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# A BILL FOR AN ACT

RELATING TO ELECTRONIC SMOKING PRODUCTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that electronic smoking  
2 devices, also known as e-cigarettes, are battery-operated  
3 products designed to deliver nicotine, flavor, and other  
4 chemicals to the user by turning chemicals, including highly  
5 addictive nicotine, into an aerosol that is inhaled by the user.  
6 The legislature is concerned with the health and safety of  
7 e-cigarette products.

8           The legislature further finds that electronic smoking  
9 devices are known to contain volatile organic compounds that, at  
10 certain levels, can cause eye, nose, and throat irritation,  
11 headaches and nausea and can damage the liver, kidneys, and the  
12 nervous system. The liquids used in electronic smoking devices  
13 are largely unregulated and contain harmful chemicals. Some  
14 flavorings are more toxic than others. Studies have shown that  
15 some flavors contain different levels of diacetyl, a chemical  
16 that has been linked to a serious lung disease called  
17 bronchiolitis obliterans. Formaldehyde is another chemical



1 associated with e-liquids. It is a cancer-causing substance  
2 that forms if e-liquid overheats or not enough liquid reaches  
3 the heating element.

4 In 2019, the U.S. Department of Health and Human Services  
5 declared that e-cigarette users are falling ill to a new illness  
6 named e-cigarette and vaping associated lung injury and notes  
7 that sixteen per cent of patients hospitalized were younger than  
8 eighteen years of age. While research is still being conducted  
9 on the causes of the illnesses, this unregulated product is a  
10 threat to the health and safety of youth. Cases of e-cigarette  
11 and vaping associated lung injury have been reported in Hawaii.  
12 As of November 2019, the Hawaii department of health's disease  
13 outbreak control division confirmed four cases of severe  
14 respiratory illness associated with e-cigarettes. Each county  
15 has reported one case of e-cigarette and vaping associated lung  
16 injury.

17 The legislature also finds that the use of these electronic  
18 smoking devices has been increasing exponentially, and that e-  
19 cigarette use is especially popular among youth in Hawaii.  
20 While young people's use of e-cigarettes has risen nationally,  
21 use in Hawaii by young people is even higher. According to the



1 latest data from the Hawaii department of health's youth risk  
2 behavior study, forty-two per cent of the State's high school  
3 students and twenty-seven per cent of its middle school students  
4 have tried or use e-cigarettes. By county, the state high  
5 school rates of e-cigarette use are thirty-nine per cent for  
6 Oahu, forty-five per cent for Kauai, fifty-one per cent for  
7 Maui, and fifty per cent for Hawaii.

8 The legislature additionally finds that the electronic  
9 smoking device industry, including the production of e-liquids,  
10 is growing rapidly. On December 18, 2018, the United States  
11 Surgeon General made the unprecedented move of classifying the  
12 danger of youth usage of electronic smoking devices as an  
13 epidemic. Since the Surgeon General first issued a warning in  
14 2016 about the dangers of these products, data has shown a  
15 historic rise in use by youth and young adults. According to  
16 the 2016 report, e-cigarette use among the nation's youth and  
17 young adults has become a major public health concern. The  
18 Surgeon General's report noted that e-cigarette use has  
19 increased considerably in recent years. Usage increased an  
20 astounding nine hundred per cent among high school students from  
21 2011 to 2015 alone.



1           In a 2018 study conducted by the National Institute on Drug  
2 Abuse, teens' use of electronic smoking devices increased from  
3 27.8 per cent to 37.3 per cent in a twelve-month period. The  
4 increase translates to 1,300,000 more teens using electronic  
5 smoking devices in a single year. E-cigarette use among youth  
6 and young adults is also strongly associated with the use of  
7 other tobacco products, including combustible tobacco products.  
8 Toxicologists have also warned that e-liquids pose significant  
9 risks to public health, particularly to children.

10           According to the Surgeon General's report, if the contents  
11 of refill cartridges or bottles are consumed, ingestion of  
12 e-liquids containing nicotine can cause acute toxicity and  
13 possibly death. The Surgeon General's report also found that  
14 there are numerous policies and practices that can be  
15 implemented at the state and local levels to address electronic  
16 smoking device use among youth and young adults, including  
17 preventing access to e-cigarettes by youth, significant  
18 increases in tax and price of e-cigarettes, retail licensure,  
19 and regulation of e-cigarette marketing.

20           The legislature additionally finds that the rapid growth of  
21 the electronic smoking device industry, including retail



1 businesses selling electronic smoking devices or e-liquids,  
2 necessitates further regulation to protect consumers, such as  
3 creating policy parity between the sale of e-cigarettes and the  
4 sale of traditional cigarettes through tobacco taxation and by  
5 requiring retailers of e-cigarettes and e-liquids to obtain a  
6 retail tobacco permit.

7 The legislature notes that the federal Food and Drug  
8 Administration recently finalized a rule that expands its  
9 regulatory authority to all tobacco products, including  
10 electronic smoking devices, cigars, and hookah and pipe tobacco;  
11 yet, federal delays are expected for at least five more years.  
12 The legislature also notes that there is currently no state  
13 tobacco tax attached to the sale of e-liquid, even though  
14 electronic smoking devices are now regulated as tobacco  
15 products. Furthermore, tobacco products, other than  
16 e-cigarettes, are currently taxed at a lower rate than  
17 cigarettes, even though their use carries similar health risks.  
18 Research has shown that increasing cigarette prices, such as  
19 through cigarette sales taxes, tends to reduce the rate of  
20 smoking by adult and youth smokers. The legislature finds that



1 minors are three times more sensitive to price increases than  
2 are adults.

3       The legislature is also concerned that there are currently  
4 no state resources allocated to assist the department of health  
5 and department of education in combatting the youth vaping  
6 epidemic and in treating youth for nicotine addiction.  
7 Cessation treatment options, such as nicotine replacement  
8 therapy, are currently designed for adults. Because youth are  
9 not vaping to quit cigarettes, and because there is no safe  
10 level of nicotine for youth, there are no approved treatment  
11 guidelines to help youth break their addiction.

12       Finally, the legislature concludes that there needs to be a  
13 sales tax on e-cigarettes. Taxing the sale of these products,  
14 as the State does the sale of other tobacco, is fair and  
15 equitable. Imposing a sales tax on e-cigarettes will also  
16 encourage users of e-cigarettes to quit, sustain cessation,  
17 prevent youth initiation, and reduce consumption among those who  
18 continue to use them.

19       The purpose of this Act is to:



- 1           (1) Make it unlawful for any person other than a licensed  
2           tobacco retailer to receive any shipment of e-liquids  
3           or electronic smoking devices;
- 4           (2) Include electronic smoking devices within the  
5           definition of "tobacco products", as used in the  
6           cigarette tax and tobacco tax law, thereby:
  - 7           (A) Subjecting electronic smoking devices to the  
8           excise tax on tobacco products;
  - 9           (B) Requiring retailers of electronic smoking devices  
10           to obtain a retail tobacco permit to sell,  
11           possess, keep, acquire, distribute, or transport  
12           electronic smoking devices;
  - 13           (C) Prohibiting persons from engaging in the business  
14           of a wholesaler or dealer of electronic smoking  
15           devices without first obtaining a license from  
16           the department of taxation; and
  - 17           (D) Applying other requirements of chapter 245,  
18           Hawaii Revised Statutes;
- 19           (3) Increase the license fee for persons engaged as a  
20           wholesaler or dealer of cigarettes and tobacco  
21           products;

1 (4) Increase the retail tobacco permit fee for retailers  
2 engaged in the retail sale of cigarettes and tobacco  
3 products; and

4 (5) Fund health education, prevention, and cessation  
5 programs having to do with the risks and dangers of  
6 the use of electronic smoking devices by youth.

7 SECTION 2. Chapter 245, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§245- Shipment of e-liquid and electronic smoking  
11 devices. It shall be unlawful for any person other than a  
12 licensed tobacco retailer to receive any shipment of e-liquids  
13 or electronic smoking devices."

14 SECTION 3. Section 245-1, Hawaii Revised Statutes, is  
15 amended as follows:

16 1. By adding three new definitions to be appropriately  
17 inserted and to read:

18 "E-liquid" means any liquid or like substance, which may  
19 or may not contain nicotine, that is designed or intended to be  
20 used in an electronic smoking device, whether or not packaged in  
21 a cartridge or other container. E-liquid shall not include





1 prescription drugs; medical cannabis or manufactured cannabis  
2 products under chapter 329D; or medical devices used to  
3 aerosolize, inhale, or ingest prescription drugs, including  
4 manufactured cannabis products manufactured or distributed in  
5 accordance with section 329D-10(a).

6 "Electronic smoking device" means any electronic product,  
7 or part thereof, that can be used by a person to simulate  
8 smoking in the delivery of nicotine or any other substance,  
9 intended for human consumption, through inhalation of vapor or  
10 aerosol from the product. Electronic smoking device includes  
11 but is not limited to an electronic cigarette, electronic cigar,  
12 electronic cigarillo, electronic pipe, electronic hookah, vape  
13 pen or related product, and any cartridge or other component  
14 part of the device or product.

15 "Smoke" or "smoking" means inhaling, exhaling, burning,  
16 carrying, or possessing any lighted or heated tobacco product,  
17 or similar substance intended for human consumption, including  
18 the use of an electronic smoking device that creates an aerosol  
19 or vapor, in any manner or in any form."

20 2. By amending the definition of "tobacco products" to  
21 read:



1            "Tobacco products" means tobacco in any form, other than  
2 cigarettes or little cigars [~~, that is prepared or intended for~~  
3 ~~consumption or for personal use by humans, including large~~  
4 ~~cigars and any substitutes thereof other than cigarettes that~~  
5 ~~bear the semblance thereof, snuff, chewing or smokeless tobacco,~~  
6 ~~and smoking or pipe tobacco.]; including, but not limited to  
7 large cigars and any substitutes thereof other than cigarettes  
8 that bear the semblance thereof, pipe tobacco, chewing or  
9 smokeless tobacco, snuff, snus, e-liquid, electronic smoking  
10 devices containing e-liquid, component parts containing e-  
11 liquid, and related products."~~

12           SECTION 4. Section 245-2, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14           "(b) The license shall be issued by the department upon  
15 application therefor, in such form and manner as shall be .  
16 required by rule of the department, and the payment of a fee of  
17 [~~\$2.50,~~] \$250, and shall be renewable annually on July 1 for the  
18 twelve months ending the succeeding June 30."

19           SECTION 5. Section 245-2.5, Hawaii Revised Statutes, is  
20 amended by amending subsection (c) to read as follows:



1           "(c) The retail tobacco permit shall be issued by the  
2 department upon application by the retailer in the form and  
3 manner prescribed by the department, and the payment of a fee of  
4 [~~\$20.~~] \$50. Permits shall be valid for one year, from  
5 December 1 to November 30, and renewable annually. Whenever a  
6 retail tobacco permit is defaced, destroyed, or lost, or the  
7 permittee relocates the permittee's business, the department may  
8 issue a duplicate retail tobacco permit to the permittee for a  
9 fee of \$5 per copy."

10           SECTION 6. Section 245-15, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§245-15 Disposition of revenues.** All moneys collected  
13 pursuant to this chapter shall be paid into the state treasury  
14 as state realizations to be kept and accounted for as provided  
15 by law; provided that, of the moneys collected under the tax  
16 imposed pursuant to:

17           (1) Section 245-3(a)(5), after September 30, 2006, and  
18           prior to October 1, 2007, 1.0 cent per cigarette shall  
19           be deposited to the credit of the Hawaii cancer  
20           research special fund, established pursuant to section



1 304A-2168, for research and operating expenses and for  
2 capital expenditures;

3 (2) Section 245-3(a)(6), after September 30, 2007, and  
4 prior to October 1, 2008:

5 (A) 1.5 cents per cigarette shall be deposited to the  
6 credit of the Hawaii cancer research special  
7 fund, established pursuant to section 304A-2168,  
8 for research and operating expenses and for  
9 capital expenditures;

10 (B) 0.25 cents per cigarette shall be deposited to  
11 the credit of the trauma system special fund  
12 established pursuant to section 321-22.5; and

13 (C) 0.25 cents per cigarette shall be deposited to  
14 the credit of the emergency medical services  
15 special fund established pursuant to section  
16 321-234;

17 (3) Section 245-3(a)(7), after September 30, 2008, and  
18 prior to July 1, 2009:

19 (A) 2.0 cents per cigarette shall be deposited to the  
20 credit of the Hawaii cancer research special  
21 fund, established pursuant to section 304A-2168,



- 1 for research and operating expenses and for  
2 capital expenditures;
- 3 (B) 0.5 cents per cigarette shall be deposited to the  
4 credit of the trauma system special fund  
5 established pursuant to section 321-22.5;
- 6 (C) 0.25 cents per cigarette shall be deposited to  
7 the credit of the community health centers  
8 special fund established pursuant to section  
9 321-1.65; and
- 10 (D) 0.25 cents per cigarette shall be deposited to  
11 the credit of the emergency medical services  
12 special fund established pursuant to section  
13 321-234;
- 14 (4) Section 245-3(a)(8), after June 30, 2009, and prior to  
15 July 1, 2013:
- 16 (A) 2.0 cents per cigarette shall be deposited to the  
17 credit of the Hawaii cancer research special  
18 fund, established pursuant to section 304A-2168,  
19 for research and operating expenses and for  
20 capital expenditures;



- 1 (B) 0.75 cents per cigarette shall be deposited to  
2 the credit of the trauma system special fund  
3 established pursuant to section 321-22.5;
- 4 (C) 0.75 cents per cigarette shall be deposited to  
5 the credit of the community health centers  
6 special fund established pursuant to section  
7 321-1.65; and
- 8 (D) 0.5 cents per cigarette shall be deposited to the  
9 credit of the emergency medical services special  
10 fund established pursuant to section 321-234;
- 11 (5) Section 245-3(a)(11), after June 30, 2013, and prior  
12 to July 1, 2015:
- 13 (A) 2.0 cents per cigarette shall be deposited to the  
14 credit of the Hawaii cancer research special  
15 fund, established pursuant to section 304A-2168,  
16 for research and operating expenses and for  
17 capital expenditures;
- 18 (B) 1.5 cents per cigarette shall be deposited to the  
19 credit of the trauma system special fund  
20 established pursuant to section 321-22.5;



- 1 (C) 1.25 cents per cigarette shall be deposited to  
2 the credit of the community health centers  
3 special fund established pursuant to section  
4 321-1.65; and
- 5 (D) 1.25 cents per cigarette shall be deposited to  
6 the credit of the emergency medical services  
7 special fund established pursuant to section  
8 321-234; [~~and~~]
- 9 (6) Section 245-3(a)(11), after June 30, 2015, and  
10 thereafter:
- 11 (A) 2.0 cents per cigarette shall be deposited to the  
12 credit of the Hawaii cancer research special  
13 fund, established pursuant to section 304A-2168,  
14 for research and operating expenses and for  
15 capital expenditures;
- 16 (B) 1.125 cents per cigarette, but not more than  
17 \$7,400,000 in a fiscal year, shall be deposited  
18 to the credit of the trauma system special fund  
19 established pursuant to section 321-22.5;
- 20 (C) 1.25 cents per cigarette, but not more than  
21 \$8,800,000 in a fiscal year, shall be deposited



1 to the credit of the community health centers  
2 special fund established pursuant to section  
3 321-1.65; and  
4 (D) 1.25 cents per cigarette, but not more than  
5 \$8,800,000 in a fiscal year, shall be deposited  
6 to the credit of the emergency medical services  
7 special fund established pursuant to section  
8 321-234 [-]; and

9 (7) Section 245-3(a)(12), after September 1, 2020, and  
10 thereafter, \$ \_\_\_\_\_ shall be deposited to the  
11 credit of the Hawaii tobacco prevention and control  
12 trust fund established pursuant to section 328L-5 to  
13 establish a comprehensive youth tobacco cessation  
14 program to fund health education, prevention, and  
15 nicotine cessation programs about the risks and  
16 dangers of the use of electronic smoking devices for  
17 youth.

