



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

Date: 02/21/2019
Time: 10:00 AM
Location: 211
Committee: Senate Ways and Means

Department: Education

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

Title of Bill: SB 1016, SD1 RELATING TO SALES OF TOBACCO.

Purpose of Bill: Prohibits a business from seeking a new retail tobacco permit or renewal of an existing permit if the place of business is located within 750 feet of a preschool, school, or public playground. Beginning January 1, 2020, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground. Codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit. (SD1)

Department's Position:

The Department of Education (Department) supports the overall concept of SB 1016 SD1 and defers to the Department of Taxation for implications related to implementation.

The 2017 Hawaii Youth Risk Behavior Survey data indicate that almost half of Hawaii's high school students have tried e-cigarettes and 25% are now regular users. Although cigarette use has declined in recent years, it is still concerning, with 22% of students saying that they have smoked a cigarette.

The nicotine in tobacco products has been found to be addictive and is especially harmful to youth neurologic development. There are numerous other negative health consequences associated with the use of tobacco products and second hand exposure to tobacco smoke and e-cigarette vapor, including higher rates of asthma and respiratory infection. These health conditions may limit a student's ability to attend and participate fully in school and may have long term effects on their educational attainment. Tobacco is the leading preventable cause of cancer and of death from cancer. An estimated 21,000 children in Hawaii currently under the age of 18 with ultimately die prematurely from smoking.

The Department is committed to supporting students' well-being by providing a safe learning environment and helping students to develop health literacy skills. Pursuant of Act 206 (HB 1895, HD1, SD1, CD1), Part II, Section 8(5), it is unlawful for anyone under the age of 21 to

possess a tobacco product or an electronic smoking device (e-cigarette). If a student is found committing this offense on a school campus, he or she is subject to the disciplinary actions of HAR Chapter 19.

The Department is collaborating with the Department of Health to actively engage and educate our youth as to the harmful risks and dangers associated with tobacco products, including e-cigarettes. These efforts include a social media campaign, school-level student-led projects (e.g., video, art, essays, presentations, etc.), displaying posters on school campuses, and embedding curriculum on this topic into health education classes. The Department is also working to raise awareness about this critical health issue among teachers and parents by distributing educational pamphlets and holding family information nights.

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

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. 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.

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF TAXATION**

830 PUNCHBOWL STREET, ROOM 221

HONOLULU, HAWAII 96813

<http://tax.hawaii.gov/>

Phone: (808) 587-1540 / Fax: (808) 587-1560

Email: Tax.Directors.Office@hawaii.gov

To: The Honorable Donovan M. Dela Cruz, Chair
and Members of the Senate Committee on Ways and Means

Date: Thursday, February 21, 2019
Time: 10:00 A.M.
Place: Conference Room 229, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 1016, S.D. 1, Relating to Sales of Tobacco

The Department of Taxation (Department) provides the following comments regarding S.B. 1016, S.D. 1, for your consideration. A summary of the key provisions of the measure are as follows:

- Adds a new section that codifies Hawaii Administrative Rules section 18-245-2.5-4 that allows the Department to suspend, revoke, or decline to issue a retail tobacco permit for good cause;
- Adds a new section in chapter 328J, Hawaii Revised Statutes (HRS), that makes it unlawful to sell tobacco products or electronic smoking devices within 750 feet of a school or public playground; and
- Amends section 245-2.5, HRS, to provide that taxpayers may not seek new or renewed retail tobacco permits for locations within 750 feet of schools or playgrounds.

First, the Department notes that the Committees on Commerce, Consumer Protection, and Health and Judiciary made amendments to this measure at the Department's request. The Department appreciates the consideration of its testimony.

Second, the Department requests that this measure be made effective December 1, 2020. Retail tobacco permits are renewable annually, effective December 1 of each year. An effective date of December 1, 2020 allows the Department sufficient time to amend its forms and computer system while also avoiding the potential confusing situation of having a taxpayer seek a lawful permit December 1, 2019 that becomes void January 1, 2020 after only one month.

Thank you for the opportunity to provide comments.

SB-1016-SD-1

Submitted on: 2/19/2019 11:48:02 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



HIPHI Board

Michael
Robinson, MBA, MA
Chair
Hawaii Pacific Health

Mark Levin, JD
Secretary
William S. Richardson School
of Law

Kilikina Mahi, MBA
Treasurer
KM Consulting LLC

Joy Barua, MBA
Kaiser Permanente

Forrest Batz, PharmD
Retired, Daniel K. Inouye
College of Pharmacy

Debbie Erskine
Kamehameha Schools

Keawe'aimoku
Kaholokula, PhD
John A. Burns School of
Medicine, Department of
Native Hawaiian Health

Bryan Mih, MD, MPH
John A. Burns School of
Medicine, Department of
Pediatrics

Rachel Novotny,
PhD, RDN, LD
University of Hawaii at Manoa,
College of Tropical Agriculture
and Human Resources

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

JoAnn Tsark, MPH
John A. Burns School of
Medicine, Native Hawaiian
Research Office

En Young, MBA
Sansei, Lanai

Date: February 19, 2019

To: Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair
Members of the Ways and Means Committee

Re: Support for SB 1016 SD1, Relating to Sales of Tobacco

Hrg: February 21, 2019 at 10:00am at Conference Room 211

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute is in **Support of SB 1016** which would prohibit the sale of tobacco products and electronic smoking devices within 750 feet of a preschool, school, or public playground.

The Coalition notes that similar buffer zones have already been passed into state law:

HRS §281-39.5 Liquor license prohibited; where. (a) The liquor commission or agency of each county may deny or restrict the issuance of a liquor license for on-site sale and consumption by the drink to any applicant whose establishment is or would be located within five hundred feet of a public or private elementary, intermediate, or high school, or public playground utilized extensively by minors, as determined by the liquor commission of each county;

HRS §329D-22 Medical cannabis zoning. (a) Medical cannabis production centers and dispensaries shall comply with all county zoning ordinances, rules, or regulations; provided that:

- (1) A medical cannabis production center shall be permitted in any area in which agricultural production is permitted except as provided within this chapter; and
- (2) No medical cannabis production center or dispensary shall be permitted within seven hundred fifty feet of the real property comprising a playground, public housing project or complex, or school.

There are more tobacco retailers near schools in low income areas than in other areas

In a community assessment done by the Coalition, more than 246 ESD retailers or vape shops on the island of Oahu alone (see attached map below). Key findings include that:

- In zip codes where the average household income was \$103,518ⁱⁱ, there were 15 total ESD retailers.
- In zip codes where the average household income was \$57,070ⁱⁱⁱ, there were 70 total ESD retailers.

Proximity of ESD retailers show that many stores are within walking distance from schools:

- Farrington High School - 400 feet from E-Cig City
- Washington Middle School - 360 feet from Pipe Dreams
- Kuhio Elementary School - 470 feet from Choke Smoke Shop
- Central Middle School - 675 feet from Vapor Tokers
- Pearl City Elementary School - 240 feet 808 Smokes
- Ho'ala School - 328 feet from Vapor HI

A high density of tobacco retailers near schools suggest that smoking and vaping is okay

Studies have shown that a high density of tobacco retailers near schools makes it easier for youth to access tobacco products and is associated with a higher prevalence of youth smoking rates^{iv}. In addition, the daily exposure to tobacco stores and the presence of tobacco retailers give the impression that tobacco and vaping is available and accessible. E-cigarette companies have aggressively marketed their products by glamorizing its use, using celebrities and young adults as endorsers, promoting sweet candy flavors, and making false health claims. E-cigarettes are still tobacco products. The e-cigarette industry is expected to be worth \$34 billion by 2021^v, and Big Tobacco companies are estimated to spend \$25.5 million dollars annually on advertising in Hawaii^{vi}.

Prohibiting tobacco retailers from locating near schools and other youth-oriented areas is an effective policy strategy to reduce tobacco retailer density. In a public poll^{vii} conducted by Ward Research Inc. for the Coalition in October 2018, **84% of registered Hawai'i voters were in support of prohibiting the sale of tobacco products within a certain distance from schools or playgrounds.** Several cities in California and New York have enacted similar legislation to encourage responsible tobacco retailing, reduce tobacco-related health disparities, and reduce youth tobacco use.

Tobacco use and vaping continues to take toll on Hawaii's residents and keiki

Tobacco use disproportionately affects marginalized populations—people in low-income communities, racial and ethnic minorities, and LGBT individuals all have a long and documented history of being targeted by the tobacco industry. Tobacco companies are fully aware that low-income communities smoke in much higher numbers than the rest of the country and have the least information about the health hazards of smoking and vaping, the fewest resources and social supports, and often the least access to services that help them quit.

In addition, e-cigarettes have now surpassed cigarettes as the most commonly used tobacco product among youth. The 2017 Hawai'i Youth Risk Behavior survey reports that 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vaping^{viii}. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. The U.S. Surgeon General, CDC, and the FDA have all declared youth vaping use as an epidemic and that states and local jurisdictions have an urgent need to act.

