



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2228, S.D. 1, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

LATE

DATE: Tuesday, February 25, 2020 **TIME:** 12:30 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Richard W. Stacey,
Deputy Attorney General, at 586-1203)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General appreciates the intent of the bill and provides the following comments and suggested amendments.

The bill seeks to address the health dangers caused by the use of flavored tobacco products and electronic smoking devices in Hawaii. The bill makes it unlawful for retailers or their agents or employees to sell, offer for sale, or possess with intent to sell a flavored product for electronic smoking devices; mislabel as nicotine-free, or sell as nicotine-free, any e-liquid product containing nicotine; or sell electronic smoking devices, e-liquid, electronic smoking device accessories, and flavored products for electronic smoking devices other than through retail sales via a direct in-person exchange between a retailer and a consumer. The bill also establishes the offense of unlawful shipment of e-liquid products. In addition, the bill adds definitions of “e-liquid,” “electronic smoking device,” and “smoking” to chapter 245, and amends the existing definition of “tobacco products” in chapter 245 to include “e-liquid” and “electronic smoking devices containing e-liquid.”

We note some legal inconsistencies in the bill that should be addressed. First, the bill makes it “unlawful for any retailer or any agents or employees of the retailer” to sell the flavored products for electronic smoking devices, mislabeled e-liquid products

containing nicotine, or electronic smoking devices, e-liquid, electronic smoking device accessories and flavored products for electronic smoking devices other than through retail sales via a direct in-person exchange between a retailer and a consumer. Page 7, lines 12 – 21, to page 8, lines 1 - 3. The penalty subsection, however, specifies that “[a]ny retailer who violates this section may be sentenced to a fine of \$500 per day. Any subsequent offenses shall subject the offender to a fine of not less than \$500 nor more than \$2,500 per day.” Page 8, lines 19 – 20, to page 9, lines 1 – 2. This wording appears to make only the retailer and not the retailer’s agents or employees criminally liable.

We suggest amendments to the wording of the penalty subsection to clarify exactly who will be held criminally liable and what the penalty will be. Retailers selling tobacco products are often incorporated. In addition, persons acting on behalf of a corporation are held legally accountable for their own actions. Section 702-228, Hawaii Revised Statutes (HRS) (a person performing conduct on behalf of a corporation is legally accountable for that conduct “to the same extent as if it were performed in the person’s own name or behalf.”) To make the wording of the penalty consistent with the described offense, we suggest that the penalty section be amended to read “any retailer and any agents or employees of the retailer who violate this section may be sentenced to a fine not exceeding \$500. Any subsequent offenses shall subject the offender to a fine of not less than \$500 nor more than \$2,500.” Also, because retailers can include individuals, corporations, unincorporated associations, and other entities, we suggest including the following definition:

"Entity" means one or more individuals, a company, corporation, a partnership, an association, or any other type of legal entity.

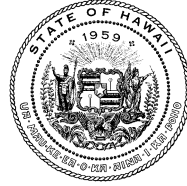
Second, we suggest an amendment to the newly added offense of unlawful shipment of e-liquid products to track the wording of section 245-16, HRS, which it appears to be modeled after, to include a reference to “entities” in addition to a “person,” and use the same wording throughout the new offense. Specifically, on page 5, lines 7 and 8, and page 6, line 16, the term "person" in subsections (a) and (f) of the new section in section 2 of the bill should be

replaced with the phrase "person or entity," to be consistent with the wording in subsections (c), (d), and (e), in addition to section 245-16.

Third, several parts of the bill include wording that does not align with the title of the bill, "Relating to Flavored Tobacco Products for Electronic Smoking Devices," raising a concern about the single subject requirement of article III, section 14 of the State Constitution. This applies to "unlawful shipment of e-liquid products," page 5, line 6, to page 7, line 6; the new offense of mislabeling as nicotine-free, page 7, lines 17 - 19; the new offense of selling electronic smoking devices, e-liquid, and electronic smoking device accessories other than through retail sales via a direct, in-person exchange between a retailer and consumer, page 7, lines 20 - 21, to page 8, lines 1 - 3, (except for the specific reference to "flavored products for electronic smoking devices," page 7, line 21, to page 8, line 1); and the new and amended definitions in section 245-1, HRS, page 11, lines 3 - 21, to page 13, lines 1 - 5. The wording in each of these parts of the bill does not appear to address the subject matter specifically contemplated by the title. A suggested solution would be to make sure each new section conforms with the title by specifically referring to flavored products for electronic smoking devices, or to delete those sections that do not so conform.

Thank you for the opportunity to provide comments on and recommend amendments to this bill.

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



STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
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RONA M. SUZUKI
DIRECTOR OF TAXATION
DAMIEN A. ELEFANTE
DEPUTY DIRECTOR



To: The Honorable Karl Rhoads, Chair;
The Honorable Jarrett Keohokalole, Vice Chair;
and Members of the Senate Committee on Judiciary

From: Rona M. Suzuki, Director
Department of Taxation

Re: S.B. 2228, S.D. 1, Relating to Flavored Products for Electronic Smoking Devices

Date: Tuesday, February 25, 2020

Time: 12:30 P.M.

Place: Conference Room 016, State Capitol

The Department of Taxation (Department) supports S.B. 2228, S.D. 1. This measure makes multiple amendments to Chapter 245, Hawaii Revised Statutes. These amendments will enable improved regulation of the sale of e-liquid.

The Department supports this measure, but respectfully requests the effective date be changed to January 1, 2021 to give the Department time to update its forms and instructions.

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



**Testimony to the Senate Committee on Judiciary
Tuesday, February 25, 2020; 12:30 p.m.
State Capitol, Conference Room 016**

RE: SENATE BILL NO. 2228, SENATE DRAFT 1, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

Chair Rhoads, Vice Chair Keohokalole, and Members of the 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. 2228, Senate Draft 1, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

The bill, as received by your Committee, would:

- (1) Establish the offense of unlawful shipment of e-liquid products under Chapter 245, Hawaii Revised Statutes, the Cigarette Tax and Tobacco Tax Law;
- (2) Prohibit beginning July 1, 2020:
 - (A) The retail sale, possession with the intent to sell, or offer for sale of a flavored product for smoking devices;
 - (B) The mislabeling as nicotine-free, or sale or market for sale as nicotine-free, any e-liquid product that contains nicotine; and
 - (C) The sale of electronic smoking devices, e-liquid, electronic smoking device accessories, and flavored products for electronic smoking devices other than through retail sales via a direct, in-person exchange between a retailer and a consumer;
- (3) Make any statement or claim directed to consumers or the public that an e-liquid or electronic smoking device accessory is flavored prima facie evidence that the product is a flavored product for electronic smoking devices;

- (4) Allow the seizure, forfeiture, and destruction of any flavored product for electronic smoking devices found in a retailer's possession that is in violation of the above;
- (5) Establish civil penalties of \$500 per day per violation;
- (6) Provide that if this law conflicts with any rule or ordinance, the more stringent requirement will prevail; and
- (7) Take effect on July 1, 2020.

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@hawaiipca.net.

SB-2228-SD-1

Submitted on: 2/21/2020 9:23:46 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Testifying for Filipina Advocacy Network FAN	Support	No

Comments:

We respectfully urge you to restrict the sale of flavors that appeal to youth to protect them from a lifetime of nicotine addiction.

SB-2228-SD-1

Submitted on: 2/22/2020 10:04:57 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

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

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

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

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

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

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

Mahalo for your consideration and support of this important measure.

SB-2228-SD-1

Submitted on: 2/22/2020 10:50:56 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Strongly Support SB2228 SD1

1. 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
2. Tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava.
3. Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

www.WeAreOne.cc

SB-2228-SD-1

Submitted on: 2/22/2020 12:43:01 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DOC	Testifying for Irie Hawaii	Oppose	No

Comments:



HAWAII SUBSTANCE ABUSE COALITION

SB2228 SD1 Ban the Sale of Flavored Tobacco

COMMITTEE ON JUDICIARY:

- Sen. Karl Rhoads, Chair; Sen. Jarrett Keohokalole, Vice Chair
- Tuesday, Feb. 25th, 2020: 12:30 pm
- Conference Room 016

Hawaii Substance Abuse Coalition Supports SB2228 SD1:

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

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

- *Given the historic rise in e-cigarettes by youth, banning the sale of flavored and menthol tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern.*
- *In 2019, the prevalence of self-reported current e-cigarette use was high among US high school and middle school students. A cross-sectional survey conducted in 2019 that included 19,018 participants, the prevalence of self-reported current e-cigarette use was 27.5% among high school students and 10.5% among middle school students with many current e-cigarette users reporting frequent use and most of the exclusive e-cigarette users reporting use of flavored e-cigarettes. November 5, 2019; e-Cigarette Use Among Youth in the United States, 2019 Karen A. Cullen, PhD1; Andrea S. Gentzke, PhD2; Michael D. Sawdey, PhD1; et al; <https://jamanetwork.com/journals/jama/article-abstract/2755265>*
- *When Congress banned flavored cigarettes in 2009, there was a correlating reduction in overall tobacco product use by youth of 6.1 percent. Family Smoking Prevention and Tobacco Control Act, passed by the United States Congress in October 2009 bans cigarettes with flavors other than menthol or tobacco. Courtemanche, Charles J.; Palmer, Makayla K.; Pesko, Michael F. (1 May 2017). "Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use". *American Journal of Preventive Medicine*. **52** (5): –139–e146. doi:10.1016/j.amepre.2016.11.019.*

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

SB-2228-SD-1

Submitted on: 2/23/2020 11:03:36 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

We Strongly oppose bill SB2228. First of all this bill infringes on the freedom of ADULTS. Vaping/Smoking is an adult activity. So is drinking alcohol. Alcohol use is nearly identical to vaping use among Hawaii high school students according to a report by the Hawaii Department of Health. Although vaping use is identical to drinking alcohol among teens in Hawaii, Alcohol is never a target. Why? Alcohol has just as many or more flavors. Adults like flavors also!

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

Also SB2228 would take the livelihood away of hundreds of people in Hawaii that are employed by vape shops. The vape shops in Hawaii are mom and pop stores not owned by big tobacco. This bill would devastate these businesses forcing all of them to close including my native Hawaiian owned business and my 30 employees. This is not fair to businesses such as my own that works hard to keep ecig and tobacco out of the hands of minors. We are doing the right things to prevent minors from acquiring tobacco/vape products! We just spent over \$25,000 for specialized software at our chops that scan IDs to further support our employees finding under age and fake IDs.

Finally just a couple of years ago legislators answer to underage smoking and vaping was to raise the age to purchase tobacco products to 21. Did it work? NO! This legislation took freedoms away from adults, has failed horribly and has made the problem worse. Why hasn't any legislator spoken of this failed law? SB2228 will only hurt Hawaii business, take away peoples freedoms and open up the black market to flavored vapes. This is INSANE! This prohibition will only make the black market thrive and hurt Hawaii families by taking away jobs!

