



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

Testimony in SUPPORT of S.B. 1244, SD2
RELATING TO THE SALE OF TOBACCO PRODUCTS

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: March 14, 2019

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health is in support of Senate Bill 1244, Senate
3 Draft 2 (S.B. 1244, SD2) that clearly establishes the legal responsibility of the retailer who sells
4 tobacco products and the liability incurred when illegal tobacco sales are made to anyone under
5 twenty-one years of age.

6 S.B. 1244, SD2 removes the ambiguity of simply referring to a “person” rather than
7 specifying the retailer, permittee, or registrant who violates, or whose employee violates, the law
8 by illegally selling to someone under twenty-one years of age or fails to display the legally
9 required signage. The fine remains at \$500 for the first offense and any subsequent offenses
10 shall subject the retailer or permittee to a fine not less than \$500 nor more than \$2,000.

11 The focus of fines on the retailer/permittee/registrant provides a greater incentive to
12 comply with tobacco sales laws by holding the licensees responsible for the actions of their
13 employees, and employee training and education. Precedent for this clarification to the proposed
14 amendment to §712-1258, Hawaii Revised Statutes (HRS) is in §712-1250.5(1), HRS, where the
15 person, including any licensee is identified in committing the offense of promoting intoxicating
16 liquor to a person under the age of twenty-one. The Honolulu Liquor Commission (HLC) takes
17 civil action against a licensee as defined in §281-1, HRS, as “all agents, servants, and employees
18 of the holder of a license.” The State Legislative Actions on Tobacco Issues (SLATI) database
19 in the Institute of Medicine Report summarizes information on states that have passed laws

1 requiring that tobacco retailers and permittees are penalized for illegal tobacco sales. Four states
2 have penalties for the employee or person that violates the law, eleven states penalize the
3 licensee, and seven states provide penalties for both the employee and the licensee.¹ The
4 proposed change also aligns with the U.S. Food and Drug Administration that addresses warning
5 letters on inspection violations, corrective action, and possible regulatory action to the retailers,
6 not employees.

7 Thank you for the opportunity to provide testimony.

8 **Offered Amendments:** None

¹ IOM (Institute of Medicine). 2015. *Public health implications of raising the minimum age of legal access to tobacco products*. Washington, DC: The National Academies Press

SB-1244-SD-2

Submitted on: 3/12/2019 12:33:21 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keanu Esser	Irie Hawaii	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 12:45:21 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

I strongly oppose SB1244. The mistake or carelessness of an employee should not reflect on the employer. Furthermore if an employee has malicious intentions of harming employer, it would be very easy to do so by breaking the law and selling tobacco to underaged persons. There is no way to really tell if an employee had malicious intentions or was carless in any case it is the fault of the person selling the product not the employer.

This reason is common sense! Mahalo for your time.

SB-1244-SD-2

Submitted on: 3/12/2019 2:17:03 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacob Robinson	Irie Hawaii	Oppose	No

Comments:



HIPHI Board

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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: March 13, 2019

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

Re: Support for SB1244 SD2, Relating to the Sale of Tobacco Products
Hrg: February 26, 2019 at 9:00am at Conference Room 016

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Support of SB1244 SD2** which clarifies that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity rather than the employee.

The Coalition supports SB1244 SD2, shifting the responsibility from an individual employee to the retailer or permittee who or whose employees to receive education and direction on our state law, and it will ensure retailers keep closer oversight of the sale activities in their stores. This change places majority of the responsibility on the entity with the power to ensure compliance with Hawaii's Tobacco 21 law.

Thank you for the opportunity to testify. We support SB1244 SD2 and respectfully ask you to pass this measure out of committee.

Mahalo,

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

Jessica Yamauchi, MA
Executive Director

ⁱThe 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.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 14, 2019**

Re: SB 1244 SD2 Relating to the Sale of Tobacco Products

Good morning Chairperson Mizuno and members of the House Committee on Health. 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.

While we recognize the intent of this measure we are still OPPOSE SB 1244 SD2 Relating to the Sale of Tobacco Products. This measure would clarify that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity or individual who holds a valid permit to sell tobacco products, as opposed to an employee.

The majority of the employer who sell tobacco and vape products have ongoing training for their employees that includes NOT selling these products to those under 21 years of age, but also carding people to verify their age.

To some extent, the employee needs to also be responsible not just make a sale but to card the customer and ensure that they are indeed 21 years of age or older. We recognize that there are some very realistic fake ID cards that may even stump someone with a vigilant eye.

The legitimate law abiding retailers are not the ones intentionally 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 card to see how old someone is.