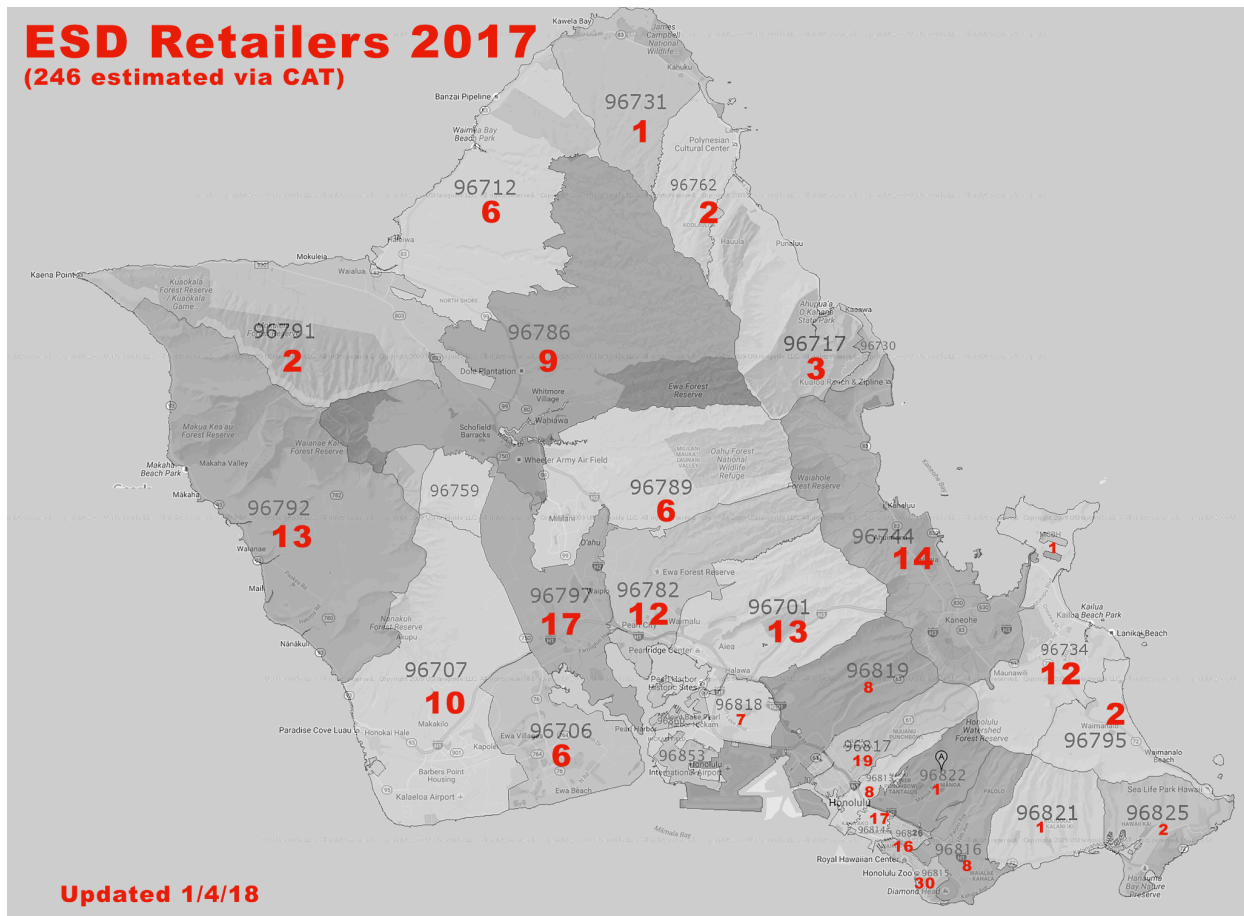
SB1016 would help to reduce youth exposure to tobacco advertising and access to tobacco products by reducing tobacco retailer density in areas that youth frequent, and as a result help to prevent youth from using tobacco products. We ask the committee to pass SB1016 SD1 out of committee.

Mahalo,

A handwritten signature in black ink, appearing to read 'Trish'.

Trish La Chica, MPA
Policy and Advocacy Director

Attached: Oahu ESD Retailer Map updated 1/4/18



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 96706 (Ewa), 96789 (Mililani), 96821 (Aina Haina), 96825 (Hawaii Kai)

ⁱⁱⁱ 96786 (Wahiawa), 96792 (Waianae), 96817 (Kalihi), 96815 (Waikiki)

^{iv} Henriksen L, Feighery EC, Schleicher NC, et al. (2008). Is adolescent smoking related to density and proximity of tobacco outlets and retail cigarette advertising near schools? *Preventive Medicine*, 4, pp. 201-214.

^v Euromonitor International. (2017). *Cigarettes in China*.

^{vi} U.S. Federal Trade Commission (FTC), Federal Trade Commission (FTC). *Cigarette Report for 2015, 2017*. See also, FTC, *Smokeless Tobacco Report for 2015, 2017*. State total is a prorated estimate based on cigarette pack sales in the state. For tobacco marketing influence on youth, see Pollay, R., et al., "The Last Straw? Cigarette Advertising and Realized Market Shares Among Youths and Adults," *Journal of Marketing* 60(2):1-16, April 1996; Evans, N., et al., "Influence of Tobacco Marketing and Exposure to Smokers on Adolescent Susceptibility to Smoking," *Journal of the National Cancer Institute* 87(20): 1538-45, October 1995; Pierce, J.P., et al., "Tobacco Industry Promotion of Cigarettes and Adolescent Smoking," *Journal of the American Medical Association (JAMA)* 279(7): 511-505, February 1998 [with erratum in *JAMA* 280(5): 422, August 1998].

^{vii} This study by Ward Research, Inc. summary of key findings from a telephone survey with n=804 Hawaii registered voters, conducted October 8 to November 2, 2018. The maximum sampling error for n=804 is +/-3.3%.

^{viii} U.S. Centers for Disease Control and Prevention. *Results of the 2017 Hawaii Youth Risk Behavior Survey*.



February 20, 2019

To: The Honorable Senator Donovan M. Dela Cruz, Chair
The Honorable Senator Gilbert S.C. Keith Agaran, Vice Chair
Members, Senate Committee on Ways & Means

From: Cory Smith, VOLCANO Fine Electronic Cigarettes®
CEO and Owner

RE: SB 1016 SD1 SD1 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 16 locations statewide and employ over 110 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to SB 1016 SD1 SD1 for the following:

- **SB 1016 SD1 SD1 states in its justification that “electronic smoking devices are not safe alternatives to other tobacco products”, yet A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users’ exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.**
 - <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myth-that-vaping-is-as-toxic-as-smoking/article/2646804>
 - http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite
- **SB 1016 SD1 SD1 would be impossible to comply with and equates to economic suicide for the state. This bill would effectively equate to a ban on the retail sale of all tobacco and vapor products. Due the density of our city centers and the small size of our state. Almost the entire island of Oahu would be off limits out side of small rural areas.** Thousands of businesses would be unable to comply with the vaguely defined restrictions and would in turn most likely be forced out of business resulting in massive economic turmoil, job losses and lost revenues.

While we agree that curbing youth usage and enforcing our current laws prohibiting the sale and use of vapor products is of utmost importance, doing so at the detriment to adults who use these products every day as an alternative to traditional tobacco is not the right way to do it. Furthermore, It is our view that this bill and its poorly defined definitions creates infeasible requirements that would create a massive economic crisis and result in the loss of thousands of



VOLCANO®

businesses, countless jobs, and massive revenues which are not in the best interests of the State of Hawaii or its' citizens. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,
Cory N. Smith
CEO & Owner
VOLCANO Fine Electronic Cigarettes®
1003 Bishop Street #1260
Honolulu, HI 96813
cory@volcanoecigs.com



Testimony in **strong support of SB 1016, SD1**
Senate Committee on Human Services

Decision-Making scheduled Thursday, February 21, 2019 @ 10am
Conference Room 221

February 19, 2019

To: Senate Committee on Ways & Means
Senator Donovan Dela Cruz, Chair, Senator Gilbert Keith-Agaran, Vice Chair

By: Valerie Chang, JD, Executive Director
Hawaii COPD Coalition, www.hawaiicopd.org, copd.hawaii@yahoo.com
700 Richards Street, Suite 2410, Honolulu, HI 96813; (808)699-9839

Re: **Supporting SB 1016, SD1**

Dear Chair Baker, Vice Chair Chang and Members of the Committee:

My name is Valerie Chang. I am Executive Director of the Hawaii COPD Coalition. Our organization provides services and support to Hawaii's people affected by Chronic Obstructive Pulmonary Disease (COPD), more commonly known as emphysema, chronic bronchitis and similar conditions. We strongly support SB1016, SD1 relating to sales of tobacco..

COPD has risen to the third leading cause of death in the US and is also the second leading cause of disability in the US; many COPD patients have multiple chronic health conditions and out of pocket expenses for these medications can be HUGE. The 2011 data reported by the Hawaii Department of health estimates that over 46,015 (or 4.4%) of Hawaii adults have been diagnosed with COPD; likely an equal or greater number remain undiagnosed. The report also estimates over \$55.9 million each year in Hawaii hospitalizations due to COPD. It is estimated that 24 million people in the United States suffer from COPD, with at least half of them not yet diagnosed.

We know that Hawaii is currently experiencing an epidemic of youth experimenting with and regularly using electronic smoking devices (ESDs). This includes children from grade school up through college and is a local and national problem. Studies have repeatedly shown that buffer zones which keep youth from being bombarded with tobacco and ESD messaging and advertising is one effective method of helping to de-normalize ESDs, similar to how smoking cigarettes have been de-normalized by having buffer zones on advertising them so that they are not in the faces of our keiki all the time.

The recent study is one of the FIRST study to show an independent association of e-cigarette use with chronic respiratory disorders and it's a Hawaii study. The citation is <https://www.ncbi.nlm.nih.gov/pubmed/30472577> Drug Alcohol Depend. 2019 Jan 1;194:363-370. doi: 10.1016/j.drugalcdep.2018.10.004. Epub 2018 Nov 7, E-cigarette use and respiratory disorder in an adult sample. [Wills TA](#)¹, [Pagano I](#)², [Williams RJ](#)³, [Tam EK](#)⁴.

Accordingly, on behalf of the Hawaii COPD Coalition, we are proud to urge the passage of SB1016, SD1, which create a buffer zone of 750 feet from schools, playgrounds and parks so that our keiki can play without being bombarded by unhealthy commercial messages about ESDs. **Please vote to pass SB1016, SD1!**

February 21, 2019

RE: **Support of SB1016 SD1** Relating to Tobacco

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Ways and Means Committee:

Blue Zones Project–Hawaii supports SB1016 SD1, which places zoning restrictions for the sale of tobacco products and electronic smoking devices within 750 feet of a school, public playgrounds. By regulating the location of sale, the bill addresses areas with highly vulnerable populations to the advertising tactics of the industry.