18 The department shall provide an annual accounting of these  
19 dispositions to the legislature."

20 SECTION 7. Chapter 28, part XII, Hawaii Revised Statutes,  
21 is repealed.





1 SECTION 8. Section 245-17, Hawaii Revised Statutes, is  
2 repealed.

3 ~~["§245-17] Delivery sales. (a) No person shall conduct~~  
4 ~~a delivery sale or otherwise ship or transport, or cause to be~~  
5 ~~shipped or transported, any electronic smoking device in~~  
6 ~~connection with a delivery sale to any person under the age of~~  
7 ~~twenty one.~~

8 ~~(b) A person who makes delivery sales shall not accept a~~  
9 ~~purchase or order from any person without first obtaining the~~  
10 ~~full name, birth date, and address of that person and verifying~~  
11 ~~the purchaser's age by:~~

12 ~~(1) An independently operated third party database or~~  
13 ~~aggregate of databases that are regularly used by~~  
14 ~~government and businesses for the purpose of age and~~  
15 ~~identity verification and authentication;~~

16 ~~(2) Receiving a copy of a government issued identification~~  
17 ~~card from the purchaser; or~~

18 ~~(3) Requiring age and signature verification in the~~  
19 ~~shipment process and upon and before actual delivery.~~

20 ~~(c) The purchaser shall certify their age before~~  
21 ~~completing the purchaser's order.~~



1       ~~(d) Any person who violates this section shall be fined~~  
2       ~~\$500 for the first offense. Any subsequent offenses shall~~  
3       ~~subject the person to a fine of no less than \$500 but no more~~  
4       ~~than \$2,000. Any person under twenty one years of age who~~  
5       ~~violates this section shall be fined \$10 for the first offense,~~  
6       ~~provided that any subsequent offense shall subject the person to~~  
7       ~~a fine of \$50, no part of which shall be suspended, or the~~  
8       ~~person shall be required to perform no less than forty eight~~  
9       ~~hours but no more than seventy two hours of community service~~  
10       ~~during hours when the person is not employed or attending~~  
11       ~~school.~~

12       ~~(e) The department shall not adopt rules prohibiting~~  
13       ~~delivery sales.~~

14       ~~(f) For the purposes of this section:~~

15       ~~"Delivery sale" means any sale of an electronic smoking~~  
16       ~~device to a purchaser in the State where either:~~

17       ~~(1) The purchaser submits the order for sale by means of a~~  
18       ~~telephonic or other method of voice transmission, the~~  
19       ~~mail or any other delivery service, or the internet or~~  
20       ~~other online service; or~~



1       ~~(2) The electronic smoking device is delivered by use of~~  
2           ~~the mail or any other delivery service.~~

3       ~~The foregoing sales of electronic smoking devices shall~~  
4       ~~constitute a delivery sale regardless of whether the seller is~~  
5       ~~located within or without the State.~~

6           ~~"Electronic smoking device" means any electronic product~~  
7       ~~that can be used to aerosolize and deliver nicotine or other~~  
8       ~~substances to the person inhaling from the device, including but~~  
9       ~~not limited to an electronic cigarette, electronic cigar,~~  
10       ~~electronic cigarillo, or electronic pipe, and any cartridge or~~  
11       ~~other component of the device or related product." ]~~

12       SECTION 9. This Act does not affect rights and duties that  
13       matured, penalties that were incurred, and proceedings that were  
14       begun before its effective date.

15       SECTION 10. Statutory material to be repealed is bracketed  
16       and stricken. New statutory material is underscored.

17       SECTION 11. This Act shall take effect on June 18, 2050.



**Report Title:**

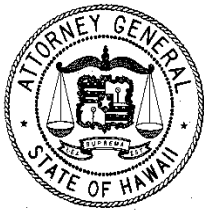
Electronic Smoking Products; Tobacco Products; E-liquid; License Fee; Retail Permit Fee; Health Education, Nicotine Cessation, and Prevention Programs

**Description:**

Makes it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices. Requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Allocates a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth, regarding the risks and dangers of the use of electronic smoking devices. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Effective 6/18/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2227, S.D. 2, RELATING TO ELECTRONIC SMOKING PRODUCTS.

**BEFORE THE:**

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

**DATE:** Wednesday, March 11, 2020      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 329

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

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Chair Takumi and Members of the Committee:

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

The bill seeks to address the significant risks to public health caused by the rapidly growing use of electronic smoking devices and e-liquids in Hawaii, especially among the youth. This bill establishes the offense of shipment of e-liquid and electronic smoking devices within chapter 245, Hawaii Revised Statutes (HRS), the cigarette tax and tobacco tax law; includes e-smoking devices within the definition of "tobacco products" as used in section 245-1, HRS; increases licensing and permit fees for wholesalers, dealers, and retailers of cigarettes and tobacco products; funds youth health education, prevention, and nicotine cessation programs; repeals part XII of chapter 28, HRS, relating to the Electronic Smoking Device Retailer Registration Unit; and repeals section 245-27, HRS (Supp. 2019), relating to delivery sales.

For clarity and ease of reference, the Department of the Attorney General recommends that the term "licensed tobacco retailer" be stricken from page 8, line 12, and replaced with the phrase "retail tobacco permit holder or licensed wholesaler or dealer of cigarettes or tobacco products". Inclusion of the retailer and the wholesaler/dealer in the new offense of shipment of e-liquid and electronic smoking

devices will make it clear that the permittee<sup>1</sup> and the licensee<sup>2</sup> are persons<sup>3</sup> that may receive shipments of e-liquids or electronic smoking devices.

This bill would also subject e-smoking devices to taxation pursuant to section 245-3(12), HRS (2017), and would render the Electronic Smoking Device Retailer Registration Unit, created by 28-163, HRS (Supp. 2019), unnecessary. The Department of the Attorney General supports the repeal of part XII of chapter 28, HRS (Supp. 2019), based upon this bill's goal of subjecting e-smoking devices and e-liquids to taxation and regulation under chapter 245, HRS. Including e-smoking devices within the same regulatory framework as other tobacco products would conserve resources and make the regulation of e-smoking devices a more efficient process for the public and retailers.

Thank you for the opportunity to provide comments.

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<sup>1</sup> "Permittee" is defined in section 245-1, HRS, as "the holder of a retail tobacco permit in accordance with this chapter."

<sup>2</sup> "Licensee" is defined in section 245-1, HRS, as "the holder of a license as a wholesaler or dealer granted under this chapter."

<sup>3</sup> "Persons" is defined in section 245-1, HRS, as "one or more people, a company, corporation, a partnership, or an association."

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 9, 2020

To: Representative Roy Takumi, Chair  
And members of the Committee on Consumer Protection and Commerce

## Testimony in Support of SB 2227 SD 2 Related to Flavored Products for Electronic Smoking Devices

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2227 SD 2 Relating to Electronic Smoking Products.

Hawaii has the fifth highest amount of vaping in the United States. With up to 15,500 flavors, e-cigarettes are of particular interest and attraction to Hawai'i's youth. Along with the enticing flavors and packaging, youth perceive e-cigarettes to be less harmful than other nicotine filled tobacco products.

Youth do not understand the dangers of this harmful product. E-cigarettes contain toxic chemicals These ingredients result in chronic health consequences including lung cancer, addiction, central nervous system damage, and delay of proper adolescent brain development.

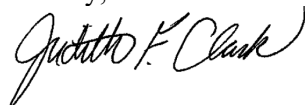
808novape researchers have found that:

- 26% of Hawai'i high school students are using e-cigarettes
- 94% online purchases of e-cigarettes have been successful amongst teens
- 60% of teens believe occasional use of e-cigarettes does little to of harm
- 70% of middle and high schoolers have recently seen e-cigarette advertising

Funding education and prevention programs for youth with taxes on electronic smoking products is needed and appropriate.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO; Electronic Smoking Products

BILL NUMBER: SB 2227, SD-2

INTRODUCED BY: Senate Committees on Ways & Means and Judiciary

EXECUTIVE SUMMARY: Requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Allocates a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth, regarding the risks and dangers of the use of electronic smoking devices. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

SYNOPSIS: Amends section 245-1, HRS, to include "e-liquid" within the definition of tobacco products taxable under the Tobacco Tax Law, and to define "e-liquid" as any liquid or like substance that may or may not contain nicotine and that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container; except that E-liquid shall not include prescription drugs; medical cannabis or manufactured cannabis products; or medical devices used to inhale or ingest prescription drugs, including manufactured cannabis products sold or distributed in accordance with section 329D-10(a).

Defines "electronic smoking device" as any electronic product, or part thereof, that can be used by a person to simulate smoking in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. Electronic smoking device includes but is not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen or related product, and any cartridge or other component part of the device or product.

Defines "smoke" or "smoking" as inhaling, exhaling, burning, carrying, or possessing any lighted or heated tobacco product, or similar substance intended for human consumption, including the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form.

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20.00 to \$50.00.

Amends section 245-15, HRS, to earmark \$2 million of the tax imposed on tobacco products other than cigarettes and cigars to the credit of the Hawaii tobacco prevention and control trust fund established pursuant to section 328L-5 to establish a comprehensive youth tobacco



cessation program to fund health education, prevention, and nicotine cessation programs about the risks and dangers of the use of electronic smoking devices for youth.

Repeals section 245-17, HRS, relating to delivery sales.

EFFECTIVE DATE: June 18, 2050.

STAFF COMMENTS: The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it's working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn't be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation's previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii's weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.

The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

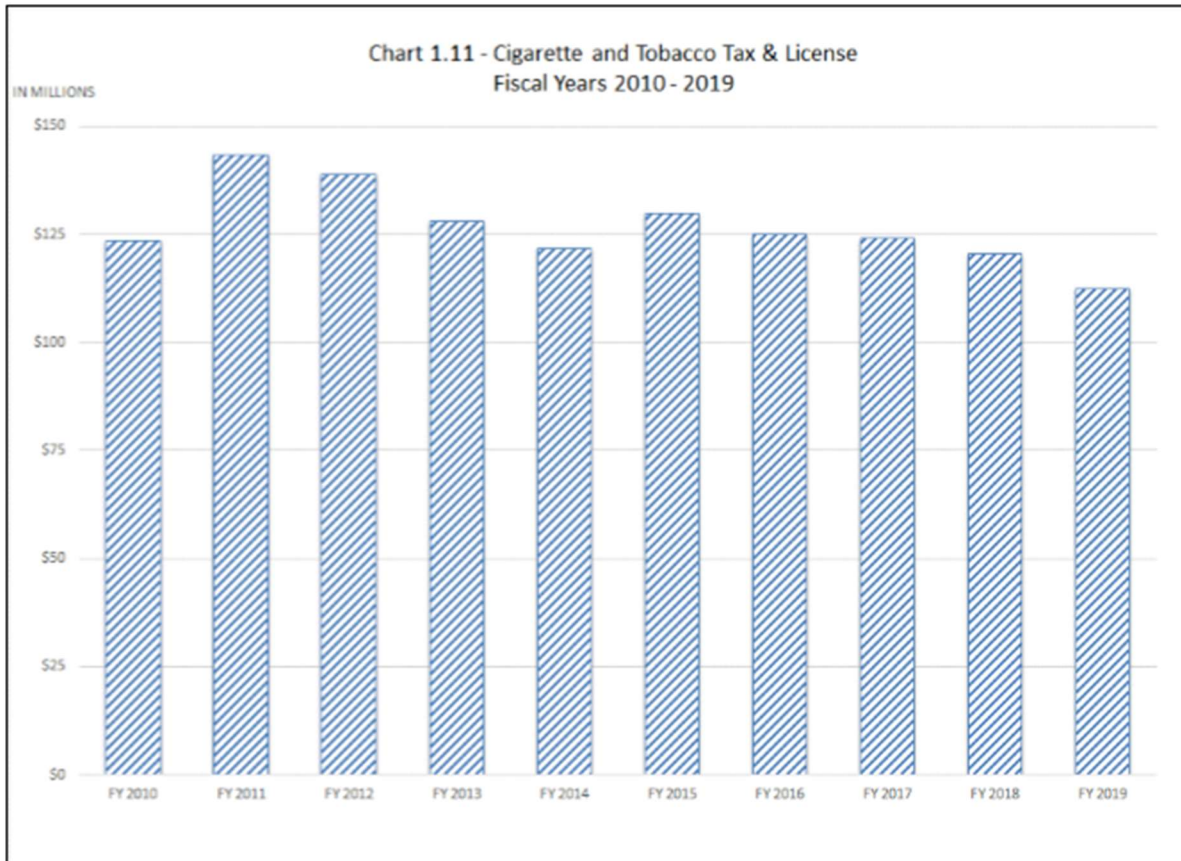
The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes are influencing smokers as tax collections on the sale of cigarettes have fallen. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian reservation outlets while others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our

community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases, and hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.



Source: Department of Taxation Annual Report (2018-2019), page 24.

Do we really need an elaborate study to tell ourselves that fiscal reliance on funds from a sin tax is inadvisable or outright dangerous? If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested 3/9/2020



HAWAII SUBSTANCE ABUSE COALITION

## **SB2227 SD2 (H) Tax E-Cigarettes and Permits and Fund Prevention**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE:

- Rep. Roy Takumi, Chair; Rep. Linda Ichiyama, Vice Chair
- Wednesday, Mar. 11<sup>th</sup>, 2020: 2:00 pm
- Conference Room 329

### **Hawaii Substance Abuse Coalition Supports SB2227 SD2:**

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

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

- Given the Surgeon General's warning about the dangers of vaping, especially by the historic rise in its use by youth, allocating taxes has proven to help people quit or sustain cessation.
- The danger to children is a growing major public health concern, of which having vendors secure a tobacco permit at a higher cost would help to ensure and fund compliance processes.
- Dedicating some of the taxes and the continuing increase in taxes to fund a prevention program is an essential step to help youth, who will become future adults, to quit and/or sustain their cessation.

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



March 9, 2020

To: Chair Takumi  
Vice Chair Ichiyama  
House Committee on Consumer Protection & Commerce

RE: **STRONG SUPPORT for SB2227 SD2**

Thank you for this opportunity to testify in **SUPPORT** of SB2227 SD2. Blue Zones Project was brought to Hawai'i by HMSA to help increase the overall well-being of our communities and to make Hawai'i a healthier, happier place to live, work and play. To accomplish that goal, we address ways that we can lower obesity rates, tobacco use, and chronic diseases.

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

Therefore, we urge you to pass **SB2227 SD2** to better regulate ESD products and allocate funds raised to support tobacco prevention, control, and cessation.

Thank you for this opportunity to testify in **strong support** of **SB2227 SD2**.

Sincerely,

A handwritten signature in black ink, appearing to read "Colby Takeda".

Colby Takeda, MPH, MBA  
Senior Manager  
Blue Zones Project Hawai'i

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

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

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

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

Wednesday, March 11, 2020 at 2:00 PM  
Conference Room 329

**House Committee on Consumer Protection & Commerce**

To: Representative Roy Takumi, Chair  
Representative Linda Ichiyama, Vice Chair

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

Re: **Testimony in Support of SB 2227, SD2  
Relating to Electronic Smoking Products**

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

**I write in support of SB 2227, SD2** which includes e-liquid and e-smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. The bill also increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products, makes it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices, and allocates a portion of the funds collected to be deposited to the credit of the Hawaii Tobacco Prevention and Control Trust Fund to establish a comprehensive youth tobacco cessation program to fund health education, prevention, and nicotine cessation programs about the risks and dangers of the use of electronic smoking devices for youth.

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

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use,

promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

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

Thank you for the opportunity to testify.

**Rep. Roy M. Takumi, Chair**  
**Rep. Linda Ichiyama, Vice Chair**  
**House Committee on Consumer Protection and Commerce**

March 11, 2020, 2:00 p.m., Conference Room 329

**Testimony in Strong Support of Senate Bill 2227, Senate Draft 2 Relating To Electronic Smoking Products**

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association in Hawaii and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

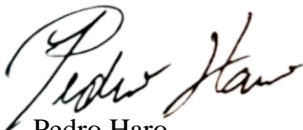
**The American Lung Association calls on Hawaii officials to implement taxation of electric smoking devices (in parity with other tobacco products).** Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

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

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

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

The use of electronic smoking devices by youth in Hawaii is nearly double the national average, and urgent action is required by state legislators in 2020 to address it. The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by passing Senate Bill 2227, Senate Draft 2.



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

# Various Students and Individuals in Support of SB2227

Aloha House Committee on Commerce and Consumer Protection,

Attached is a compilation of testimony for Wednesday, March 11, 2020; 2:00 pm;  
State Capitol, Conference Room 329 in SUPPORT of SB 2227 SD2: RELATING TO  
ELECTRONIC SMOKING PRODUCTS for the following individuals:

Ramic Santiago, UH Graduate Student

Jenny Hausler, Citizen

Ruthie Diaz, BSW

Cassandra Castillo, UH Grad student

Marissa Powers, RDH

Uri Martos, Citizen

Biu, 9th Grade, Hawaii Baptist Academy

Rachel, 9th Grade, Hawaii Baptist Academy

Sammy, 9th Grade, Hawaii Baptist Academy

Greg, 9th Grade, Hawaii Baptist Academy

Ashley, 9th Grade, Hawaii Baptist Academy

Aaron, 9th Grade, Hawaii Baptist Academy

Landen, 9th Grade, Hawaii Baptist Academy

Jordon, 9th Grade, Hawaii Baptist Academy

Trislyn, 9th Grade, Hawaii Baptist Academy

Anonymous, 9th Grade, Hawaii Baptist Academy

Anonymous, 9th Grade, Hawaii Baptist Academy

Jordy, 9th Grade, Hawaii Baptist Academy

Kyle, 9th Grade, Hawaii Baptist Academy

Christina, 9th Grade, Hawaii Baptist Academy

Gerico Demesillo, Undergraduate in Public Health Studies



Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

My name is Ramic Santiago and I **strongly support** SB 2227, SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS

There are too many children under 18 that are choosing to vape in Hawaii. According to the Center for Disease Control and Prevention Hawai'i ranks second in children ranging from 6th to 12th grade who choose to vape (1). According to Kaiser Health News numbers reported in 2018 translate to 3 million high school students nationally who vape. These staggering numbers continue to rise with advancements in vaping technology. Vaping devices can come in a variety of sizes and others like the JUUL product which is the size of a small USB port and can be used almost undetectable. Nicotine levels are manipulated and highly concentrated like the JUUL that can contain as much nicotine as 20 packs of cigarettes.