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

SB-2228-SD-1

Submitted on: 2/21/2020 3:55:58 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Banning flavors will not solve the issue of underage vaping. This will create a huge black market.

To whom it may concern,

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

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

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

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

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

Vinh Tran,

Resident of Honolulu, Hawaii.

SB-2228-SD-1

Submitted on: 2/21/2020 4:07:16 PM

Testimony for JDC on 2/25/2020 12:30:00 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.

I do support tougher laws/ penalties for those who break the laws as it punishes the guilty party. As with the other Bills that try to limit the usage. There have been recent studies that show that e-cigarettes have helped people quit smoking regular cigarettes (reducing second hand smoke) and contrary to popular belief it doesn't cause lung disease or other illness as stated by the CDC.

"CDC DROPS its warning against vaping nicotine for adults as officials say it's blackmarket THC e-

cigarettes that are 'driving' the outbreak of almost 3,000 lung illnesses"

https://www.dailymail.co.uk/health/article-7900803/CDC-drops-warning-against-vaping-nicotine-adults.html?fbclid=IwAR1n_hqDYRZ07tF5oMc8K_e0wLvVvh8Ik4NUz5Xgjhp3w6B Cuh7MU66Ye9I

Here is another articles that references ecigs from the CDC.

https://reason.org/commentary/cdc-survey-shows-flavors-arent-driving-youth-vaping/?fbclid=IwAR051bwZRSZB4hhH2J_Id_Hqr_9SQafJRaBGrwjWND852H6Uva znRBBfKKY

The problem is the illegal use of ecigs which needs to be addressed with tougher laws or punishments. Punish those who are breaking the laws and not the law abiding citizen who chooses to smoke ecigs.

Best Regards

Sheldon Miyakado

Register voter.

SB-2228-SD-1

Submitted on: 2/21/2020 5:13:14 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

I strongly support the passage of SB 2228, SD1.

Thank you for the opportunity to testify.

SB-2228-SD-1

Submitted on: 2/22/2020 8:34:15 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 8:22:11 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Azelski	Individual	Support	No

Comments:

I support SB2228 SD1. Thank you.

SB-2228-SD-1

Submitted on: 2/21/2020 4:08:04 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rafael Montero	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/21/2020 3:58:29 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/21/2020 4:15:03 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/21/2020 4:19:38 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/21/2020 4:50:53 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/21/2020 4:53:30 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique gunn	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 7:10:24 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 12:01:17 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael deYcaza	Individual	Support	No

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 3:13:09 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
austin carvalho	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 8:32:31 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 8:58:43 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 9:23:38 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/21/2020 5:11:37 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Flavor bans are ineffective at combating youth nicotine use, and hurt small businesses.

SB-2228-SD-1

Submitted on: 2/22/2020 9:53:39 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 11:23:20 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Alicia Wiggins	Individual	Oppose	No

Comments:

OPPOSE

SB-2228-SD-1

Submitted on: 2/22/2020 10:11:53 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 11:33:02 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 11:52:54 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

I Oppose this bill because because as a person of age we should have the right to products that help us AND/OR we enjoy. If this has to do with underage smoking there should be a prosation law.

SB-2228-SD-1

Submitted on: 2/22/2020 11:58:29 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 12:06:04 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 12:26:48 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Riley	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 12:51:01 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Date: February 22, 2020

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: **Strong Support for SB2228 SD1**, Relating to Flavored Products for Electronic Smoking Devices

Hrg: February 25, 2020 at 12:30 PM in Capitol Room 016

Aloha Senate Committee on Judiciary,

As a parent, educator and healthcare professional, I am writing in **strong support of SB2228 SD1**, which establishes the offense of unlawful shipment of e-liquid products; beginning July 1, 2020, prohibits the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of tobacco products other than through retail sales via a direct, in-person exchange between a retailer and consumer; establishes penalties; includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

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

The reality is, **flavors hook kids**. More than 80% of kids who use e-cigs report having started with a flavored product and 97% of youth who use e-cigs vape flavored products, including mint and menthol.

Menthol is a chemical found naturally in mint that is added to many tobacco products and e-liquids to reduce the throat burn caused by inhaled nicotine and to increase satisfaction with smoking and vaping, compounding the addictive nature of nicotine-containing products.

In research comparing vaping patterns, kids who use flavored products puff deeper and more often than when using unflavored products. And, more than 80% of kids who use flavored e-cigs say *they wouldn't vape if flavors were unavailable*.

The tobacco industry has targeted our youth with compelling ads and sweet flavored vape products to addict a new generation to nicotine.

Tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. The reality is that **for each adult who tries to quit smoking with e-cigarettes, 81 kids who use e-cigs will become daily tobacco cigarette smokers**.

Under the SB2228 SD1 flavor ban, unflavored e-cigarettes would remain available for adult cigarette smokers seeking to use e-cigs to quit smoking. Research finds that youth are not attracted to unflavored e-cigs.

I applaud SB2228 SD1 prohibiting all but face-to-face retail sales of e-cigarettes to those old enough to legally purchase, removing mail order and other delivery opportunities for youth to acquire e-cigarettes.

SB2228 SD1 strongly promotes factual labeling of e-liquids to make it more likely that both adults and youth will be easily able to determine if a product contains the highly addictive drug, nicotine. This is particularly important for youth, many of whom are unaware that most e-liquids and e-cigs contain nicotine, and, the products most popular with kids contain ultra-potent nicotine salts.

I **strongly support SB2228 SD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

SB-2228-SD-1

Submitted on: 2/22/2020 3:40:07 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/22/2020 3:49:13 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Stevens	Individual	Oppose	No

Comments:

Respect my right to like the flavors I want.

SB-2228-SD-1

Submitted on: 2/22/2020 4:13:16 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

I oppose any ban against our flavors, to me it's crazy how you guys are making it so hard for working people who contribute to the state and government. The products are proven to help people get off of other harmful substances and also not harm other people around them with secondhand smoke. I'd say just make stricter law for people that disobey already standing laws. Thank you for your time.

SB-2228-SD-1

Submitted on: 2/22/2020 10:46:27 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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 prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

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

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

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

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

The appropriate licensing of retailers and accurate labeling of the contents just brings these products in line with laws regarding other tobacco products. This is a common sense solution that is long overdue.

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

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

SB-2228-SD-1

Submitted on: 2/23/2020 7:55:37 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Shishido	Individual	Support	No

Comments:

[SB 2228](#) (SUPPORT) - This bill only applies to flavored e-cigarettes, but includes menthol. It also would prohibit online shipment of tobacco products to consumers, which would help to limit access for underage youth. Only a tobacco licensee would be able to purchase and ship e-cigarettes online.

SB-2228-SD-1

Submitted on: 2/23/2020 8:25:08 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

strong opposition

SB-2228-SD-1

Submitted on: 2/23/2020 9:20:29 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Larson	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/23/2020 10:42:13 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Santiago	Individual	Oppose	No

Comments:

This is a real kick in the teeth for smokers that what the **flavors they love** and who **also love to vote!!**

SB-2228-SD-1

Submitted on: 2/23/2020 11:33:13 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/23/2020 11:52:53 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

am submitting written testimony in support of SB2228 to Prohibit the Sale and Distribution of Flavored Tobacco Products. As a long-time pediatrician on Kauai, I have been very discouraged by the rise in the use of vaping products among intermediate and high school students. Others of my patients complain that they are unable to use the rest rooms in school due to the widespread vaping done in the bathrooms. This is particularly disheartening after all of the extensive and successful efforts of the past 20 plus years to cut down on teen smoking.

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

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

In summary, there are no redeeming reasons for allowing flavored and menthol tobacco products, and many to make them illegal. It is time to protect our keiki from deadly substances and stand up to the tobacco industry. I implore you to vote for SB2228.

Linda Weiner, MD



Testimony in Support of RE: Relating to Flavored Tobacco Products

Hawaii Dental Hygienists' Association

Feb 23, 2020

Dear Chair Rhoads, Vice Chair Keohokalole and Respected Members of the Committee on Judiciary:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports Sentate Bill 2228 SD1** which proposes to amend Chapter 712, HRS by prohibiting the sale or distribution of flavored tobacco products, as well as the mislabeling and selling such products as nicotine-free.

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

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

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports SB2228 SD1** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.

SB-2228-SD-1

Submitted on: 2/23/2020 2:22:46 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/23/2020 2:37:15 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/23/2020 2:45:59 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

This bill puts the blame of underaged people who are breaking the law on other people who have had nothing to do with them breaking the law. I am offended the legislature would even think of a bill that takes away the rights of adult individuals and puts the blame of law breakers on them! Enforce the law do not hurt business and take peoples rights away. First a ban on flavored vape then what next? A ban on flavored alcohol? A ban on sweet foods? STOP IT!

SB-2228-SD-1

Submitted on: 2/23/2020 3:15:39 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ke Nguyen	Individual	Oppose	No

Comments:

I thought this was a free country. SB 2228 is against freedom.

-Ke Nguyen

SB-2228-SD-1

Submitted on: 2/23/2020 3:38:05 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:



February 23, 2020

Committee Members

Annaleah Atkinson
808 652-7743

Lori Carlson
651 587-2904

Tom Christy
808 645-1594

Eric Devlin
808 429-3229

Regina Floyd
702 292-2372

Doug Haigh
808 635-1120

Eve Hands
808 346-7799

Steve Hardy
707 481-5070

Larry Lindsay
808 634-4559

Scott McCubbins
816 781-5883

Graeme Merrin
808 651-7211

Ryan Moen
808 651-0726

Lelan Nishek
808 245-7747

Tommy Noyes
808 639-1018

Ron Rector
808 639-2443

Valerie Woods
808 822-2420

Ron Wiley
808 245-9527

COMMITTEE ON JUCICIARY

STRONG SUPPORT FOR SB 2228 SD-1 **RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES**

Aloha Committee Members,

The citizens listed on the left are members of the Friends of Kamalani and Lydgate Park committee, and we would like to register our strong support for support prohibiting the use of flavors, including menthol, in ALL tobacco products (including e-cigarettes) as set forth in SB 2228 SD-1.

We oppose monetary fines against youth. We do support educational alternatives. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

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

Electronic smoking products—especially but not limited to flavored vaping compounds— are pernicious devices clearly profiting the tobacco industry by addicting children to nicotine. The detrimental long-term public health effects of nicotine addiction is established science. Hawai'i has among the highest rates of middle school and high school e-cigarette use in the nation; the U.S. Surgeon General has declared vaping a youth epidemic.

This is extremely concerning. Teens are particularly vulnerable to nicotine, which permanently impacts the developing brain.

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

Please fulfill your allegiance to the people of Hawaii and advance SB 2228 SD-1. It is your responsibility to protect our youths' health and wellness, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality-of-life impairments.