This bill will help to limit the high visibility of tobacco products and electronic smoking devices in places where youth spend the majority of their time, near schools and parks. Our youth are particularly vulnerable to the aggressive advertising that retailers of ESDs use. Not only do children get the message that ESDs are acceptable, but that it is a cool counterculture, which recognizes the unique aspects of teens and preteens. Furthermore, these retailers use youth focused flavors, techy designs and a variety of discount promotions, which are all appealing to our young people.

While social media aggressively and successfully engage our youth to experiment with vaping, we have an opportunity to fight this epidemic by making it less accessible. It is being marketed in the areas our youth spend so much of their time. The issue is also one of economy. In lower income zip codes, there is a higher density of tobacco retailers. Our kids cannot escape the constant campaign by tobacco companies, which suggests smoking and vaping is acceptable behavior. By buffering the spaces where young people spend so much time, we can help decrease their exposure to these marketing tactics toward our most impressionable populations.

At Blue Zones Project we support efforts that address the health issues in our communities, such as the adverse health ailments from tobacco and nicotine products. Prohibiting the aggressive marketing and sales of tobacco and ESDs within 750 feet of parks and schools is one of way to help reduce rates of teen use. Retailers use reckless marketing to hook our youth population.

The industry's major focus is increasing their business and growing their bottom line. They spend over \$20 million yearly in Hawaii. It is time that we stand together as a community to more heavily regulate this industry. Please support SB1016 SD1.

Sincerely,

Peggy Mierzwa

Peggy Mierzwa
Blue Zones Project—Hawaii

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SB-1016-SD-1

Submitted on: 2/19/2019 2:43:46 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

I strongly oppose Bill SB1016. I reside on the Big Island, we are a native Hawaiian owned and operated business. Our stores are located In Hilo, Kona and Pahoa. Our stores are centrally located near stores and restaurants that sell alcohol. This bill is unfair to existing businesses and will ruin my ability to provide for my family and my employees, and their families.

As a business we have leases in place for our stores, should this bill pass to add insult to injury we will be liable to pay the leases even if our business is not in operation.

Our tobacco sale law is already one of the strictest in the nation. Should this bill pass it will Destroy the livelihood of employees and their families lives that rely on our business for income! SB1016 will do nothing to thwart underage tobacco use! It hard enough being a small business in Hawaii with all the regulations, taxes, forced insurances, BIG Box stores, and internet sales to deal with. Please do not kill more Hawaii businesses with a bill that would only hurt families in Hawaii.

Thank you for your consideration. I strongly OPPOSE bill SB1016.

fgh

SB-1016-SD-1

Submitted on: 2/19/2019 2:37:08 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Testifying for Irie Hawaii	Oppose	No

Comments:

Aloha Board,

I strongly OPPOSE Bill SB1016 with a 750ft buffer on retail stores selling tobacco products. Here on the island of Hawaii everything is so close knit to each other and this buffer would affect a lot of business. This Bill has the potential to put me along side our 30 plus co-worker's and families with no income. So please consider opposing Bill SB1016.

with Aloha, Valentino Miranda-Kepa

SB-1016-SD-1

Submitted on: 2/19/2019 3:02:17 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

to whom it may concern, I believe that this bill should be opposed because we ID every customer and do not wish to hurt the community by supplying the youth. Also just because you make the business further away doesn't mean they're gonna stop trying to buy, and when that happens we say no to them and turn down the sale. Thank you for your time.

SB-1016-SD-1

Submitted on: 2/19/2019 10:27:25 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Iriarte	Testifying for Hi Lyfe Vaporz,LLC	Oppose	No

Comments:

1. Chair and members my Name is Robin Iriarte, on behalf of Hi Lyfe Vaporz; I would like to oppose SB1016. This complete ban of tobacco products being sold within 750ft from any school, park, etc as a way to deter teenagers from vaping is only going to cause more havoc for the adults of age that are coming from working families. The vape industry has taken it upon its self to make sure that we ID every customer and to do a multistep checkout process to verify age when making purchases online. This ban will affect many people as well as the businesses already established as many people will lose their jobs, resort to drugs, steal, black market and so forth. Being on such a congested island it would be extremely unfair to put such a bill in place as there is not that much room between such areas to make this happen. We are registered with the FDA and follow all guidelines necessary and make sure that we comply with all updates. Making such a law would cause our unemployment rates to go up. This would also affect people who have changed over from traditional cigarettes to vaping as a way of quitting. Vaping has helped so many individuals including myself as I have bad asthma. My husband was a smoker for 20plus years and just the residual of smoke on his clothing really used to cause my Asthma to flare up. Since he changed over to vaping it's been awhile since I had to use my inhaler.



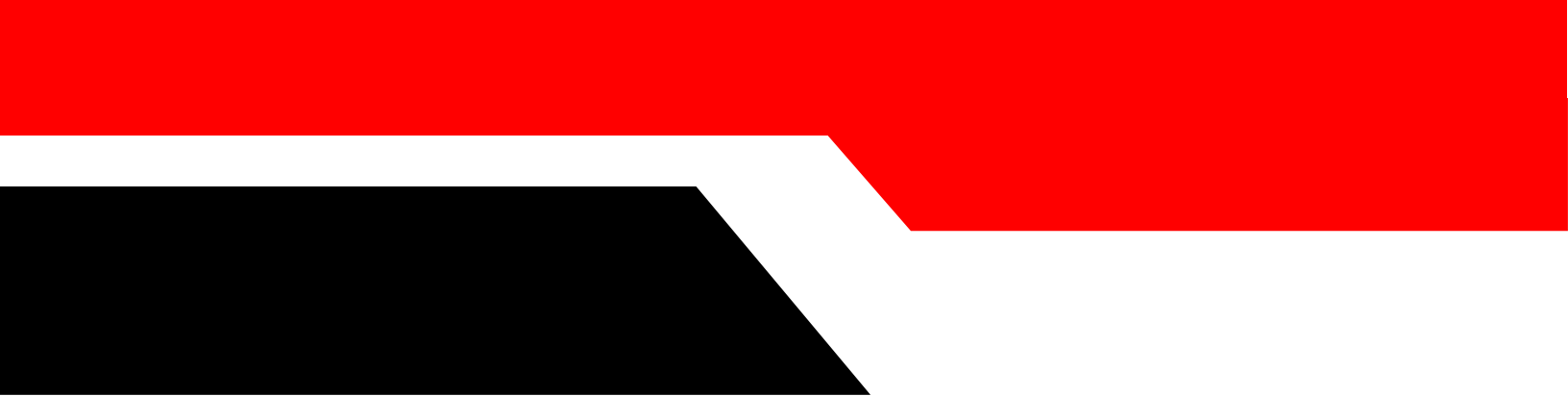
85-993 Farrington Hwy
Suite 204
Waianae, Hi 96792
808-200-4798

wholesale@hilyfevaporz.com

2/19/2019

Dear Chair and Members,

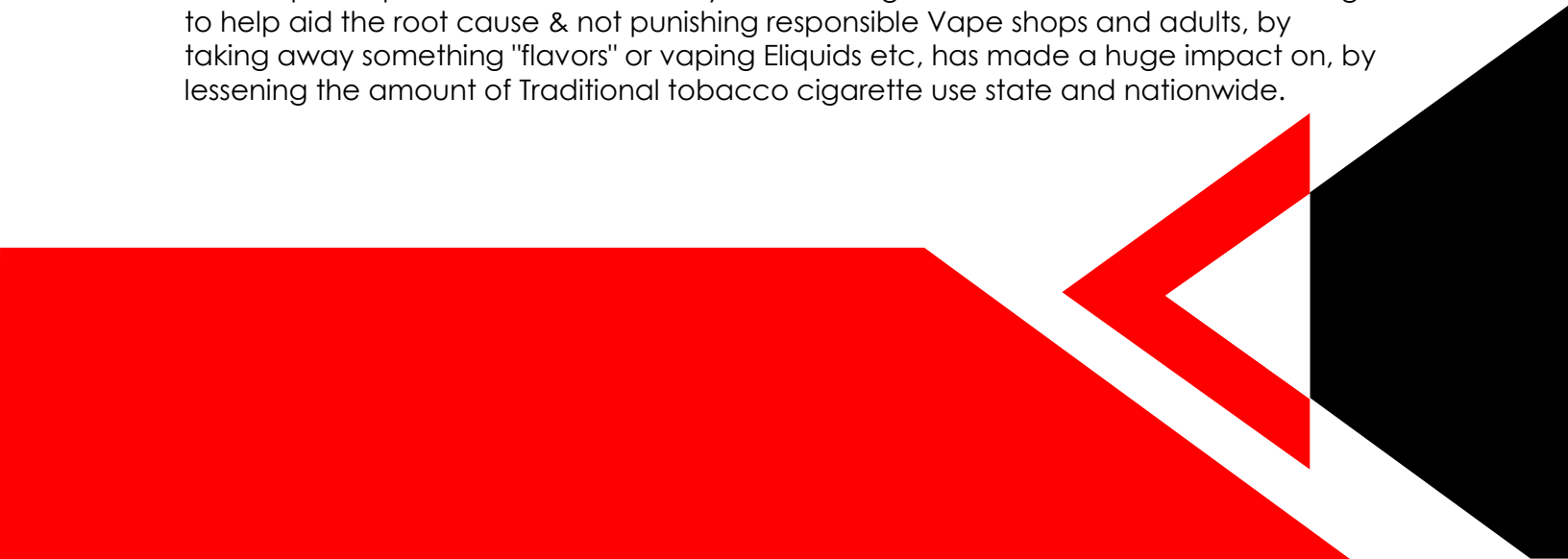
Aloha, My name is Jostin and We Strongly oppose the Senate Bill 1016 (SB1016). As a REGISTERED Manufacturer with the U.S Food and Drug Administration and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SELL OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date. Businesses like ours will be unable to move due to the fact that we are already locked into lease terms. it will be unfair to businesses that already have locations in place.



One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB1016 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide.