Nicotine is extremely unhealthy for youth because it can be extremely harmful to the developmental process in the youths brain and nicotine causes changes in the brains synapses which are built faster than the adults brain (1). Most e cigs contain nicotine and nicotine use in adolescence may further the risk for future addiction to drugs (1). There are many carcinogenic chemicals used in the production of e-cigs including cancer-causing compounds and heavy metals such as nickel, tin, and lead (1).

Many vaping products come with or are used with flavor additives such as candy flavorings. These flavorings are targeted at making nicotine products familiar to youth and make the vaping product more palatable to taste than traditional burning tobacco products which are restricted by the 2009 Family Smoking Prevention and Tobacco Control Act which banned fruit and candy flavorings in cigarettes but did not include smokeless tobacco products like chew and e-cigs.

As of January 2020 the Trump administration has enacted a ban on the flavoring of e-cigarettes which use pre filled cartridges but does not include tank based systems where users fill their own nicotine and flavor mixturing(2). Furthermore, mentol pre-filled vaping devices are excluded from the ban (2) . According to the National Institute on Drug Abuse 66% of teens vape only flavoring (2). Banning pre-filled e-cig products will have little effect when teens can still get ahold of products that contain flavored vaping products like fillable tank systems.

Hawaii needs to further the Trump administration's efforts to reduce the increasing number of underage children who use vaping products. Hawaii needs to ban all flavored vaping products in the state to fight the epidemic of underage teen vaping.

Sincerely,

Ramic P.H. Santiago, B.S.  
1614 Emerson Street # 5  
Honolulu, Hawaii 96813

Resources

1. Center for Disease Control and Prevention(2019). Smoking and Tobacco Use
2. MarketWatch.(2020). Federal Government Bans Popular E-cigg Flavors to the Curb.
3. NIH National Institute on Drug Abuse.(2015). Teens and E-cigs.

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I strongly support SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS

Tobacco killed my husband last March from smoking. He ended up dying from COPD and had lung cancer. He suffered greatly before he passed away and died an early death.

We have 6 grandchildren that I don't want to have the same fate as their grandfather. Our keiki are a vulnerable group and must be protected. Don't make it easy for electronic smoking devices to get into the hands of our kids from accessibility online and for being cheap to buy.

Please pass SB 2227 SD2 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

Date: February 25, 2020  
To: The Honorable  
Roy M. Takumi, Chair  
Linda Ichiyama, Vice Chair  
Members of the Committee Consumer Protection and Commerce

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

Re: Strong Support for SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS

Hearing: Wednesday, March 11, 2020 at 2:00 pm at Conference Room 329

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Thank you for the opportunity to submit testimony in STRONG SUPPORT of SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS

I am a non-traditional student at the University of Hawai'i, Mānoa, and completing the master's degree at the Myron B. Thompson School of Social Work. As a full-time student, social work practicum student, and a part-time employee, I have opportunities to engage with the communities at the University of Hawai'i as well as the Oahu community working with individuals and families. Most importantly, I am a mother of two children, ages five and an 11. I care deeply for my children as well as all the youth of Hawai'i, and prevention is key to many health risks.

Although there are various stories that I have encountered with electronic nicotine delivery systems ENDS and vape products, the one I can recall involves my four-year-old son. I live in a condominium with a wraparound lanai that welcomes cool trade wind breezes on most days. Because of this, my lanai doors are always wide open. My home is a smoke-free building, which should eliminate such behaviors and provide clean air for my family. However, addictive behaviors will often lead to the disregarding of such rules. Neighboring units smoking on their lanai lead to clouds of smoke to travel down to my family's unit. My four-year-old smelled the strawberry flavors and savored it. Luckily, he spoke out loud and mentioned that it smells like candy. I knew what it was, and I had no choice but to report it to our building management and close my lanai door. I realized that the smell of such flavors was very enticing to my four-year-old, and had I not stopped him, he would have continued to inhale the vape products contaminating our fresh air. This was a teaching moment for my older child about the health risk and the inconvenience it causes other people and families, but not necessarily to a four-year-old. This experience allowed me to see how dangerously enticing these ENDS flavors to even the youngest children. It made me aware of how normalized use or even continued exposure to ENDS and vape products may lead to experimentation and subsequent addiction.

Bill SB2227 SD2, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

The opposition's argument that the use of ENDS and vape products is successful as a smoking cessation product

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

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if SB2227 SD2 becomes law.

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

Testimony to House Committee Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

My name is Cassandra Castillo and I am in support of I strongly support SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS. I am in my last semester of my master's program at Myron B. Thompson's School of Social Work and I have experienced first-hand the dangers of e-cigarettes. My first year of the program, my internship was at an elementary school. One of the challenges that we faced were children in the fourth grade getting their hands-on e-cigarettes and trying it because they thought it was "cool". Children are encouraged through social media, commercials, the radio station, and other outlets that e-cigarettes are the fun thing to do. They are persuaded by these fun flavors like cotton candy, strawberry, pink lemonade, and more. Children are encouraged that e-cigarettes are not dangerous and safe to use.

As a future social worker, we need to educate our future generations of just how dangerous e-cigarettes can be and the long-term effects that could happen by picking up this habit. I do not want to see my 8-month-old nephew grow up thinking that e-cigarettes are cool. I urge the committee to pass SB 2227 SD2 for the future of our children's tomorrow. Thank you for this opportunity to testify.

Cassandra Castillo  
Ewa Beach, 96706

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I strongly support SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS. I am a registered dental hygienist, and every day I see patients who are tobacco/e-cigarette users. In recent years, we have been seeing patients who do not have a history of decay, but have started developing cavities. When asked about changes habits or diet, many of the patients report the use of e-cigarettes, in particular, flavored e-cigarettes, which contain sugar. Many times, this is the only change, and these patients are experiencing decay due to the frequency of use. This is just one of the many problems caused by e-cigarettes.

I am an aunt to seven nieces and nephews, and I do not want to see them become the next generation of tobacco users, because they are able to easily get their hands on something that seems harmless and tastes like candy.

Marissa Powers, RDH  
Honolulu, Hawaii, 96815

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

RE: SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS.

My name is Uri Martos, and I am writing to express my support for SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS to help stop our keiki from using tobacco products.

I work right next to Wilcox elementary school and the Boys & Girls Club on Kauai. Everyday I am seeing more and more of Kauai's kids using e-cigarettes/vapes and it worries me terribly. These flavored tobacco products are targeting our children and hooking them on dangerous nicotine often for life. I'm afraid that Hawaii already has a high incidence of lung cancer and being a breast cancer survivor, I know firsthand the pain of dealing with this disease. I don't ever want our keiki to have to go through the hardship of having cancer or any other tobacco related illness. By simply eliminating these flavored tobacco products we will be able to save hundreds of our youth in Hawaii from becoming lifelong tobacco addicts.

I urge you to support SB 2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS.  
Thank you for the consideration of my testimony.

Mahalo,  
Uri Martos  
Lihue, Kauai 96766

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because a lot of people are ruining their lives with a deadly thing that can even lead to death. Companies are even targeting young kids to use vape products even though they know they shouldn't. When I walk around I sometimes see kids, teens, (and) adults smoking e-cigs and there are times they blow it in other people's faces which is wrong.

Biu, 9<sup>th</sup> Grade, Hawaii Baptist Academy



Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS. Tobacco companies are targeting young kids to start vaping because of the many interesting flavors. Hawaii is the number one state for middle school e-cigarette users and kids are especially susceptible to advertisements and social media. Nicotine also affects the development of adolescent's brains, which can lead to long term effects in the future. My grandpa died of lung cancer from smoking, knowing that these kids are getting lured into doing something they probably aren't aware that is bad for them-a potentially more dangerous than normal cigarettes-shocks me because their decision now could permanently affect, or even shorten their future.

Rachel, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I am in support of SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because some people in my family use it and I don't like the thought of them wasting and shortening their lives. I'm especially worried now for the peers (my) family that might get hooked/addicted to the e-cigs because there's more flavors now that are attracting younger kids. This is scary because the brains of younger children haven't fully developed and can easily be influenced by the actions of their family or friends.

Sammy, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support bill SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because there are many problems with e-cigarettes including the marketing towards kids. The flavors that come out are specifically made to target kids because kids are intrigued by these flavors. They are more likely to buy it. There are many people around the island who are vaping. Also, Hawaii is the second highest state to use e-cigarettes. Now that I know this, I am concerned for my younger brother who may be exposed to it soon because he is in 6<sup>th</sup> grade.

Greg, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support bill SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because it attracts children. Children that don't even know what they're inhaling are starting to vape these days. I know many underage peers that use e-cigarettes daily. In fact, my own teenage cousins and family members think that using e-cigarettes are cool and post it all over their social media stories. It worries me that their health could go downhill, and they could get sick or hurt.

Ashley, 9th Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support bill SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because flavors are a large influencer to minors who start vaping. Flavors play a large role in the marketing of e-cigarettes to consumers under the age of 21. Nicotine is severely effective to children and teenagers. Research shows that consumers of nicotine under the age of 21 are more susceptible to drugs and alcohol later in life. I hear stories on the news about minors who consume e-cigarettes and are unable to do what they love due to lung failure.

Aaron, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

One of my family members have died from breast cancer because of her sister who consistently vaped. I support bill SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because from what I know, they are worse than regular cigarettes. I think the bill should be passed since it'll lessen the amount of people who still vape.

Landen, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because it is affecting the youth. More and younger kids and teens are getting their hands on these devices and these devices are messing with these kids. I support the bill because I don't want my fellow friends to die early from this severe device. I believe you will make the right decision. If you love kids and the youth, I believe you should support this bill.

Jordon, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS. Flavored tobacco products should be banned because of the dangerous effects caused by unknown substances of the product. Sellers will target oblivious kids to create business for their company. Flavors are very attractive to kids and (that) is the main reason why teens buy such products. Vaping has been promoted as a cool and popular trend, making my peers feel they should participate. When kids see their friends using e-cigs, the ideas of safety and popularity are ensured by their actions.

Trislyn, 9<sup>th</sup> Grade, Hawaii Baptist Academy



Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because there are children out there that are going to the hospitals because they used e-cigs. When I was in middle school there was one of my friends that took a hit of an e-cigarette and she got a seizure and sent to the hospital. I believe that the flavors should be banned because that is the main thing attracting the young people out there.

Anonymous, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because it tastes too good to ignore. Flavors make e-cigarettes super appealing and seem more enjoyable. If something tastes good, you will keep consuming it. Like fast food, it tastes good but it's bad for you.

Anonymous, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because e-cigarettes are really bad for one's lungs to inhale. It puts harmful chemicals and substances into your lungs, which can lead to disastrous health issues. As children, we shouldn't be exposed to these metals and addictive nicotine when our brains are still developing. Also, the flavors are very misleading as they seem to be targeting kids even though e-cigs are for adults 21 and up.

Jordy, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I support SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS because so many underage people are vaping. This isn't right because the vape companies are targeting younger teens and kids with their attractive flavors. At this point there are over 15,000+ flavors marketed to young adults. Because of this, Hawaii is the 2<sup>nd</sup> highest in the nation for vaping in middle and high schools.

Kyle, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

I'm in support of SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS. I feel that the production of flavored tobacco should be banned because it lures in a younger audience. The retailers try to get kids to get addicted so that they keep buying from them since older people who smoke are dying. The people that make these e-cigs don't even know exactly what's in them. Another bad thing is that there are so many kids that vape around other kids so it causes second hand vaping. Walking in the park can be hard without having to hold my breath.

Christina, 9<sup>th</sup> Grade, Hawaii Baptist Academy

Testimony to House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329

Dear Chair Takumi, Vice-Chair Ichiyama, and Committee Members,

As part of the generation that was close to getting rid of underage smoking and was later on exposed to the production of e-cigarettes, I support bill SB2227 SD2: RELATING TO ELECTRONIC SMOKING PRODUCTS. As a former vape user, I can confirm that the initial reasoning of consuming product was because everyone in my immediate surrounding was doing it and the flavor was strawberry. I was skeptical at first, but my peers assured me that it was the dosage that had 0 mg of nicotine in it. I was 17 at the time, and I thought it tasted and smelled good. Prior to the legal age of buying vape products being 21, it was 18. And when I had turned 18, my peers were vapers. We discussed how vaping is safer than smoking, and since they sell the 0 mg nicotine we could just buy than and not be addicted. That was when I was given my own e-cigarette, they were small pen looking devices at the time, and any vape product I bought were mainly just flavors, I purchased fruity flavors for me and dessert flavors for my friend.

I hid this part of my life from my family, and keeping it hidden was the most stressful part. It was one of the key reasons why I stopped, I didn't want to hide things from my family, but my dad found out and he told me to just not do it in front of my mom and my siblings. When it came to thinking about my siblings and how they follow me were also the key reasons for me to stop. That is when I got rid of the pen; I broke it and gave it to my friend since they were still into vaping. Another reason I stopped was because of the looks, I notice people looking at me as I vaped, and I didn't like how I was being looked at, being judged.

As the age to purchase tobacco products raised to the age of 21, I had been given another vape product. Around this time, the e-cigarettes went from pen-looking, to big boxes that people called mods. The technology for vaping advanced fairly rapidly and these boxes promised larger intake which means

bigger clouds. I was given a tiny version of these mods, and I was tempted to try it. I held onto this mod for almost a year, and then I threw it away, the feelings of guilt came back.

I can also confirm that the use of vape products turned into a gateway for drugs and alcohol. My former peers that kept through the path of vaping, are now out there going to raves and hitting up various of drugs. I see stories on socials of my old high school associates taking acid, doing cocaine, and taking various forms of marijuana products (edibles, smoking, etc.) before or after raves and huge social events. When it came to their day to day activities, it can be seen on their socials that they still use vape products to get them throughout the day. This concerns me because in my studies in personal research and in public health, there are no known long term effects for these products and given that a huge chunk of my generation and younger are consuming this product, I fear it may result in new forms of diseases and complications.

Gerico Demesillo  
University of Hawaii at Manoa  
Undergraduate in Public Health Studies



March 10, 2020

To: The Honorable Senator Roy M Takumi, Chair  
The Honorable Senator Linda Ichiyama, Vice Chair  
Committee on Consumer Protection and Commerce

From: Cory Smith, VOLCANO eCigs  
CEO and Owner

RE: SB2227 – 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 15 locations statewide and employ over 80 full-time workers to support sales of our products not only here in Hawaii, but to most USA states as well as over 30 International countries. We stand in opposition to SB2227 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet SB2227 deceptively refers to vapor products as “Electronic Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.
- SB2227 states in its justification that the bill and its regulations are needed to curb youth usage. It states “The Surgeon General’s report noted that e-cigarette use has increased considerably in recent years, growing an astounding nine hundred percent among high school students from 2011 to 2015”. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco.  
o <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>  
o <https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>
- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes  
o [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokerstry-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokerstry-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)
- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The





state should be creating easier access for these products, not tighter regulations that steers vapers back towards tobacco cigarettes

o <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

- 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.

o <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththatvaping-is-as-toxic-as-smoking/article/2646804>

o [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

- SB2227 States in its justification that the use of licensing and permit fees will help "protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit". We fail to see how requiring retailers to obtain a permit will translate to 'protecting the public'. Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.

- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.

o [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/Ecigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)

- SB2227's justification states that without taxing vapor products, "smokers may be tempted to purchase less expensive products such as e-liquid". This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes. An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.

- Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state. We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health



VOLCANO®

win and would simply prop up and protect the proven deadly tobacco market. It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 10:08:21 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I oppose this bill because as working for a successful smoke shop, that cares those products it would effect my job. Which would lead me to not having a job which would effect myself and caring for my family.

**SB-2227-SD-2**

Submitted on: 3/10/2020 10:27:21 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Protect our keiki!

Strongly Support SB2227 SD2

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



Wednesday, March 11, 2020  
State Capitol, Conference Room 329

**To:** Rep. Roy M. Takumi, Chair  
Rep. Linda Ichiyama, Vice Chair  
Committee on Consumer Protection & Commerce

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

**Re: Support of SB 2227, Relating to Electronic Smoking Products**

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports SB 2227** to regulate the sales and taxation of electronic smoking devices and to allocate funds for health education for youth on the topic of ESD health risks.

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

In the best interest of our local youth and families, we would like to request your **support of SB 2231**.

