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

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

Comments:

tobacco is bad for you

LATE

HB-2457

Submitted on: 2/4/2020 1:51:13 PM
Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jacob pu	Individual	Support	No

Comments:

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