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

SB-1244-SD-2

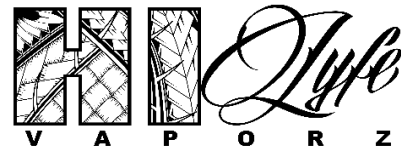
Submitted on: 3/13/2019 7:01:23 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

We oppose any more taxes and regulations. The taxes and regulations on tobacco are already greatly in excess of most of the rest of the nation where more reasonable and consumer friendly practices exist.



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Waianae, Hi 96792
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info@hilyfevaporz.com

3/13/2019

Dear Chair and Members,

Aloha,

My name is Jostin and I Strongly oppose the Senate Bill 1244 (SB 1244). 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 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.

One of the problems with the youth vaping epidemic isn't Flavors or taxes, 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 1244 for the simple fact that this bill is unfair 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 "Juul" 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 charging our industry unfair taxes and high percentages, this will not help the teenage vape epidemic, it will hurt businesses and adults who found a better alternative from combustible cigarettes. Also vaping has made a huge impact by lessening the amount of Traditional tobacco cigarette use state and nationwide.

If we are to be taxed please have reasonable rates, percentages and tax products that actually have "TOBACCO DERIVED NICOTINE". If not this bill 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

SB-1244-SD-2

Submitted on: 3/13/2019 7:50:52 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/11/2019 8:01:21 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 8:33:56 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
April Pacheco	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 9:20:17 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Wolery	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 11:34:12 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 11:37:02 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

Stop this!

SB-1244-SD-2

Submitted on: 3/12/2019 6:45:50 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/11/2019 8:19:39 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 11:41:26 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Punahele Victorino	Individual	Oppose	No

Comments:

If person does not follow training instructions given, they should personally be held liable! Why should the company suffer?? They shouldn't!

SB-1244-SD-2

Submitted on: 3/12/2019 12:28:54 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 12:53:52 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

I strongly OPPOSE Bill SB-1244 Hawaii need to have a possession law for under age smokers like they do for alcohol, with that in place maybe under age people would think twice before smoking/vaping. Stronger law's on the under age people is what we need. Not Flavor Bans or tax increase or stonger law's on retail stores.

With Aloha,

Valentino Miranda-Kepa

SB-1244-SD-2

Submitted on: 3/12/2019 12:58:08 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 11:40:05 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
naomi muronaka	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 2:07:01 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
traves lerma	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 1:22:11 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Porter	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 2:16:53 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ariel zaminasli	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 2:17:44 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 2:59:21 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

I am opposed to any additional laws taxing, hindering or making it more difficult to obtain Electronic Cigarettes. ECigs are the best way for people to quit cigarettes, WHY ARE YOU TRYING TO STOP IT? The state of Hawaii already has the stiffest laws in the nation, they need to start enforcing the laws already in place. Enough with this waste of legislation, spend your time fighting real issues like our homeless problem and the opiate epidemic.

Mahalo

SB-1244-SD-2

Submitted on: 3/12/2019 3:00:31 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

I feel as a business here in Hawaii they all follow rules and regulations. But I feel the individual should be more punished rather than the business. With that said additional rules where others have not been enforced by parents and law enforcement is not needed. When the business is enforcing rules law enforcement and parents are not is already setting a presedence that those instead should be punished instead of businesses

SB-1244-SD-2

Submitted on: 3/12/2019 3:38:35 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teikiheekua Taupu	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 4:48:37 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

Costly Over-regulation.

SB-1244-SD-2

Submitted on: 3/12/2019 5:12:16 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Dietrich	Individual	Oppose	No

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 5:40:32 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 6:20:14 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 8:56:27 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
austin keliinoi-westbrook	Individual	Oppose	No

Comments:

Aloha, my name is Austin Keliinoi-Westbrook, I STRONGLY OPPOSE SB1244. I Oppose due to the fact that each occupant, shop and underaged user should both be fined evenly. According to the bill shops will be getting fined a lot more than any underaged individual, to my understanding. Fines should be made evenly as both would be wrong at fault, IF PROVEN guilty. I OPPOSE SB1244...

SB-1244-SD-2

Submitted on: 3/12/2019 10:40:43 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

Aloha

my name is Puna Hayashida and I am strongly opposing to bill sb1244. I am a current employee of Hilyfevaporz Hilo. As a employee I ask for the ID of every single person who is making a purchase although I feel like you need to be 21yrs of age to enter our shop it is fine if you at least the age of 18 just because we sell more then just vape products (Electronic Nicotine Delivery Systems, E-liquids,etc) we do carry apparel and drinks in our shop so no I will not ID a person who is simply coming in to buy a hat or buy a soda. We are more than just a vape shop we have other products that such as the ones I stated above I welcome anyone who comes in to buy a hat or t-shirt. As far as our clothing and hats go we support local shops which means you can't find it at your usual plaza or any convient 7-11 nor abc store. Also I know of many flashlights which battery's are compatible to the battery's you would typically use in a Electronic Nicotine Delivery System. So this helps our locals in our commutnity find items that they could not find in other stores it helps people having it on hand rather then ordering products online which could for one be a faulty item. As far as the states age to be 21yrs of age to purchase anything to due with vaping products I do not see why they should be 21yrs of age. In my eyes if you can serve your country put your life on the line you have a right to take a simple break and use a system that is a healthier and safer alternative to get a nicotine fix. These men and women are putting their lives on the line they should be able to have a right to choose a way they want to relieve stresses of their own. With this being said reconsider passing this bill. Mahalo Nui loa for your time