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

Date: March 11, 2020

To: The Honorable Roy Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
Members of the Committee on Consumer Protection & Commerce

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

Re: Strong Support for SB2227, Relating to Electronic Smoking Products

Hearing: Wednesday, March 11 at 2:00 pm at Conference Room 329

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Thank you for the opportunity to submit testimony in SUPPORT of SB2227, which requires that e-liquid and e-smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

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

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

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

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

Mahalo,  
Student Health Advisory Council



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

To: Hawaii State Legislature

Regarding: Electronic Smoking Device Regulations

Position: Strong Support

I am writing to express my strong support for stronger regulations for electronics smoking devices. I fully support the following changes to current regulations.

Tobacco License and Permit requirement:

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

ESD tax:

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

Funding for ESD health and education programs for youth

- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates. The revenue from the ESD tax should go to these programs.

**Requested amendment:** We respectfully request that online sale and shipment restrictions be added to this bill. Only allowing shipment to tobacco licensees will help to decrease access to underage youth.

I feel these are important measures that needs to be taken by our community leaders to protect our keiki and their health. As we all know, tobacco is highly addictive and detrimental to people's health so we need to

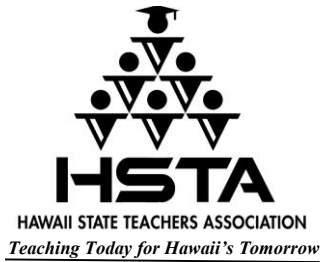
prevent kids from getting hooked in the first place. Since Hawaii has one of the highest middle and high school vaping rates in the country, it seems obvious that immediate action needs to be taken to address this epidemic. [A study](#) found that e-cigarette use is a strong risk factor for eventual cigarette smoking so preventing kids from starting vaping should be the focus for addressing this issue. Big tobacco argues that vaping helps adults quit smoking but the truth is, that for every adult that quits smoking using e-cigarettes, 81 young people will become future smokers, which is an unacceptable trade off.

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

Sincerely,

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





Corey Rosenlee  
President

Osa Tui, Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE

RE: SB 2227, SD2 - RELATING TO ELECTRONIC SMOKING PRODUCTS

WEDNESDAY, MARCH 11, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association **strongly supports SB 2227 SD2** which makes it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices. Requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Allocates a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth, regarding the risks and dangers of the use of electronic smoking devices. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

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

Adolescence in a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

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

Youth have said they've been able to easily purchase electronic smoking devices and e-liquids online; thus this bill which also limits the sale of e-liquids and electronic smoking devices to licensed tobacco retailers will prevent easy access to these products among our youth. **Furthermore, the allocation of a portion of excise tax funds to go towards health education, prevention, and nicotine cessation programs extends protections for our youth and goes hand in hand with the regulations outlined in this bill.** It is also shown in research that increasing the cost of tobacco products, through taxes, decreases the amount used by youth. The price point does matter. For these reasons, we respectfully ask you to **support this bill.**

**SB2227 SD2 Tax E-Cigarettes and Permits and Fund Prevention**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE:

- Rep. Roy Takumi, Chair; Rep. Linda Ichiyama, Vice Chair
- Wednesday, Mar. 11<sup>th</sup>, 2020: 2:00 pm
- Conference Room 329

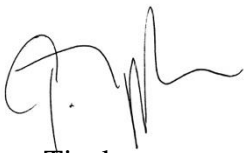
**The Coalition for a Drug-Free Hawaii Strongly Supports SB2227 SD2**

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

- Given the Surgeon General's warning about the dangers of vaping, especially by the historic rise in its use by youth, allocating taxes has proven to help people quit or sustain cessation.
- The danger to children is a growing major public health concern, of which having vendors secure a tobacco permit at a higher cost would help to ensure and fund compliance processes.
- Dedicating some of the taxes and the continuing increase in taxes to fund a prevention program is an essential step to help youth, who will become future adults, to quit and/or sustain their cessation.

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

With aloha,



Greg Tjapkes  
Executive Director  
Coalition for a Drug-Free Hawaii



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

#### Executive Officers

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

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TO:  
Committee on Consumer Protection and Commerce  
Rep. Roy M. Takumi, Chair  
Rep. Linda Ichiyama, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: March 11, 2020  
TIME: 2pm  
PLACE: Conference Room 329

RE: SB2227 SD2 Relating to Electronic Smoking Products

Position: Comments

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

HFIA is in support of efforts to regulate the shipping of electronic smoking devices and e-liquid. During the October 17, 2029 informational briefing on vaping that this Committee held jointly with the Senate Committee on Commerce Consumer Protection and Health experts discussed the fact that almost 90% of underage people who use electronic smoking devices buy them online or get them from their friends. Very few purchase them in stores where they are already subject to age restrictions. Making sure that these products are shipped only to licensed dealers is a common-sense way to keep them out of the hands of young people.

We oppose sections of this measure to increase license and wholesaler fees. Changing fees from \$2.50 to \$250 is a 10,000% increase, which is extreme. Increasing license and permit fees, unfairly and misguidedly targets retailers and wholesalers rather than tobacco users.

We also believe it is important to understand that there is no nexus between license fees and smoking cessation. Retailer license fees exist to pay for the licensing process and enforcement; these fees were not created to fund other programs. Using licensing fees to fund programs for which they were not intended creates a situation where fees are likely to rise unpredictably, this impedes retailers' ability to budget and creates unnecessary financial and administrative burdens. We thank you for the opportunity to testify.

**SB-2227-SD-2**

Submitted on: 3/10/2020 12:35:35 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

The bill is just more unwanted and burdensome over-regulation straining our economy still further.



HAWAI'I COMMUNITY  
FOUNDATION

March 11, 2020

House Committee on Consumer Protection & Commerce  
Hearing: 2:00 p.m., March 11, 2020  
Hawaii State Capitol Room 329

Re: SUPPORT for SB2227 SD2, Relating to Electronic Smoking Products

Aloha Chair Takumi, Vice-Chair Ichiyama, and members of the committee:

The Hawai'i Community Foundation (HCF) administers the Hawai'i Tobacco Prevention and Control Trust Fund. Through the Trust Fund, we have funded a variety of community grants and contracts to support tobacco prevention and control activities statewide for nearly 20 years. Our goal is to help improve the health and well-being of Hawaii's people by reducing death and disease caused by tobacco consumption. By managing statewide community grant programs in tobacco cessation and youth prevention for many years, HCF has gained substantial knowledge about what it takes at the grassroots level to reduce tobacco consumption in our communities.

The Hawai'i Community Foundation strongly supports SB 2227, SD2. Nearly all commercially available electronic smoking devices (ESDs) and e-liquids contain nicotine derived from tobacco, yet they are the only tobacco products in Hawaii's market that are not regulated or taxed under state law. It is entirely appropriate, and overdue, to regulate and tax ESDs and e-liquids on the same basis as other tobacco products.

The easy statewide availability of unregulated ESDs to our keiki and the resulting epidemic of ESD use among middle and high school students is creating a new generation dependent on nicotine, with long-term adverse health consequences to our state. Nicotine is a highly addictive substance that can cause long-term damage to the developing adolescent brain, affecting attention, learning, mood, and impulse control.<sup>1</sup>

Many of our tobacco cessation program grantees across the islands have learned from their patients and community partners that online sales are a major source of ESDs and e-liquids for youth or their suppliers, despite Hawaii's Age 21 law. Unlike cigarettes and other traditional tobacco

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<sup>1</sup> US Department of Health and Human Services. [E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General](#) [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016.

products that are illegal to sell online, currently there are few barriers for online sales of ESDs and e-liquids to adults or youth. The regulatory and licensing framework in SB 2227, SD2 will help to close this very large loophole and reduce youth access to ESDs and e-liquids.

Increasing price of tobacco products through taxation is a proven evidence-based method to reduce tobacco consumption. Youth buying and consumption patterns are particularly sensitive to price increases. Increasing the price of ESDs and e-liquids through taxation that is comparable to taxes on other tobacco products will greatly assist statewide efforts by HCF and many others to reduce the epidemic-level usage of ESDs by youth throughout our state.

Section 7 of the bill states that a dollar amount to be determined shall be deposited “*to the Hawaii tobacco prevention and control trust fund established pursuant to section 328L-5 to establish a comprehensive youth tobacco cessation program to fund health education, prevention, and nicotine cessation programs about the risks and dangers of the use of electronic smoking devices for youth.*” The Hawai‘i Tobacco Prevention and Control Trust Fund (“Trust Fund”) is administered by HCF under a contract with the Hawai‘i State Department of Health (“DOH”), pursuant to HRS 328L-5. The Trust Fund supports several statewide tobacco control programs, including community grants for tobacco cessation and youth prevention services on all islands. If SB 2227 is passed with this funding provision, HCF will implement the stated programs within the existing DOH contractual framework. The additional funds will enable the creation of a youth tobacco cessation program and increase the reach and impact of our youth ESD prevention programs. However, HCF strongly supports this bill regardless of any funding provision for the Trust Fund. The regulatory, licensing, and tax provisions in this bill are critical to reducing the youth vaping epidemic across our state.



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## **Hui No Ke Ola Pono strongly supports Electronic Smoking Device/E-Cigarette Regulations**

Tobacco License and Permit requirement:

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

Electronic Smoking Device tax:

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

Online Sales:

- **Requested amendment:** Restricting online sales and shipment of tobacco products to only tobacco licensees will help to prevent youth access to these products and enforce current laws.

Funding for e-cigarette health and education programs for youth

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

**Mahalo a nui loa for your time and consideration.**



**SB-2227-SD-2**

Submitted on: 3/10/2020 12:58:23 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Loren	West Hawaii Community Health Center	Support	No

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:40:38 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jostin Iriarte	HI kyfe Vaporz, LLC	Oppose	No

Comments:

Aloha Chair & members,

My name is Jostin we at Hi Lyfe Vaporz, LLC Strongly oppose SB2227 SD2, With the recent false information in the media & CDC that has been spread negatively throughout the public, it definitely has already cause such a negative impact on our business & many across the USA. It would be vital that our government pass proper information about vaping rather than causing an immediate scare on the public. Thankfully after proper understanding vaping nicotine products is now known not to be the issue people were dying & getting sick from across the nation. It important for our government to understand how how all that mess in the media has affected many small businesses like our, we took over a 30% loss in sales now we are on the verge of closing one of our stores as well as cut many hours off of our employees schedule because we cant afford to keep them employed. It has created a lost of employment & a lost in revenue for small businesses, but has and will start to create more unemployment. Please reconsider & understand how Bill's like this affect not only business, employees but the public as well, we mustn't resort back to conventional cigarettes.

As small business owner a bill of this magnitude can affect thousands of people in the state of Hawaii that has nothing short of a positive impact In their lives, health & especially the purpose of quitting combustible cigarettes. Our business has kept my wife & I employed for over 5 years & is now helping our son get a higher education. With Bill's like this it affects many families when the issue isnt what's being portrayed. As a small business owner my business Hi Lyfe Vaporz, LLC has had over 10 employees, a bill like this could impact our business as well as many across the state in such a negative manner, causing people to lose their jobs & homes they would be unable to provide for their families, not only that, many may end up going back to combustible cigarettes which infact is already known to be a health factor throughout the world. The FDA has implemented stringent rules and regulation for the vape industry which all manufactures and retailers are suppose to comply with as well as stay up to date. One of the problems with youth vaping epidemic isn't "Flavors" an issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults will have a negative impact, taxes alone from the industry generates a good chunk of funding for 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 to combustible cigarettes. I humbly ask to think before passing such a bill. Myself ,my family as well as our employees and customer's will be greatly be affected negatively. I am a former smoker of 20 year's, I oppose SB2227 SD2, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic 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 as a law abiding citizen while vaping should be a right that shouldn't be taken away from legal adults. As an adult we should have a choice to vape a 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 ect, 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, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. 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 dont 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" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use state and nation wide, will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact 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 this

Also please take a look at this

Testimony in Opposition:

Since their introduction to the U.S. market in 2007, e-cigarettes and vaping devices—tobacco harm reduction products that are 95 percent safer than combustible cigarettes—have helped more than three million American adults quit smoking.

1. Economic Impact

According to the Vapor Technology Association, in 2018, the industry created 451 direct vaping-related jobs, including manufacturing, retail, and wholesale jobs in Hawaii, which generated \$18 million in wages alone.[1] Moreover, the industry has created hundreds

of secondary jobs in the Aloha State, bringing the total economic impact in 2018 to \$100,745,600. In the same year, Hawaii received more than \$9 million in state taxes attributable to the vaping industry. These figures do not include sales in convenience stores, which sell vapor products including disposables and prefilled cartridges. In 2016, average national sales of these products eclipsed \$11 million.[2]

## 2. State Health Department Data

As of November 13, 2019, the Hawaii Department of Health (HDH) has reported four cases of vaping-related lung illnesses.[3] HDH notes that two of the patients are adults and “two are adolescents.” There is no further information on gender and/or substances vaped. This is alarming because many state health departments have already linked vaping-related lung illnesses to the use of products containing tetrahydrocannabinol (THC) and provided this information in their own updates. The Heartland Institute gives HDH a grade of D for information available on vaping-related lung illnesses.

## 3. More Information Needed

The most recent report on youth e-cigarette use in Hawaii is from the 2017 Hawai'i Youth Tobacco Survey.[4] According to the survey, in 2017, 20.9 percent of Hawaii high school students reported using a vapor product at least once, in the 30 days prior to the survey. There is no information on frequent and/or daily use. Only 26.4 percent of Hawaii high school students reported “flavors” as a reason for using e-cigarettes. Further, in 2017, 80.6 percent of Hawaii high school students believed “all e-cigarettes are dangerous.” More data is needed to understand the effects of public health campaigns on youth e-cigarette use.

## 4. Youth Sales Miniscule

From January 1, 2018 to September 30, 2019, the U.S. Food and Drug Administration (FDA) administered 615 tobacco age compliance inspections in Hawaii, in which the agency used a minor in an attempt to purchase tobacco products.[5] Of those, 26, or 4 percent, resulted in a sale to a minor. Of the violations, 9 (34 percent of violations and 1 percent of all compliance checks) involved the sale of e-cigarettes or vaping devices. The number of violations involving sales of cigars and cigarettes were 2 and 15, respectively, during the same period.

## 5. Misspent Money

In 2019, Hawaii received an estimated \$160.3 million in tobacco taxes and tobacco settlement payments. In the same year, the state spent only \$4.5 million, or 2 percent on funding tobacco control programs, including education and prevention.[6]

## Policy Solution

Electronic cigarettes and vaping devices have proven to be tremendous tobacco harm reduction tools, helping many smokers transition away from combustible cigarettes. Despite recent fearmongering, their use is significantly safer than traditional cigarettes, as noted by numerous public health groups including the Royal College of Physicians,[7] Public Health England,[8] and the American Cancer Society.[9] Rather than restricting their use, and undoubtedly reducing public health gains and millions of dollars in economic output, lawmakers should dedicate existing tobacco funds on programs that actually reduce youth use.

## Key Points:

1. Hawaii's vaping industry provided more than \$100 million in economic activity in 2018 while generating 451 direct vaping-related jobs. The national average of sales of

disposables and prefilled cartridges exceeded \$11 million in 2016.

2. As of November 13, 2019, HDH has reported four cases of vaping-related lung illnesses. HDH notes two of the patients are adolescents and two are adults and offers no other information. HDH earns a D for its reporting on vaping-related lung illnesses.

3. In 2018, 20.9 percent of Hawaii high school students reported using vapor products on at least one day in the previous 30 days. Only 26.4 percent of Hawaii high school students cited flavors as a reason for e-cigarette use. More data is needed.

4. Only 1 percent of FDA retail compliance checks in Hawaii resulted in sales of e-cigarettes to minors from January 1, 2018 to September 30, 2019.

5. Hawaii spends very little on tobacco prevention. In 2019, Hawaii dedicated only \$4.5 million or 2 percent of what the state received in tobacco settlement payments and taxes.

#### References

[1] Vapor Technology Association, "The Economic Impact of the Vapor Industry HAWAII," 2019, <https://vta.guerrillaeconomics.net/reports/9aa96bb8-b7c8-4100-9611-f0acc6612e31?>

[2] Teresa W. Wang et al., "National and State-Specific Unit Sales and Prices for Electronic Cigarettes, United States, 2012-2016," Preventing Chronic Disease, Centers for Disease Control and Prevention, August 2, 2018, [https://www.cdc.gov/pcd/issues/2018/17\\_0555.htm](https://www.cdc.gov/pcd/issues/2018/17_0555.htm).

[3] Hawaii Department of Health, "Medical Advisory: Additional Cases of Vaping Associated Lung Injury and Diagnostic Algorithm," November 13, 2019, [https://health.hawaii.gov/docd/files/2019/11/Med-Advisory-EVALI\\_13Nov19.pdf](https://health.hawaii.gov/docd/files/2019/11/Med-Advisory-EVALI_13Nov19.pdf).

[4] Lance Ching, Ph.D., et al., "Data Highlights from the 2017 Hawai'i Youth Tobacco Survey," Hawai'i State Department of Health, June 29, 2018, [http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS\\_2017\\_Report.pdf](http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf).