This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Mahalo for your time and consideration Jostin Iriarte jostin@hilyfevaporz.com



The Centers for Disease Control and Prevention

"E-cigarettes have the potential to benefit adult smokers who are not pregnant if used as a complete substitute for regular cigarettes and other smoked tobacco products."

<https://www.cdc.gov/tobacco/basic-information/e-cigarettes/about-e-cigarettes.html>



US Department of Health and Human Services

Secretary Alex Azar:

"I want to reiterate: E-cigs could help many American adults end their addiction to cigarettes."



Dec 18, 2018 (youtu.be/y0u2gooy80 @ 3:33)



"If you could take every adult smoker and fully switch them to e-cigarettes, that would have a substantial public health impact"



FDA Commissioner Dr. Scott Gottlieb

<https://www.c-span.org/video/?452001-1/fda-commissioner-scott-gottlieb-discusses-cigarettes-public-health-concerns>

FDA Commissioner Dr. Scott Gottlieb



"E-cigarettes may present an important opportunity for adult smokers to transition off combustible tobacco products and onto nicotine delivery products that may not have the same level of risks associated with them."



<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM620185.htm>



Dr. Jerome Adams, U.S. Surgeon General

"E-cigs and vaping as harm reduction not inherently a problem (though we need to continue research to ensure overall & max harm reduction)"

<https://twitter.com/JeromeAdamsMD/status/1058453736208412672>



"How could the same compound associated with so much death and disease be so safe that you can buy it without a doctor's prescription?" he asks.

"The answer is that it's about the delivery mechanism, not the drug."

Mitch Zeller, JD, Director, Center for Tobacco Products

<https://www.roll2stop.com/culture/culture-news/e-cigs-inconvenient-with-its-sub-ref-to-vap-28972>

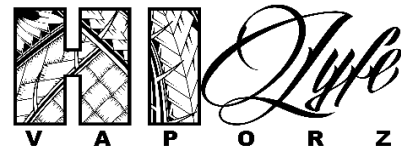


Mitch Zeller, Director, Center for Tobacco Products

"If we can get all of those people to completely switch all of their cigarettes for one of these non-combustible products, that would be good for public health"



<https://www.help.senate.gov/hearings/progress-and-challenges-the-state-of-tobacco-use-and-regulation-in-the-us> (01:59)



85-993 Farrington Hwy
Suite 206
Waianae, Hi 96792
808-200-4798
info@hilyfevaporz.com


2/8/2019

Dear Chair and Members,

Aloha,

My name is Jostin and I Strongly oppose the Senate Bill 1016 (SB 1016). As a small business owner and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SALE OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

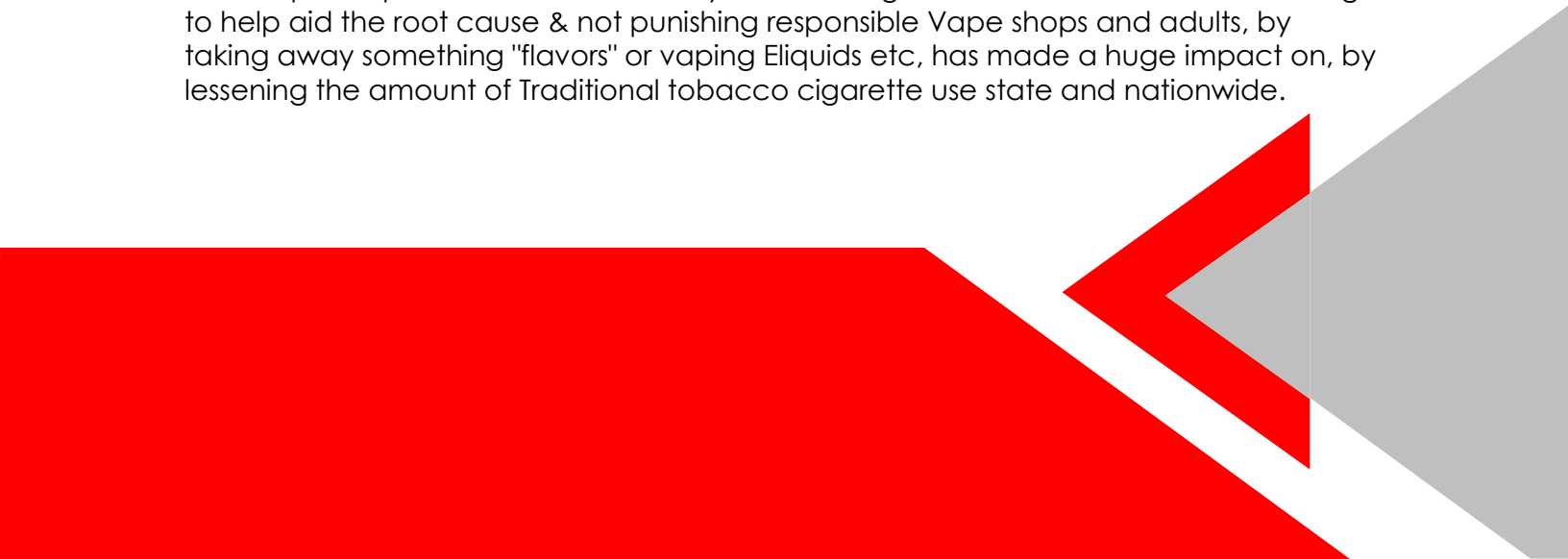
Businesses like ours will be unable to move due to the fact that we are already locked into lease terms. It will be unfair to businesses that already have locations in place.



One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB 1016 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide.



This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Mahalo for your time and consideration Jostin Iriarte jostin@hilyfevaporz.com



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"If we can get all of those people to completely switch all of their cigarettes for one of these non-combustible products, that would be good for public health"



<https://www.help.senate.gov/hearings/progress-and-challenges-the-state-of-tobacco-use-and-regulation-in-the-us> (01:59)

LATE

SB-1016-SD-1

Submitted on: 2/20/2019 1:37:11 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Ishida	Testifying for ABC Stores	Oppose	No

Comments:

ABC Stores strongly oppose SB 1016. This bill prohibits the issuance of new retail tobacco permits and renewal of existing permits for businesses located within 750 feet of a preschool, school, or public playground and prohibits the sale of tobacco products and electronic smoking devices.

Retailers are not the ones selling the cigarettes and vaping devices to those who are under 21 years of age. The underage are obtaining their cigarettes and vaping devices from their parents, older friends, or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite target. Those selling stolen goods do not card to see how old someone is.

We urge you to hold this measure. Mahalo for this opportunity to testify.



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

Executive Officers

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

TO:
Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair



FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 21, 2019
TIME: 10am
PLACE: Conference Room 211

RE: SB1016 Relating to Sales of Tobacco

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 restrictions proposed by this bill would penalize businesses based on arbitrary geographic guidelines that the businesses themselves have no control over. This bill would include much of Waikiki and downtown as well as many other commercial and retail districts around the state.

Retailers already face stiff fines and penalties for sale of tobacco to minors and Hawaii is already one of just a handful of states to raise the smoking age to 21. It is unfair to single out certain retailers based on their locations and subject them to additional restrictions, which would essentially ban them from selling a legal product.

The current version of this bill also forces all businesses that sell tobacco products to undertake the expense of determining if they are in an area that would be covered by this bill. This is an unfair and unnecessary added expense and administrative burden for these businesses. For these reasons we ask that this measure be held.

SB-1016-SD-1

Submitted on: 2/19/2019 12:07:19 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

Dear Chair Dela Cruz and Senate Committee on Ways and Means:

I am writing you today in OPPOSITION of this proposed Bill.

If a retailer exists within a commercial zone, then this Senate Committee should not prevent/hinder a local business from producing revenue for the State. The Senate Committee on Ways and Means should be focused on promoting local businesses and fostering local retailers throughout commercial zoning.

If this proposed Bill's objective is to protect our keiki then the same commercial zoning restrictions should apply to all wares that have a State-regulated age restriction (i.e. beer, wine, spirits, tobacco, adult novelties, etc.)--not just singling out one commercial venture.

Thank you for your time, understanding and allowing me to submit this testimony to you and the Senate Committee.

Sincerely,

Johnathon Myers

SB-1016-SD-1

Submitted on: 2/19/2019 3:38:34 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

SB-1016-SD-1

Submitted on: 2/19/2019 4:22:15 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

SB-1016-SD-1

Submitted on: 2/19/2019 6:42:50 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

I oppose SB1016. The proposed 750ft requirement compromises so many businesses. Not just smoke shops or vape shops. Businesses like longs,7-11,tamuras etc..will be affected. These businesses will take a substantial hit in revenue. Especially if their tobacco permit gets revoked or denied to be reinstated. I dont know of any businesses in waianae that are safe from this bl. All the stores , liquor stores , gas stations , in waianae are all within 750ft of a school be it public r private. Choke of the churches in waianae get somekind of after school program I would expect that this bill also covers them as a school entity as well. This bill will kill all the stores that sell tobacco products. I hope something can be worked out where it is a win win for all.

SB-1016-SD-1

Submitted on: 2/19/2019 7:13:23 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimana Brummel	Individual	Support	No

Comments:

SB-1016-SD-1

Submitted on: 2/19/2019 7:18:34 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

SB-1016-SD-1

Submitted on: 2/19/2019 7:54:31 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carissa Holley	Individual	Support	No

Comments:

SB-1016-SD-1

Submitted on: 2/19/2019 10:18:47 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

Aloha,

Dear Chair & Members,

My name is Jostin,

I strongly oppose Senate Bill 1016 "SB1016",

As a small business owner in the state of Hawaii we own several businesses within the Vape industry, we comply with all rules, laws & regulations set forth by the State of Hawaii, also other states we do business in as well as remain up to date and compliant with The Federal Food & Drug Administration. We are a registered as a manufacture and a Retail business. We understand the teenage vaping epidemic is an issue, but by declining, revoking, and banning the renewal of tobacco licenses to businesses that have been in business and operating in areas within 750ft that this bill mentions for many years, isn't the right way to go about resolving this issue. It is not practical and wrong. Businesses have obligations with leases to landlords and other related business, as well as customers we provide a service to.