SB-1244-SD-2

Submitted on: 3/13/2019 12:03:56 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

I smoked for 20 years and quit using sour worms flavored vape juice

SB-1244-SD-2

Submitted on: 3/13/2019 12:12:21 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

I smoked for 18 years and quit using sour worms flavored vape liquid

SB-1244-SD-2

Submitted on: 3/13/2019 6:03:04 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
DANIEL DRAPESA	Individual	Oppose	No

Comments:

Aloha my name is Daniel Drapesa Sr,

As an employee of a locally owned and operated Vape shop that sells ENDS and Eliquid I have a unique perspective on this issue. Most retailers such as my employer have extensive training for employees in regards to sale of age restricted products. The individual making the sale is responsible for age verification. That being said I don't think the blame should be solely on the shoulders of the business. The employee has had the training and if they neglect said training they should be held responsible. In short I oppose SB1244.

Thank you for your time and consideration of my testimony.

SB-1244-SD-2

Submitted on: 3/13/2019 7:50:34 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonah K Manuel	Individual	Oppose	No

Comments:

I oppose this bill it will make things more difficult qat my job. aloha

SB-1244-SD-2

Submitted on: 3/13/2019 8:23:43 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/12/2019 2:16:18 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Garett Uyesugi	Individual	Oppose	No

Comments:

I believe that the person breaking the law should be in trouble and not the business. Its like if a person gets a speeding ticket in a company vehicle. person pays the fine, not the business

SB-1244-SD-2

Submitted on: 3/13/2019 11:01:24 AM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

SB-1244-SD-2

Submitted on: 3/13/2019 3:45:01 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

LATE

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

Comments:

ABC Stores still oppose SB 1244 SD2 Relating to the Sale of Tobacco Products. This measure would clarify that the liability for illegally selling tobacco products to person under 21 is borne by the retail entity or individual who holds a valid permit to sell tobacco products, as opposed to an employee.

ABC Stores and the majority of the employers who sell tobacco and vape products have ongoing training for their employees that includes NOT selling these products to those under 21 years of age. ABC Stores also train employees to card people that look 40 years old and younger, and require an government issued ID to verify a buyers age. To some extent, the employee need to also be responsible, not just to make a sale, but to card the customer to ensure that the customer is indeed 21 years of age or older. Our effort to prevent the sale of tobacco to minors is successful only when employees share in the responsibility of PREVENTING the sale of tobacco to minors. We urge you to hold this measure. Mahalo for this opportunity to testify.

LATE

SB-1244-SD-2

Submitted on: 3/13/2019 5:04:01 PM
Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monika Lopez	Individual	Oppose	No

Comments:

LATE

SB-1244-SD-2

Submitted on: 3/13/2019 3:58:08 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

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

Comments:

LATE

SB-1244-SD-2

Submitted on: 3/13/2019 7:01:11 PM

Testimony for HLT on 3/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Higa	Individual	Oppose	No

Comments:



LATE

Testimony of Jim Yates,
President of the Hawaii Petroleum Marketers Association

**IN OPPOSITION TO SENATE BILL 1244, SENATE DRAFT 2,
RELATING TO THE SALE OF TOBACCO PRODUCTS**

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

Thursday, March 14, 2019 at 9:00 a.m.
Hawaii State Capitol, Conference Room 329

Chair Mizuno, Vice Chair Kobayashi and members of the Committee,

Thank you for this opportunity to submit written testimony on Senate Bill 1244, Senate Draft 2, Relating to the Sale of Tobacco Products. I am Jim Yates, 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. HPMA’s primary purpose is to protect and advance its members’ legislative and regulatory interests in Hawaii and Washington, DC.

Senate Bill 1244, Senate Draft 1 clarifies that liability for illegally selling tobacco products and electronic smoking devices to persons under 21 is borne by the retail entity, entity that holds a retail tobacco permit, or entity registered to sell electronic smoking devices, as opposed to an employee.

HPMA opposes SB 1244, SD 2. Insulating frontline employees from liability would work against the overall objective of keeping tobacco products out of the hands of underage buyers.

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