[5] U.S. Food and Drug Administration, "Compliance Check Inspections of Tobacco Product Retailers," September 30, 2019, [https://www.accessdata.fda.gov/scripts/oce/inspections/oce\\_insp\\_searching.cfm](https://www.accessdata.fda.gov/scripts/oce/inspections/oce_insp_searching.cfm).

[6] Truth Initiative, "Tobacco use in Hawaii," June 28, 2019, <https://truthinitiative.org/research-resources/smoking-region/tobacco-use-hawaii-2019>.

[7] Royal College of Physicians, Nicotine without Smoke: Tobacco Harm Reduction, April 2016, <https://www.rcplondon.ac.uk/projects/outputs/nicotinewithout-smoke-tobacco-harm-reduction-0>.

[8] A. McNeill et al., "Evidence review of e-cigarettes and heated tobacco products 2018," Public Health England, February 2018, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684963/Evidence\\_review\\_of\\_e-cigarettes\\_and\\_heated\\_tobacco\\_products\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684963/Evidence_review_of_e-cigarettes_and_heated_tobacco_products_2018.pdf).

[9] The American Cancer Society, "What Do We Know About E-Cigarettes?" June 19, 2019, <https://web.archive.org/web/20190806152535/https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/e-cigarettes.html>.

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](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



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March 10, 2020

COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
Rep. Roy M. Takumi, Chair Rep. Linda Ichiyama, Vice Chair

*STRONG SUPPORT FOR*  
**SB 2227-SD2 RELATING TO ELECTRONIC SMOKING PRODUCTS**

Aloha Committee Members,

The undersigned are members of the Friends of Kamalani and Lydgate Park Beach Clean-up Team, and we would like to register our strong support for SB 2227-SD2.

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

Electronic smoking products—especially but not limited to flavored vaping compounds— are pernicious devices clearly profiting the tobacco industry by addicting children to nicotine. The detrimental long-term public health effects of nicotine addiction is established science.

Please fulfill your allegiance to the people of Hawaii and advance Senate Bill 2227-SD2 as written and without dilution. It is your responsibility to protect our youths' health, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality of life impairments.

Sincerely,

Tommy A. Noyes  
General Coordinator  
The Friends of Kamalani and Lydgate Park



**Testimony to the House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 329**

**RE: SENATE BILL NO. 2227, SENATE DRAFT 2, RELATING TO ELECTRONIC SMOKING PRODUCTS.**

Chair Takumi, Vice Chair Ichiyama, and Members of the Joint Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2227, Senate Draft 2, RELATING TO TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Apply the Cigarette Tax and Tobacco Tax Law (Chapter 245, Hawaii Revised Statutes (HRS)) to e-liquid and electronic smoking devices, and revising the definition of smoke under that law to include activities that constitute "vaping";
- (2) Make it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquid or electronic smoking devices.
- (3) Raise licensure fees under the Cigarette Tax and Tobacco Tax Law from \$2.50 to \$250;
- (4) Raise permit fees under the Cigarette Tax and Tobacco Tax Law from \$20 to \$50;
- (5) Provide that after September 1, 2020, and thereafter, an unspecified amount of Cigarette Tax and Tobacco Tax revenues collected be deposited into the Hawaii Tobacco Prevention and Control Trust Fund for youth health education, prevention and nicotine cessation programs;
- (6) Make various housekeeping amendments to the Cigarette Tax and Tobacco Tax Law; and
- (7) Take effect on June 18, 2020.



**Testimony on Senate Bill No. 2227, Senate Draft 2**  
**Wednesday, March 11, 2020; 2:00 p.m.**  
**Page 2**

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

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

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

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

**SB-2227-SD-2**

Submitted on: 3/9/2020 5:18:10 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael S. Nakasone	Individual	Oppose	No

Comments:

**SB-2227-SD-2**

Submitted on: 3/9/2020 5:22:22 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/9/2020 6:14:18 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I'm Alex and I oppose this bill.

**SB-2227-SD-2**

Submitted on: 3/9/2020 6:25:46 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/9/2020 6:44:52 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Hi, my name is Kodie. I'm a freshman at Kapaa High School on Kauai and i am in Strong support of SB 2227. I know from experience that flavored tobacco products are targeting the keiki of Hawaii. I was one of them. The first time i picked up a vape i was in the sixth grade, eleven years old. Not because it looked cool or pretty, but because on the bottle of liquid it said "skittles flavored. 3 ml. of nicotine" Skittles was my all time favorite candy. And 3 ml. of nicotine didn't seem harmful to me, but it was. I got addicted. Very addicted, to the point where i was vaping multiple times a day and refilling my pod at least twice a week. I didn't realize i was becoming addicted. And then i got caught. When i got caught i got arrested, suspended, and had to go to court. If it wasn't for that day, I wouldn't be here right now fighting for our youth. I was so easily influenced by the product, and it really hurt me in ways i didn't think possible. I don't wanna see the life span of our keiki being shorted over a problem that can be fixed. Thank you for your time.

**SB-2227-SD-2**

Submitted on: 3/9/2020 6:57:38 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**My name is Cyrus D., and I am from Kalihi, on the island of Oahu. I am testifying as a high school student. I am testifying on the SB2227- Relating To Electronic Smoking Products. I am testifying in support of this bill.**

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

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

**As a future healthcare worker, the health of the youth and future generations is important. It bothers me that the Tobacco companies are focused on targeting the youth. I am in full support of this bill- SB2227 - for the safety of the youth and the future generation.**



Representative Roy M. Takumi, Chair  
Representative Linda Ichiyama, Vice Chair  
Members of the Commerce and Consumer Protection Committee

Monday, March 9, 2020

### Strong Support for S.B. 2227, Relating to Electronic Smoking Products

My name is Ashley Choo and I am a student at the University of Hawaii at Mānoa. As a Public Health major, I have focused on examining the long term health effects of vaping, specifically in underage populations. As a student, I have seen firsthand, the damaging effects nicotine containing products has caused to my peers both mentally, physically, and socially. I strongly support S.B. 2227, Relating to Electronic Smoking Products, which would require e-liquid and e-smoking devices to be included within the tobacco tax law.

Nicotine products that look to mimic fruit or candy flavors appeal to underage populations. More than 80% of youth who use tobacco products started with flavored products and more than half of youth smokers use menthol cigarettes. These are the results of aggressive marketing tactics from big tobacco companies targeting adolescents. We cannot hold minors accountable for being victimized by companies that look to institute a lifetime of addiction in such vulnerable populations.

Nicotine is a highly addictive substance that alters neurotransmitters in the brain. Allowing the exposure of such harmful chemicals to adolescents' continually developing brains is detrimental to the productivity, physical well-being, and mental state of the individual. It is important to take measures that would prevent the initiation of e-cigarette usage such as that of implementing a flavor ban, and regulating mislabeled tobacco products that this bill proposes

It is evident in recent news the health effects e-cigarettes have caused. Individuals have suffered from various respiratory illnesses and pulmonary complications that have been linked to the usage of e-cigarettes. It is important to take the necessary measures to promote the cessation and decreased initiation of e-cigarette usage. Taking action now to restrict access to flavored tobacco products will prevent a lifetime of addiction for our youth. I respectfully urge the committee to pass S.B. 2227. Thank you for the opportunity to testify.

Date: March 9, 2020

To: The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
Members of the House Committee on Consumer Protection & Commerce

Re: **Strong Support for SB2227 SD2**, Relating to Electronic Smoking Products

Hrg: March 11, 2020 at 2:00 PM in Capitol Room 329

Aloha House Committee on Consumer Protection & Commerce,

As a parent, educator and healthcare professional, I am writing in **strong support of SB2227 SD2**, which makes it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices; requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; allocates a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth, regarding the risks and dangers of the use of electronic smoking devices; repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addiction) epidemic, with one of the highest rates of youth e-cigarette use in the nation. Due to the highly concentrated nicotine salt e-liquids available in a multitude of sweet flavors, these products are highly attractive to, and pose a huge risk of addiction and life-long impaired brain development for, youth who use these products.

For the health and welfare of our children and future generations the measures as addressed in **SB2227 SD2** are urgently needed to help halt the youth vaping epidemic in Hawai'i.

Electronic smoking devices (ESDs) are far less expensive than combustible tobacco cigarettes, making them economically attractive to youth. Bringing e-cigarettes and e-liquids under the definition of tobacco products in the cigarette tax and tobacco tax law provides a mechanism to tax these nicotine-containing products on par with conventional tobacco cigarettes, increasing their prices. Raising prices is a proven strategy to discourage use of tobacco/nicotine products, especially among price-sensitive youth.

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

Limiting the receipt of shipped e-cigarettes to retailers brings e-cigs retail sales on par with combustible tobacco cigarettes and removes a key means by which youth gain access to e-cigs.

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

I **strongly support SB2227 SD2** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

**SB-2227-SD-2**

Submitted on: 3/9/2020 7:18:55 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

My name is Alysha Cosier and I am a pharmacy student. I am testifying in support of bill SB2227. I feel passionate about this bill because the use of Electronic Smoking Devices among youth in Hawai'i has increased and doubled or even tripled over the national rate. This vaping epidemic was brought by a perfect combination of easy access and flavorful tobacco products. If this epidemic continues, it would pose a significant risk for major health issues to the youth. Hawai'i is already experiencing a youth vaping epidemic. With 8 in every 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. I believe that the proposed ban on all flavored tobacco products, including, but not limited to, tastes or aromas relating to any candy, chocolate, vanilla, honey, fruit, cocoa, coffee, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice presented in this bill is essential in bringing a stop to the Hawai'i vaping epidemic. Again, I would like to emphasized my strong support for bill SB2227.

Thank you for the opportunity to testify.

**SB-2227-SD-2**

Submitted on: 3/9/2020 7:19:03 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/9/2020 8:10:58 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/9/2020 9:20:49 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Poynter	Individual	Oppose	No

Comments:

Date: April 9, 2020

To: The Honorable Roy M. Takumi, Chair

The Honorable Lindy Ichiyama, Vice Chair

Members of the Committee on Consumer Protection and Commerce

Re: Strong Opposition of SB2227, Relating to electronic smoking products

Hrg: March 11, 2020, 2:00pm, Conference Room 329

Dear Committee Members:

I strongly oppose SB2227- relating to electronic smoking products.

I am a consumer that has been vaping for 5 years after making the switch to E-cigarettes from traditional cigarettes. Majority of the E-cigarette or vape shops on Oahu, and within the entire state of Hawaii for that matter, do not carry specific flavors of e-liquids, certain quality devices and premier vape products for the more experienced vaper, like me. I, as well as many other experienced vapers in Hawaii, rely on certain websites online to purchase specific flavors or premier products. I rely on online sales from out of state companies that vape shops in Hawaii simply cannot provide for us. Certain shops are very selective on their products and only bring in certain items. This bill imposes on my freedom to purchase products. There are already standards and policies in place that are accommodating for consumer regulations. This bill would hinder my rights, and the residents of Hawaii, to sale of goods.

I strongly oppose **SB2227** and ask you to kill this bill on the spot.

Mahalo,

Electronically signed

Jonathan Poynter



**SB-2227-SD-2**

Submitted on: 3/9/2020 9:39:22 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

To whom it may concern,

Thank you for the opportunity of writing a personal testimony. Electronic smoking devices should be regulated because there are too many youth vaping in my community. I have two sons who are preteens who ask about e-cigarettes all the time because their friends carry it or participate in it. It is a growing epidemic so I support this bill strongly.

Mahalo,

Crystal

**SB-2227-SD-2**

Submitted on: 3/9/2020 9:59:43 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Testimony in Opposition:

Its a addiction to nicotine and not flavors. The better path to address this is to do a nicotine cap. The youth are using Juuls type devices that have a super high addictive nicotine percentage<3 and 5 percent per volume>. Traditional Ecig stores sell mostly .3 percent<point 3> by volume. Its comparing apples to oranges. Also banning advertisements vwould have a positive effect. The 21st century cure for tobacco smoking and cancer is here. Its e-cigs and the evidence support this. Cancel the cure then vve go back to pre e-cigs statistics vvhile the countries that embraced e-cigs continue on to be a smarter, healthier country then U.S. going backvwards. Your traditional e-cig stores are trying to save lives. 500k americans die each year from tobacco smoking. Because of e-cigs the statistics shovv its plummeting. Lung Cancer also just statisticly shovved a huge plummet. Lets stay on this path of saving peoples lives. Dont be numb to the 500k deaths. Its not acceptable and it can be greatly decreased only if you support the best anti tobacco smoking strategy...e-cigs

Since their introduction to the U.S. market in 2007, e-cigarettes and vaping devices—tobacco harm reduction products that are 95 percent safer than combustible cigarettes—have helped more than three million American adults quit smoking.

1. Economic Impact

According to the Vapor Technology Association, in 2018, the industry created 451 direct vaping-related jobs, including manufacturing, retail, and wholesale jobs in Hawaii, which generated \$18 million in wages alone.[\[1\]](#) Moreover, the industry has created hundreds of secondary jobs in the Aloha State, bringing the total economic impact in 2018 to \$100,745,600. In the same year, Hawaii received more than \$9 million in state taxes attributable to the vaping industry. These figures do not include sales in convenience stores, which sell vapor products including disposables and prefilled cartridges. In 2016, average national sales of these products eclipsed \$11 million.[\[2\]](#)

2. State Health Department Data

As of November 13, 2019, the Hawaii Department of Health (HDH) has reported four cases of vaping-related lung illnesses.[\[3\]](#) HDH notes that two of the patients are adults and “two are adolescents.” There is no further information on gender and/or substances vaped. This is alarming because many state health departments have already linked

vaping-related lung illnesses to the use of products containing tetrahydrocannabinol (THC) and provided this information in their own updates. The Heartland Institute gives HDH a grade of D for information available on vaping-related lung illnesses.

### 3. More Information Needed

The most recent report on youth e-cigarette use in Hawaii is from the 2017 Hawai'i Youth Tobacco Survey.[\[4\]](#) According to the survey, in 2017, 20.9 percent of Hawaii high school students reported using a vapor product at least once, in the 30 days prior to the survey. There is no information on frequent and/or daily use. Only 26.4 percent of Hawaii high school students reported "flavors" as a reason for using e-cigarettes. Further, in 2017, 80.6 percent of Hawaii high school students believed "all e-cigarettes are dangerous." More data is needed to understand the effects of public health campaigns on youth e-cigarette use.

### 4. Youth Sales Miniscule

From January 1, 2018 to September 30, 2019, the U.S. Food and Drug Administration (FDA) administered 615 tobacco age compliance inspections in Hawaii, in which the agency used a minor in an attempt to purchase tobacco products.[\[5\]](#) Of those, 26, or 4 percent, resulted in a sale to a minor. Of the violations, 9 (34 percent of violations and 1 percent of all compliance checks) involved the sale of e-cigarettes or vaping devices. The number of violations involving sales of cigars and cigarettes were 2 and 15, respectively, during the same period.

### 5. Misspent Money

In 2019, Hawaii received an estimated \$160.3 million in tobacco taxes and tobacco settlement payments. In the same year, the state spent only \$4.5 million, or 2 percent on funding tobacco control programs, including education and prevention.[\[6\]](#)

### Policy Solution

Electronic cigarettes and vaping devices have proven to be tremendous tobacco harm reduction tools, helping many smokers transition away from combustible cigarettes. Despite recent fearmongering, their use is significantly safer than traditional cigarettes, as noted by numerous public health groups including the Royal College of Physicians,[\[7\]](#) Public Health England,[\[8\]](#) and the American Cancer Society.[\[9\]](#) Rather than restricting their use, and undoubtedly reducing public health gains and millions of dollars in economic output, lawmakers should dedicate existing tobacco funds on programs that actually reduce youth use.

### Key Points:

1. Hawaii's vaping industry provided more than \$100 million in economic activity in 2018 while generating 451 direct vaping-related jobs. The national average of sales of disposables and prefilled cartridges exceeded \$11 million in 2016.
2. As of November 13, 2019, HDH has reported four cases of vaping-related lung illnesses. HDH notes two of the patients are adolescents and two are adults and offers no other information. HDH earns a D for its reporting on vaping-related lung illnesses.

3. In 2018, 20.9 percent of Hawaii high school students reported using vapor products on at least one day in the previous 30 days. Only 26.4 percent of Hawaii high school students cited flavors as a reason for e-cigarette use. More data is needed.
4. Only 1 percent of FDA retail compliance checks in Hawaii resulted in sales of e-cigarettes to minors from January 1, 2018 to September 30, 2019.
5. Hawaii spends very little on tobacco prevention. In 2019, Hawaii dedicated only \$4.5 million or 2 percent of what the state received in tobacco settlement payments and taxes

**SB-2227-SD-2**

Submitted on: 3/9/2020 10:06:11 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Doing business in Hawaii is hard, we already have the highest operating expenses, highest cost of goods, highest taxes, and more. We do not need more taxes! With the Corona Virus crisis business is getting worse, more taxes will add to our problems!

**SB-2227-SD-2**

Submitted on: 3/9/2020 10:35:45 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/9/2020 11:07:49 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which improves regulations on electronic smoking devices.