I personally support the fact and need for tobacco products to be taxed and understand fees to be inflated on a reasonable scale. But in all fairness the issues and the epidemic of teen vaping is caused by certain tobacco products like "Juul" being easily accessible in stores and places who don't follow all the rules and regulations, there should be more stings and a group to follow up on those issues to stop the sale to teens, websites like ours follow all protocol and regulations for example our website has a 2 verification process one is to enter and the much more strict one is to process payment and complete an order the "FDA" has already required us to implement a special age verification software, the process we have implemented is greatly effective we have tested our website many times and often check it. Please have in place to fine or otherwise Regulate those who aren't complying with all rules and regulations set by the state and FDA. If fees and taxes are to be implemented I/we HiLyfe Vaporz, LLC support fair practices when it comes to adding tax or inflating fees at a reasonable rate or percentages. Unfair fees, taxes or percentages will negatively impact small business like ours as well as employees and adults who have transitioned over to an alternative that has impacted Hawaii and the world's health and epidemic on combustible cigarettes. We will support the fact of having taxes and fees that won't

negatively impact the public to resort back to combustible cigarettes. Mahalo Nui loa For Your Time. Below is a statement by the "FDA"

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

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

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Mahalo Nui Loa for your your time & consideration.

SB-1016-SD-1

Submitted on: 2/20/2019 12:13:30 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Tam	Individual	Support	No

Comments:

I write in strong support of SB 1016, to ban the sale of electronic nicotine-delivery devices (as well as tobacco products) near schools and playgrounds. Such a ban would spare our keiki from exposure to first-, second-, and third-hand nicotine. It is a powerful and highly addictive neurotransmitter, that will undoubtedly affect the function and development of our keiki's brains and other vital organs.

Thank you for considering this bill.

Sincerely,

Elizabeth

SB-1016-SD-1

Submitted on: 2/20/2019 7:47:17 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

SB-1016-SD-1

Submitted on: 2/20/2019 10:59:34 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

LATE

SB-1016-SD-1

Submitted on: 2/20/2019 11:27:14 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

LATE

SB-1016-SD-1

Submitted on: 2/20/2019 12:24:28 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments:

I strongly support this measure.

Recent statistics show an increasing use of nicotine products by our youth and they show ecigs as a gateway to cigarettes. Nicotine is known to be a strongly addictive chemical. And one that leads to a variety of deadly ailments over tiime.

Keep businesses that sell those products far away from schools and playgrounds. And prohibit altogether their sale with fruit and candy flavorings.

Wendy Arbeit

Makiki, O'ahu

LATE

SB-1016-SD-1

Submitted on: 2/20/2019 12:42:08 PM
Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Wheeling	Individual	Oppose	No

Comments:

LATE



Albert D. K. Chee, Jr.
Vice President
Retail Marketing and
Community Relations

Island Energy Services, Retail LLC
933 N. Nimitz Highway
Honolulu, HI 96817
Tel (808) 527-2778
AlChee@islandenergyservices.com

SENATE COMMITTEE ON WAYS & MEANS

Thursday, February 21, 2019
10:00 AM
Conference Room 211

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Way & Means

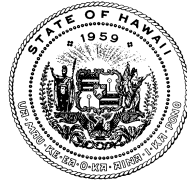
Aloha Chair Senator Dela Cruz, Vice-Chair Senator Keith-Agaran, and Members of the
Senate Ways & Means Committee

Re: SB 1016, SD 1, Relating to Sales of Tobacco

Island Energy agrees with the intent of this measure that seeks to prevent the sale and purchase of tobacco products to persons under the age of twenty-one. However, Island Energy does not support a ban on sales of tobacco products based upon the method proposed in SB 1016, SD 1 which seeks prohibit sales with a defined radius from schools and public parks.

Hawaii state law already prohibits the sale of any tobacco products to anyone less than twenty-one years of age. Furthermore, the sale of age restricted products like tobacco and alcohol are also highly regulated by federal and county government agencies. Violation of these regulations result in large fines to the business. Enforcement of violations may also lead to the suspension or revocation of the required permits by the licensing agency. We believe that this measure is overly broad. At stores operated by Island Energy, Hawaii's Texaco brand licensee, it is our company policy to verify the age of customers purchasing tobacco and alcohol if they appear to be under the age of 35 years. Our customer service representatives are made fully aware as part of our annual training processes that selling to under-age customers is illegal and will not be tolerated. Discipline up to and including termination can result if these policies are violated.

Thank you for this opportunity to testify.



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



**Written Testimony COMMENTING on S.B. 1016, SD1
RELATING TO SALES OF TOBACCO**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 21, 2019

Room Number: 211

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

4 **Department Testimony:** The Department offers comments on Senate Bill 1016, Senate Draft 1
5 (S.B. 1016, SD1) as a measure to protect youth by reducing the use, access, and exposure to
6 tobacco products through establishing regulatory authority to limit sales of such tobacco products
7 in close proximity to areas where youth frequent as a “buffer zone strategy. The Department
8 defers to the AG on the legality and enforceability of the amendments proposed to Section 328J,
9 Hawaii Revised Statutes (HRS), and to the DOTAX for the implementation of tobacco
10 permitting.

11 The Department finds support in public health literature for creating “tobacco-free buffer
12 zones” around schools and parks as a regulatory strategy to reduce youth initiation to tobacco
13 products like traditional cigarettes and electronic smoking devices (ESDs). Studies cited in the
14 American Journal of Public Health have shown that “ experimental smoking among high school-
15 aged minors increases when tobacco retailers are closer to schools and densely populate those
16 locations.”¹

¹ McCarthy, W. J., Mistry, R., Lu, Y., Patel, M., Zheng, H., & Dietsch, B. (2009). Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students. *American Journal of Public Health*, 99(11), 2006–2013. <http://doi.org/10.2105/AJPH.2008.145128>

1 The Institute of Medicine has suggested that restricting tobacco retail outlets near schools
2 will impact youth tobacco use through limiting sales and reduced access.² Another study of
3 tobacco outlets conducted by researcher Andrea Licht at the University of Buffalo explains that
4 the “proximity to schools is significant because smoking patterns are almost exclusively
5 developed during the adolescent and teen years.” She further comments that “availability,
6 accessibility and the perception that smoking is normal are all associated with higher youth
7 smoking rates.”³

8 The licensing strategy of creating tobacco-free buffer zones around schools and
9 playgrounds, by prohibiting tobacco retail outlets in these specific areas has the support of the
10 public health community, including the Centers for Disease Control and Prevention.
11 Comparable laws have been established that prohibit the sale of alcoholic beverages within
12 certain distances of schools and playgrounds. Youth and alcohol research has shown that there is
13 a strong association between outlet density and excessive alcohol consumption.⁴

14 California, New York, and numerous other localities have implemented tobacco retailer
15 zones, ranging from three hundred to one thousand feet, where sales of tobacco products and
16 permits for tobacco retailers are prohibited near schools, parks, and other areas frequented by
17 youth. Researchers from the University of Buffalo and Roswell Park Cancer Institute found
18 more tobacco outlets concentrated around elementary and secondary schools; and more densely
19 concentrated in lower-income areas. This “may be exacerbating tobacco-use disparities between
20 socioeconomic groups.”⁵

21 Hawaii law already requires retailers that sell tobacco products to obtain a permit from
22 the Department of Taxation. The Department supports the intent of this proposed measure to

² Bonnie RJ, Stratton K, Wallace RB, Ending the Tobacco Problem: A Blueprint for the Nation. Washington, DC: National Academy Press: 2007

³ University at Buffalo. (2011, February 22). Study shows tobacco retail proximity to schools. *ScienceDaily*. Retrieved February 1, 2018 from www.sciencedaily.com/releases/2011/02/110222122727.htm

⁴ See Centers Of Disease Control And Prevention, Guide To Community Preventive Services, Evidence-Based Strategies To Prevent Excessive Alcohol Consumption And Related Harms, available at www.thecommunityguide.org/content/regulating-alcohol-outlet-density-prevents-excessive-alcohol-use retrieved 2/5/2018

⁵ University at Buffalo. (2011, February 22). Study shows tobacco retail proximity to schools. *ScienceDaily*. Retrieved February 1, 2018 from www.sciencedaily.com/releases/2011/02/110222122727.htm

1 prohibit a license from being issued to any retailer within the buffer zone distance of seven
2 hundred and fifty feet from preschools, schools and public playgrounds and defers to the
3 DOTAX which has the authority for granting permits. The Department will continue to confer
4 with the AG and DOTAX on the various responsibilities of the agencies involved in this
5 measure.

6 Thank you for the opportunity to comment.

7 **Offered Amendments:** None.

LATE

February 20, 2019

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

Aloha All,

I would like to state my strong opposition to SB1016 prohibiting the sale of Tobacco and/or E-Cigarette products within 750 feet of a preschool, school, or Playground. I do not engage in the use Tobacco or E-Cigarettes but am not in opposition to an adult who is of age to use these products within the framework of the laws that govern them.

I currently work in the convenience store industry and have done so for 40 years. The stores I merchandise sell the full gamut of Tobacco and E-Cigarette products on the islands of Maui and Hawaii Island. We acknowledge that we have a profound responsibility to ensure that all Tobacco and E-Cigarette products are sold only to consenting adults over the age of 21 years and who can prove that they are of age.

Though Tobacco and E-Cigarette sales make up a significant portion of our gross sales and profits it is not something we push on the public as we are aware that only a segment of the public can purchase these products legally. We simply have Tobacco and E-Cigarettes available for purchase to our customers who choose to partake in these products.

It is an affront to our business owners and the people we employ to suggest that our proximity to school age citizens entices our people to sell age restricted products like Tobacco and E-Cigarettes to them or that these same school age citizens are enticed to buy Tobacco and E-Cigarettes simply because they are merchandised in our stores. We all have or know people who have school aged children and they know we as responsible citizens would never sell Tobacco or E-Cigarettes to their children. To suggest otherwise is appalling!

We need to continue to work together to police all retailers who engage in the sale of Tobacco and E-Cigarettes and come down very hard on those who violate the public trust by selling age restricted product illegally going so far as to ban them from the business. We should not pass laws that punish law abiding businesses and citizens simply because of the bad behavior of a select few.

In addition we should never advocate a law that uses zoning as a sweeping measure that stops the engagement of commerce simply because some do not condone the legal business taking place. I ask that you consider all of the above and hold this bill from passing

Sincerely,
Kim A. Robello
Concerned Citizen of the State of Hawaii

Donovan Dela Cruz, Chair,
Members of the COMMITTEE ON WAYS and MEANS

LATE

I write you in strong opposition to SB1016.

With all due respect this bill is ill-conceived and would revoke the licenses of too many gas station, supermarket, convenience store, 7-11, vape shop, hookah bar, cigar store in the State.

750FT IS A LONG WAY:

750ft is equivalent to 2 and a half football fields, or about the distance from the center of the Capitol to the front gated of Iolani Palace on King St.

That distance if extended from the edge of every park, school and pre-school would ban tobacco sales from big sections of Waikiki, Downtown, Chinatown, Hanalei town, most of Haleiwa, Lihue, Makiki, McCully, Manoa, every commercial part of Maui and Kauai, most the West side and Kailua Town. These were just the ones I had time to look at.

THIS IS GOING TO EFFECT ADULT-NOT CHILDREN :

I realize that this is not your intention, it is more the instinct to keep children safe and away from adult products as they walk to and from school. I can understand this instinct, and applaud it.

It must be noted that we already have laws making it illegal to sell to children. In fact that law was strengthened last year when it was raised to 21. If there are stores selling to under age consumer they should be punished to the full extent of the law. But what this law really does is to deny adults the right to purchase a product that is legal.

TAX IMPLICATIONS:

This is not to mention the calamitous effect this will have on tax revenue, taxes that support services and tobacco prevention and all kind of other things the State needs to pay for. If you shut down all the places that sell the products, there will obviously be a significant drop in tax revenue.

BLACK MARKET CONCERNS:

If this bill were to pass, and tobacco sales were limited to just a couple stores on each island, this would increase prices incredibly and lead to more stores and consumers participating in the already burgeoning black market. This means less revenues to the State and less control over the industry.

I hope you take this testimony seriously and kill this bill, which would prove worse than the problem it is trying to solve.

Thank you for listening and considering this testimony. I hope you will look at the issue more closely.

Aloha,

Gerald Honma
Smokeless Hawaii

LATE

SB-1016-SD-1

Submitted on: 2/20/2019 4:50:03 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

Where's the equal protection under the law?



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 21, 2019**

Re: SB 1016 SD1 Relating to Sales of Tobacco

Good morning Chairperson Dela Cruz and members of the Senate Committee on Ways and Means. 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.

RMH is strongly opposed to SB 1016 SD1 Relating to the Sales of Tobacco. This bill prohibits the issuance of new retail tobacco permits and renewal of existing permits for places of business that are located within 750 feet of a preschool, school, or public playground; prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground; and beginning on January 1, 2020, codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit.

Many businesses have been in operation prior to schools opening up around them. Someone could move in next to a retailer who sells tobacco products and claim they have a private school in an effort to force a business to stop selling tobacco products. The small locally owned businesses will stand to be hurt and may potentially force some of these small locally owned businesses to close, leaving people out of work.

In 2016 the Hawaii State Legislature passed a measure in which persons have to be 21 years old or older to purchase electronic devices and the liquids that it uses. In addition, the US Food & Drug Administration placed sweeping regulations on e-cigarettes and other tobacco products in the same way the FDA regulates conventional cigarettes.

The retailers are not the ones selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of who are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not care to see how old someone is.

We urge you to hold this measure. Mahalo again for this opportunity to testify.

hawaiiCigar

ASSOCIATION

To: Senator Donovan M. Dela Cruz, Chair, and Members of the Senate Committee on Ways and Means

Date: Thursday, February 21, 2019

Time: 10:00 a.m.

Place: Conference Room 211, State Capitol

From: Les Drent
for the Hawaii Cigar Association (HCA)

Re: SB1016 SD1, Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus

Dear Senator Donovan M. Dela Cruz, Chair, and Members of the Senate Committee on Ways and Means,

The Hawaii Cigar Association (HCA) stands in strong opposition to SB1016 SD1, a bill which would prohibit a business from seeking a new retail tobacco permit or renewal of an existing permit if the place of business is located within 750 feet of a preschool, school, or public playground. Beginning January 1, 2020, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground. Codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit. (SD1)

The HCA is committed to protecting the freedom of legal-age adults to enjoy cigars. Large cigars are rarely--if ever--possessed or consumed by minors and therefore pose negligible risk to them. Children are not attracted to cigars, and their cost--between \$5 and \$30 apiece on average--prices them beyond the reach of most minors. The HCA stands united with the Legislature in ensuring that Hawai'i's youth be discouraged from using tobacco of any kind, including cigars.

When the legal age is already 21 to purchase a cigar in Hawaii, why is this law needed?

Sincerely,



Les Drent
for the Hawaii Cigar Association

For More Information on the Hawaii Cigar Association please visit

hawaiicigarassociation.org



To: Senator Donovan M. Dela Cruz
Senator Gilbert S.C. Keith-Agaran
Members on the Senate Committee on Ways and Means
From: Jon Miyabuchi, Vice President Retail Operations
Hawaii Petroleum, Inc.
RE: SB1016, Relating to Tobacco Retail Buffer Zones

Date: February 20, 2019

Thank you for the opportunity to provide testimony. Hawaii Petroleum is an independent petroleum marketer operating on the islands of Maui and Hawaii, and employees approximately 325 people on the two islands. Hawaii Petroleum **STRONGLY OPPOSES SB1016** as it is written for the following reasons.

- 1) **Bill punishes all retailers, especially those that follow the law:** Hawaii Petroleum does not advocate nor condone smoking by Hawaii’s underaged youth. Our retail outlets require every person, regardless of age and appearance of age that wants to purchase tobacco products, including vape supplies and e-cigarettes, to present a valid government I.D. We have an exemplary record against tobacco stings. We do sell tobacco to adults that choose to smoke. This bill, as currently written, would unfairly punish retailers that happen to be located within 750 feet of a preschool, school, public housing, or public park. There is no clause to allow locations that have been conducting business for years within these zones to be grandfathered in. This is not fair for sites like ours that follow the law and do not sell to minors. This bill reduces revenue to locations that have done nothing wrong, that only sells to consenting adults.
- 2) **Focus on enforcement, to catch the violator(s). Not a blanket bill to punish all:** This bill unfairly punishes retailers based on location and does not provide the retailers any recourse. If we are to reduce tobacco sales to minors, then the bill should focus on the problem—retailers that allow sales to underaged smokers. The bill should be directed at those violators only. We suggest the bill be changed to increase tobacco stings and the penalties to those that sell to our youth, including suspension and/or revocation of licenses to sell. Focus on the problem and don’t punish those that comply with the law.

I urge you to consider the above items when considering SB1016 to craft a bill that is effective, yet fair.

Mahalo.
Jon Miyabuchi
Vice President Retail Operations
Hawaii Petroleum, LLC

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e-mail: sales@hawaiipetroleum.com | www.hawaiipetroleum.com | www.ohanafuels.com | www.ministop.com



To: Senator Donovan M. Dela Cruz, Chair, and Members of the Senate Committee on Ways and Means

Date: Thursday, February 21, 2019

Time: 10:00 a.m.

Place: Conference Room 211, State Capitol

From: Les Drent
for the Hawaii Cigar Association (HCA)

Re: SB1016 SD1, Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus

Dear Senator Donovan M. Dela Cruz, Chair, and Members of the Senate Committee on Ways and Means,

The Kauai Cigar Company, its employees, and industry partners stand in strong opposition to SB1016 SD1, a bill which would prohibit a business from seeking a new retail tobacco permit or renewal of an existing permit if the place of business is located within 750 feet of a preschool, school, or public playground. Beginning January 1, 2020, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 750 feet of a preschool, school, or public playground. Codifies the Department of Taxation's administrative rule specifying when the Department may suspend, revoke, or decline to renew a retail tobacco permit. (SD1)

This measure would be harmful to many of the small businesses we partner with, farmers, and our employees. This cuts to the core of why small businesses continue to suffer in this nation. This proposal is nothing more than a way to turn more Americans against government bureaucracy. This kind of regulation serves no purpose but to control another aspect of our lives.

When the legal age is already 21 to purchase a cigar in Hawaii, why is this law needed?

Sincerely,

Les Drent
Farmer/President

In this pdf it has multiple cities across the islands. that show how much is restricted.

Granted beaches are not part of this. UNLESS they include a park with them. And many beaches in populated areas do include parks with them. that have fields or play equipment.

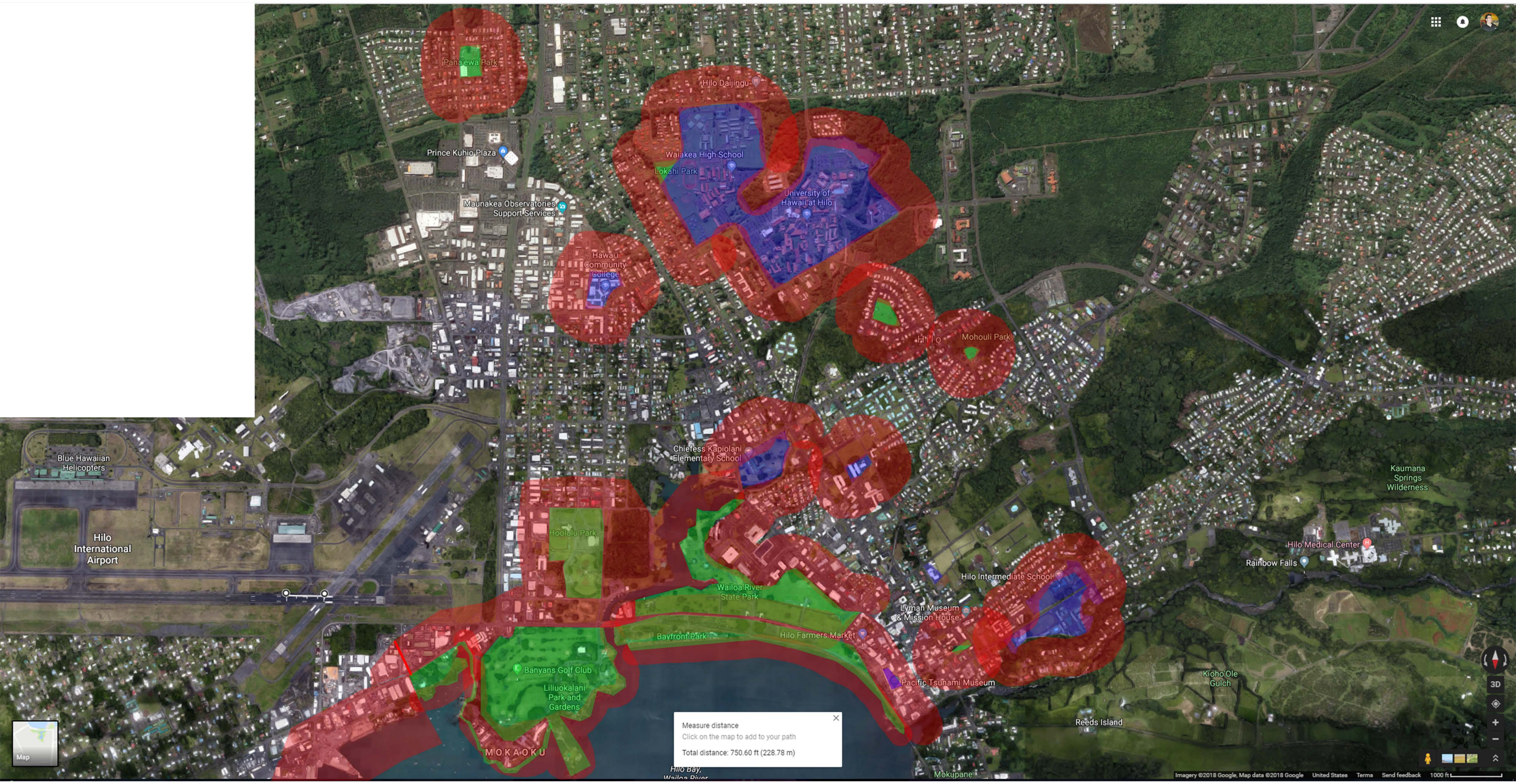
What also stops a preschool from opening up near a business that has been there for years?

This will hurt more business that are already struggling. **Enforce the current laws.**

BUSINESSES FORCED TO CLOSE OR CHANGE

- PC GAMERZ
- 24 HOUR VAPES
- JNJ CONVENIENCE STORE
- SHELL GAS STATION
- TIMES SUPERMARKET
- ECIGGITTY
- 808 SMOKES
- 7-ELEVEN





Panalewa Park

Prince Kuhio Plaza

Maunakea Observatories Support Services

Hawaii Community College

Hilo Daijingu

Waiakea High School

Lokahi Park

University of Hawaii at Hilo

Hilo

Mohouli Park

Chiefess Kapiolani Elementary School

Hoolulu Park

Wailoa River State Park

Bayfront Park

Hilo Farmers Market

Hilo Intermediate School

Lyman Museum & Mission House

Pacific Tsunami Museum

Banyans Golf Club

Liliuokalani Park and Gardens

MOKAOKU

Hilo Bay, Wailoa River

Mokupane

Reeds Island

Kioho'Ole Gulch

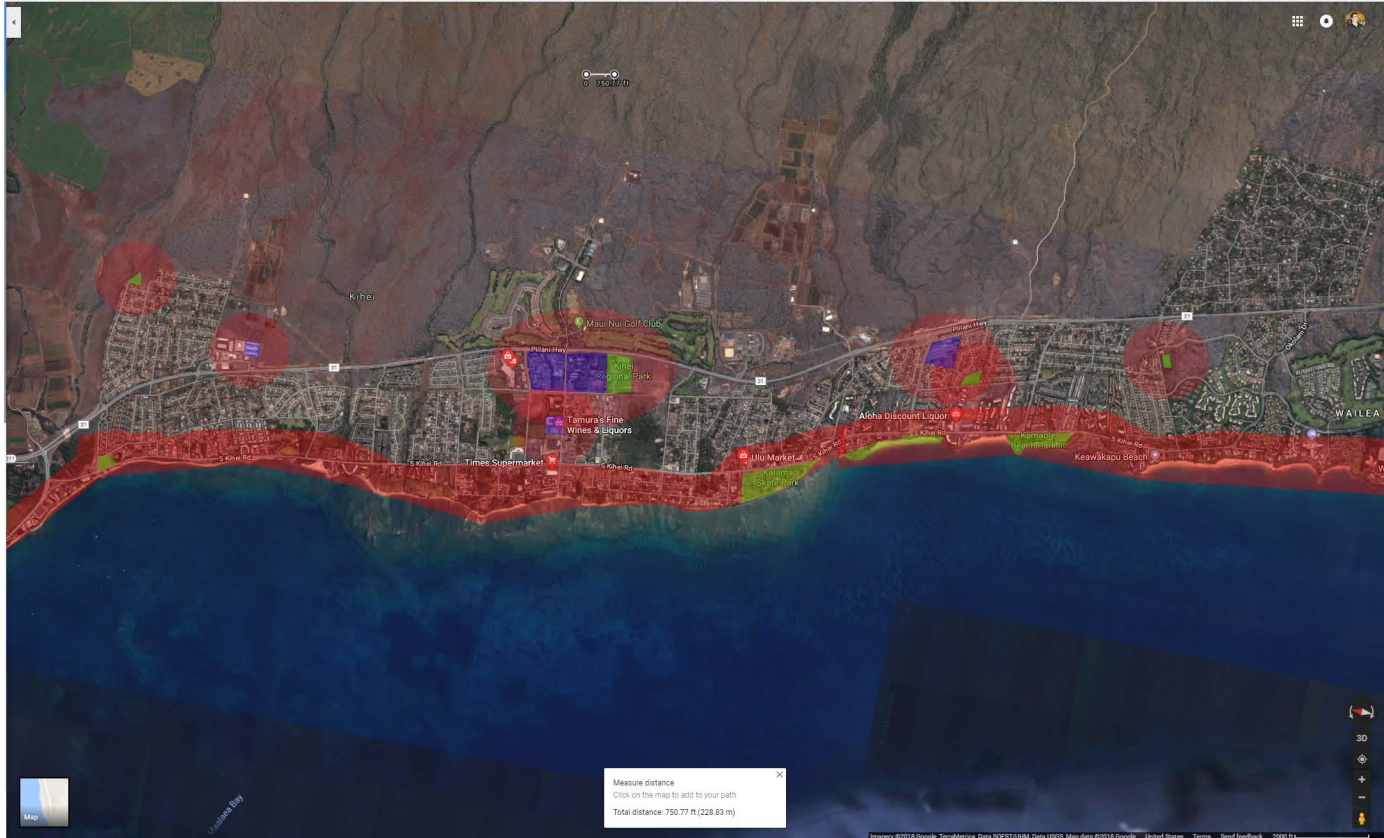
Hilo Medical Center

Rainbow Falls

Kaunama Springs Wilderness

Measure distance
Click on the map to add to your path
Total distance: 750.60 ft (228.78 m)

BUSINESSES FORCED TO CLOSE OR CHANGE



Measure distance
Click on the map to add to your path
Total distance: 750.77 ft (228.83 m)

**BUSINESSES FORCED
TO CLOSE OR CHANGE**
ALOHA ELIQUIDS
CIGARETTES & THINGS
GOURMET LIQUORS
SAFEWAY SUPERMARKET
FOODLAND
7-ELEVEN
OTHER MISC STORES
IN PEARLRIDGE



BUSINESSES FORCED TO CLOSE OR CHANGE TO CLOSE OR CHANGE

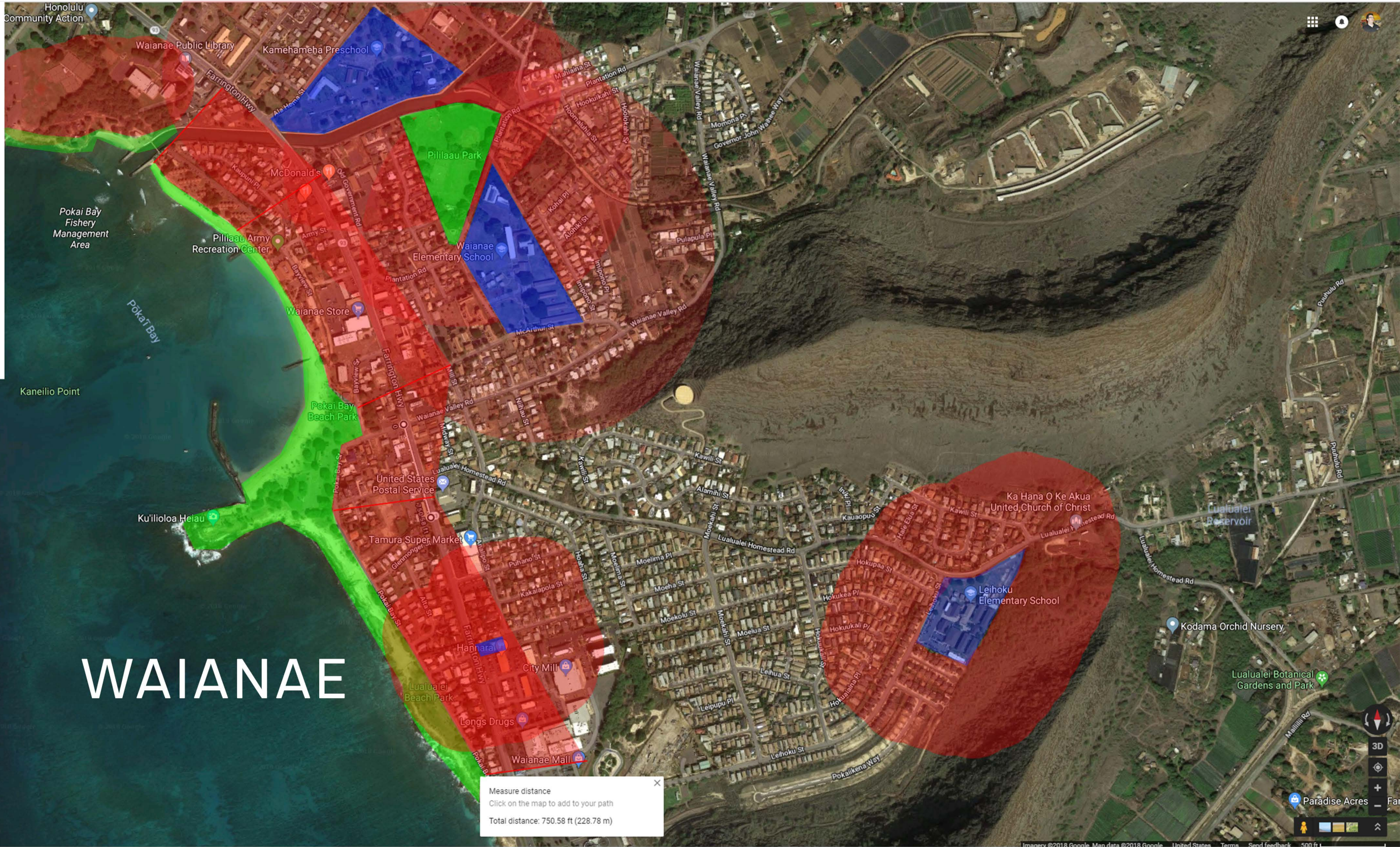
- VOLCANO ECIGS
- VAPOR HI
- HI SUPPLY SMOKE SHOP
- VAPOR TECH HAWAII
- SUPERMARKETS
- CONVENIENCE STORES
- LIQUOR STORES



Measure distance
Click on the map to add to your path
Total distance: 750.29 ft (228.69 m)



**BUSINESSES FORCED
TO CLOSE OR CHANGE**
HILYFE VAPORZ
SUPERMARKETS
CONVENIENCE STORES
LIQUOR STORES



WAIANAЕ

Measure distance
Click on the map to add to your path
Total distance: 750.58 ft (228.78 m)



BUSINESSES FORCED TO CLOSE OR CHANGE
MULTIPLE VOLCANO ECIGS 2HI GUYS
THE CLASSIC VAPE CO
VAPE HAWAII
DAJUICE HAWAII
VAPE KINGS
PIPELINE SMOKESHOP
MULTIPLE ABC STORES
MULTIPLE 7-ELEVEN STORES
MULTIPLE SUPERMARKETS

Measure distance
Click on the map to add to your path
Total distance: 750.03 ft (228.61 m)

SB-1016-SD-1

Submitted on: 2/20/2019 7:27:36 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jason graham	Individual	Oppose	No

Comments:

To whom it may concern,

My name is Jason Omar Graham. I am an active duty combat veteran and currently serve for the national guard. I am also going to be a father in a few months to a beautiful girl. I used to smoke since I was the age of 18 and went up to 2 packs during my late 20s. I'm without a doubt certain smoking cigarettes are a huge factor of my high blood pressure as well as why my sleep apnea was horrible. Not only that I have had two heart surgeries in my mid 20s as well which made me extremely scared for my well being and looked at ways of not smoking anymore. I've tried going cold Turkey, using the nicotine gum as well as the patches is what I was suggested by my medical provider then. Not only have they not worked then but failed as well prior when I wanted to. To shorten the story, I vape and have since 2013. Since I have started my blood pressure is way more in control because of it, my sleep apnea is nowhere as bad as it once was, and I truly believe that vaping was the result of my better health. As far as this bill is proposed is to practically close down established businesses all over Hawaii because there is no grandfather clause. This bill will close down businesses and take away any potential to help others with an alternative choice that would affect them for the better. I cannot tell you factually that vaping is a better health choice then smoking cigarettes, but I can tell you from life experience that it has done wonders for me and taking that chance for others is unethical. Not only is it wrong it is also going to lose jobs for countless people of Hawaii and in turn lose revenue for the state. Thank you for your time and please consider those who are looking for a better alternative to quit smoking cigarettes

SB-1016-SD-1

Submitted on: 2/20/2019 9:45:06 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

SB-1016-SD-1

Submitted on: 2/20/2019 9:48:17 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Patterson	Individual	Oppose	No

Comments:

I'll remember next november (and primary too) how you guys voted on this bill. Vote no sb1016.



SB-1016-SD-1

Submitted on: 2/20/2019 10:28:22 PM
Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

Aloha

my name is Puna and I'm opposing to bill sb1016 due to the simple fact that I live on the big island of Hawaii and I currently work in a local vape shop. Passing this bill wouldn't be right because as a business employee of a shop that is less then 300ft away from a preschool and church. So is many of our local shops, is near a school or public play ground. Passing this bill will need us to move shop and being here for 22 years I do not know anywhere else on this island that is 750ft away from any public area unless it is in the volcano district. This means many shops will close doors forever many businesses and livelihoods will be affected by this. Many businesses that have individuals had worked so hard for will be lost. We can deal with a bill that will cause us to be not 750ft but a shorter distance away from any public area. It is hard as it is to get a nicotine fix in public because we need to be 20 plus ft away from any door way or business. If this bill goes through from the looks of it we'll end up in the middle of Hilo bay just to get a nicotine fix. As a newly establishing business it'll affect our customers, me my self as an individual and the business owners to do such a move after just opening. Please reconsider the actions you will take upon this.

Mahalo for your time

LATE

SB-1016-SD-1

Submitted on: 2/20/2019 11:42:06 PM

Testimony for WAM on 2/21/2019 10:00:00 AM

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

Comments:

LATE

SB-1016-SD-1

Submitted on: 2/21/2019 6:52:20 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina Spencer	Individual	Oppose	No

Comments:



LATE



To: Senator Donovan M. Dela Cruz
Senator Gilbert S.C. Keith-Agaran
Members on the Senate Committee on Ways and Means

From: Hawaii Petroleum, LLC

RE: SB1016, Relating to Tobacco Retail Buffer Zones

Date: February 20, 2019

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I urge you to consider the above items when considering SB1016 to craft a bill that is effective, yet fair.

Mahalo.
Tom Yokomichi

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LATE



To: Senator Donovan M. Dela Cruz
Senator Gilbert S.C. Keith-Agaran
Members on the Senate Committee on Ways and Means

From: Hawaii Petroleum, LLC

RE: SB1016, Relating to Tobacco Retail Buffer Zones

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Mahalo.

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LATE

SB-1016-SD-1

Submitted on: 2/21/2019 9:33:49 AM

Testimony for WAM on 2/21/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Jane Tabular	Testifying for Minitstop/Ohana Fuels	Oppose	No

Comments:

I will oppose unto this .



LATE



To: Senator Donovan M. Dela Cruz
Senator Gilbert S.C. Keith-Agaran
Members on the Senate Committee on Ways and Means
From: Arlene Tamayo, Manager
RE: SB1016, Relating to Tobacco Retail Buffer Zones

Date: February 20, 2019

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I urge you to consider the above items when considering SB1016 to craft a bill that is effective, yet fair.

Mahalo.

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LATE



To: Senator Donovan M. Dela Cruz
Senator Gilbert S.C. Keith-Agaran
Members on the Senate Committee on Ways and Means

From: Hawaii Petroleum, LLC

RE: SB1016, Relating to Tobacco Retail Buffer Zones

Date: February 20, 2019

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I urge you to consider the above items when considering SB1016 to craft a bill that is effective, yet fair.

Mahalo.
BJ Estrada
District Manager, Minit Stop Stores

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LATE



To: Senator Donovan M. Dela Cruz
Senator Gilbert S.C. Keith-Agaran
Members on the Senate Committee on Ways and Means

From: Hawaii Petroleum, LLC

RE: SB1016, Relating to Tobacco Retail Buffer Zones

Date: February 20, 2019

Thank you for the opportunity to provide testimony. Hawaii Petroleum is an independent petroleum marketer operating on the islands of Maui and Hawaii, and employees approximately 325 people on the two islands. Hawaii Petroleum **STRONGLY OPPOSES SB1016** as it is written for the following reasons.

- 1) **Bill punishes all retailers, especially those that follow the law:** Hawaii Petroleum does not advocate nor condone smoking by Hawaii’s underaged youth. Our retail outlets require every person, regardless of age and appearance of age that wants to purchase tobacco products, including vape supplies and e-cigarettes, to present a valid government I.D. We have an exemplary record against tobacco stings. We do sell tobacco to adults that choose to smoke. This bill, as currently written, would unfairly punish retailers that happen to be located within 750 feet of a preschool, school, public housing, or public park. There is no clause to allow locations that have been conducting business for years within these zones to be grandfathered in. This is not fair for sites like ours that follow the law and do not sell to minors. This bill reduces revenue to locations that have done nothing wrong, that only sells to consenting adults.
- 2) **Focus on enforcement, to catch the violator(s). Not a blanket bill to punish all:** This bill unfairly punishes retailers based on location and does not provide the retailers any recourse. If we are to reduce tobacco sales to minors, then the bill should focus on the problem—retailers that allow sales to underaged smokers. The bill should be directed at those violators only. We suggest the bill be changed to increase tobacco stings and the penalties to those that sell to our youth, including suspension and/or revocation of licenses to sell. Focus on the problem and don’t punish those that comply with the law.

I urge you to consider the above items when considering SB1016 to craft a bill that is effective, yet fair.

Mahalo.

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