Sincerely,

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

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 3rd and 4th grade. As you know there are devastating consequences to beginning this habit as children and young adults. As a school and community we are doing all we can to educate and prevent this from happening including parent meetings, prevention presentations, counseling, etc, however, we are no match for big-vape companies with unlimited money for advertising to children on social media.

Our community is predominantly Native Hawaiian, data shows that our people have the highest use rate in our state. Something more has to be done to turn the tide away from these harmful devices. 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-2228-SD-1

Submitted on: 2/23/2020 4:32:06 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	No

Comments:

This bill should be changed to only impact those under 21.

SB-2228-SD-1

Submitted on: 2/23/2020 5:12:07 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

I am opposing this asinine bill. We have a right to freedom of choice.

SB-2228-SD-1

Submitted on: 2/23/2020 5:47:45 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

I'm Alex and I strongly oppose this ban.

SB-2228-SD-1

Submitted on: 2/23/2020 6:00:18 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Aloha. Please OPPOSE Bill SB2228 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS. SO PLEASE OPPOSE THIS BILL. Thanks for your time. Valentino Miranda-Kepa

SB-2228-SD-1

Submitted on: 2/23/2020 6:09:13 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/23/2020 6:09:23 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:



February 23, 2020

To: Chair Rhoads
Vice Keohokalole
Senate Committee on Judiciary

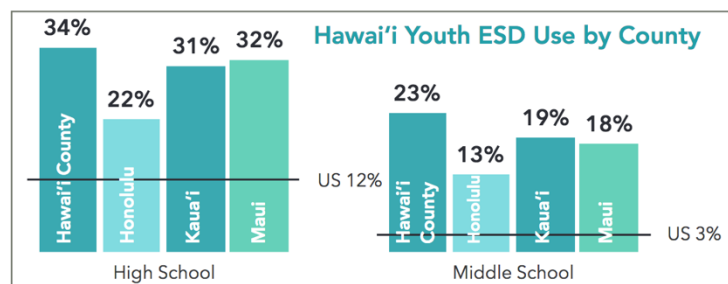
Re: **Strong Support for SB2228 SD1**

Aloha Chair Rhoads, Vice Chair Keohokalole, members of the Senate Committee on Judiciary:

Thank you for your dedication to our community and for this opportunity to provide testimony in **strong support** of **SB2228 SD1**.

Kaho'omiki, the Hawai'i Council on Physical Activity and Nutrition, is a local non-profit that supports and encourages lifelong healthy lifestyles and closely works with organizations across the state to better the lives of youth. It is clear that ESD use by youth is on an upward trend, and overwhelming data from local and national sources, including the Centers for Disease Control and Prevention (CDC), cite numerous safety and public health concerns with its use. The CDC notes that "young people who use e-cigarettes may be more likely to smoke cigarettes in the future."

We also know that flavored products target kids and lead to an increased use; in 2018, there was a 78% increase in youth vaping, a majority of which involved flavored products, and even higher increases in Hawai'i. Hawai'i must take a stand against this critical public health epidemic for the benefit of our most vulnerable populations.



CDC. Tobacco Use among Middle and High School Students - United States 2011-2017.
Hawai'i Youth Risk Behavior Survey 2017.

Thank you for this opportunity to testify in **strong support** of **SB2228 SD1**.

Sincerely,

Colby Takeda, MBA, MPH
President

SB-2228-SD-1

Submitted on: 2/23/2020 6:32:21 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Lemke	Individual	Oppose	No

Comments:

I'm a NON-SMOKER and a NON-VAPER and I OPPOSE HB2457.

The assault on civil liberties in Hawaii is sickening!

You guys won't deal with Hawaii's biggest problems, instead you spend all day thinking of new ways to deprive your constituents of their freedoms. I can't even get a damn bag for the stuff I bought at the store. Then you tell me what kind of drink straw I can have.

This bill has nothing to do with kids, it has to do with a small group of bigots taking things from adults that happen to have different lifestyles than themselves



American Heart Association testimony for SB 2228, SD1 "Relating To Flavored Products For Electronic Smoking Devices"

Chairman of the Board

Glen Kaneshige

President

Kahealani Rivera, MD

Board Members

Rick Bruno, MD, FACEP

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Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Served by the Oahu office

The American Heart Association **supports the intent** SB 2228, SD1.

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

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

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

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

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

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

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn't work for many people. They cut back, but they still smoke while

vaping and they remain addicted. That's called "dual use" in public health literature. The dangers of cigarettes remain, with the added dangers of e-cigarette use. The American Heart Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start any nicotine-containing product.

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

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

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

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

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

The number of flavored tobacco products on the market increased substantially after flavored cigarettes were banned. After the 2009 federal ban on flavored cigarettes (excluding menthol cigarettes) took effect, the tobacco industry started producing different types of flavored tobacco products that were not subject to the prohibition. This led to the rise in the number of youth using flavored cigars, and

especially in Hawaii, e-cigarettes. Both the tobacco industry and youth adjusted to the cigarette flavor ban by moving to other tobacco products where flavors were still allowed. If the Hawaii State Legislature were to pass a flavoring ban, but limit it to certain types of products or flavorings, we are likely to see the same thing happen again.

In regard to Section 2, part (5), most of Hawaii's most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii's counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law. Therefore, we believe that Hawaii's counties should have full control over the ability to enact tobacco sales laws, not just laws addressing flavored electronic device sales.

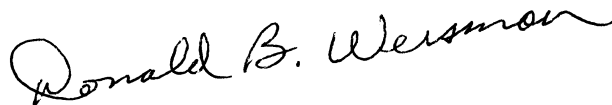
The tobacco industry for years, on the other hand, has attempted to pass state legislation that would preempt local government's home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments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

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

While we support the intent of SB 2228, SD1 we fear its limited focus on banning flavors only in electronic smoking devices could result in Hawaii youths transitioning to other tobacco products equally damaging to their health. We also feel that full authority to address tobacco sales issues that affect their local communities should be restored to Hawaii's counties.

Mahalo for this opportunity to comment on SB 2228, SD1.

Respectfully submitted,



Donald B. Weisman

Hawaii Government Relations/Communications Director

SB-2228-SD-1

Submitted on: 2/23/2020 11:04:02 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Azuma	Testifying for Vape Kings LLC	Oppose	No

Comments:

I strongly OPPOSE SB2228 SD1. Vape Kings LLC, which I own and operate, consists of two branches and 10 employees. Our mission is to aid in-person, Adult Smokers (21+), first in replacing combustible cigarettes, and eventually to reduce nicotine consumption altogether. At no point do we encourage underage use, and actively verify age upon entry and purchase for 100% of the products we sell. We do not manufacture any E-liquids or ENDS and rely on FDA compliant suppliers to provide the highest quality products currently on the market. FDA compliance includes, but is not limited to, Marketing Restrictions on Packaging and Warning Labels, as well as labeling with regard to printed Nicotine content.

The bottom line is that flavors matter to adults. As a bar with only one flavor of alcohol, and no mixers of any kind would fail. We too would be rendered out of business with the passage of any type of "flavor ban." Furthermore, as we do not "mix" or alter any E-liquids prior to sale, we offer only the highest quality end-product to our customers. Black Market products are dangerous, and in our absence, consumers will have few options. Reasonable regulation, which includes the 21+ age restriction, along with FDA guidance, rather than prohibition, is the best practice.

The four reported cases of severe lung injury in the State are concerning, but Vitamin E Acetate, an additive to illicit THC-based cartridges is associated with the 40 deaths linked to vaping. Those deaths were not linked to any FDA compliant, Nicotine-Based E-Liquid(s). States like WA have also created amendments to ban additives like Vitamin E Acetate, which is undoubtedly a more direct approach to combat lung injury associated with vaping. It is also important to note that Electronic Nicotine Delivery Systems (ENDs), or E-Liquids associated with ENDs do not typically contain such additives, as the illicit THC market uses it as a thickening agent to make lower grade products resemble higher grade products. Nicotine-based E-Liquids do not have an incentive to add these types of additives as they use Vegetable Glycerin (VG) which is already viscous, and in general, higher viscosity E-liquids are not seen as more

desirable. It is also important to note that the VG used by most FDA compliant manufacturers is USP grade.

We hold a current ESD license, and do not conduct remote retail sales. We do not have an online store, but given an absence of vapor-centric stores like mine, I do not see how a new tax definition will create much revenue for the state. Consumers will move to Black Market Sources, Traditional Combustible Cigarettes, or find websites that don't comply with local laws.

Menthol Cigarettes are also exempt from this ban, which generates a significant amount of revenue for the state, but seems to be a double standard, if both nicotine containing products are to be defined as the same product, why restrict flavors for one product and not the other?

Thank you for your time and consideration.

Paul Azuma

Owner

Vape Kings LLC

ESD 2020-1815001

1915 S. King Street

Honolulu, HI 96826



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Tuesday, February 25, 2020

Relating to Flavored Products for Electronic Smoking Devices
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB2228, SD1 Relating to Flavored Products for Electronic Smoking Devices**, which bans the sale of flavored products for electronic smoking devices, mislabeling of e-liquid products containing nicotine, prohibiting the sale of electronic smoking products other than face to face retailer to consumer exchanges.

In the last few years the sale of traditional tobacco products has decreased while the sale of electronic smoking devices has grown exponentially. Federally, flavored tobacco products, excluding menthol are prohibited however only cigarettes, roll-your-own tobacco, and smokeless tobacco are subject to that regulation. Flavored nicotine products entice younger users and mask the harshness and taste of tobacco smoke. Flavors like bubblegum and cotton candy are appealing to children and don't clearly expose the hazards of nicotine.

We don't allow the sale of flavored tobacco products, why should we allow the sale of flavored nicotine to be used in electronic smoking devices.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

SB-2228-SD-1

Submitted on: 2/24/2020 7:42:09 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Chan	Individual	Oppose	No

Comments:



February 25, 2020

Senator Karl Rhoads, Chair
Senator Jarrett Keohokaloe, Vice Chair
Committee on Judiciary

RE: S.B. 2280 Relating to Pharmacy Benefit Managers
February 25, 2020; 12:30 p.m. Conference Room 016

Aloha Chair Rhoads, Vice Chair Keohokaloe Chang and Members of the Committee:

On behalf of the Pharmaceutical Care Management Association (PCMA), we greatly appreciate the opportunity to provide written testimony on S.B. 2280 relating to Pharmacy Benefit Managers. We respectfully request the committee to consider our comments in the interest of payers and patients.

PCMA is the national trade association representing America's Pharmacy Benefit Managers (PBMs), which administer prescription drug plans for more than 266 million Americans with health coverage provided through Fortune 500 employers, health insurance plans, labor unions, and Medicare Part D. PBMs are engaged by clients including health insurers, government agencies, unions, school districts, and large and small employers, to manage pharmacy benefits pursuant to health insurance benefits and contracts. PBMs are projected to save payers over \$30 billion through the next decade thanks to tools such as negotiating price discounts with drug manufacturers, establishing pharmacy networks and disease management and adherence programs.

Maximum Allowable Cost (MAC)

Public and private payers routinely rely on "Maximum Allowable Cost" programs ("MACs") to determine the reimbursement level for dispensed generic pharmaceuticals. MACs are set at a level reflecting the average acquisition cost of a well-run pharmacy. MACs encourage pharmacies to purchase generics at the lowest possible cost, thereby intensifying competition among wholesalers and drug manufacturers, and lowering overall pharmaceutical spending.

Section 346 effectively functions as a "guaranteed profits" provision; no matter how much a pharmacy spends to acquire a drug, they are guaranteed they will be repaid at least that amount, and likely more. And, because of rebates and discounts, invoiced prices may not reflect actual drug acquisition costs the result will be increased costs for plan sponsors and patients.

This bill also seeks to prohibit PBMs from making changes to the rate without providing a 30-day notice to pharmacies. Given the complex and dynamic nature of the generic drug marketplace, prices change throughout the year. A 30-day notice requirement fails to take market fluctuations into account. If there's a price change that would entitle a pharmacy to a higher reimbursement, they would not receive the higher reimbursement because the rate would



be frozen at the rural rate. For example, if the market price of a drug quickly increases (due to a drug shortage or if a manufacturer drastically increases its price), pharmacies would be under-reimbursed for that drug because the PBM would not be able to adjust the reimbursement rate for 30 days. We also believe the proposed provision may conflict with the existing maximum allowable cost (MAC) law that requires that MAC lists be updated every 7 days.

Mail Order

Normally, when an employer or health plan elects to require the use of mail service for maintenance medications, the patient first goes to a brick-and-mortar pharmacy to make sure the prescribed regimen is effective. Then the patient transitions to a mail-service system. This bill would prevent an insured from receiving the benefit of lower co-payments on their maintenance medications from mail-service pharmacies. This legislation takes choices away from consumers and would force one-size-fits-all copayments.

Mail service pharmacies are able to keep prescription drug costs down because they have greater efficiency and lower overhead costs than retail pharmacies. SB 2280 takes away the ability of health plans and employers to provide their members/employees with a lower copayment option on a 90-day supply of their medications through the use of mail-service pharmacies. Utilizing this option provides significant cost savings, particularly for medications prescribed for chronic conditions.

Transparency

Government agencies—including the Congressional Budget Office (CBO) and the Federal Trade Commission (FTC)—have long cautioned that PBM disclosure mandates could raise costs.

The Federal Trade Commission (FTC) has reviewed a number of state legislative proposals that would have required the public disclosure of competitive rebate information and opined that, “[i]f pharmaceutical manufacturers learn the exact amount of rebates offered by their competitors, then tacit collusion among them is more feasible” and that such knowledge of competitors’ pricing information would dilute incentives for manufacturers to bid aggressively “which leads to higher prices.”¹ The FTC also concluded that “[a]ny such cost increases are likely to undermine the ability of some consumers to obtain the pharmaceuticals and health insurance they need at a price they can afford.”²

CBO has noted that disclosure requirements could allow firms to “observe the prices charged by their rivals, which could lead to reduced competition.” According to CBO, the “disclosure of rebate data would probably cause the variation in rebates among purchasers to decline” leading to a “compression in rebates.”

Disclosure of Rebate Data

As PCMA discussed previously, we do not support the disclosure of rebate data. However, we do note that the definition of “Aggregate Retained Rebate Percentage” and “Mail service pharmacy” have technical issues that need resolution as well as portions that are unclear.

¹ Letter from FTC to Rep. Patrick T McHenry, U.S. Congress, Jul. 15, 2005.

² Id.



Rebates are the only tool PBMs have to exert downward pressure on drug manufacturers to lower their prices. Allowing rebate data to be disclosed only benefits drug manufacturers, allowing them to avoid discounting their drug prices. Even the disclosure of aggregated rebate data could potentially be “reversed engineered” by drug manufacturers, enabling them to know which rebates were given to which PBM, resulting in a race to bottom as manufacturers would no longer have an incentive to offer deeper discounts than their competitors.

The definition of “rebates” includes “price concessions” related to value-based purchasing. Rebates are different than performance-based contracts. Rebates are connected to utilization and market growth for pharmaceuticals, while performance-based or value-based arrangements are linked to the performance of the drug or other arrangements. These should not be considered “rebates.”

Rural Pharmacies

SB 2280 would prohibit a PBM from reimbursing an independent or rural pharmacy an amount less than the rural rate for prescription drugs. It should be noted that, typically, rural pharmacies are paid higher reimbursement rates because they have lower patient volume but are important for patient access. Also, not all independent pharmacies are rural pharmacies and should not be reimbursed at the same rates as rural pharmacies – independent pharmacies in urban and suburban areas have greater volume and therefore their reimbursement rates account for this. If all independent pharmacies are required to be reimbursed at a rural rate, this rate is likely to be inflated and may create a windfall for those pharmacies at the expense of Hawaii plan sponsors and consumers.

This bill also seeks to prohibit PBMs from making changes to the rate without providing a 30-day notice to pharmacies. Given the complex and dynamic nature of the generic drug marketplace, prices change throughout the year. A 30-day notice requirement fails to take market fluctuations into account. If there’s a price change that would entitle a pharmacy to a higher reimbursement, they would not be able to receive the higher reimbursement because the rate would be frozen at the rural rate. For example, if the market price of a drug quickly increases (due to a drug shortage or if a manufacturer drastically increases its price), pharmacies would be under-reimbursed for that drug because the PBM would not be able to adjust the reimbursement rate for 30 days. We also believe the proposed provision may conflict with the existing maximum allowable cost (MAC) law that requires that MAC lists be updated every 7 days.

Again, thank you for the opportunity to testify on S.B. 2280 and we look forward to working with the Committee to develop solutions that will demonstrably benefit Hawaii’s residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Head", is written over a light blue horizontal line.

Bill Head
Assistant Vice President
State Affairs

SB-2228-SD-1

Submitted on: 2/24/2020 8:36:48 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:



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

To: Hawaii State Legislature

Regarding: Flavor Tobacco Ban

Position: Strong Support

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

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

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



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

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Toby Taniguchi, KTA Superstores, *Advisor*

TO:
Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 25, 2020
TIME: 12:30pm
PLACE: Conference Room 16

RE: SB2228 SD1 Relating to Flavored Products for Electronic Smoking Devices

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, 2019 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. Regulating the shipping of these products is a common sense way to keep them out of the hands of young people.

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

We thank you for the opportunity to testify.

SB-2228-SD-1

Submitted on: 2/24/2020 8:57:21 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Keawe'aimoku Kaholokula	Individual	Support	No

Comments:

Aloha,

I am in strong support of SB 2228 SD1 for the following reasons: First, 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes. Second, tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava. Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction. Mahalo nui.

HUI NO KE OLAPONO

95 Mahalani St. Rm #21

Wailuku, HI 96793

P - (808)244-4647, F – (808)442-6884

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

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

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

Some troubling facts:

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

ACTIONS HAWAI'I CAN TAKE TO REDUCE YOUTH VAPING

END THE SALE OF FLAVORED TOBACCO PRODUCTS

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

HOLD THE INDUSTRY ACCOUNTABLE NOT THE YOUTH

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

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

RESTORE COUNTY AUTHORITY AND DEVELOP POLICIES TO TAKE ACTION

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

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

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

Raise Tobacco License and Permit requirement:

- 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 to include e-cigs:

- 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.

Prohibit Online Sales:

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online.

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.

Mahalo a nui loa for your time and consideration.

SB-2228-SD-1

Submitted on: 2/24/2020 9:12:00 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Committee on Judiciary

Coalition for a Tobacco Free Hawaii

Monday, February 24, 2020

Strong Support for S.B. 2228, 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. 2228, 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. It is important to take measures that would prevent the initiation of e-cigarette usage such as that of implementing a flavor ban, increasing fines for those under the age of 21 purchasing tobacco products, and the regulation of mislabeled tobacco products that this bill proposes. 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.

Although the long-term health effects of vaping are still vague and have yet to be studied in detail, 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. By supporting S.B. 2228, it would ensure the safety of Hawaii's Youth. Thank you for the opportunity to testify.

Aloha

My name is Victorya Chanel and I am part of the Peer Education Program at Aiea High School . I am here to write my support of SB2538. I as a high school student as sad as it is to say I'm constantly surrounded by people using e-cigarette devices. The vaping epidemic among youth is just so outrageous, vaping has gotten out of hand I see so many kids vaping and to a lot of people they are not surprised by it anymore. Vaping should not be a common thing among youth but it sucks to say that it is, one of the many reasons it is so common for youth is of the advertising of flavors.

These flavors are candy-like so kids are like they wanna try and see if they have some taste to it, some of these flavors are unicorn milk, sour patch kids, sour straws, watermelon, etc. These companies advertising vaping products are just in turn targeting the youth because vaping is also made up to seem better than cigarettes, so kids are made to believe that it is safer but its not.

I think what hurts most is that I personally know people who vape and it sucks to see how they change as a person but it seems that at 13 years old its ok to be addicted to vaping and the more that these flavors are continued to be made. Kids will want to continue using these e-cigarette devices. For me it's like everyday people who vape just get younger and younger and you may think it is only high schoolers involved in this vaping epidemic but that is where you are wrong. Kids in middle school vape and it is something that is normal to them. I can't say that at least for myself vaping shouldn't be something common among kids who are 12 years old and younger.

These flavors need to be discontinued because vaping has gotten out hand with these flavors and if something is done, then some real change can happen amongst kids who abuse vaping. Bill SB2903 can help lessen the appeal of vaping to kids because once the flavor of what they like to do is gone they won't see a reason to vape because it does not appeal to them.

Sincerely,
Victorya Chanel.



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

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

SB 2228, SD1 – RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES

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

Thank you for the opportunity to provide written testimony in support of SB 2228 SD1, which prohibits the sale of flavored products for electronic smoking devices, establishes unlawful shipment of e-liquid products, requires in-person retail sales of electronic smoking devices, e-liquids, and flavored ESD products, and implements a tax on e-liquids.

Every year in Hawaii over 6,700 people are diagnosed with cancer. Despite the fact that US cancer death rates have decreased by 26 percent from 1991 to 2015, not all have benefited equally from the advances in prevention early detection, and treatments that have helped achieve these lower rates. Significant differences persist in cancer incidence, survival, morbidity, and mortality among specific populations. Lung cancer remains the leading cause of cancer deaths in Hawaii.

Smoking not only causes cancer, it can damage nearly every organ in the body, including the lungs, heart, blood vessels, reproductive organs, mouth, skin, eyes, and bones. Smoking accounts for about 30 percent of all cancer deaths in the United States, including about 80 percent of all lung and bronchus cancer deaths. The impact of tobacco use goes beyond health. The annual health care costs in Hawaii directly caused by smoking are over \$500 million.

Flavored Tobacco Products

The 2009 Family Smoking Prevention and Tobacco Control Act implemented a federal prohibition of characterizing flavors other than tobacco or menthol in cigarettes. The prohibition included candy-and fruit-flavors. However, the federal law exempts “tobacco, menthol, mint or wintergreen flavors” and flavored electronic cigarettes.

While cigarette smoking rates have declined significantly in recent years, the use of electronic cigarettes has been skyrocketing, especially among youth. During the one-

year period between 2017 and 2018, among high school students who currently used e-cigarettes, use of flavored e-cigarettes increased as well. Use of any flavored e-cigarette went up among current users from 60.9 percent to 67.8 percent, and menthol use increased from 42.3 percent to 51.2 percent among all current e-cigarettes users – including those using multiple products – and from 21.4 percent to 38.1 percent among exclusive e-cigarette users. Flavors in tobacco products are frequently listed as on the top three reasons youth use e-cigarettes. Additionally, kids whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco flavored. Furthermore, evidence indicates that many young people who use e-cigarettes also smoke cigarettes. There is some evidence that young people who use e-cigarettes may be more likely to smoke cigarettes in the future. Using nicotine in adolescence may also increase risk for future addiction to other drugs.

Recent spikes in the use of e-cigarettes makes clear that more must be done to regulate tobacco products and the industry's deceptive marketing practices.

Menthol use in tobacco products

Menthol is a chemical compound that creates a cooling effect, reduces the harshness of cigarette smoke and suppresses coughing. Those effects may make menthol cigarettes more appealing to young, inexperienced smokers. Research shows that they are more likely to addict youth and more difficult to quit than regular cigarettes. Many people who smoke think menthol cigarettes are less harmful. In fact, there is no evidence that cigarettes, cigars, or smokeless tobacco products that have menthol are safer than other cigarettes. This myth has been perpetuated via a decades long campaign by the tobacco industry.

We note that this measure does not include flavored tobacco products in the prohibition, and only applies to electronic smoking devices. While electronic smoking devices are a major concern, we believe restrictions on flavors should also be extended to tobacco products including mint and menthol. This measure was amended to implement a tax on e-liquid products, thus restricting all flavored tobacco products may be accomplished in another measure.

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

SB-2228-SD-1

Submitted on: 2/24/2020 9:31:20 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

I support this bill. Tobacco is the number one public health concern for a preventable death of millions of Americans. The flavored tobacco products target young adults and hook them with the powerful nicotine additives. Banning flavored tobacco will ensure this access is limited. I strongly support the ban of flavored tobacco products.

SB-2228-SD-1

Submitted on: 2/24/2020 9:32:02 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:



HIPHI Board

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Robinson, MBA, MA
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John A. Burns School of
Medicine, Native Hawaiian
Research Office

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

Garret Sugai
Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 24, 2020

To: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Members of the Judiciary Committee

Re: Strong Support SB 2228, SD1, Relating to Flavored Products for
Electronic Smoking Devices

Hrg: February 25, 2020 at 12:30 PM at Conference Room 016

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute is in **Strong Support of SB 2228, SD1** which would end the sale of all menthol and flavored e-liquid products in the state, prohibit the mislabeling of e-liquid containing nicotine, require retail sales to occur through in-person exchanges, and restricts the shipment of e-liquids to licensees only.

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

Hawai'i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. More troubling is that because of the historic declines in smoking, big tobacco has decided to focus on candy flavors and nicotine delivery solutions. Tobacco giant Altria, maker of Marlboro, is investing in the popular vaping company Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.

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

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

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

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

Hawai'i voters support ending the sale of flavored tobacco in Hawai'i.

In a pollⁱⁱⁱ conducted by Ward Research Inc. for the Coalition in November 2019, 77% of registered Hawai'i voters were in support of prohibiting flavored tobacco products, including e-cigarettes, and 70% support including menthol.

This measure corrects the 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. This measure helps to correct this loophole by requiring that retail sales of ESD products must be conducted in-person.

We appreciate Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction. We respectfully urge the committee to **pass SB 2228, SD1**.

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

ⁱⁱ Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis Samir Soneji, PhD^{1,2}; Jessica L. Barrington-Trimis, PhD³; Thomas A. Wills, PhD⁴; et al JAMA Pediatr. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

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

SB-2228-SD-1

Submitted on: 2/24/2020 10:07:13 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dustin Andrews	Individual	Oppose	No

Comments:

SB-2228-SD-1

Submitted on: 2/24/2020 10:07:24 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

81% of keiki who ever used tobacco products started with a flavored product, and more than half of our keiki smokers use menthol cigarettes.

The Tobacco companys are targeting our youth and making flavors that resemble chidhood flavors, Like appletree juice box, Pocky sticks, fruity pebbles, and so many more.Kids see this and tink its safe becasue it looks just like they candy , cereal, and juice that they have.

Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction. Please think about our keiki make the right decision to protect them and show them the way to a healthy life style. this is the future of Hawai'i.

SB-2228-SD-1

Submitted on: 2/24/2020 10:10:07 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelly Ogata	Individual	Support	No

Comments:

Position: Strong Support

As a nurse and a public health advocate, I am asking you to do the right thing and **protect** our youth from being exploited by Big Tobacco. If we want to be the healthiest state, we need to stop this epidemic now AND we need to stop blaming our youth.

HAWAII’S YOUTH VAPING EPIDEMIC

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

WHY FLAVORS?

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

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

WHY MENTHOL?

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

Please support this legislation and do the right thing.

Mahalo,

Shelly Ogata, RN, MPH

SB-2228-SD-1

Submitted on: 2/24/2020 10:24:14 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kourtney Kwok	Individual	Support	No

Comments:

To Whom This May Concern,

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

Tobacco, whether it's in the form of a cigarette or vaping liquid has significant effects on a child's brain development and overall health. There are hundreds of different carcinogenic and dangerous chemicals found in tobacco products, such as arsenic, formaldehyde, cadmium or lead. Young kids end up using these products mainly because of the various flavors offered, and in fact, 81% of youth who have ever used a tobacco product started with a flavored one. E-cigarettes, for example, offer over 16,000 unique flavors. For kids unaware of the harmful effects, this is what can hook them into using this dangerous product. Big Tobacco companies use this to their advantage by marketing flavors in ways that are familiar to children. They use packaging and designs similar to name brand candies, cereals, or local flavors to appeal to a younger audience. For example, there are products named "Hawaiian POG" or "Halawa Guava".

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

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

Kourtney Kwok

SB-2228-SD-1

Submitted on: 2/24/2020 11:02:55 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Iwana	Testifying for Hawaii Kai Lions Club	Support	No

Comments:

To: Members of the Senate Committee on Health

Thank you for the opportunity to express my support of **SB 2228** which prohibits the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of tobacco products other than through retail sales via a direct, in-person exchange between a retailer and consumer. It will establish penalties that include e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products".. It will serve as a strong deterrent to dissuade our keiki from the harmful effects that these flavored e-cigarettes will have on them and their future.

I am active in the community and served as Past President of the Hawaii Kai Lions Club, our mission is to provide for the betterment of our communities and particularly our vulnerable populations. Our youth, the target population, represents our future.

As community servant leaders we are obligated to ensure that all our residents--our keiki and kupuna--can live their lives without the detrimental effects of this devastating vaping trend. We need to learn from our past and help our keiki avoid illnesses and deaths caused by nicotine use. Flavored tobacco products undo the work that has been done to curb cigarette-related health issues and medical costs. We need to address this issue as soon as possible to avoid past consequences. Only by enacting effective laws to systematically reshape this unwanted habit will we be able to successfully combat this serious health challenge.

David Iwana



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DAMIEN MEMORIAL SCHOOL

Senate Committee on Judiciary

Time: 12:30 p.m.

Date: February 25, 2020

Where: Conference Room 016

RE: SUPPORT FOR SB2228 SD1, RELATING TO THE YOUTH VAPING EPIDEMIC

Chair Rhoads, Vice Chair Keohokalole and members Gabbard, Mercado Kim and Fevella.

The listed organizations are in **support of SB2228 SD1** which bans the sale of flavored tobacco products and prohibits mislabeling, sale, or marketing as “nicotine-free” any e-liquid product that contains nicotine.

Electronic cigarette use in Hawai‘i, particularly among youth, has increased rapidly in recent years. These products have been shown to have severe health risks, including death. The Hawai‘i State Department of Health has noted that flavored e-liquids may appeal directly to children and teenagers.

According to the Hawai‘i State Department of Health, approximately 45 percent of high school students and 26 percent of middle schoolers across Hawai‘i have tried e-cigarettes. A 2018 study from the Centers for Disease Control identified Native Hawaiian and Pacific Islander (NHPI) middle and high schoolers as having the highest rate of tobacco use of any race or ethnicity nationwide. E-cigarettes, which often use flavored e-liquids, were the product most commonly used by NHPI students.

Tobacco industry documents indicate that the companies intentionally marketed flavors, especially menthol, to youth and other vulnerable groups. A 2013 report by the U.S. Food and Drug Administration found that menthol cigarettes led to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking. The 2008 Hawai‘i Behavior Risk Factor Surveillance System Survey found that 78 percent of NHPI smokers use menthol cigarettes.

In recognition of the growing risks flavored tobacco products pose on Hawai‘i’s people, especially our keiki, we urge legislature to take immediate action to address this issue.

‘A‘ohe hana nui ke alu ‘ia. No task is too large when we all work together!

SB-2228-SD-1

Submitted on: 2/24/2020 11:14:36 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

SB-2228-SD-1

Submitted on: 2/24/2020 11:16:42 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin R.	Individual	Oppose	No

Comments:

Members of the Committee,

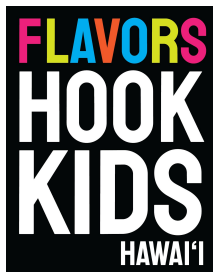
The federal government already has in place adequate regulations regarding flavored cigarettes. Tobacco regulations are handled at the federal level for good reason. Enforcing this type of ban on very specific kinds of a product, which are legal at the federal level would require be a potentially logistically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

At the state level tobacco use in Hawaii is already restricted to those who are 21 and older. Kids and adults under 21 don't have legal access to these products and businesses already take measures to ensure that only those 21 and older are buying nicotine products.

This bill unfairly targets and penalizes those who choose to use certain types of products, and the businesses that serve these customers. This type of regulation is not really necessary and can be obtrusive. We thank you for the opportunity to testify. However, this bill is overly broad and sets unreasonable restrictions on applicants and could negatively impact numerous businesses, jobs and tax revenue created by these events.

Mahalo for your time and consideration,

A concerned tax payer and voter.



To: Chair Karl Rhoads and Vice Chair Jarrett Keohokalole

Re: Support: SB2228, SD1 Relating to Flavored Tobacco Products

Hearing: Tuesday, February 25, 2020 at 12:30pm in Room 016

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

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT of SB2228, SD1** to prohibit the sale or distribution of all flavored tobacco e-cigarette products, including products with menthol, in the State of Hawai'i. We also support taxation parity for these products as youth are extremely sensitive to price and would be less inclined to buy them if they were more expensive.¹

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

While Hawai'i has made great strides in reducing tobacco use, it remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually. In Hawai'i middle and high school e-cigarette use rates are truly alarming, (42% of all high school students and 27% of all middle school students reporting ever having used a "electronic vaping device."² Furthermore, we have recently seen a drastic increase in the number of youth who use tobacco products. From 2017 to 2018 rates have increased among high schoolers from 11.7% to 20.8% and in middle

¹ "Raising Cigarette Taxes Reduces Smoking, Especially Among Youth" Ann Boonn, Campaign for Tobacco-Free Kids, June 28, 2019. <https://www.tobaccofreekids.org/assets/factsheets/0146.pdf>

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

schoolers from 3.3% to 4.4%.³ It is clear that we must act and we must act now.

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

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

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

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

Flavored Tobacco Products Are Prevalent A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of candy and fruit flavored cigarettes, but did not include menthol or tobacco flavors. While overall cigarette sales have been declining since the 2009 law, the number of smokers using *menthol* cigarettes, which was excluded, has been increasing.⁶ Menthol cigarettes made up 36 percent of the market in 2018.⁷

³CDC, "Tobacco Use is Rising" February 2019 Report.

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

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

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

⁶ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

⁷U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018*, 2019,

<https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereport2018.pdf> [data for top 5 manufacturers only].

As of 2017, researchers identified more than 15,500 unique e-cigarette flavors available online.⁸ Flavors are a critical part of the product design, and a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”⁹ The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.¹⁰

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

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.¹¹ Just like with cigarettes, menthol e-cigarettes are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.¹² Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.¹³ Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”¹⁴

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁵ The manufacturer of JUUL, the most popular e-cigarette, claims that each JUUL pod contains as much nicotine as a pack of twenty

⁸Zhu, S-H, et al., “Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites,” *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

⁹HHS, *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.

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

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

¹²Cullen, KA, et al., “e-Cigarette Use Among Youth in the United States, 2019” *JAMA*, published online November 5, 2019.

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

¹⁴FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

¹⁵HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.

cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹⁶ It is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

Menthol cigarettes, the only flavored cigarettes on the market, are popular among youth. It cools and numbs the throat, reducing the harshness of cigarette smoke, making it more appealing to a young person just starting to smoke. Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁷

The industry wants to blame the users, to avoid further restrictions on the sale of their product. A national tactic used by the industry is to encourage the penalization of youth who have become addicted to these products. Youth are penalized through penalties and criminalization. These policies do not work. They allow the industry to ensure addicted youth are not seen as addicts, but instead as the one with control. These young people are now addicted for life. Instead of penalties, youth should receive effective education and be able to access cessation programs. **The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and many die a premature death.** Prohibiting the sale of all flavored tobacco, including menthol cigarettes and mentholated flavors in general is an important step toward protecting our keiki from the tobacco industry’s aggressive efforts to hook children to a deadly, addictive product.

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

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

Sincerely,



Liza Ryan Gill,
MA Campaign Manager
Flavors Hook Kids HI Campaign
liza@flavorshookkidshi.org

¹⁶National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

¹⁷TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

APPENDIX

A1: ENDORSING ORGANIZATIONS AND INDIVIDUALS

HEALTH ORGANIZATIONS

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

Tobacco Prevention Project, Daniel K. Inouye College
of Pharmacy

Waimānalo Health Center

West Hawaii Community Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

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

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

SCHOOLS

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

ELECTED OFFICIALS & GOVERNMENT

Sen. Stanley Chang
Rep. Stacelynn Eli
Rep. Sharon Har
Maui County Councilmember Kelly King
Hawai'i County Councilmember Sue Lee Loy
Kalihi Valley Neighborhood Board #16
Kuliouou-Kalani Iki Neighborhood Board #2
Makakilo/Kapolei/Honokai Hale Neighborhood Board #34
Makiki/Lower Punchbowl/Tantalus Neighborhood Board #10
Mililani/Waipio/Melemanu Neighborhood Board #25
Nanakuli-Mailii Neighborhood Board #36
Pearl City Neighborhood Board #21
Waipahu Neighborhood Board #22
County of Kauai Office of the Prosecuting Attorney
Department of Education
Office of Hawaiian Affairs (OHA)

BUSINESSES

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

Tuesday, February 25, 2020 at 12:30 PM
Conference Room 016

Senate Committee on Judiciary

To: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

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

Re: **Testimony in Support of SB 2228, SD1
Relating to Flavored Products for Electronic Smoking Devices**

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 2228, SD1 which prohibits the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale to tobacco products other than through retail sales via a direct in-person exchange. The measure also establishes the offense of unlawful shipment of e-liquid products and inserts language that includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

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

E-cigarette use or vaping among youth and young adults has become a national public health concern. 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. Research conducted by the University of Hawaii Cancer Research Center demonstrates that there is an alarming increase in the use of ESDs among our school-age children. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Products are glamorized in order to appeal to our youth, using flavors such as candy, fruit, chocolate, mint, Kona coffee, Maui Mango, Shaka strawberry, and Moloka'i hot bread.

Recognizing the increasing public health concerns of flavored tobacco products, other jurisdictions have enacted bans on the sale of those products. Hawaii should also take the step to impose a similar ban.

Thank you for the opportunity to testify.

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



To our Distinguished Legislators:

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

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

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

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

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

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

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

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

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

Thank you for your time.

Jamil Folio

Karl Rhodes Judiciary Committee

Ramic Santiago
1614 Emerson Street #5
Honolulu Hawaii, 96813

Hearing Date 2/25/2020 12:30 RM 16

I am writing in support of HB 2228.

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 youth's brain and nicotine causes changes in the brains synapses which are built faster than the adult's 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 mixture(2). Furthermore, menthol 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.

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.

SB-2228-SD-1

Submitted on: 2/24/2020 12:08:04 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
TIMOTHY OISHI	Individual	Oppose	No

Comments:

Aloha

The island of Oahu has many issues concerning its residents and visitors that should be addressed by the board to whom I am writing this to. One of the issues that you are discussing right now pertains to flavored tobacco products and the use of them by residents of the state especially underage users. I do agree that the use of flavored tobacco products by minors is a problem but bill **SB2228** which is proposed is not the right way of dealing with the issue. I don't know a right way to address this problem, but I can point out ways that will prevent this bill from working and in return hurting Hawaii's residents and tax payers of this beautiful state.

I started using tobacco products at the age of sixteen and have been using them ever since then. I started smoking Marlboro Lights and later moved to stronger ones like Marlboro Reds. None of the tobacco products that I started with or kept using were flavored in anyway including using menthol. Flavor did not attract me to start using tobacco products, but the curiosity of a sixteen-year-old kid did. The age to use tobacco products at that time was 18 but that doesn't prevent a curious teenager from getting what they want, and if anything, it makes it more desirable if they do. Minors these days are not getting flavored tobacco products from retail stores and they never will till they are of age. The easiest way of getting them today would be to get them online or from someone they know of age and willing to buy it for them. Many online websites don't require much to obtain flavored tobacco products like e-liquid for vaporizers. At the most they require either a birthdate which you select the month, day and date of the year you were born or just clicking the yes button saying that you are over 21 years of age. Any minor that is old enough to order something online will be able to figure out the birthdate they need to put to make it seem like they are of legal age to the site. Once they gain access, the whole inventory of that site is available to them and all they need is a credit card or visa gift card to purchase it. I currently work at a vaporizer store in the city of Honolulu and our establishment is strict on ID checking and making sure that no minor enters/purchases anything form the establishment or that any of the products that we sell are to our knowledge, being bought for a minor. Everyday we have to turn away eighteen to twenty-year-old kids that try to sneak by and hope that we are lenient or can slip by without us knowing. We even must turn away parents and grandparents that come in with minors that try to buy it for them to be the "cool" one in the minor's eyes. We constantly get from guardians that come in with minor why is it that they can't buy

the products since the kid just was telling them what to buy but they are the ones buying it. Some will even say that they would rather have their child/grandchild vaping than smoking things like marijuana or methamphetamine.

In the introduction of the bill it states that Current use of electronic smoking devices by county is even more problematic, with figures exceeding thirty per cent on the islands of Hawaii, Maui, and Kauai. These rates are higher than the national average, demonstrate a disturbing trend of youth nicotine use, and threaten to undermine the historic decline in combustible cigarette use that has been achieved. While this might be true, bill **SB2228** will force all vapers that have already switched over from traditional tobacco back to their old habits. This statement already shows the effects that electronic cigarettes have made on the reduction of combustible tobacco problems. A prohibition on these products will make ex-smokers revert back to using combustible tobacco products especially since the access to these products will be easily accessible.

Another concern that is that it stated The legislature is also concerned with the number of severe lung injuries being reported nationally in 2019. Specifically, there are more than two thousand cases of severe lung injury associated with electronic cigarette use and over forty deaths nationwide. Hawaii has had four reported cases of severe lung injury, with potentially more on the horizon. The unregulated nature of electronic cigarettes is making it difficult for public health officials to determine the source and cause of these injuries. This crisis was cause by illegal THC cartridges that were cut with vitamin E and the hers used to make them were not properly grown and pesticides were used. The CDC has even stated that in all the autopsies that they took of patient's lungs, Vitamin E acetate was found in 100% of the subjects tested. Vitamin E acetate was used as a cutting agent in the process of making these illegal THC cartridges to make the drug dealers more profit. There were some cases of people saying that they were only using nicotine products and that they have never used THC products before. While these patients might be claiming this, a lot of these cases were dealing with minors or people located in states where recreational marijuana is not legal. Anyone in their right mind would deny the use of illegal substance for fear of being in trouble with the law especially with the younger generation. This bill, **SB2228** will create a whole new black market forcing everyone to get their supplies from there. This would make it much easier for makers to use whatever ingredients they want inside of these liquids and another crisis like the one that just happened will likely happen again.

A solution to help reduces this problem would be to make harsher punishments for children and teens found possessing or using an ESD. Working in a Vape store I have had the chance to talk to many teachers and they will all agree with there being harsher punishments. Right now, all the teachers can do is contact the parents and most of the times the parents will ask the teacher to give the ESD back to the child so that they can bring it home to them. With out a harsher consequence, kids will continue to use ESD's and the worst that can happen is the parents that bought the device for their kids is called to be notified. With no consequences neither the child nor the parent will feel the need for anything to change because its just a slap on the wrist with no repercussions. Also just prohibiting purchasing ESD's online would decrease the number of underage

users. If purchasing alcohol were like ESD's and be easily obtained online, we would have a whole generation of alcoholics. It's stated that The tobacco industry and electronic smoking device industry have in recent years significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. Adding flavors to tobacco changes the taste and reduces the harshness of the otherwise unflavored tobacco product, making smoking more appealing and easier for beginners to try. According to a recent survey, eighty-one per cent of youth who used a tobacco product reported that the first tobacco product they used was flavored. Therefore, it is no coincidence that the number of electronic cigarette flavors has skyrocketed in recent years, with more than fifteen thousand unique electronic cigarette flavors identified in a 2018 study. Even alcohol has candy, fruit and dessert flavors and they are used to make it more enjoyable to drink and also help mask the harshness of the liquid. Flavors are the most common for the underage to try because of the same exact reasons you've stated about E-Liquids. The sale of alcohol is prohibited online, and more restrictions are in place to help prevent the sale to underage. So, if flavored alcohol has these restrictions then why wouldn't that be done for ESD's as well.

Kids are always going to find a way to get what they want and what they are most curious about, and in return the adults that are trying to get off from tradition tobacco products are the ones that will be most affected by this bill. Many adults were successful in getting off tobacco products like cigars, cigarettes and chew by switching to vaping. Most cigar and cigarette users were able to make the switch using flavored e-liquid. The flavors helped by making it enjoyable to vape and if they would get the urge to smoke a cigar or cigarette, it would make them taste horrible as well as the smell. Many ex-smokers can't go back to cigarettes or cigars after vaping because of how horrible it tastes and the smell that lingers from the smoke. The flavors would help keep them from smoking and stay off the tobacco products that we for sure know kills. The whole reason that smokers switch to vaping is so that they can stay away from traditional tobacco. A flavor ban will take away a very big part of vaping that plays a positive role in helping people switch and not want to go back. Banning flavored e-juice will also force many ex-smokers to get their products online which will result in vaporizer stores statewide to close their doors come July 1, 2020. There will be hundreds of residents that are part of the industry that will be without a job once that happens and all the money that would have been spent in the state would be going elsewhere. Money will be leaving our state economy, hundreds will be out of a job and no taxes can be collected from any of the businesses that were forced to close. We are already facing a problem with the increasing number of homeless in the state and this would only add to the existing problem.

This is the reason why I don't believe that bill **SB2228** will be effective in a positive way for the residents and taxpayers of the state of Hawaii. I am writing this testimony because **I STRONGLY OPPOSE SB2228 AND FEEL THAT IT SHOULD NOT BE PASSED**. One group of the population should not have to be sacrificed for the other's sake. Just because some of the population is obese doesn't mean that we should ban everyone from eating rice and gravy. That's why we educate kids and parents about

proper nutrition and a well-balanced diet. Everyone has the right to make choices including children and the only way we can help in making the best decisions for us would be through education. The vaping industry along with teachers, parents and government officials should work together to help solve this problem of underage vaping. Everyone in this state is part of one big Ohana and as an Ohana we should be coming together when trying to fix a problem involving all of us. Thank you for taking the time to listen to me.

Much Mahalo,

Timothy M. Oishi

Date: February 24, 2020

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members of the Senate Judiciary Committee

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

Re: Strong Support for SB2228, Relating to Flavored Products for Electronic Smoking

Hearing: Tuesday, February 25th at 12:30pm at Capitol Room 16

Thank you for the opportunity to submit testimony in SUPPORT of SB2228, which would prohibit the sale and distribution of flavored tobacco products and would require 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 all tobacco products, including electronic smoking devices, among adolescents and young adults.

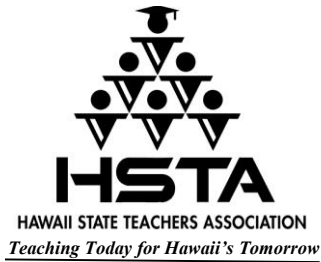
With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and states that there is an urgent need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

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes.

The banning of flavored tobacco products is an imperative next step in tobacco control, if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products in the State of Hawaii.

Mahalo,

Student Health Advisory Council



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

Corey Rosenlee
President

Osa Tui, Jr.
Vice President

Logan Okita
Secretary-Treasurer

Wilbert Holck
Executive Director



TESTIMONY BEFORE THE SENATE COMMITTEE ON
JUDICIARY

RE: SB 2228, SD1 - RELATING TO FLAVORED PRODUCTS FOR
ELECTRONIC SMOKING DEVICES

TUESDAY, FEBRUARY 25, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads and Members of the Committees:

The Hawaii State Teachers Association **strongly supports SB 2228, SD1** which establishes the offense of unlawful shipment of e-liquid products, prohibits the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of tobacco products other than through retail sales via a direct, in-person exchange between a retailer and consumer, and includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.

Flavored tobacco products have been proven as the entry point for youth to start smoking. **With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say they only use a flavored product.**

The use of e-smoking products among youth is at epidemic levels, especially in Hawaii. According to the 2017 Youth Risk Behavior Survey, **Hawaii has one of the highest rates of middle and high school usage in the nation at 15.7% and 25.5% respectively.** Moreover, 27% of middle school students and a whopping 42% of high school students have tried e-cigarettes. On the neighbor islands, usage trends are particularly concerning—in Hawaii county 34% of students reported they are regular users while on Kauai 32% are regular users.

Adolescence is 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 not only ban the sale of flavored products for electronic smoking devices but it would also 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.

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawaii State Teachers Association requests you **support** SB 2228 SD1.

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 12:35:36 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald	Individual	Oppose	No

Comments:

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 12:45:17 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Loren	Testifying for West Hawaii Community Health Center	Support	No

Comments:

Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 12:49:26 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 12:51:52 PM
Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Mills	Individual	Support	No

Comments:

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

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

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes. Menthol flavors are particularly enticing, making menthol cigarettes another popular starter product. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

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

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 1:07:22 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Barger	Individual	Support	Yes

Comments:



REV. DENNIS BARGER, PC(USA) Retired

Kihei, Maui, Hawai'i

In addition to serving as a pastor for over 40 years I am a former California Certified Prevention Specialist and I have worked as a Mono County Health Department, Health Promotion Professional. I have been trained as a Smoking Cessation Specialist and worked for the American Lung Association on Maui to help people break the addiction to tobacco. I have been helping people to reduce their dependence on nicotine for over fifteen years. I am an active member of the Coalition for a Tobacco Free Maui. I know how easy it is for young people to become addicted to fruity flavored vapes.

Hawai'i is already experiencing a youth vaping epidemic. With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With over 15,500 flavors on the market, restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

I strongly SUPPORT SB2228, which would regulate an irresponsible tobacco industry and remove the thousands of fruit and candy-flavored tobacco products and e-liquids that are addicting our keiki, including menthol cigarettes, flavored smokeless tobacco, and flavored cigars.

BECAUSE:

- ***We must prohibit online sales*** and shipment of tobacco products directly to consumers to keep them out of the hands of underage youth.
- ***We need to hold the industry accountable through regulations*** instead of punishing youth who have fallen prey to their predatory marketing tactics.
- ***Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use*** and can even be counter-productive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking or vaping.
- ***Other policies are proven strategies to reduce youth tobacco use***, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention and education programs in schools, and increased enforcement of tobacco sales restrictions.
- ***81% of youth*** who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
- ***Tobacco companies are making and marketing deadly and addictive products*** that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava.
- ***Restricting the sale of kid-friendly flavors*** that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

I urge YOU to support HB2228.

Mahalo, Rev. Dennis F. Barger

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

LATE

February 25, 2020, 12:30pm, Conference Room 016

Support for Senate Bill 2228, Senate Draft 1, Relating to Flavored Products For Electronic Smoking Devices

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 restrict the sales of flavored e-cigarette products to protect youth. 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% increase in high school e-cigarette use from 2017 to 2018, according to the Centers for Disease Control and Prevention. 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.

With 8 in every 10 kids starting tobacco use with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. According to the Hawaii Public Health Institute, there are more than 15,500 flavors on the market today. Research has also shown that menthol flavors are particularly enticing to teens and adults who haven't previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit.

Hawaii has long been a leader in tobacco control across the nation but has fallen behind in protecting youth from the dangers of flavored tobacco products. According to the Campaign for Tobacco-Free Kids, over 250 localities across the nation have passed restrictions on the sale of flavored tobacco products. In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes.

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 2228.



Pedro Haro
Executive Director
pedro.haro@lung.org

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 2:26:45 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Algire	Testifying for Hawai`i Children's Action Network Speaks!	Support	No

Comments:

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TESTIMONY IN SUPPORT OF SENATE BILL NO. 2228 SD1

A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO
PRODUCTS FOR ELETRONIC SMOKING DEVICES

COMMITTEE ON JUDICIARY,
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

LATE

Tuesday, February 25, 2020, 12:30 p.m.
State Capitol, Conference Room 016

Honorable Chair Rhoads, Honorable Vice Chair Keohokalole, and Members of the Committee on Judicary. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 2228 SD1.

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

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

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

The Office of the Prosecuting Attorney, County of Hawai'i SUPPORTS the passage of Senate Bill No. 2228 SD1. Thank you for the opportunity to testify on this matter.

SB-2228-SD-1

Submitted on: 2/24/2020 4:01:02 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

LATE

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

Comments:

We are strongly opposed to this bill for the following reasons:

1. The bill is profoundly dishonest since those constituents over the age of 21 would be punished by it.
2. The bill is highly offense to the civil rights and liberties of a massive voting block that smokes and vapes. You as a lawmaker would NOT be fairly representing them by passing this bill.
3. **The bill is a revenue loser. It will incentivize people that visit Hawaii to buy their menthol and other flavored products before they come to Hawaii**, seriously harming local small businesses.
4. It will also foster a black market via smuggling, the mail, the internet, and other sources.

Sincerely, Hawaii Smokers Alliance

www.hawaiismokersalliance.net

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 5:02:20 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Young	Individual	Oppose	No

Comments:

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 5:10:49 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David McCann	Individual	Oppose	No

Comments:

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 5:44:25 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Dear Chair Rhoads, Vice-Chair Keohokalole, and Committee Members,

My name is Ramic Santiago and I **support** SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

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.

LATE

Testimony to Senate Committee on Judiciary
Tuesday, February 25, 2020; 12:30 p.m.
State Capitol, Conference Room 016

Dear Chair Rhoads, Vice-Chair Keohokalole, and Committee Members,

I support SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

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 2228 SD1 to save our children for the future.

Sincerely,

Jennifer Hausler
Pearl City, 96782

LATE

Date: February 25, 2020
To: The Honorable Karl Rhoads, Chair
Jarrett Keohokaole, Vice Chair
Members of the Committee on Judiciary

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

Re: Support SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC
SMOKING DEVICES.

Hearing: Tuesday, February 25, 2020 at 12:30 pm at Conference Room 016

Thank you for the opportunity to submit testimony in SUPPORT SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

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 SB 2228 SD1, 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 SB2228 SD1 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 Senate Committee on Judiciary
Tuesday, February 25, 2020; 12:30 p.m.
State Capitol, Conference Room 016

LATE

Dear Chair Rhoads, Vice-Chair Keohokalole, and Committee Members,

My name is Cassandra Castillo and I am in support of I strongly support SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES. 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 2228 SD1 for the future of our children's tomorrow. Thank you for this opportunity to testify.

Cassandra Castillo
Ewa Beach, 96706

Testimony to Senate Committee on Judiciary
Tuesday, February 25, 2020; 12:30 p.m.
State Capitol, Conference Room 016

LATE

Dear Chair Rhoads, Vice-Chair Keohokalole, and Committee Members,

I strongly support SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES. 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.

Mahalo,

Marissa Powers, RDH
Honolulu, Hawaii, 96815

Testimony to Senate Committee on Judiciary
Tuesday, February 25, 2020; 12:30 p.m.
State Capitol, Conference Room 016

LATE

Dear Chair Rhoads, Vice-Chair Keohokalole, and Committee Members,

RE: SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

My name is Uri Martos, and I am writing to express my support for SB 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES 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 2228 SD1: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES. Thank you for the consideration of my testimony.

Mahalo,
Uri Martos
Lihue, Kauai 96766

LATE

SB-2228-SD-1

Submitted on: 2/24/2020 7:30:30 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

Comments:

Honorable Senators:

I strongly oppose SB2228. Please consider the rights of everyone when you vote. Please vote against SB2228.

Respectfully submitted,

Theresa Revell

LATE

February 24, 2020

Strong Support of SB 2228 RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

To the House of Representatives

Hrg: Pō'aluā, Pepeluali 25, 2020 / Tuesday, February 25, 2020, 12:30 p.m., Lumi 'Aha Kūkā 016 / Conference Room 016

I strongly support SB 2228 RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES, which establishes the offense of unlawful shipment of e-liquid products.

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

Again, I strongly support SB 2228 RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES and ask you to pass this out of committee.

Sincerely,
Jessica Cambra ~mother of 3 Maui boys
101 Kealohilani Street
Kahului HI 96732
808-280-0055

LATE

SB-2228-SD-1

Submitted on: 2/25/2020 8:37:51 AM

Testimony for JDC on 2/25/2020 12:30:00 PM

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

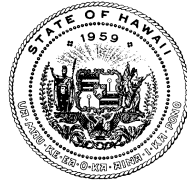
Comments:

As a parent, nurse, and teacher, I am strongly in SUPPORT of SB2228 as it includes a Flavored ESD Tobacco Ban and begins to limit access of tobacco products to youth. We have an epidemic in youth vaping/e-cigarette use in Hawaii and statistics show that 81% of youth who vape say that they started with a flavored product. The sweet flavors- some of them locally themed like Maui Mango and Hawaiian POG and coming in deceptive packaging that looks like candy- lure kids in, decrease perception of harm, and then they become addicted to nicotine. Menthol is another flavor popular with those trying tobacco for the first time due to its cooling properties. Furthermore, menthol has historically targeted vulnerable groups and is popular amongst Native Hawaiians and Pacific Islanders, making it a social justice issue as well as a public health one. The health risks of e-cigarettes are well documented as are the disruptions to classes and schools.

A concern is that I believe the solution lies in preventing youth from getting addicted in the first place, rather than punishing them once they do become addicted. However, we have an opportunity to intervene in this unfolding public health crisis in Hawaii by passing this bill to limit youth access to ESDs and as the parent of an 11 year-old starting middle school this Fall, there is no time to delay.

Mahalo,

Kathleen Hagan, MS, APRN, ANP-BC



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

LATE

**Testimony in SUPPORT of S.B. 2228, S.D. 1
RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 25, 2020

Room Number: 016

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

4 **Department Testimony:** The DOH supports Senate Bill 2228, Senate Draft 1 (S.B. 2228,
5 S.D. 1) which makes it unlawful to ship, sell, offer to sell, or possess with the intent to sell, or
6 offer to sell any flavored e-liquid products or electronic smoking devices (ESDs) containing
7 e-liquid, including menthol in the State. The DOH supports S.B. 2228, S.D. 1 as a public health
8 measure to curb the growing and unprecedented youth e-cigarette epidemic in Hawaii. The
9 narrow title of the bill however limits the scope of the prevention policy to only address the
10 availability and access to e-liquids and not the entire device.

11 The measure provides some degree of tax parity between combustible and non-
12 combustible tobacco products by including “e-liquid” and “ESDs” in the definition of tobacco
13 products, and also require those selling ESDs or e-liquids to obtain a license or retail permit
14 through the DOTAX. Youth are price sensitive and historically, increasing the cost of cigarettes
15 is associated with decreasing smoking rates, and likewise recent studies are now showing that
16 increasing the price of e-cigarettes will reduce consumption by youth.^{1,2}

¹ 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](https://doi.org/10.1136/tobaccocontrol-2017-054056)

² 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](https://doi.org/10.1111/add.14119)

1 Since the 2018 Food and Drug Administration (FDA) and Surgeon General declaration of
2 the youth e-cigarette epidemic, use among young people continues to rise, and effective policies
3 in Hawaii to protect youth are still lacking. By 2019, 27.5% of high school students nationally
4 reported vaping compared to 20.8% in 2018.³ These figures represent a doubling of e-cigarette
5 use between 2017 and 2019 for high schoolers (11.7% to 27.5%) and tripling of use for middle
6 schoolers (from 3.3% to 10.5%).⁴ In total numbers, 4.1 million high school youths and 1.2
7 million middle school youths said they currently use e-cigarettes.⁵ Hawaii youth in 2017 had
8 amongst the highest ESD rates in the nation, with 25.5% high school, and 15.7% middle school
9 students reporting regular use, compared to 4.7% of adult use.⁶

10 The proposed measure would protect the health of Hawaii's youth and remedy the slow
11 action by the federal government to regulate the burgeoning ESD industry. The recent FDA
12 announcement was not a ban on the availability of all flavored tobacco products. Instead,
13 products that are not legally on the market are being prioritized by the FDA for enforcement.
14 Since only flavored cartridge-based ESD products excluding tobacco- or menthol-flavored are
15 part of the announcement, flavored disposable and refillable ESD products remain on the market.
16 None of the ESDs on the market now have gone through premarket authorization to determine
17 public health risks and benefits to the population, including whether non-tobacco users will start
18 using the new products.⁷

19 Flavors are a major reason that youth use tobacco. According to the 2013-2014
20 Population Assessment of Tobacco and Health (PATH) study, 81% of 12-17-year olds who had

³ Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students —

United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

⁴ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

⁵ 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>

⁶ Department of Health, [Hawaii Health Data Warehouse, Indicator-Based Information System](#), 2017 Hawaii Youth Risk Behavior Survey, and 2017 Hawaii Behavior Risk Factors Surveillance Study.

⁷ U.S. Department of Human Services, FDA, Center for Tobacco Products, Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization, Guidance for the Industry, January 2020, FDA-2019-D-0661: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-priorities-electronic-nicotine-delivery-system-ends-and-other-deemed-products-market>

1 ever used a tobacco product-initiated tobacco use with a flavored product. Additionally, 80% of
2 current users had used a flavored product in the last month.⁸ In 2019, the large majority of
3 youth ESD users reported use of flavors with fruit, menthol or mint, candy, desserts, or other
4 sweets as being the most commonly used.^{9,10} According to the same research, mint and menthol
5 went from being among the least to among the most popular flavors for high school students over
6 the past four years.¹¹ Data from another 2019 study revealed that the most popular flavor among
7 10th and 12th grade Juul users was mint.¹² The products are heavily marketed to teens, with 7 in
8 10 reporting exposure to e-cigarette advertising.¹³ These data and trends illustrate that
9 e-cigarette products and marketing, and risk for youth are evolving, and effective policy is
10 urgently needed.

11 In December 2019, the federal administration raised the national legal age of sale of all
12 tobacco products, including ESDs, from 18 to 21 years of age, however, the acceleration of
13 unregulated online tobacco product sales has created a dangerous loophole, by providing an
14 appealing option for underage smokers. Youth easily, and often, circumvent the age verification
15 process for purchasing tobacco. According to the Internet Tobacco Vendors Study (ITV),
16 supported by the National Cancer Institute and the U.S. FDA Center for Tobacco Products,
17 minors were successful in buying ESDs online 93% of the time despite age restrictions. Another
18 study found that ESDs were often shipped from internet vendors without instructions or health
19 warnings. Due to the easy access for minors through online marketing, public health researchers

⁸ Ambrose, B. K., Day, H. R., Rostron, B., Conway, K. P., Borek, N., Hyland, A., & Villanti, A. C. (2015). Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 314(17), 1871–1873. <https://doi.org/10.1001/jama.2015.13802>

⁹ Campaign for Tobacco-Free Kids, Statement of Matthew L. Myers, President, “JAMA Studies Show Youth E-Cigarette Epidemic is Getting Worse and Kids Shifted to Mint/ Menthol After Other Flavors Were Restricted”, November 5, 2019, retrieved from https://www.tobaccofreekids.org/press-releases/2019_11_05_jama.

¹⁰ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

¹¹ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

¹² Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O’Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA*. 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

¹³ 2019 Monitoring the Future, National Institute on Drug Abuse, National Institute of Health, retrieved 2-24-2020 from <https://www.drugabuse.gov/related-topics/trends-statistics/infographics/teens-e-cigarettes>.

1 recommend more vigorous policies to prohibit sales to minors.^{14,15} The tobacco and vaping
2 industry have proven adept in circumventing existing regulations to continue marketing products
3 to youth after announcements by the FDA to prioritize enforcing the sale of flavored cartridge-
4 based ESD products.¹⁶

5 Flavors facilitate youth initiation of tobacco use, which exposes the developing brain and
6 body to the harmful effects of nicotine. E-cigarettes are not safe for youth because it changes the
7 neural pathways to prime the brain for future addiction, and disrupts sleep, attention, and
8 memory, and has been implicated in the lung illness outbreak.^{17,18} Effective public health
9 policies address preventing and protecting youth from lifelong dependency to addictive
10 substances like nicotine. The FDA Commissioner stated, “No child should be using any tobacco
11 or nicotine-containing product. We need to do everything possible to reverse the alarming trend
12 of rising youth use of novel products like e-cigarettes and help kids who may already be
13 addicted.”¹⁹ The DOH supports this measure because it addresses the access and availability of
14 the flavored products used in ESDs that are promoted to entice and addict teens to become
15 regular customers.

16 Thank you for the opportunity to testify.

¹⁴ Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

¹⁵ Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features. Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

¹⁶ *Teens Find a Big Loophole in the New Flavored Ban*, Sheila Kaplan. Published 1-30-2020, updated 2-12-2020, retrieved 2-24-2020 <https://www.nytimes.com/2020/01/31/health/vaping-flavors-disposable.html>.

¹⁷ 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, retrieved from <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>

¹⁸ Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping Products. Centers for Disease Control and Prevention, retrieved 2-24-2020 https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html.

¹⁹ Press Announcement; Statement from F.DA Commissioner Scot Gottlieb, MD, o the agency’s continued efforts to address growing epidemic of youth e-cigarette use, November 2, 2018.