Electronic smoking devices are used in a similar manner as cigarettes, yet are not taxed as such. The American Academy of Pediatrics strongly supports regulation and taxation of electronic smoking devices to prevent initiation of use, especially by young people.

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

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

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**SB-2227-SD-2**

Submitted on: 3/9/2020 11:16:32 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:



**SB-2227-SD-2**

Submitted on: 3/9/2020 11:20:42 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Members of the committee, I testify in **STRONG OPPOSITION to SB2227 SD2.**

For smokers, **ecigarettes are a miracle** – in the vaping community I have seen countless individuals seriously improve their health, including documented medical improvements in lung function and imaging, by switching from smoking to vaping. People are beating multi-decade cigarette habits, sometimes literally overnight, with vaping. **Many in early stage COPD have REVERSED the damage by switching to vaping.** It is an utter mystery why any government or health organization would not support this miracle and instead consign so many people to worse health outcomes and death. In fact, the level of disinformation surrounding this literally lifesaving product borders on criminal.

Vaping is not smoking, it is the SOLUTION to smoking, yet every year the legislature tries to ban it or tax it into submission again. It is past time for the state to recognize that vaping is one of the best harm-reduction technologies ever invented and embrace it.

- **Nicotine ecigarette risk is assessed at least 95% less than smoking cigarettes**, and a recent study confirmed it to be **twice as effective for quitting smoking as patches, gum, and other similar products.** This is why the UK's public health system embraces ecigarettes as smoking harm reduction and even places vape shops in hospitals.
- Regular commercial, **legal nicotine (or no-nicotine) e-cigarette use or vaping is not linked to lung injury, let alone death.** The CDC has conclusively linked the recent outbreak of illness to specific chemicals used by illegal THC/cannabis/marijuana concentrates dealers. These are two very different products and markets. The state department of health must be aware of this and must not lie about it.
- The so-called "youth epidemic" is overblown. **The vast majority of youth reporting in the 2018 and 2019 youth tobacco surveys are not habitual users**, and of the ones that are, the great majority are or were tobacco users. And as the statistics show, youth smoking is down. This means that vaping, while novel and interesting to experimenters being an ascendant technology, is in fact doing the same thing in youth as it is in adults -- displacing smoking. This is good.



**SB-2227-SD-2**

Submitted on: 3/10/2020 1:35:27 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 6:34:07 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 3:10:03 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Aloha,

I have smoked cigarettes for 20 years, I have been tobacco free for 8 years. I have been tobacco free due the accessibility of vaping products at an affordable price. It is hard enough as it is with the cost of living being so high, this bill will put many tax paying businesses out of business, it turn will cost the state the lost in that tax revenue.

Mahalo

Jeff Albo

**SB-2227-SD-2**

Submitted on: 3/10/2020 7:07:50 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 7:27:10 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Vape products should be considered tobacco and as such should be taxed. If tobacco can be taxed, then so can vape products.

**SB-2227-SD-2**

Submitted on: 3/10/2020 7:32:33 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:



**SB-2227-SD-2**

Submitted on: 3/10/2020 7:51:38 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

03-10-20

**RE:SB2227**

I continue to strongly support this Bill, to tax and regulate vape products. I know this is necessary, along with strong and comprehensive therapeutic and clinical programs, to help prevent "youth initiation and nicotine addiction" in our state.

John A. H. Tomoso+, MSW

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

cc: CTFH-Maui

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:06:34 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I oppose classifiing e-cigs as a tobacco product. E-cigs are the opposite of a tobacco product being it is the #1 way to quit conventional cigarettes and has ZERO carcinogens. Bills wanting to lump e-cigs with tobacco are done in an effort to tax them and increase their price. STOP misleading legislation!

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:07:51 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:10:23 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Please pass SB2227 as it will help in controlling the legal use and purchase of electronic cigarettes and the juices used in them, as the devices and juices often use nicotine and should be included as tobacco products. Increasing the requirements that all electronic cigarette vendors be licensed and permitted will further this control. Presently there is no regulation on these products, and regulation will bring the State funding that can be used on tobacco use prevention programs.

Please pass this bill.

Mary Santa Maria

Makawao, Hi. 96768

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:17:19 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**As a nurse, parent, and teacher concerned about the prevalence of vaping in our middle and high schools in Maui County, I am writing in strong support of SB2227. We have an epidemic of youth vaping/e-cigarette use in Hawaii and this is a multi-pronged approach to help curb it. Taxing tobacco products is a proven way to reduce youth initiation. Limiting online shipment of tobacco products to those with a license will reduce access to electronic smoking devices for our youth. Allocation of funds from taxes on these tobacco products towards education and prevention programs will raise awareness about the health risks of electronic cigarette use which are still widely unknown or underestimated in our community. As a nurse with training as a tobacco cessation specialist, I have seen first-hand how hard it is for people to quit tobacco; so much better for us to keep our keiki from getting addicted in the first place!**

**Mahalo,**

**Kathleen Hagan, MS, APRN, ANP-BC**

**Paia, Maui**

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:33:27 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Protect our keiki and ensure that there are safeguards in place to ensure that kids cannot access vaping products AND there are health education and prevention programs in place to ensure that our keiki understand the risks of these products.

I fully support that we:

1. Apply a tax e-liquids and electronic smoking devices containing e-liquid;
2. Require electronic smoking device and e-liquid wholesalers to obtain a license and e-smoking device and e-liquid retailers to obtain a tobacco permit
3. Increase the price for license and permit fees
4. Allocate funds for health education and prevention programs relating to risks and dangers of youth electronic smoking device use.
5. Restrict online sales to tobacco licensees only

Do what is right and support this legislation to protect our keiki.

Suzanne Fields

Haiku, Maui

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:38:54 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 8:56:03 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

My name is Irene Papaconstadopoulos, MD. As a Pediatrician serving the community of Maui, I strongly support this Bill. I daily see youth exposed to e cigarettes, easily having access to these products and misinformed about their health dangers.

**Tobacco License and Permit requirement:**

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

**Electronic Smoking Device tax:**

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

**Online Sales:**



- **Restricting online sales and shipment of tobacco products to only tobacco licensees will help to prevent youth access to these products and enforce current laws.**

#### **Funding for e-cigarette health and education programs for youth**

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:00:59 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Sb2227 will cause undue burdens on businesses.

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:15:09 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:22:33 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I oppose this bill. I feel as though eCigs shouldn't be categorized as tobacco because it's healthier and it would only make it harder for people that are getting off of smoking tobacco products. Why would you want to make it harder for the working man. Thank you for your time.

# EMMA WHITNEY

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# PHOTOGRAPHY

To Whom it May Concern,

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

I am writing regarding the upcoming hearing for the measure HB 2227 I am testifying in STRONG, and UNYIELDING SUPPORT of HB 2227.

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

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

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

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

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

Mahalo for doing right by our community.

Aloha,  
Emma Whitney



**SB-2227-SD-2**

Submitted on: 3/10/2020 9:44:52 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Dear Chair & Members

Aloha,

My name is Jostin I am a former smoker of 20 year's, I strongly oppose Senate SB2227 SD2, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic 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 as a law abiding citizen while vaping should be a right that shouldn't be taken away from legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, 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, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. 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 dont 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" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use, state and nation wide. It will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact 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 this

Testimony in Opposition:

Since their introduction to the U.S. market in 2007, e-cigarettes and vaping devices—

tobacco harm reduction products that are 95 percent safer than combustible cigarettes—have helped more than three million American adults quit smoking.

#### 1. Economic Impact

According to the Vapor Technology Association, in 2018, the industry created 451 direct vaping-related jobs, including manufacturing, retail, and wholesale jobs in Hawaii, which generated \$18 million in wages alone.[1] Moreover, the industry has created hundreds of secondary jobs in the Aloha State, bringing the total economic impact in 2018 to \$100,745,600. In the same year, Hawaii received more than \$9 million in state taxes attributable to the vaping industry. These figures do not include sales in convenience stores, which sell vapor products including disposables and prefilled cartridges. In 2016, average national sales of these products eclipsed \$11 million.[2]

#### 2. State Health Department Data

As of November 13, 2019, the Hawaii Department of Health (HDH) has reported four cases of vaping-related lung illnesses.[3] HDH notes that two of the patients are adults and “two are adolescents.” There is no further information on gender and/or substances vaped. This is alarming because many state health departments have already linked vaping-related lung illnesses to the use of products containing tetrahydrocannabinol (THC) and provided this information in their own updates. The Heartland Institute gives HDH a grade of D for information available on vaping-related lung illnesses.

#### 3. More Information Needed

The most recent report on youth e-cigarette use in Hawaii is from the 2017 Hawai'i Youth Tobacco Survey.[4] According to the survey, in 2017, 20.9 percent of Hawaii high school students reported using a vapor product at least once, in the 30 days prior to the survey. There is no information on frequent and/or daily use. Only 26.4 percent of Hawaii high school students reported “flavors” as a reason for using e-cigarettes. Further, in 2017, 80.6 percent of Hawaii high school students believed “all e-cigarettes are dangerous.” More data is needed to understand the effects of public health campaigns on youth e-cigarette use.

#### 4. Youth Sales Miniscule

From January 1, 2018 to September 30, 2019, the U.S. Food and Drug Administration (FDA) administered 615 tobacco age compliance inspections in Hawaii, in which the agency used a minor in an attempt to purchase tobacco products.[5] Of those, 26, or 4 percent, resulted in a sale to a minor. Of the violations, 9 (34 percent of violations and 1 percent of all compliance checks) involved the sale of e-cigarettes or vaping devices. The number of violations involving sales of cigars and cigarettes were 2 and 15, respectively, during the same period.

#### 5. Misspent Money

In 2019, Hawaii received an estimated \$160.3 million in tobacco taxes and tobacco settlement payments. In the same year, the state spent only \$4.5 million, or 2 percent on funding tobacco control programs, including education and prevention.[6]

#### Policy Solution

Electronic cigarettes and vaping devices have proven to be tremendous tobacco harm reduction tools, helping many smokers transition away from combustible cigarettes. Despite recent fearmongering, their use is significantly safer than traditional cigarettes, as noted by numerous public health groups including the Royal College of Physicians,[7] Public Health England,[8] and the American Cancer Society.[9] Rather



than restricting their use, and undoubtedly reducing public health gains and millions of dollars in economic output, lawmakers should dedicate existing tobacco funds on programs that actually reduce youth use.

#### Key Points:

1. Hawaii's vaping industry provided more than \$100 million in economic activity in 2018 while generating 451 direct vaping-related jobs. The national average of sales of disposables and prefilled cartridges exceeded \$11 million in 2016.
2. As of November 13, 2019, HDH has reported four cases of vaping-related lung illnesses. HDH notes two of the patients are adolescents and two are adults and offers no other information. HDH earns a D for its reporting on vaping-related lung illnesses.
3. In 2018, 20.9 percent of Hawaii high school students reported using vapor products on at least one day in the previous 30 days. Only 26.4 percent of Hawaii high school students cited flavors as a reason for e-cigarette use. More data is needed.
4. Only 1 percent of FDA retail compliance checks in Hawaii resulted in sales of e-cigarettes to minors from January 1, 2018 to September 30, 2019.
5. Hawaii spends very little on tobacco prevention. In 2019, Hawaii dedicated only \$4.5 million or 2 percent of what the state received in tobacco settlement payments and taxes.

#### References

- [1] Vapor Technology Association, "The Economic Impact of the Vapor Industry HAWAII," 2019, <https://vta.guerrillaeconomics.net/reports/9aa96bb8-b7c8-4100-9611-f0acc6612e31?>
- [2] Teresa W. Wang et al., "National and State-Specific Unit Sales and Prices for Electronic Cigarettes, United States, 2012-2016," Preventing Chronic Disease, Centers for Disease Control and Prevention, August 2, 2018, [https://www.cdc.gov/pcd/issues/2018/17\\_0555.htm](https://www.cdc.gov/pcd/issues/2018/17_0555.htm).
- [3] Hawaii Department of Health, "Medical Advisory: Additional Cases of Vaping Associated Lung Injury and Diagnostic Algorithm," November 13, 2019, [https://health.hawaii.gov/docd/files/2019/11/Med-Advisory-EVALI\\_13Nov19.pdf](https://health.hawaii.gov/docd/files/2019/11/Med-Advisory-EVALI_13Nov19.pdf).
- [4] Lance Ching, Ph.D., et al., "Data Highlights from the 2017 Hawai'i Youth Tobacco Survey," Hawai'i State Department of Health, June 29, 2018, [http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS\\_2017\\_Report.pdf](http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf).
- [5] U.S. Food and Drug Administration, "Compliance Check Inspections of Tobacco Product Retailers," September 30, 2019, [https://www.accessdata.fda.gov/scripts/oce/inspections/oce\\_insp\\_searching.cfm](https://www.accessdata.fda.gov/scripts/oce/inspections/oce_insp_searching.cfm).
- [6] Truth Initiative, "Tobacco use in Hawaii," June 28, 2019, <https://truthinitiative.org/research-resources/smoking-region/tobacco-use-hawaii-2019>.
- [7] Royal College of Physicians, Nicotine without Smoke: Tobacco Harm Reduction, April 2016, <https://www.rcplondon.ac.uk/projects/outputs/nicotinewithout-smoke-tobacco-harm-reduction-0>.
- [8] A. McNeill et al., "Evidence review of e-cigarettes and heated tobacco products 2018," Public Health England, February 2018, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684963/Evidence\\_review\\_of\\_e-cigarettes\\_and\\_heated\\_tobacco\\_products\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684963/Evidence_review_of_e-cigarettes_and_heated_tobacco_products_2018.pdf).
- [9] The American Cancer Society, "What Do We Know About E-Cigarettes?" June 19,

2019, <https://web.archive.org/web/20190806152535/https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/e-cigarettes.html>.

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

Mahalo Nui Loa for your time & consideration

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:55:22 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Dont Raise taxes!!!!

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:55:51 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**Position: Strong Support**

As a RN and public health advocate, I am asking you to do the right thing for the future of our keiki. It's much easier and less costly to prevent a keiki from a lifetime of challenges than it is to treat an adult who will struggle and suffer for a lifetime.

The following are highlighted areas of significance regarding this bill:

Tobacco License and Permit requirement:

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

Electronic Smoking Device tax:

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

Online Sales:

- Restricting online sales and shipment of tobacco products to only tobacco licensees will help to prevent youth access to these products and enforce current laws.

Funding for e-cigarette health and education programs for youth

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

Mahalo for doing the right thing for our keiki before we lose a generation to nicotine addiction.

Shelly Ogata, RN, MPH

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:58:59 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Since their introduction to the U.S. market in 2007 e-cigarettes and vaping devices and tobacco harm reduction products that are safer than combustible cigarettes have helped more than 3 million American adults quit smoking.

Aloha,Jonah Manuel

February 12, 2020

Aloha,

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

Our community is predominantly Native Hawaiian, data shows that our people have the highest use rate in our state. Something more has to be done to turn the tide away from these harmful devices. Please remove the penalties for children. If there are penalties, our community of young native Hawaiians will be impacted the most. By removing the option of purchasing these products sold to children we, the adults are doing something to improve their health and futures (out of jail).

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

Me ka mahalo,

*Moani Aiona*

Moani Aiona, School Counselor  
Hana High & Elementary School

**SB-2227-SD-2**

Submitted on: 3/10/2020 10:18:06 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:



**SB-2227-SD-2**

Submitted on: 3/10/2020 10:18:52 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 10:40:24 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 10:54:03 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 10:55:58 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:06:05 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:20:09 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

By making consumers unable to order products online, it does not allow for people to have a wider array of options if they are unable to find something locally. In addition, a tax increase will significantly affect the cost of vaping items, thus making it unaffordable for people who may find use in these products.

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:23:46 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

By making consumers unable to order products online, it does not allow for people to have a wider array of options if they are unable to find something locally. In addition, a tax increase will significantly affect the cost of vaping items, thus making it unaffordable for people who may find use in these products.

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:08:50 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:



**SB-2227-SD-2**

Submitted on: 3/10/2020 11:24:52 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

By making consumers unable to order products online, it does not allow for people to have a wider array of options if they are unable to find something locally. In addition, a tax increase will significantly affect the cost of vaping items, thus making it unaffordable for people who may find use in these products.

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:55:22 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Regulation of e-cigarettes as a tobacco product is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also fund youth health education and prevention programs on the dangers of e-cigarettes.

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:59:24 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

wife smoked cigarettes for more than fifteen years. She would constantly get sick and would get winded easily She tried quitting many times with no success. After trying vaping she was able to quit over night. She has been smoke free for over a two years now with out the urge to return. Her health has dramatically improved and she can run and play with our children. With out being able to easily access flavored E Liquids through means such as online orders this all would not be possible and she would most likely go back to traditional cigarettes.

Aside from my wife's story, I myself work at a Vape shop. My coworkers and I would have our careers threatened by this bill passing and becoming law. That would take away our livelihood and the means that we provide for our families

On a daily basis at work I meet adults who are of age who tell me how vaping has helped them quit and stay off smoking for a month, a year, five years or more They tell me that vaping was the only way that truly worked for them. Studies show its 95% less harmful. Studies also show vaping gives smokers twice the likelihood of quitting over other methods (le patches, gum, etc)

VAPING IS NOT SMOKING! Alot of your supporting details bundle the two together and they are not the same thing.

A more effective path you could presue would be stricter punishments for retailers that sell to underage and for parents of kids caught vaping. Parents need to be accountable for their children. Often times they are the ones buying it for the kids. In closing I wish to express opposition to SB2227 and any other flavor ban. Thank you for your time and consideration.

Daniel Drapesa

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:59:43 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I am appalled that Hawaii has become a state where our politicians feel free to take away peoples freedom to choose without doing research. I am an adult that likes flavors! The fact that teens are breaking the law should not have my freedoms imposed upon! Enforce the law and stop forcing Hawaiians to move away from our state due to mainland politics!

**SB-2227-SD-2**

Submitted on: 3/10/2020 12:03:13 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 12:08:36 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 12:29:28 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Honorable Senators:

I strongly oppose SB2227. Please vote against SB2227. This bill will further burden voters with unnecessary tax increases.

Respectfully submitted,

Theresa Revell

**SB-2227-SD-2**

Submitted on: 3/10/2020 12:31:52 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:



**SB-2227-SD-2**

Submitted on: 3/10/2020 12:50:20 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

As a parent and health educator, I min strong support of SB2227. I have watched the youth vaping epidemic get out of hand. Our youth are dependant on us to protect them. We need to start by regulating sales of ESDs. As more youth become addicted to nicotine, their lives are changed in many ways that are not healthy for them. Please help us to protect our youth from nicotine addiction by passing SB2227.

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:10:20 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

**SB 2227 STRONG SUPPORT FOR REGULATION AND TAXATION OF ELECTRONIC VAPE PRODUCTS**

OF COURSE, electronic tobacco delivery systems, vaping products, need clear and PROTECTIVE regulations to stop these harmful products from continuing to harm OUR children. These adult-only harmful products must be delivered only to specified retail outlets which can guarantee non-minor sales. The vaping industry says “cotton candy’ nicotine vapers are for adults? Make sure these are only located in adult regulated areas for sale and NO INTERNET SALES which so easily become deadly products (it’s an epidemic NOW! 25.5% of high schoolers vape in Hawaii!) in the hands of underage smokers. In addition, vaping should be HIGHLY TAXED to provide education, cessation and healthcare related programs to stop this invasion of new-vape-style addiction in our state.

Laurie L. Tanner  
Highly Qualified HI, CA Educator, Ret.  
Author, “All About Alcohol, Drugs & Babies”

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:39:08 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
katy	Individual	Comments	No

Comments:

I dont think ANYONE should be targed by tabaco, especially kids, it would ruin their future. I have seen people with tabaco addictions and its not good. All we dont need is people getting addicted at a young age and it changing their furure for the worse. Once they get out in the world it will be even harder for them, and they could make it harder for other people to mabey getting them addicted too. One person can cause a chain reaction.

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:33:41 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Aloha Chair and Members, I strongly oppose SB2227. Due to all of the false information put out in the media it has caused such a big stigma in the vape industry. This has caused such a huge scare among individuals causing them to go back and smoke traditional cigarettes. The information put out by individuals claiming that vaping has caused them to have medical issues was false and was due to them vaping illegal THC cartridges. These are the reasons we are in this situation as we speak. I'm an adult and I love to vape flavors, by banning flavors it will cause more harm than good. Individuals especially the minors will go out and try to make their own e-liquid and it will be more dangerous. Instead of banning flavors we need more enforcement for youth vaping. These minors are still going to find a way to get it so why not enforce the rules and issue fines to them and parents instead.

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:32:29 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I am an 8th grade student from Hana High and Elementry and I am against youth vaping because its contains many issues with the body at all ages but youth vaping can be the worst bc it can cause cancer,popcorn lungs, and may other diseases at a young age and sometimes causes serious injuries and/or death. So i feel that youth vaping should be baned forever.

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:29:12 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

My testimony is drugs are really bad for adults and kids because some kids see there perants smoking so they think its fine but it is really bad for us.

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:28:14 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Im a student from Hana school and im against electric smoking products because they attract kids and there bad for there lives and may affect there future lives.



**SB-2227-SD-2**

Submitted on: 3/10/2020 1:27:29 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**Hi, I am a student in the 8th grade at Hana School. I would really appreciate it if you guys will take all electronic devices that have to do with smoking. All products to do with vaping is bad. I have seen the bad effects it has had on students here at our school. Many students doing it have been caught on campus and suspended from school. Students also have to go through a drug program that is supposed to help them, but I see it is not really helping. So if you would get rid of it before us students can get to it, you will be helping us out by stopping it from getting out in stores. I know that the products out there now are targeting us students because it is flavored and makes us all want to try it. Adults are not responsible to even have this because they allow their children to get a hold of it and use it. Stopping it all at once will help the adults and students stop smoking.**

**Please get all vape products off of shelves and out of reach from both adults and children. You can make a difference. Help save the younger and newer generations.**

**Thank you,**

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:23:34 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

My name is Seaena, im in 8th grade and i think tobaco companies should not target students or young children like us teenagers because tobaco products are bad for our health.Also it could hurt or kill us teenagers because our bodies are still developing,and with all the chemicals you guys put in that shit its bad for our body!!!.PUT A STOP TO IT!!! Ban flavors in all tobacco products and dont have penalties for youth so they can get adult help.

from seaena

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:22:50 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Vaping is bad for you and you can get lung cancer

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:21:06 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Hi, I am a student at Hana School. Im a 8th grader and I am writing to you tell you that you need to make a decision that will save us from poor health. I want you to end the sale fo flavored tobacco products so that student like me do not get a hand on those products. I see that it is a problem here at our school with student, getting in trouble for using them. So if you stop it from being made, it will make us have a better life in the future. Make that decision in ENDING SALES OF ALL TOBACCO PRODUCTS.

Mahalo,

Julian

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:17:17 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:13:54 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

I was force against my will to testify.

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:13:58 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

i was forced against my will to testify

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:12:55 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

Mahalo,

Shaunnie



**SB-2227-SD-2**

Submitted on: 3/10/2020 1:12:34 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:12:16 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:11:09 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 1:11:01 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

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

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



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

STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

To: The Honorable Roy M. Takumi, Chair;  
The Honorable Linda Ichiyama, Vice Chair;  
and Members of the House Committee on Consumer Protection & Commerce

From: Rona M. Suzuki, Director  
Department of Taxation

Re: **S.B. 2227, S.D. 2, Relating to Electronic Smoking Products**

Date: Wednesday, March 11, 2020

Time: 2:00 P.M.

Place: Conference Room 329, State Capitol

The Department of Taxation (Department) **supports** S.B. 2227, S.D. 2. This measure makes multiple amendments to Chapter 245, Hawaii Revised Statutes (HRS). These amendments will enable improved regulation of the sale of e-liquid and electronic smoking devices. S.B. 2227, S.D. 2, has a defective effective date of June 18, 2050.

The Department appreciates the increase in license fees in Section 245-2, HRS, and permit fees in Section 245-2.5, HRS. In most cases, the current fee amount does not cover the cost to the State to issue the license.

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



## HIPHI Board

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Kaiser Permanente

Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: March 10, 2020

To: Representative Roy Takumi, Chair  
Representative Linda Ichiyama, Vice Chair  
Members of the Consumer Protection and Commerce  
Committee

Re: Strong Support SB 2227, SD2, Relating to Electronic Smoking  
Products

Hrg: March 11, 2020, 2:00 PM at Conference Room 329

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> is in **Strong Support of SB 2227, SD2** which:

- (1) restricts the shipment of e-liquids or electronic smoking devices (ESDs) to anyone other than a licensed tobacco retailer;
- (2) imposes a tax on ESDs similar to tobacco products and requires ESD and e-liquid wholesalers to obtain a license and ESD and e-liquid retailers to obtain a tobacco permit;
- (3) increases the fee for licenses and permits; and
- (4) allocates a portion of the ESD tax revenue to the Tobacco Prevention and Control Trust fund for health education, prevention, and cessation programs relating to risks and dangers of ESD use by youth.

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

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

rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations<sup>iv</sup>.”

**ESDs are the only tobacco product without a tobacco tax.**

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll<sup>v</sup> conducted by Ward Research Inc. for the Coalition in November 2019, 86% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth.

**Hawai'i voters strongly support dedicating a portion of the funds towards tobacco control.**

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

**ESD licensing and permitting protects both consumers and merchants.**

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

**The restriction of online shipment of ESD products will correct a loophole in our minimum age selling and tax laws.**

Online ESD sellers simply ask users to click a button to verify their age – a process that is both ineffective and inadequate. Restricting the shipment of tobacco products to anyone other than a tobacco licensee will help to correct this loophole and allow the State to enforce current tobacco selling and taxation laws.

To reiterate, 25.5% of our high school youth reported that they are regularly vaping. However, our adult rate is 4.3%<sup>vi</sup>. A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes<sup>vii</sup>. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids. The current Surgeon General, VADM Jerome Adams issued an advisory in December 2018 “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people<sup>viii</sup>.”

Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support SB 2227, SD2 and respectfully ask you to pass this measure with the requested amendment out of committee.

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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

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

<sup>ii</sup> 2017 Youth Risk Behavior Surveillance System (YRBS).

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

<sup>iii</sup> U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General (2017)*. From [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Exec\\_Summ\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)

<sup>iv</sup> Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796.

<https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>

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

<sup>vi</sup> 2016 Behavioral Risk Factor Surveillance System (BRFSS).

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

<sup>vii</sup> Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis Samir Soneji, PhD<sup>1,2</sup>; Jessica L. Barrington-Trimis, PhD<sup>3</sup>; Thomas A. Wills, PhD<sup>4</sup>; et al JAMA Pediatr. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

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





## Hawaii Dental Association

To: House Committee on Consumer Protection & Commerce  
Time/Date: 2:00 p.m., March 11, 2020  
Location: State Capitol Room 329  
Re: SB 2227, SD2, Relating to Electronic Smoking Products

Aloha Chair Takumi, Vice Chair Ichiyama and members of the Committee:

The Hawaii Dental Association (HDA), a professional association comprised of approximately 950-member dentists, is in **strong support** SB 2227, SD2, relating to the electronic smoking products. This bill, among other provisions, makes it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices. It requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

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

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

Mahalo for the opportunity to testify in support of SB 2227, SD2.

**SB-2227-SD-2**

Submitted on: 3/10/2020 3:02:15 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Algire	Hawai`i Children's Action Network Speaks!	Support	No

Comments:



## American Heart Association testimony for SB 2227, SD2 Relating to Electronic Smoking Products

### Chairman of the Board

Glen Kaneshige

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The American Heart Association **supports the intent of** SB 2227, SD2 which includes e-liquid and electronic smoking devices within the definition of “tobacco products” in existing cigarette tax and tobacco tax state law, requires that wholesalers and retailers of electronic smoking devices obtain a tobacco license/permit, increases the license fee for wholesalers or dealers and the retail tobacco permit fee, and increases funding for community tobacco prevention and control programs. **The Association however suggests an amendment to Section 2 in the bill. As currently written, the bill would make it unlawful to “receive any shipment of e-liquids or electronic smoking device” other than a licensed tobacco retailer. That section has no enforcement mechanism, and we are concerned that if fines were added that those fines could be applied to minors ordering online. We therefore suggest that Section 2 be amended to make it unlawful to “ship” e-liquid and electronic smoking devices to a recipient other than licensed tobacco retailer, and to add appropriate fines for failure to comply with the law.**

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. As stated in the bill’s preface, Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate.

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

The American Heart Association is working to combat this problem the same way we have battled health problems for nearly a century: We’re relying on the science.

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

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

### Safety of vaping vs. cigarettes

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

The problem is, no one knows if vaping is safe in the long run because e-cigarettes haven’t been around long enough to be studied deeply. Some diseases can take years

and even decades to develop, including cancer and atherosclerosis (artery blockages that can cause heart attacks and strokes).

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

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

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

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

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

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

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

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

### **E-cigarettes as tools to quit smoking**

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

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

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

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

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

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

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

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

### **The dangers of nicotine and the unknown**

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

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

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

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

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

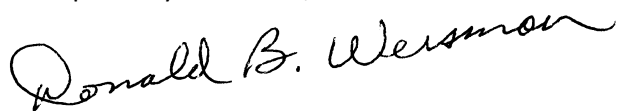
By adding e-liquid and electronic smoking devices within the definition of the state's "tobacco products" it would apply the tobacco tax to those products. This would have the greatest impact on reducing e-cigarette use rates among the youth market, which is more price sensitive, and which is the most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

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

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii's less than \$5 million investment in tobacco prevention, control and cessation programs last year pale in comparison, and fall well short of the Centers for Disease Control's (CDC) best practice recommendation of a \$13.7 million annual investment. We suggest that the allocation of \$2 million which originally appeared in the SD1 version of this bill, which would fund community prevention, education and cessation programs, would help to increase the desired impact of this legislation by further reducing the use of electronic smoking devices by our youth and most health vulnerable populations.

The American Heart Association urges you to amend SB 2227, SD2 to make it illegal to ship e-liquid or electronic smoking devices except to licensed tobacco retailers, and to significantly fund tobacco prevention, control and cessation programs to more effectively educate Hawaii's public against the tobacco industry's annual marketing investments in Hawaii.

Respectfully submitted,



Donald B. Weisman

Hawaii Government Relations/Communications Director



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

House Committee on Consumer Protection and Commerce  
Representative Roy Takumi  
Representative Linda Ichiyama

### **SB 2227 SD2 – RELATING TO ELECTRONIC SMOKING PRODUCTS**

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

Thank you for the opportunity to provide testimony in support of SB 2227 SD2, which establishes unlawful shipment for the sale of e-liquid and electronic smoking devices, applies the tax on other tobacco products to e-liquids, increases the license and permit fees for wholesalers, dealers, and retailers engaged in the sale of tobacco products and allocates an unspecified portion of funds collected from excise taxes on tobacco products to tobacco control programs. Measure is effective on June 18, 2050.

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

The following statistics highlight the problem we are facing.

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

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

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

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





TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 11, 2020  
Re: SB 2227 SD2  
RELATING TO ELECTRONIC SMOKING PRODUCTS

Good afternoon Chairperson Takumi and members of the House Committee on Consumer Protection & Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

We OPPOSE SB 2227 SD2 Relating to Electronic Smoking Products. This measure makes it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices; requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; allocates a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth, regarding the risks and dangers of the use of electronic smoking devices; repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking device; and is effective 6/18/2050.

Retail has changed over the years in how products are purchased. We are seeing a surge in online sales for all types of merchandise. It almost impossible for anyone under the age of 21 to purchase vape products from reputable law abiding local online or at a brick and mortar retail stores. The online verifications vetting process is intense to ensure those purchasing are 21 or older.

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

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee by 10,000% will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean many mom and pop convenient corner stores would close their doors for good and leave many people out of work. We question what the real purpose of the absorbent tax hike increase is really for.

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

**SB-2227-SD-2**

Submitted on: 3/10/2020 2:04:41 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

1/29/2020

Dear Members of the Committee,

My name is Andrea Snow, and I live and work on Maui. I lost my grandfather and aunt to lung

cancer, so I understand how smoking and lung disease devastates families. My grandfather was

so addicted to nicotine, he continued to secretly smoke after having part of a lung removed.

I am a public health professional and often go into schools to speak with students about taking care of their health. It is devastating to

know that many of these young people are already addicted to nicotine, because they've been hooked by flavored electronic vaping devices.

I am in support of SB2227, because electronic smoking devices should not be exempt from tobacco taxes, and they need to be taxed like other tobacco products. Currently there is no

tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid,

which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based

products. Right now, without the tax, the price of some e-liquids is offered as low as \$0.99 cents

per bottle. We need to stop this addictive product from being priced like a candy bar.

Taxing tobacco products is a proven strategy to reduce youth initiation. SB2227 will help reverse the vaping epidemic. Please keep the following measures:

1. Apply a tax e-liquids and electronic smoking devices containing e-liquid;
2. Require electronic smoking device and e-liquid wholesalers to obtain a license and e-smoking device and e-liquid retailers to obtain a tobacco permit
3. Increase the price for license and permit fees
4. Allocate funds for health education and prevention programs relating to risks and dangers of youth electronic smoking device use.
5. Restrict online sales to tobacco licensees only

Please pass SB2227 to regulate electronic smoking devices, and stop kids getting addicted to nicotine now, before another generation faces the consequences.

Thank you,  
Andrea Snow, MPH  
61 Kapuai Rd.  
Haiku, HI 96708

**SB-2227-SD-2**

Submitted on: 3/10/2020 3:26:02 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 2:02:06 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Aloha Board. Please OPPOSE Bill SB2227 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS. SO PLEASE OPPOSE THIS BILL.

Thanks for your time.

Valentino Miranda-Kep

**SB-2227-SD-2**

Submitted on: 3/10/2020 4:10:19 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 4:13:53 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

**SB-2227-SD-2**

Submitted on: 3/10/2020 5:10:37 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

From a pediatric point of view, this is pretty simple: nicotine is a poison. Why are we even discussing its unregulated sale to keiki?



March 10, 2020

**Strong Support of SB 2227 RELATING TO ELECTRONIC SMOKING PRODUCTS.**

To the House of Representatives

Hrg: Wednesday, March 11, 2020, 2:00 pm, Conference Room 329

**I strongly support SB 2227 RELATING TO ELECTRONIC SMOKING PRODUCTS, which would regulate e-cigarettes by: (1) Making it unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices. (2) Requires that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. (3) Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. (4) Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. (5) Allocates a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth.**

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

**I strongly support SB 2227 RELATING TO ELECTRONIC SMOKING PRODUCTS and ask you to pass this out of committee.**

Sincerely,  
*Jessica Cambra ~mother of 3 Maui boys*  
*101 Kealahilani Street*  
*Kahului HI 96732*  
*808-280-0055*

**SB-2227-SD-2**

Submitted on: 3/10/2020 11:24:36 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Please support SB 2227 SD2.

This bill extends to electronic delivery devices the effective regulations that Hawaii used to reduce tobacco cigarette use over the last 20 years. These measures have proven effective; they must be used to counteract the tobacco industry's targeting of our youngsters to use electronic smoking devices. Unfettered, the industry will continue to addict our kids. SB 2227 is an important step in curbing the tobacco industry

**SB-2227-SD-2**

Submitted on: 3/10/2020 9:22:15 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Hi All

I **STRONGLY OPPOSE** this bill the way it is written. Sales of flavored ecig juice to responsible adults should be legal and the choice of the responsible adult. The medical industry and deep pocket non profits will always be against something that they deem as a menace to society. The freedom of choice should be given to responsible adults and not be based on those that break the laws such teens. **Stronger penalties for both the TEENS and their PARENTS will have a bigger effect on curbing the use not creating laws to ban products.**

I do understand the recent news articles have dramatically hyped up the usage of e-cigarettes in a bad way, but you have to review both sides and all the studies. Increasing taxes on a product doesn't curb the usage or demand but it further increases the use of black mark items which spurred up all the illness.If you compare the usage in the Bill \$1.3M teens started or are using compared to all the teens in the US that number is very small. It's like all the teens doing drugs and alcohol which is higher than that compared to ecigs. The numbers are a pure exaggeration used as a scare tactic to pass laws.

**The problem is not the product but the illegal usage by underage users.** Instead of taxing and penalizing small businesses or responsible adults who use the product, penalize the underage users, if someone sells to an underage user penalize them, same with cigarettes and alcohol.

**1. Flavors Aren't Main Driver of Youth Use**

Despite media alarmism, youth tobacco surveys overwhelmingly indicate that flavors are not the primary reason youth are using electronic cigarettes. For example, only 23.9 percent of Connecticut high school students reported "flavors" as a reason for using e-cigarettes in 2017, compared to 41.6 percent who reported they used a vapor product because a friend and/or family member had used them.[\[1\]](#) Similarly, only 26.4 percent of Hawaii high school students cited flavors as a reason to use e-cigarettes in

2017.<sup>[2]</sup> In 2019, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them.<sup>[3]</sup> Only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes in 2017, and 33 percent cited friends and family members.<sup>[4]</sup> Lastly, only 6.2 percent of Virginia high school students reported using e-cigarettes because of flavors, while 11.3 percent used them because a friend and/or family member used them.<sup>[5]</sup>

## **2. Flavor Bans Don't Reduce Youth Use**

Although lawmakers would have you believe otherwise, flavor bans have not reduced youth use. The Heartland Institute analyzed results from the 2017-18 California Youth Tobacco Survey (CYTS) and found that despite flavor restrictions in some localities, youth use of e-cigarettes in those areas *increased* after the bans went into effect.<sup>[6]</sup> Santa Clara County, California banned flavored tobacco product sales to age-restricted stores in 2014. Yet, youth e-cigarette use *increased* while the ban was in effect. For instance, in the 2015-16 CYTS, 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

## **3. Flavors Help in Tobacco Harm Reduction**

A 2018 survey of nearly 70,000 American adult vapers “found flavors play a vital role in the use of electronic cigarettes and vaping devices.”<sup>[7]</sup> Moreover, 83.2 percent and 72.3 percent of survey respondents reported vaping fruit and dessert flavors, respectively, “at least some of the time.”<sup>[8]</sup> A 2017 study discovered older adults “use of an e-cigarette flavored with something other than tobacco (69.3%) was ... significantly higher than the same at initiation (44.1%).”<sup>[9]</sup> Thus, e-cigarette users often first consume tobacco flavored e-liquids and products but then transition to other flavors, helping aid their cessation of combustible cigarettes.

## **4. Flavor Bans Produce Negative Economic Effects**

Ultimately, a flavor ban would destroy the vapor industry. According to the Vapor Technology Association, in 2018, the industry created 87,581 direct-vaping related jobs, including manufacturing, retail, and wholesale jobs, which generated more than \$3.2 billion in wages alone.<sup>[10]</sup> Moreover, the industry has created thousands of secondary jobs in the United States, bringing the industry's total economic impact in 2018 to \$24,457,512,300. In the same year, the industry provided more than \$4.9 billion in taxes. In 2016, 78 percent of e-liquid sales were flavored, and 69 percent of disposable vapor product sales were flavored and menthol products.<sup>[11]</sup>

## **Policy Solution**

Despite recent fearmongering, the use of vapor products is significantly safer than traditional cigarettes, as noted by numerous public health groups including the Royal College of Physicians,<sup>[12]</sup> Public Health England,<sup>[13]</sup> and the American Cancer Society.<sup>[14]</sup> E-cigarettes are also twice as effective in helping smokers quit. Further, their use could save states billions in health care-related costs. As with any policy area,

lawmakers should refrain from outright bans and seek out alternative solutions that reduce youth use, while maintaining adult access to tobacco harm reduction products.

**Key Points:**

1. Overwhelmingly, youth are using vapor products because friends and/or family members are using the products. In Heartland's analysis of available youth surveys in five states, only 15.6 percent of high school students cited using e-cigarettes because of flavors.
2. Existing evidence indicates that flavor bans have not reduced youth e-cigarette use in several localities that track this data.
3. Adults rely on flavors in tobacco harm reduction products. In a 2018 survey of nearly 70,000 American adult e-cigarette users, 83.2 percent and 72.3 percent reported vaping fruit and dessert flavors.
4. The vaping industry provided more than \$24 billion in economic activity in 2018, including 87,581 direct vaping-related jobs and provided \$4.9 billion in taxes. Flavors made up 78 percent of e-liquid sales in 2016.

**SB-2227-SD-2**

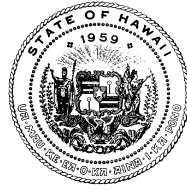
Submitted on: 3/10/2020 11:37:04 PM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments:

Please end the sale of flavored e-cigarettes that appeal to youth and prevent access by restricting online sales to licensed retailers only.



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

**Testimony in SUPPORT of S.B. 2227, S.D. 2  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

REPRESENTATIVE ROY M. TAKUMI, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Hearing Date: March 11, 2020

Room Number: 329

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

4 **Department Testimony:** The DOH supports Senate Bill 2227, Senate Draft 2 (S.B. 2227,  
5 S.D. 2) because it is the only remaining measure with the tobacco control policies recommended  
6 by the Report of the U.S. Surgeon General, “E-Cigarette Use Among Youth and Young Adults,”  
7 to prevent youth access, require licensing, and taxation.<sup>1</sup> These policies are recommended to  
8 protect public health, especially youth, from the harmful effects of tobacco use and initiation.  
9 The bill allows online shipping and purchase of electronic smoking devices (ESDs) only to  
10 licensed tobacco retailers, includes e-liquid and ESDs containing e-liquid in the definition of  
11 tobacco products, adds an excise tax, and requires retailers of ESDs to obtain a permit and  
12 wholesalers/dealers of ESDs to obtain a license. S.B. 2227, S.D. 2 also increases the fee for the  
13 required permits and licenses for retailers and wholesalers.

14 The provisions of S.B. 2227, S.D. 2 provides buffers currently not in place between youth  
15 and the marketing strategy of the tobacco and vaping industry that has exploited social media to  
16 target young consumers with ESDs that often cost less than cigarettes. Youth are price sensitive,

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<sup>1</sup> U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016. [https://www.cdc.gov/tobacco/data\\_statistics/sgr/e-cigarettes/pdfs/2016\\_sgr\\_entire\\_report\\_508.pdf](https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf) [retrieved 3-10-2020]

1 and historically, increasing the cost of cigarettes has been associated with decreasing smoking  
2 rates. Further, recent studies are now showing that increasing the price of e-cigarettes will  
3 reduce consumption by youth.<sup>2,3</sup> The DOH supports taxing e-liquid products, which includes the  
4 e-liquid as well as ESDs containing e-liquid, and also products with e-liquid pre-filled cartridges  
5 or pod-based products. The DOH recommends aligning Section 2 on shipment of e-liquids and  
6 electronic smoking devices with existing requirements that restrict the shipment of cigarettes and  
7 offers amendments. The DOH recommends broadening the definition to include the entire ESD  
8 and its component parts and offers amendments to the definition of Tobacco Products in Section  
9 3, Item 2.

10 The changes in definition and application of the taxation to include ESD, e-liquid, and  
11 component parts as tobacco products will meaningfully increase prices for youth prevention and  
12 cessation. This inclusive definition of the ESDs is consistent with the U.S. Food and Drug  
13 Administration's (FDA) regulatory approach to ESDs as tobacco products. This includes all the  
14 components or parts assembled for the delivery and consumption of a tobacco product.<sup>4</sup>  
15 According to the U.S. Surgeon General, increasing the price of tobacco products is the single  
16 most effective way to reduce consumption.<sup>5</sup> A 10% increase in price has been estimated to  
17 reduce overall cigarette consumption by 3-5%.<sup>6</sup> Research suggests that both youth and young  
18 adults are two to three times more likely to respond to increases in price than adults.<sup>7</sup> For youth,  
19 the Surgeon General's report expects that price increases in particular are likely to help those  
20 youth who are already using e-cigarettes.<sup>8</sup> Twenty-one states and the District of Columbia  
21 (D.C.) now impose some form of e-cigarette taxation.

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<sup>2</sup> Jawad, M., Lee, J. T., Glantz, S., & Millett, C. (2018). Price elasticity of demand of non-cigarette tobacco products: a systematic review and meta-analysis. *Tobacco control*, 27(6), 689–695. doi:10.1136/tobaccocontrol-2017-054056

<sup>3</sup> Pesko, M. F., Huang, J., Johnston, L. D., & Chaloupka, F. J. (2018). E-cigarette price sensitivity among middle- and high-school students: evidence from monitoring the future. *Addiction (Abingdon, England)*, 113(5), 896–906. doi:10.1111/add.14119

<sup>4</sup> U.S. Food and Drug Administration, Interpretation of and Compliance Policy for Certain Label Requirement; Applicability of Certain Federal Food, Drug, and Cosmetic Act Requirements to Vape Shops, Guidance for Industry. Retrieved 2-25-2020: <https://www.fda.gov/media/102420/download>

<sup>5</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2018 Jan 22].

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: US DHHS, CDC, NCCDPHP, OSH, 2016 . [https://www.cdc.gov/tobacco/data\\_statistics/sgr/e-cigarettes/index.htm](https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/index.htm) [retrieved 3-10-2020]



1           Since the U.S. FDA and Surgeon General declaration of the unprecedented youth  
2 e-cigarette epidemic in the fall of 2018, youth use has continued to rise. By 2019, 27.5% of high  
3 school students, nationally, said they vaped compared to 20.8% in 2018.<sup>9</sup> In total numbers, 4.1  
4 million high school youths and 1.2 million middle school youths said they currently use  
5 e-cigarettes.<sup>10</sup> Hawaii youth in 2017 had amongst the highest ESD rates in the nation, with  
6 25.5% high school, and 15.7% middle school students reporting regular use.<sup>11</sup> Youth who use  
7 e-cigarettes have been casualties in the outbreak of e-cigarette or vaping product use associated  
8 lung injury (EVALI) nationwide. The result has been 2,807 confirmed hospitalizations and 68  
9 deaths. More than half of the patients were 24 years old or younger, and 57% reported using  
10 nicotine-containing products, with 14% exclusively using nicotine (as of January 14, 2020).<sup>12</sup>

11           In light of threats like the novel coronavirus 2019 (COVID-2019), evidence-based state  
12 policies are crucial to protect youth from the promotion of ESDs. On January 2, 2020, the U.S.  
13 FDA announced the agency was prioritizing the enforcement of their existing authority only on  
14 flavored cartridge based ESDs products. This limited enforcement excludes menthol,  
15 disposable, tank system, and refillable devices. All the ESD products on sale today are  
16 considered pre-market, that is, they are being sold with no prior FDA testing and approval. This  
17 limited enforcement does not do enough to protect youth since they report using a variety of  
18 ESD products including refillable and disposable devices.<sup>13,14</sup>

19           The DOH supports the components of S.B. 2227, S.D. 2 as part of a comprehensive  
20 approach to create regulatory and tax parity with combustible cigarettes.

21           Thank you for the opportunity to testify.

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<sup>9</sup> Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

<sup>10</sup> Ibid.

<sup>11</sup> Department of Health, [Hawaii Health Data Warehouse, Indicator-Based Information System](#), 2017 Hawaii Youth Risk Behavior Survey.

<sup>12</sup> Centers for Disease Control and Prevention, Office on Smoking and Health. Outbreak of Lung Injury Associated with the Use of E-cigarette, or Vaping, Products, retrieved February 25, 2020 from [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information)

<sup>13</sup> Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. Published online November 05, 2019. doi:10.1001/jama.2019.18387: <https://jamanetwork.com/journals/jama/fullarticle/2755265>

<sup>14</sup> McMillen et al., Adolescent Use of Different E-Cigarette Products. *Pediatric*. Volume 142:4; 2018. Doi: [10.1542/peds.2018-0260](https://doi.org/10.1542/peds.2018-0260)

1 **Offered Amendments:**

2 The DOH offers the following amendment to Section 2, page 8, lines 7 to 13.

3 SECTION 2. Chapter 245, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§245- Unlawful shipment of e-liquids and electronic**  
7 **smoking devices; penalty; reports; liability for unpaid**  
8 **taxes.** (a) A person or entity commits the offense of unlawful  
9 shipment of e-liquids and electronic smoking devices if the  
10 person or entity:

11 (1) Is engaged in the business of selling e-liquids and  
12 electronic smoking devices; and

13 (2) Ships or causes to be shipped any e-liquids and  
14 electronic smoking devices to a person or entity in this State  
15 that is not a licensee under this chapter.

16 (b) This section shall not apply to the shipment of e-  
17 liquids and electronic smoking devices if any of the following  
18 conditions is met:

19 (1) The e-liquids and electronic smoking devices are exempt  
20 from taxes as provided by section 245-3(b); or

21 (2) All applicable Hawaii taxes on the e-liquids and  
22 electronic smoking devices are paid in accordance with the  
23 requirements of this chapter.

24 (c) Unlawful shipment of e-liquids and electronic smoking  
25 devices is a class C felony if the person or entity knowingly

1 ships or causes to be shipped e-liquids and electronic smoking  
2 devices with a value of \$10,000 or more in violation of  
3 subsection (a).

4 (d) Unlawful shipment of e-liquids and electronic smoking  
5 devices is a misdemeanor if the person or entity knowingly ships  
6 or causes to be shipped e-liquids and electronic smoking devices  
7 with a value of less than \$10,000 in violation of subsection  
8 (a).

9 (e) For purposes of this section, a person or entity is a  
10 licensee if the person or entity's name appears on a list of  
11 authorized licensees published by the department.

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

18 (g) For purposes of this section:

19 "Value" means the fair market value at the time of the  
20 offense."

21

22 The DOH offers the following amendment to Section 3, Item 2, starting on page 9, from line 20,  
23 to page 10, lines 1 to 11:

24 2. By amending the definition of "tobacco products" to  
25 read:

1            "Tobacco products" means tobacco in any form, other than  
2 cigarettes or little cigars [~~that is prepared or intended for~~  
3 ~~consumption or for personal use by humans, including large~~  
4 ~~cigars and any substitutes thereof other than cigarettes that~~  
5 ~~bear the semblance thereof, snuff, chewing or smokeless tobacco,~~  
6 ~~and smoking or pipe tobacco.]; including, but not limited to  
7 large cigars and any substitutes thereof other than cigarettes  
8 that bear the semblance thereof, pipe tobacco, chewing or  
9 smokeless tobacco, snuff, snus, e-liquid, electronic smoking  
10 devices containing e-liquid, any cartridge or other component  
11 parts of the device or product containing e-liquid, and related  
12 products."  
13~~

**SB-2227-SD-2**

Submitted on: 3/11/2020 9:48:49 AM

Testimony for CPC on 3/11/2020 2:00:00 PM

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

Comments: