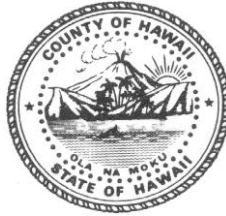


**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKĪ ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF SENATE BILL NO. 2228 SD2

A BILL FOR AN ACT RELATING TO THE YOUTH VAPING  
EPIDEMIC

COMMITTEE ON CONSUMER PROTECTION AND  
COMMERCE

Representative Roy M. Takumi, Chair  
Representative Linda Ichiyama, Vice Chair

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

Honorable Chair Takumi, Honorable Vice Chair Ichiyama, and Members of the Committee on Consumer Protection and Commerce. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 2228 SD2.

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 every 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 ESDs 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 SD2. Thank you for the opportunity to testify on this matter.



## **SB2228 SD2 Ban the Sale of Flavored Tobacco**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE:

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

## **Hawaii Substance Abuse Coalition Supports SB2228 SD2:**

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

### **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.



March 10, 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 CONSUMER PROTECTION & COMMERCE  
Rep. Roy M. Takumi, Chair Rep. Linda Ichiyama, Vice Chair

### ***STRONG SUPPORT FOR SB 2228 SD-2*** **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-2.

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-2. 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



**Testimony to the House Committee on Consumer Protection and Commerce  
Wednesday, March 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 016**

**RE: SENATE BILL NO. 2228, SENATE DRAFT 2, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.**

Chair Takumi, Vice Chair Ichiyama, 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 2, 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;

**Testimony on Senate Bill No. 2228, Senate Draft 2**  
**Wednesday, March 11, 2020; 2:00 p.m.**  
**Page 2**

- (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 for the initial violation, and not less than \$500 but not more than \$2,500 per day for any subsequent offense;
- (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@hawaiiipca.net](mailto:eabe@hawaiiipca.net).



Pono Hawai'i Initiative

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

Wednesday, March 11, 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, SD2 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

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



**SB-2228-SD-2**

Submitted on: 3/10/2020 9:49:25 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jhanella Shayne	HIPHI Youth Council	Support	No

Comments:

**I'm Jhanella Shayne, a current ninth grader at Waipahu Highschool. I strongly support HB 2228. As a student I use the city bus. I would always encounter students vaping in the stops and I would avoid them. There was this one time I avoided a student vaping by covering my nose and mouth. A bus driver noticed me avoiding and confronted me saying "It's only vaping. It's not harmful." I couldn't take the fact that adults would encourage our kids to vape and that they are blinded of the harmful effects vaping offers. It's because they think it's just "juices" like those apple juice children drink. But it's more than that. It's targeting our students and the adults are supporting it. That's why I support the flavored tobacco ban. I want to share my voice and let my peers see that they are being targeted and how it's important to know the consequences they may face if they continue to let the tobacco industry and the adults tell them that it's "safe".**

**This is a great opportunity to empower our youth and spread the word against tobacco. I believe that it's important to have a say on these matters, especially since this affects our generation and the younger ones that follow. I always witness our students being manipulated and affected by the tobacco industry. I want this to stop right now and protect our future generations.**

**SB-2228-SD-2**

Submitted on: 3/10/2020 9:41:49 AM

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

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

Comments:

Aloha Chair & members,

My name is Jostin we at Hi Lyfe Vaporz, LLC Strongly oppose SB2228 SD2, With the recent false information in the media & CDC that has been spread negatively throughout the public, it definitely has already cause such a negative impact on our business & many across the USA. It would be vital that our government pass proper information about vaping rather than causing an immediate scare on the public. Thankfully after proper understanding vaping nicotine products is now known not to be the issue people were dying & getting sick from across the nation. It important for our government to understand how how all that mess in the media has affected many small businesses like our, we took over a 30% loss in sales now we are on the verge of closing one of our stores as well as cut many hours off of our employees schedule because we cant afford to keep them employed. It has created a lost of employment & a lost in revenue for small businesses, but has and will start to create more unemployment. Please reconsider & understand how Bill's like this affect not only business, employees but the public as well, we mustn't resort back to conventional cigarettes.

As small business owner a bill of this magnitude can affect thousands of people in the state of Hawaii that has nothing short of a positive impact In their lives, health & especially the purpose of quitting combustible cigarettes. Our business has kept my wife & I employed for over 5 years & is now helping our son get a higher education. With Bill's like this it affects many families when the issue isnt what's being portrayed. As a small business owner my business Hi Lyfe Vaporz, LLC has had over 10 employees, a bill like this could impact our business as well as many across the state in such a negative manner, causing people to lose their jobs & homes they would be unable to provide for their families, not only that, many may end up going back to combustible cigarettes which infact is already known to be a health factor throughout the world. The FDA has implemented stringent rules and regulation for the vape industry which all manufactures and retailers are suppose to comply with as well as stay up to date. One of the problems with youth vaping epidemic isn't "Flavors" an issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults will have a negative impact, taxes alone from the industry generates a good chunk of funding for our state. It's important to understand

taking away vaping may greatly impact revenue to the state for health and research ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative to combustible cigarettes. I humbly ask to think before passing such a bill. Myself ,my family as well as our employees and customer's will be greatly be affected negatively. I am a former smoker of 20 year's, I oppose SB2228 SD2, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away from legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use state and nation wide, will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

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

Also please take a look at this

Testimony in Opposition:

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

1. Economic Impact

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

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

## 2. State Health Department Data

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

## 3. More Information Needed

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

## 4. Youth Sales Miniscule

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

## 5. Misspent Money

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

## Policy Solution

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

## Key Points:

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

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

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

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

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

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

#### References

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

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

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

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

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

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

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

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

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

Senator Richard Burr in his explanation of what his thought are on this matter here is the link

[https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W\\_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM](https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM)

Mahalo Nui Loa for your your time

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:33:59 PM

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

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

Comments:

We remain in STRONG OPPOSITION to hb2457 for the following reasons.

1. The bill would largely destroy the local vaping industry in Hawaii, costing jobs and livelihoods.
2. The bill bans all flavors of both normal tobacco and vaping products. The bill FALSELY claims to be about minors when in fact these products are already banned for minors. **Clearly the bill is intended as a transgressive act against adult smokers of voting age.**
3. The bill is highly bigoted against the freedom of choice of adults who proudly smoke and vape.

Sincerely, Hawaii Smokers Alliance

## **SB2228 SD2 Ban the Sale of Flavored Tobacco**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE:

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

## **The Coalition for a Drug-Free Hawaii Supports SB2228 SD2**

### **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.
- Back in 2017, according to the Youth Risk Behavior Survey (YRBS) the prevalence of e-cigarette use (past 30 days) was 25.5% among Hawaii high school students and 15.7% among middle school students. This is almost 2 ½ times more than youth tobacco use.

When Congress banned flavored cigarettes in 2009, there was a correlating reduction in overall tobacco product use by youth of 6.1 percent.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5401634/>

The flavors of e-cigarettes attract and hook the kids. For these reasons and more The Coalition for a Drug-Free Hawaii strongly supports SB2228 SD2.

We appreciate the opportunity to provide testimony.

With aloha,



Greg Tjapkes  
Executive Director  
Coalition for a Drug-Free Hawaii





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

To: Hawaii State Legislature

Regarding: Electronic Smoking Device Regulations

Position: Strong Support

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

Tobacco License and Permit requirement:

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

ESD tax:

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

Funding for ESD health and education programs for youth

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

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

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

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

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

Sincerely,

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



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

#### Executive Officers

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

---

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

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

RE: SB2228 SD2 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.

# 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 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.

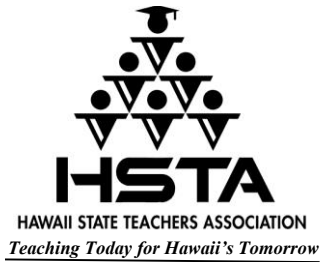
### **Prohibit Online Sales:**

- 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.**



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

Corey Rosenlee  
President

Osa Tui, Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE

RE: SB 2228, SD2 - RELATING TO FLAVORED PRODUCTS FOR  
ELECTRONIC SMOKING DEVICES

WEDNESDAY, MARCH 11, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association **strongly supports SB 2228, SD2** 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 in a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and

harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking. According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 **“flavored cigarettes are a gateway for many children and young adults to become regular smokers.”** Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.

Because this bill prohibits the sale of flavored e-smoking products as well as limits the sale of electronic smoking devices to in-person retail purchases, our youth will no longer have easy access to these products through online purchases and shipments. Prohibiting the sale of flavored e-liquids will create a reduction in usage among our youth as **the flavors are what gets them started and keeps them coming back. Furthermore, taxation is a proven strategy to reduce long-term usage so this bill will also deter children 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 this bill.**

**SB-2228-SD-2**

Submitted on: 3/10/2020 10:24:35 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
BELLA HUGHES	Shaka Tea	Support	No

Comments:

**March 9, 2020**

**The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
Committee on Consumer Protection & Commerce  
Hawaii State Capitol  
Honolulu, Hawaii 96813**

**Aloha Chair Takumi, Vice Chair Ichiyama, and Members:**

**My name is Isabella “Bella” Hughes, and I am in very strong support of SB2228, SD2, Relating to Flavored Products for Electronic Smoking Devices. The bill would prohibit 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.**

**As the owner of a company committed to health, coupled with being a mother to two young children, it is deplorable to see businesses marketing and selling flavors directly appealing to minors. I sincerely hope you will support SB2228, SD2 and protect our youth in Hawai‘i.**

**Mahalo,**

**Isabella “Bella” Hughes  
[bella@shakatea.com](mailto:bella@shakatea.com)  
Hilo, Hawaii**



Date: March 11, 2020

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

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

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

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

---

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



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

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

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

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

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports SB 2228 to ban the sales of flavored products for electronic smoking devices products in Hawai'i, prohibit the mislabeling of e-liquid products containing nicotine, and to regulate the sales of tobacco products.**

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

Initiation of e-cigarette use is almost always associated with a flavored product. Studies have shown that flavored tobacco-use is particularly enticing to youth. The e-cigarette and vape companies use attractive packaging and flavors that are very similar to candy products and sweets that are easily recognizable by children and teens. These flavors include common candies like cotton candy, sweet tart, blue raspberry, and even local Hawaii-inspired flavors like POG (passion orange guava), Hawaii Sweet Roll, and Pele's Papaya. It is important to include a ban of all menthol and other flavored tobacco products in addition to the flavored ESD products.

One of the biggest concerns with e-cigarettes is the lack of longitudinal studies on health and safety of these products. It took decades for the harmful side-effects of combustible cigarettes to become well-known, and we do not want our youth to be the ones to suffer from any potential health effects of e-cigarettes or vape products. We cannot sit by as a generation of adolescents becomes addicted to nicotine because of these flavored products.

In the best interest of our local youth, we would like to request your **support of SB 2228** to ban flavored electronic smoking device products. If the products cease to be appealing, are made more inaccessible, and more education is provided to our keiki about the health risks of using these products, we may help to avoid the damage caused by the tobacco and vaping industries.

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

**SB-2228-SD-2**

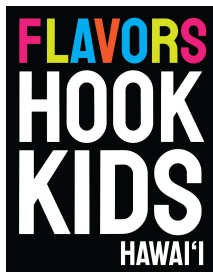
Submitted on: 3/10/2020 10:10:23 AM

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

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

Comments:

I feel like this bill would effect my job and me being able to continue vaping myself. It has helped me quit cigarettes for a few years now, I would hate to no longer have that choice.



To: Chair Roy Takumi and Vice Chair Linda Ichiyama

Re: Support: SB2228, SD2 Relating to Flavored Tobacco Products

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

Dear Members of the Committee on Consumer Protection and Commerce,  
The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT of SB2228, SD2** 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.<sup>1</sup>

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."<sup>2</sup> 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 schoolers from 3.3% to 4.4%.<sup>3</sup> It is clear that we must act and we must act now.

---

<sup>1</sup> "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>

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

<sup>3</sup> CDC, "Tobacco Use is Rising" February 2019 Report.

**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.<sup>4</sup>

**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."<sup>5</sup>

**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.<sup>6</sup> Menthol cigarettes made up 36 percent of the market in 2018.<sup>7</sup>

As of 2017, researchers identified more than 15,500 unique e-cigarette flavors available online.<sup>8</sup> 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

---

<sup>4</sup> 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.

<sup>5</sup>Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011  
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

<sup>6</sup> 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.

<sup>7</sup>U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018*, 2019,  
<https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereport2018.pdf> [data for top 5 manufacturers only].

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

used in the past for marketing conventional tobacco products to youth and young adults.”<sup>9</sup> 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.<sup>10</sup>

**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.<sup>11</sup> 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.<sup>12</sup> Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.<sup>13</sup> 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.”<sup>14</sup>

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>15</sup> The manufacturer of JUUL, the most popular e-cigarette, claims that each JUUL pod contains as much nicotine as a pack of twenty cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”<sup>16</sup> It is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

---

<sup>9</sup>HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

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

<sup>11</sup>FDA, “Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products,” September 11, 2019, <https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non-tobacco-flavored-e-cigarette-products>.

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

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

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

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

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

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.<sup>17</sup>

**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](mailto:liza@flavorshookkidshi.org)

---

<sup>17</sup>TPSAC, *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 Oiwi  
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

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:57:50 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:34:38 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Iriarte	Hi Lyfe Vaporz,LLC	Oppose	No

Comments:

Aloha Chair and Members, I strongly oppose SB2228. Due to all of the false information put out in the media it has caused such a big stigma in the vape industry. This has caused such a huge scare among individuals causing them to go back and smoke traditional cigarettes. The information put out by individuals claiming that vaping has caused them to have medical issues was false and was due to them vaping illegal THC cartridges. These are the reasons we are in this situation as we speak. I'm an adult and I love to vape flavors, by banning flavors it will cause more harm than good. Individuals especially the minors will go out and try to make their own e-liquid and it will be more dangerous. Instead of banning flavors we need more enforcement for youth vaping. These minors are still going to find a way to get it so why not enforce the rules and issue fines to them and parents instead.

**SB-2228-SD-2**

Submitted on: 3/9/2020 4:09:14 PM

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

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

Comments:

Strongly Support SB2228 SD2

1. 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.
2. This is extremely concerning; There are numerous health impacts from e-cigarettes. Teens are particularly vulnerable to nicotine, which permanently impacts the developing brain.
3. 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).
4. 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
5. This issue is simple—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.

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

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

**House Committee on Consumer Protection & Commerce**

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

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

Re: **Testimony in Support of SB 2228, SD2  
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, SD2** 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.



March 9, 2020

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

**RE: SB2228, SD2 – oppose.**

Thank you for the opportunity to submit testimony.

Thank you for the opportunity to submit testimony. VOLCANO eCigs is the largest retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 100 full-time workers to support sales of our products not only here in Hawaii, but to most all continental USA states. We stand in opposition to SB2228 SD2 for the following:

- Most recently, the FDA has issued updated guidance on vapor products which limit a flavor restriction to prefilled pods such as the Juul device which has been proven in the recent CDC Youth Tobacco Risk Survey to be the #1 brand choice for youth usage. This is a measured approach to an issue The FDA purposefully left the “open tank” market off their guidance for flavor restrictions because they want to keep the adult users and industry participants insulated from a blanket ban that would send adults back to cigarettes and put 15,000 small businesses out of business & 100,000 people out of work nationally.
- SB2228 SD2 will deny current combustible tobacco smokers vital products needed to help them quit smoking. Furthermore, a flavor ban would no doubt force the closure of over 50+ businesses in Hawaii and immediate loss in employment as well as retail leases and supporting businesses. It’s the small independent vape shops which play a vital role in helping adults make a successful transition off tobacco cigarettes, not convenience stores.
- To date there is no manufacturer that sells as successful line of unflavored eliquid to legal adult users 21+. These products rely heavily on their ability to offer flavor diversity to adults to increase their success in secession rates from tobacco cigarettes.
- A flavor ban would force a black market “Do it yourself” experimental market due to the massive adult population who currently use these products in Hawaii. Currently, all products being distributed by Hawaii vape shops are third party batch tested and registered with the FDA with assigned TP numbers. The factories manufacturing the products that currently sit on the shelves are quality controlled. The black-market conditions which would arise from the passing of this bill would inflict a huge quality void in the market and expose the adult population to greater risks. The unintended consequences of this bill outweigh the hypothetical gain.
- Flavored alcohol products remain in plentiful abundance at every retail outlet even with high rates of youth usage, associated death and disease, in addition to all the addiction and abuse of those items as well. The vapor category is being held to a different standard in regards to flavors on the retail market. Its potential to be a risk reduction tool is proven



to assist adults in a path off of using the known killer of tobacco cigarettes and should be supported instead of denied the single largest public health with of our lifetime.



- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet SB2228 SD2, HD2 deceptively refers to vapor products as “Electronic Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.

- SB2228 SD2 states in its justification that the bill and its regulations are needed to curb youth usage. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco.

o <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>





- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes
  - [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)
- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for these products, not tighter regulations that steers vapers back towards tobacco cigarettes
  - <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.
  - <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththat-vaping-is-as-toxic-as-smoking/article/2646804>
  - [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)
- SB2228 SD2 States in its justification that the use of licensing and permit fees will help "protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit". We fail to see how requiring retailers to obtain a permit will translate to 'protecting the public'. Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.
- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.
  - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/Ecigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)
- SB2228 SD2's justification states that without taxing vapor products, "smokers may be tempted to purchase less expensive products such as e-liquid". This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes. An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.
- Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even



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

### **Policy Solution**

Despite recent fearmongering, the use of vapor products is significantly safer than traditional cigarettes, as noted by numerous public health groups including the Royal College of Physicians,<sup>[1]</sup> Public Health England,<sup>[2]</sup> and the American Cancer Society.<sup>[3]</sup> E-cigarettes are also twice as effective in helping smokers quit. Further, their use could save states billions in health care-related costs. As with any policy area, lawmakers should refrain from outright bans and seek out alternative solutions that reduce youth use, while maintaining adult access to tobacco harm reduction products.

### **Key Points:**

1. Hawaii's vaping industry provided more than \$100 million in economic activity in 2018 while generating 451 direct vaping-related jobs. The national average of sales of disposables and prefilled cartridges exceeded \$11 million in 2016.
2. In 2018, 20.9 percent of Hawaii high school students reported using vapor products on at least one day in the previous 30 days. Only 26.4 percent of Hawaii high school students cited flavors as a reason for e-cigarette use. More data is needed.
3. Only 1 percent of FDA retail compliance checks in Hawaii resulted in sales of e-cigarettes to minors from January 1, 2018 to September 30, 2019.
4. Hawaii spends very little on tobacco prevention. In 2019, Hawaii dedicated only \$4.5 million or 2 percent of what the state received in tobacco settlement payments and taxes.

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

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

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



VOLCANO®

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Cory N. Smith  
CEO & Owner  
VOLCANO eCigs  
197 Sand Island Access Rd. #213  
Honolulu, HI 96819  
[cory@volcanoecigs.com](mailto:cory@volcanoecigs.com)

**SB-2228-SD-2**

Submitted on: 3/9/2020 10:07:11 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Azuma	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



Kamehameha Schools®



ST ANDREW'S SCHOOLS  
THE PRIORY • THE PREP • THE PRESCHOOL



DAMIEN MEMORIAL SCHOOL

House Committee on Consumer Protection and Commerce

Time: 2:00 p.m.

Date: March 11, 2020

Where: Conference Room 329

**RE: SUPPORT FOR SB2228 SD2, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES**

Chair Takumi, Vice Chair Ichiyama and members Aquino, Belatti, Cabanilla Arakawa, Cachola, Har, Kong, Mizuno, Onishi, and Matsumoto.

The listed organizations are in **support of SB2228 SD2** 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!



March 10, 2020

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

RE: **STRONG SUPPORT for SB2228 SD2**

Thank you for this opportunity to testify in **SUPPORT** of SB2228 SD2. Blue Zones Project was brought to Hawai'i by HMSA to help increase the overall well-being of our communities and to make Hawai'i a healthier, happier place to live, work and play. To accomplish that goal, we address ways that we can lower obesity rates, tobacco use, and chronic diseases.

It is clear that ESD use by youth is on an upward trend; from 2017-2019, e-cigarette use more than doubled among high school students and tripled among middle school students.<sup>1</sup> Locally, 27% of middle school students and 42% of public high school students acknowledge trying electronic smoking devices in 2017.<sup>2</sup>

There is also overwhelming data from local and national sources, including the Centers for Disease Control and Prevention (CDC), citing 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."<sup>3</sup>

It is also clear that e-cigarette companies are using flavors to hook kids; According to the 2019 Youth Tobacco Survey, nearly all (97%) of current youth e-cigarette users use flavored products and 70% use e-cigarettes "because they come in flavors I like."<sup>4</sup>

Therefore, we urge you to pass **SB2228 SD2** to better regulate ESD products and allocate funds raised to support tobacco prevention, control, and cessation.

Thank you for this opportunity to testify in **strong support** of **SB2228 SD2**.

Sincerely,

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

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

<sup>1</sup> Wang, T. W., et al. (2019). Tobacco Product Use and Associated Factors Among Middle and High School Students. Centers for Disease Control and Prevention. *Surveillance Summaries*, 68(12):1-22

<sup>2</sup> 2017 Hawai'i Youth Risk Behavior Survey.

<sup>3</sup> Dunbar, M. S., Davis, J. P., Rodriguez, A., Tucker, J. S., Seelam, R., & D'Amico, E. J. (2018). Disentangling Within- and Between-Person Effects of Shared Risk Factors on E-cigarette and Cigarette Use Trajectories from Late Adolescence to Young Adulthood. *Nicotine & Tobacco Research*, nty179.

<sup>4</sup> Wang, T. W., et al. (2019). Tobacco Product Use and Associated Factors Among Middle and High School Students. Centers for Disease Control and Prevention. *Surveillance Summaries*, 68(12):1-22

**SB-2228-SD-2**

Submitted on: 3/9/2020 10:07:39 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mariner Revell	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 shops 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! A prime example is the fireworks ban how is that working? Prohibition does not work!



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.

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

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

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

**Support for Senate Bill 2228, Senate Draft 2, 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, Senate Draft 2.



Pedro Haro  
Executive Director  
pedro.haro@lung.org

**SB-2228-SD-2**

Submitted on: 3/9/2020 3:49:21 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kelli Buenconsejo	Individual	Support	No

Comments:

**I strongly support this SB. We need to stop the sale of flavored e cigarette products**

**FLAVORS MAKE IT EASIER TO START AND HARDER TO QUIT.**

1. 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.
2. This is extremely concerning; There are numerous health impacts from e-cigarettes. Teens are particularly vulnerable to nicotine, which permanently impacts the developing brain.
3. 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).
4. 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
5. This issue is simple—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.

Thank you

**SB-2228-SD-2**

Submitted on: 3/9/2020 5:05:05 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara J. Service	Individual	Support	No

Comments:

Flavors hook kids; 'nuff said!

Barbara J. Service MSW retired Child Welfare

Senior Advocate

**SB-2228-SD-2**

Submitted on: 3/9/2020 5:18:20 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 5:22:45 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 12:31:59 PM

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

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

Comments:

Yes, prohibit flavored products for ecigs. Protect ur children.

**SB-2228-SD-2**

Submitted on: 3/9/2020 5:42:24 PM

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

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

Comments:



**SB-2228-SD-2**

Submitted on: 3/9/2020 6:14:47 PM

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

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

Comments:

I'm Alex and I totally oppose this bill.

**SB-2228-SD-2**

Submitted on: 3/9/2020 6:25:55 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 6:24:03 PM

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

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

Comments:

Date: March 9, 2020

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

Re: **Strong Support for SB2228 SD2**, Relating to Flavored Products for Electronic Smoking Devices

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

Aloha House Committee on Consumer Protection & Commerce,

As a parent, educator and healthcare professional, I am writing in **strong support of SB2228 SD2**, 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; 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 addiction) 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**. 97% of youth who use e-cigs vape flavored products, including mint and menthol.

Menthol is a chemical found naturally in mint plants 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. And they've succeeded, **for each adult who tries to quit smoking with e-cigarettes, 81 kids who use e-cigs will become daily tobacco cigarette smokers**.

Tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. Under the SB2228 SD2 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 SD2 prohibiting all but face-to-face retail sales of tobacco products to those old enough to legally purchase, removing mail order and other purchase/delivery opportunities for youth to acquire e-cigarettes.

SB2228 SD2 requires 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.

Including e-cigarettes and e-liquids in the definition of tobacco products in Hawai'i cigarette tax and tobacco tax law is another important step to reducing youth vaping. Kids are price sensitive. An untaxed, disposable nic salt "puff bar" costs as little as \$1 yet delivers the same amount of nicotine to the body as two (2) packs of taxed cigarettes that cost about \$20. Retailers and retail establishments that sell e-cigs are not held to the same regulations as those that sell combustible tobacco cigarettes, yet both sell products that deliver the highly addictive drug nicotine and have serious, harmful effects on the human body.

I **strongly support SB2228 SD2** 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-2**

Submitted on: 3/9/2020 7:18:53 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 7:20:49 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 7:30:51 PM

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

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

Comments:

I 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

Pediatrics, Kauai

**SB-2228-SD-2**

Submitted on: 3/9/2020 7:40:28 PM

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

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

Comments:

**My name is Cyrus D., and I am from Kalihi, on the island of Oahu. I am testifying as a high school student. I am testifying on the SB2228 - Relating To Flavored Products For Electronics Smoking Devices. I am testifying in support of this bill.**

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

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

**As a future healthcare worker, the health of the youth and future generations is important. It bothers me that the Tobacco companies are focused on targeting the youth. I am in full support of this bill- SB2228 - for the safety of the youth and the future generation.**

**SB-2228-SD-2**

Submitted on: 3/9/2020 8:10:47 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 8:53:14 PM

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

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

Comments:

Date: April 9, 2020

To: The Honorable Roy M. Takumi, Chair

The Honorable Lindy Ichiyama, Vice Chair

Members of the Committee on Consumer Protection and Commerce

Re: Strong Opposition of SB2228, Relating to tobacco flavored products for electronic smoking devices

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

Dear Committee Members:

I strongly oppose SB2228- relating to electronic smoking products.

I have been a smoker for 18 years, and for the past 5 years I have been off of traditional tobacco by switching to e-cigarettes. Banning flavored e-liquids will undo all the good in which E-cigarettes has done for smokers. For 15 years, E-cigarettes have helped adults make the change from smoking traditional cigarettes and having a healthier alternative choice. This alternative includes the same flavors this bill is trying to ban. E-cigarettes and flavored e-juice combined, aid as a harm reduction tool for heavy smokers. We all recognize and know it is unfortunate that youth are using these products (particularly Juul products), but banning flavors completely will hurt adults who need them to stay quit from traditional cigarettes. There have been many studies in the United States and outside our country that support vaping as an alternative to smoking cigarettes. Flavors happen to be a very important factor when adults are making their decision to switch from combustible cigarettes to vaping. Prohibiting flavor options creates a barrier to becoming tobacco free and, as a result, many people will actually be

encouraged to continue smoking traditional cigarettes instead of making the switch to a product that is estimated to be 99% less hazardous than smoking traditional cigarettes.

As an adult, flavors played a major role in the process of me quitting traditional cigarettes. If there is no PMTA reform at the FDA level and if local, state or federal government continue to ban access to these products, law-abiding adults like me will be less free to choose a healthier alternative. You will have vapors that are former smokers go back to smoking traditional cigarettes.

**Banning flavored tobacco products will not curb youth vaping.** If you look at surveys for teen use, curiosity was by far the number one reason why youth started vaping. Youth are very curious to try cigarettes, vaping, alcohol, drugs and other things. What will stop youth from experimenting with other things? Some agencies believe that flavors hook kids, but adults favor flavors as well. Flavors are an important aspect of vapor products as they help people who are quitting smoking disassociate nicotine consumption from inhaling smoke and the taste of burning tobacco.

Instead, please consider stronger laws that should deter the purchase of e-cigarettes among Hawaii's youth. The state of Hawaii already has a strong age to 21 law in place which should be enforced heavily to deter kids from attaining these products. Most adult users use the flavor products as well, in which a flavor ban will impact the adult consumers. If this bill is truly targeted to help youth, address the youth issue not penalize adults.

E-cigarettes are a healthier alternative. Traditional tobacco kills up to 14,000 people per day worldwide. E-cigarette use has helped traditional tobacco users quit and making the switch helps save lives. There are numerous studies that have shown vapor emitted from electronic smoking devices (ESDs) to have much lower levels of toxicants present in traditional tobacco smoke. Long term health effects of vaping are unknown compared with traditional tobacco such as cigarettes. ESD vapor are likely to be much less, if at all, harmful to users or bystanders (Hajek, P., Etter, J.F., Benowitz, N., et.al., Electronic cigarettes: review of use, content, safety, effects on smokers and potential for harm and benefit. Society for the Study of Addiction, vol 109, issue 11, Nov. 2014. 1801-1810).

Dr. Michael Siegal of the Boston University of Public Health, an expert in public health, supports vaping as an alternative to cigarettes. In his professional opinion, e-cigarette use is more reasonably effective than most nicotine replacement therapies via pharmaceutical products which often have nicotine in them. E-cigarettes are increasingly popular among smokers as an alternative and there is no hard evidence of regular use to be as detrimental as traditional tobacco. Just the fact that e-cigarettes enable users to reduce or quit smoking is a huge benefit and could save the state in health care costs. Banning flavors will leave smokers without this helpful solution and may cause smokers to go back to traditional smokers if no alternative is allowed.

Please allow the people of Hawaii to continue to access e-cigarettes to help with their tobacco addiction. There are harmful medications available of which have been used to treat tobacco addiction that have dangerous side-effects. For example Chantix can cause depression, seizures, cardiovascular and blood vessel complications. These medications can be very expensive. E-cigarettes are definitely a healthier alternative. I have been vaping for 5 years after smoking cigarettes since I was in the 7th grade. I feel stronger, healthier (breathe better) and my sense of taste has returned. There are positive effects of e-cigarettes. Please don't take away the opportunity and personal choice for tobacco smokers to access lower cost alternatives.

I strongly oppose **SB2228** and ask you to kill this bill on the spot.

Mahalo,

Electronically signed

Jonathan Poynter

**SB-2228-SD-2**

Submitted on: 3/9/2020 10:00:22 PM

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

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

Comments:

Testimony in Opposition:

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

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

1. Economic Impact

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

2. State Health Department Data

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



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

### 3. More Information Needed

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

### 4. Youth Sales Miniscule

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

### 5. Misspent Money

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

### Policy Solution

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

### Key Points:

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

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

**SB-2228-SD-2**

Submitted on: 3/9/2020 10:36:14 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/9/2020 11:05:21 PM

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

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

Comments:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which 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-2**

Submitted on: 3/9/2020 11:16:56 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:46:16 AM

Testimony for CPC on 3/11/2020 2:00:00 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 SD2** 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 from 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 SD2** 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 SD2** 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 underage 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. Harsher consequences for the underage would also makes parents think twice before purchasing or allowing the minor to use or



possess an ESD. 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 SD2** 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 SD2 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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:35:53 AM

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

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

Comments:

**SB-2228-SD-2**

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

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

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

Comments:

Aloha,

I have smoked cigarettes for 20 years, I have been tobacco free for 8 years. I have been tobacco free due the accessibility of vaping products. I am against the consumption and promotion of vaping products to minors. But I do believe that I and many others should be afforded the right to vape any flavors that we choose.

Mahalo

Jeff Albo

**SB-2228-SD-2**

Submitted on: 3/10/2020 6:33:43 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 6:39:12 AM

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

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

Comments:

As a pediatrician and a mom, I support ending the sale of flavored tobacco in Hawai'i. I have children in my practice as young as 11 and 12 trying these products. These kid-friendly flavors make it seem to them that these products are harmless. They are NOT harmless! For the health and well being of our keiki, please support this bill. Brit Reis, MD

**SB-2228-SD-2**

Submitted on: 3/10/2020 6:30:21 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 7:15:02 AM

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

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

Comments:

My name is Alysha Cosier and I am a pharmacy student. I am testifying in support of bill SB2228. I feel passionate about this bill because the use of Electronic Smoking Devices among youth in Hawai'i has increased and doubled or even tripled over the national rate. This vaping epidemic was brought by a perfect combination of easy access and flavorful tobacco products. If this epidemic continues, it would pose a significant risk for major health issues to the youth. Hawai'i is already experiencing a youth vaping epidemic. With 8 in every 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. I believe that the proposed ban on all flavored tobacco products, including, but not limited to, tastes or aromas relating to any candy, chocolate, vanilla, honey, fruit, cocoa, coffee, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice presented in this bill is essential in bringing a stop to the Hawai'i vaping epidemic. Again, I would like to emphasized my strong support for bill SB2228.

Thank you for the opportunity to testify.



**SB-2228-SD-2**

Submitted on: 3/10/2020 7:20:04 AM

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

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

Comments:

I already heard from teens that they were vaping because of how good the e-cigs tasted and smelled. If e-cigs were stink, teens wouldn't give e-cigs the time of day. Please stop the sale of flavored e-cigs.

**SB-2228-SD-2**

Submitted on: 3/10/2020 7:23:12 AM

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

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

Comments:

I am a professor of Public Health, testifying as an individual. My husband has Chronic Obstructive Pulmonary Disease, caused by smoking cigarettes from age 14 to age 34. When he started at age 14, he had no idea that he was causing damage to his lungs. Now, he is a high utilizer of our healthcare system!

About 80% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes. About 42% of Hawai'i high schools students report trying e-cigarettes, and this is a pathway to tobacco addiction.

With flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum, the industry is clearly targeting our children! It's well-documented that menthol flavors are particularly enticing to teens 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.

Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of addiction and subsequent disease, which is costly to families and to the state. Please vote to support this bill.

**SB-2228-SD-2**

Submitted on: 3/10/2020 7:47:23 AM

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

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

Comments:

03-10-20

**RE: SB2228**

I am in strong support of this Bill, which prohibits the sale and distribution of flavored tobacco products that, in my opinion, obviously appeal to youth! With 8 in every 10 youth starting to smoke with a flavored tobacco product and 42% of Hawai'i high school students trying e-cigarettes, I know we need to act to curb this public health problem. IF we don't act now, we face, as a state, a huge addiction problem, adding to all the other "addictions" we need to deal with!

John A. H. Tomoso+, MSW

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

CC: CTFH-Maui

**SB-2228-SD-2**

Submitted on: 3/10/2020 8:08:55 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 8:13:10 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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-2**

Submitted on: 3/10/2020 8:14:00 AM

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

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

Comments:

I oppose any law taking away the choice of flavors for ADULTS. Banning flavors in an effort to thwart kids from using them only takes away choices from law abiding ADULTS. Possession laws work on alcohol and fire arms WHY don't we have them for E-Cigs & cigarettes. Without a possession law teachers, parents and law enforcement are unable to keep kids from using E-Cigs or cigarettes.

**SB-2228-SD-2**

Submitted on: 3/10/2020 8:23:37 AM

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

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

Comments:

**As a parent, nurse, and teacher, I am strongly in SUPPORT of the Flavored Tobacco Ban. We have an epidemic in youth vaping/e-cigarette use in Hawaii and statistics show that 81% of youth who vape say that they started with a flavored product. The sweet flavors- some of them locally themed like Maui Mango and Hawaiian POG and coming in deceptive packaging that looks like candy- lure kids in, decrease perception of harm, and then they become addicted to nicotine. The health risks of e-cigarettes are well documented as are the disruptions to classes and schools.**

**We have an opportunity to intervene in this unfolding public health crisis in Hawaii by passing a bill banning flavored tobacco products to protect our youth. As the parent of an 11 year-old starting middle school this Fall and a Nurse Practitioner who provides Tobacco Cessation Treatment and knows how challenging it is to quit once addicted, there is no time to delay.**

**Mahalo,**

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

**Paia, Maui**



**SB-2228-SD-2**

Submitted on: 3/10/2020 9:00:14 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 9:02:53 AM

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

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

Comments:

Please consider the long-term impact of healthcare by allowing a new generation to become addicted to nicotine. Please consider the positive role you can play for your children or grandchildren and the state of Hawaii's healthy future by not helping a new generation become nicotine dependant. Ask yourself who are the flavors designed to attract?

Nicotine Addiction is one of the hardest addictions to quit. Electronic cigarettes are a gateway to nicotine addiction increasing the likelihood of smoking combustible cigarettes. Kids are drawn to flavors with over 15,000 flavors to choose from and disposable devices (ie. Puffbar) that are loaded in nicotine to addict children due to the loopholes in the new federal flavor ban. If adults are truly using these devices to quit smoking then they will not mind a flavor band, or they will use other proven smoking cessation options such as: nicotine transdermal patches, gum, and lozenges.

Obvious nicotine dependency, brain developing until age 25, increase mood disorders, attention deficits, lack of self-control and impulse control, developing increased need in instant gratification. E-cigs are different than combustible cigarettes where kids are using them every 15-30 minutes and developing a sensory reward of instant gratification when they need nicotine. The tobacco industry has developed these devices into tiny, scent and smoke free devices where kids are using them in class when the teacher is not looking. They use them in class and between every class.

Youth e-cig rates in Hawaii have increased to astronomical rates. The long-term impact of addicting a new generation to nicotine when adolescent and youth rates of smoking combustible cigarettes is at an all-time low is creating a bankrupting financial impact for the future. This is the tobacco industry's tactic to popularize a socially acceptable form of smoking to increase combustible cigarette use in the future. If you are using e-cigs in middle school, you are going to smoke combustible cigarettes within the next 10 years. They will be using the dual use where they vape during the day and smoke at night.

Are you thinking future of health health-care and the costs of health care in 10+ years when smoking rates increase or are you thinking immediate impact on vape shops that will lose money, because a large amount of their profit comes from youth buying flavors?

Please consider the long-term impact of healthcare, and the positive role you can play for your children or grandchildren.

Mahalo for reading or listening, and everything you do for the state that most people will never know.

David P. Buck

Doctor of Nursing Practice Student, University of Hawaii at Hilo

**SB-2228-SD-2**

Submitted on: 3/10/2020 9:07:29 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katharine S. Ayers	Individual	Support	No

Comments:

PLEASE PROTECT OUR CHILDREN!

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

Coalition for a Tobacco Free Hawaii

Tuesday, March 10, 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.

**SB-2228-SD-2**

Submitted on: 3/10/2020 9:25:28 AM

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

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

Comments:

I oppose this bill. I also am confused as to how flavors hurt people who are trying to get off of tobacco in a healthier way. It just doesn't make sense to make something illegal when it's helping out the people. Punish people who don't follow the law not the people who do everything right just to get eCigs to make their life better. Thank you for your time.

**SB-2228-SD-2**

Submitted on: 3/10/2020 9:46:19 AM

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

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

Comments:

Dear Chair & Members

Aloha,

My name is Jostin I am a former smoker of 20 year's, I strongly oppose Senate SB2228 SD2, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away from legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use, state and nation wide. It will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.

Also please take a look at this

Testimony in Opposition:

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

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

#### 1. Economic Impact

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

#### 2. State Health Department Data

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

#### 3. More Information Needed

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

#### 4. Youth Sales Miniscule

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

#### 5. Misspent Money

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

#### Policy Solution

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



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

#### Key Points:

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

#### References

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

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

Senator Richard Burr in his explanation of what his thought are on this matter here is the link

[https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W\\_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM](https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM)

Mahalo Nui Loa for your time & consideration

## **SB-2228-SD-2**

Submitted on: 3/10/2020 9:57:56 AM

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

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

Comments:

### **Position: Strong Support**

As a 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

# Testimony on Support of SB2228 From Various Individuals Within the Native Hawaiian Community

Keali'I McClellan	Patrick Branco	Makame Shook
Allan Silva	Makana McClellan	Antoinette Lee
Candace Puailihau	Hokulani McKeague	Pua Silva
Edwina Branco	Lydia Kuiee	Benjamin Baker
Rae DeCoito	Debra Bohol	Sarah Pacheco
Teresa Pa Shook		

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Keali'i McClellan. I grew up in the Ko'olaupoko area of O'ahu and currently live in Pūowaina.

As a Native Hawaiian, I believe it is important for the legislature to take action on the youth vaping epidemic. Specifically, by targeting vulnerable young Native Hawaiians, the vaping epidemic will and has become a gateway to other drug abuse and medical problems.

Being an uncle to many young 'ōpio, there is a great concern for the impact that vaping has on the development of their lungs and overall health. While they won't feel the effect initially, they don't understand the long health impact that it has on their young developing bodies.

Therefore, I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Keali'i McClellan  
kealiiaimoku@gmail.com  
Pūowaina, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Patrick Branco. I grew up in and still reside in Kailua, O'ahu, and am a member of the Kailua Hawaiian Civic Club.

As a Native Hawaiian, I believe it is important for the legislature to take action on the youth vaping epidemic, since vaping is causing the next generation to become highly addicted to nicotine.

Specifically, I am concerned about my brother who vapes and is highly addicted. He hasn't been able to stop, despite several attempts to stop.

Therefore, I humbly request that you pass **SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Patrick Branco  
ptrck.branco@gmail.com  
Kailua, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Makamae Shook. I grew up in Kapolei, and currently live in Kailua.

As a Native Hawaiian, I think that it's important for legislature to take action on the youth vaping epidemic because we already face many health challenges. We need to educate the youth on being *pono* mentally, spiritually and physically. Hawaiians used food and plants as medicine and nourished themselves with what's around them. Right now, the power of association and social media have such a big influence on our youth and the lack of regulation for things like vaping it perpetuates an unhealthy population of native Hawaiian youth.

I have numerous friends, family and even my spouse who actively vape. For some they used to smoke cigarettes and transitioned to vaping. For most, they picked it up because someone they know does it, they tried it and now it's a habit/addiction for them.

When I was in high school, mods (what you can vape from) were so popular, and it was a cool thing to show and tell about the juice/liquid, no matter how much nicotine was in it. Ripping someone's mod became a way for people to bond and it led to students as young as freshmen smoking all over campus. No matter how many stories show up on the news of people being hospitalized because of vaping, kids are still buying it anyway thinking that it won't happen to them. This goes for my friends and family too.

I think that if it's regulated heavier, it'll decrease the chances of youth touching it, and then we can prolong that and educate them on the dangers of using it and making healthier decisions.

Therefore, I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Makamae Shook  
makamaeshook@gmail.com  
Kailua, O'ahu



The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Allan Silva. I grew up in Kailua, and currently live in Kāne'ohe.

I am a Native Hawaiian, a parent, and a grandparent. The legislature must take action on the youth vaping epidemic because of the well-being of our future leaders. I have had a teenage family member that got involved with vaping and got sidetracked from school studies and behavior.

We must take action and **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Allan Silva  
hawaiiiteam@gmail.com  
Kāne'ohe, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Makana McClellan. I am a Native Hawaiian parent, and a member of the Pearl Harbor Hawaiian Civic Club. I grew up in Kāneʻohe, and currently live in Pacific Palisades.

We must unite against vaping as a threat to the future generations of our Native Hawaiian community. We can no longer allow companies to prey on our keiki and strip them of their health & well-being.

Therefore, I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Makana McClellan  
Pacific Palisades, Oʻahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Antoinette Lee. I currently live in Pacific Palisades, and am a member of the Pearl Harbor Hawaiian Civic Club.

As a Native Hawaiian, a parent, and a grandparent, I believe it is important for the legislature to take action on the youth vaping epidemic because we spend a lot of money educating our youth; we need to keep them alive and healthy; and we look forward for them to be the leaders of tomorrow.

Therefore, I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Antoinette Lee  
Pacific Palisades, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Candace Puailihau. I am a Native Hawaiian who grew up in Makakilo, and currently live in Kapolei.

I believe the legislature must take action on the youth vaping epidemic. It's killing our keiki because companies are marketing flavors that are attractive to young adults/teens.

In my 'ohana, my brother vapes and we are so worried about him.

Therefore, I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Candace Puailihau  
Kapolei, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Legislators:

My name is Hokulani McKeague. I am a Native Hawaiian who grew up in Hilo, and currently live in Honolulu. **I support SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Hokulani McKeague  
hbm3@hawaii.edu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Pua Silva. I grew up in Kailua and currently live in Waipi'o.

As a Native Hawaiian, a mother of 5 adult children, and grandmother to 6 keiki under the age of 7, I worry constantly about the health and safety of my family. When my children were growing up it seemed like every few years there was another drug or disease we had to worry about. Now, with vaping, my grandchildren are being marketed to by companies that have the audacity to sell juice-flavored poison and claim they aren't targeting my mo'opuna. We can not allow these death dealers to steal another generation of our keiki. Please support this legislation to make it wholly illegal to target kids with any flavored tobacco and e-cigarette products.

I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Pua Silva  
maryellensilva@yahoo.com  
Waipi'o, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Edwina Branco. I am a Native Hawaiian who grew up in Kailua, O'ahu, and now live in Waimea on the Big Island.

As a Native Hawaiian and a parent, I believe the legislature must take action on the youth vaping epidemic. Vaping is harmful to humans. In my 'ohana, my son vapes and I don't want him to harm himself.

Therefore, I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Edwina Branco  
Waimea, Hawai'i Island

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Lydia Kuiee. I grew up in Honolulu, and now live in Salt Lake. I am a member of the Pearl Harbor Hawaiian Civic Club.

As a Native Hawaiian, a parent, and a grandparent, I believe the legislature must take action on the youth vaping epidemic because of the health issues it is causing. In my 'ohana, my nephew had an e-cigarette burst in his hand.

Therefore, I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Lydia Kuiee  
Salt Lake, O'ahu



The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Benjamin Baker. I grew up in Papakōlea, and I am a member of the Moku‘aina A Wakinekona Hawaiian Civic Club.

As a Native Hawaiian, a parent, and a grandparent, I believe the legislature must take action on the youth vaping epidemic to prevent a lifelong drug addiction among our young people.

I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Benjamin Baker

benjaminbaker@comcast.net

Member of Moku‘aina A Wakinekona Hawaiian Civic Club

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Rae DeCoito. I grew up in Kaimukī, and currently live in Maunaloa, O'ahu. I am a member of the Pearl Harbor Hawaiian Civic Club.

As a Native Hawaiian and a parent, I believe the legislature must take action on the youth vaping epidemic, because anything that negatively impacts the health of our youth should be eliminated. Social media and trends from the mainland take over the youth of Hawai'i. An education campaign and legislation should be in place to protect them.

In my 'ohana, my daughter's friends were vaping and when I learned of it, I sat them down and told them of the dangers. I also took away the vaping pipe for the duration of the school year. My daughter and her friends are very intelligent high achievers, so I was surprised to learn that they were vaping.

Therefore, I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Rae DeCoito  
rdecoito@msn.com  
Maunaloa, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Debra Bohol. I grew up in Kailua, and currently live in Kahalu'u.

As a Native Hawaiian, a parent, and a grandparent, I believe the legislature must take action on the youth vaping epidemic. Peer pressure is out there on many platforms, and vaping endangers our keiki and should be addressed.

In my 'ohana, my 33 year old son occasionally has used e-cigarettes at BBQs, but he stopped once he heard about the health risks and because of my input as well.

I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Debra Bohol  
bohol.debra@gmail.com  
Kahalu'u, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Sarah Pacheco. I grew up in Hawai'i Kai, and currently live in Kahala.

As a Native Hawaiian, I believe the legislature must take action on the youth vaping epidemic. The health consequences associated with vaping and e-cigarettes are, for lack of a better word, tragic, especially in young populations where their lungs and brains are still developing. Inhaling irritants at such large quantities that vaping allows destroys young lungs, while exposure to mass amounts of the chemical nicotine creates a future of addiction.

Native Hawaiians already face multiple health challenges – diabetes, heart disease, asthma, obesity, depression – all of which can be exasperated by vaping ... is this the future we want for our population?

I humbly urge you to **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Sarah Pacheco  
Kahala, O'ahu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Teresa Pa Shook, and **I support SB2228, Relating to Flavored Products for Electronic Smoking Devices.** As a Native Hawaiian, and as a mother and grandmother, I am very concerned about the health of the next generation.

I am alarmed by the statistics that show how prevalent vaping is in our middle schools and high school. Because of the availability of e-cigarettes and vaping products, and the allure of flavored juices and pods, Native Hawaiian youth are vaping at much higher rates than their peers. Studies have shown that 78% of current Native Hawaiian and Pacific Islander smokers are using flavored products. This alarming epidemic must end.

Research has shown that Native Hawaiians suffer from higher rates of lung cancer than other groups, and I am afraid that the prevalence of e-cigarettes and vaping products among our young people will lead to a lifetime of lung damage among our 'ōpio.

**Please vote to support SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo nui,

Teresa Pa Shook  
Kapolei



The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Charlynn McGinnis, and I am a resident of 'Aiea. As a Filipino and Pacific Islander parent, I support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

I believe that the legislature must take action on the youth vaping epidemic now. How productive will the youth be if they are addicted to vaping now? They must be protected and educated on the dangers of vaping. If not now, then when? If not us, then who?

I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Charlynn McGinnis  
cmaemcginnis@yahoo.com  
'Aiea

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Zeny Yasuda, and I grew up on Molokai and currently reside in Kapolei. As a parent, a medical professional, and a member of the Filipino community, I support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

As we learn more about vaping's effect on health, undoubtedly our youths will end up with lifelong and costly medical problems the medical community has to manage. The tobacco companies are taking advantage of their innocence with attempts to entice youths at any expense. Immediate action is needed now.

As a parent representative at my daughter's high school, it concerns me that my daughter is exposed to alarming cases of vaping amongst high schoolers at her school. The teachers are unaware about the vaping paraphernalia and often unable to identify them being used in classrooms.

Therefore, I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Zeny Yasuda, R.N.  
zktyasu@gmail.com  
Kapolei



The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Brett Carey, and I am a resident of Kona. As a medical professional, I strongly support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

Medical evidence suggests that vaping harms the developing brain and links to various forms of cancer have been suggested. Today as an experiment - I ordered and then canceled an online order for a vape pen and cartridges just to see if it were possible to order such substances without and kind of formal background check. Any youth with access to electronic forms of payment can purchase vaping supplies. The legislature needs to take action as vaping can even be considered a gateway drug to other tobacco products. Let's let our youth enjoy childhood without the introduction to chronic addiction and disease.

As former Chairman for the West Hawaii Community Health Centers and private practice owner in Kona, I have come across many young people addicted to vaping. They were under the belief that this practice was a healthy form of nicotine consumption. Many of these children developed asthma-like symptoms that were difficult to diagnose and treat as often children are not honest about their vaping behaviors.

Therefore, I respectfully request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Brett Carey  
bcare001@gmail.com  
Palisades, Kona

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Malie McClellan. I grew up in Puna on the Island of Hawai'i and now live in Honolulu, O'ahu. I support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

Vaping seems to come across as attractive through the advertising for these products, including all the flavors and scents. I think this has had a wide-ranging reach to the young people of Hawai'i, resulting in a high level of usage in this population. I really think that the advertising is so focused and targeted that it's hard for young people to ignore it forever, even if they do abstain at first.

I know a few people who vape, and with the hospitalizations that have occurred I'm increasingly worried about the long-term effects of vaping. I believe it was first sold as safer than cigarettes, which now seems to be undeniably false.

I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Malie McClellan  
malieesp@gmail.com  
Honolulu

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Tin Myaing Thein, and I am a resident of Hawai'i Kai. I support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

As a parent and grandparent, I feel that the legislature must take action on the youth vaping epidemic now, otherwise the problem will be too big to solve. I have seen the effects of vaping first-hand: I caught kids that visited us trying it, but we were able to stop them from going further by explaining how it hurt their lungs.

I humbly request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Tin Myaing Thein  
myaing@msn.com  
Hawai'i Kai

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Kehau Pe'a. I grew up in Pana'ewa and now live in Pauoa. I am Native Hawaiian and a member of the Pearl Harbor Hawaiian Civic Club. I write to support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

I feel that the legislature must take action on the youth vaping epidemic now. I also wish there were ample fun, clean and rather inexpensive community or after-school activities for our keiki to engage in so they don't opt to vape.

I humbly request that you pass **SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Kehau Pe'a  
lonoheahe@gmail.com  
Pauoa

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Richard Taaffe, and I am a resident of Kailua Kona. As a medical professional and a parent, I strongly support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

Vaping is detrimental to the health of our youth and the development of their brains. Future health care costs will increase unless something is done.

I respectfully request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Richard Taaffe  
rtaaffe@westhawaiiichc.org  
Kailua Kona

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Alex Teece, and I am a resident of Pauoa.. As a teacher, I strongly support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

Protect our keiki by **passing SB2228, Relating to Flavored Products for Electronic Smoking Devices!**

Mahalo,

Alex Teece  
alex.teece@gmail.com  
Pauoa

February 12, 2020

Aloha,

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

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

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

Me ka mahalo,

*Moani Aiona*

Moani Aiona, School Counselor  
Hana High & Elementary School

**SB-2228-SD-2**

Submitted on: 3/10/2020 10:05:23 AM

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

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

Comments:

Since their introduction to the U.S. market in 2007, e-cigarettes and vaping devices tobacco harm reduction products that are 95% safer than combustible cigarettes have helped more than 3 million American adults quit smoking.



**SB-2228-SD-2**

Submitted on: 3/10/2020 10:17:49 AM

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

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

Comments:

Enough of this nanny state already. Stop the unfair discrimination on what products adults can enjoy.

**SB-2228-SD-2**

Submitted on: 3/10/2020 10:18:16 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 10:39:54 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 10:54:34 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 10:56:47 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 11:06:21 AM

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

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

Comments:

**SB-2228-SD-2**

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

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 11:21:12 AM

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

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

Comments:

By making consumers unable to order products online, it does not allow for people to have a wider array of options if they are unable to find something locally



**SB-2228-SD-2**

Submitted on: 3/10/2020 11:26:43 AM

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

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

Comments:

By making consumers unable to order products online, it does not allow for people to have a wider array of options if they are unable to find something locally.

**SB-2228-SD-2**

Submitted on: 3/10/2020 11:54:31 AM

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

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

Comments:

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high school students trying e-cigarettes, we have an urgent need to act. There are more than 15,500 flavors, and come in kid-friendly flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum. This bill would end the sale of flavored e-cigarettes that appeal to youth and prevent access by restricting online sales to licensed retailers only.

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:04:45 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:07:09 PM

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

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

Comments:

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

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

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

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

A more effective path you could presue would be stricter punishments for retailers that sell to underage and for parents of kids caught vaping. Parents need to be accountable for their children. Often times they are the ones buying it for the kids. In closing I wish to express opposition to HB2457 and any other flavor ban. Thank you for your time and consideration.

Daniel Drapesa

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:08:53 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:35:27 PM

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

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

Comments:

Honorable Senators:

I strongly oppose SB2228. Please vote against SB2228. This proposal places further unnecessary restrictions against small businesses and consumers.

Respectfully submitted,

Theresa Revell

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:43:34 PM

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

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

Comments:

I am in strong support of SB2228. We need to protect our kids from the dangers of vapes by banning flavored products, which kids are attracted to, and regulating online sales. Kids are more likely to start the pathway to addiction with flavored products. Once addicted it's hard for them to They quit. And nicotine addiction affects their young bodies and brains in many ways that aren't healthy. Our youth need our protection thru banning these flavored products.

**SB-2228-SD-2**

Submitted on: 3/10/2020 12:44:39 PM

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

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

Comments:

Aloha Chair and Members, I strongly oppose SB2228. Due to all of the false information put out in the media it has caused such a big stigma in the vape industry. This has caused such a huge scare among individuals causing them to go back and smoke traditional cigarettes. The information put out by individuals claiming that vaping has caused them to have medical issues was false and was due to them vaping illegal THC cartridges. These are the reasons we are in this situation as we speak. I'm an adult and I love to vape flavors, by banning flavors it will cause more harm than good. Individuals especially the minors will go out and try to make their own e-liquid and it will be more dangerous. Instead of banning flavors we need more enforcement for youth vaping. These minors are still going to find a way to get it so why not enforce the rules and issue fines to them and parents instead.



**SB-2228-SD-2**

Submitted on: 3/10/2020 1:11:45 PM

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:11:48 PM

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:13:33 PM

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:13:33 PM

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:14:45 PM

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

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

Comments:

h

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:14:45 PM

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

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

Comments:

h

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:14:46 PM

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

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

Comments:

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

Mahalo,

Shaunnie

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:16:50 PM

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

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

Comments:



**SB-2228-SD-2**

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

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:21:46 PM

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

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

Comments:

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

Mahalo,

Julian

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:24:09 PM

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

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

Comments:

Vaping is bad for you because you can caught blood and I observed it from my cousin

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:24:30 PM

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

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

Comments:

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

from seaena

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:28:16 PM

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

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

Comments:

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

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

**Thank you,**

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:29:41 PM

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:33:25 PM

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

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

Comments:

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:37:28 PM

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

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

Comments:

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



**SB-2228-SD-2**

Submitted on: 3/10/2020 1:37:41 PM

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

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

Comments:

Im a student from Hana school and im against the flavorings for electric smoking devices because they kind of attract a younger audience and ive seen some of my younger friends get influenced by older kids to smoke these candy flavored things.

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:53:22 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie L Tanner	Individual	Support	No

Comments:

**CONTINUED STRONG SUPPORT TO PROHIBIT THE SALE AND DISTRIBUTION OF "FLAVORED", INCLUDING MENTHOL, TOBACCO PRODUCTS, esp. in electronic devises**

**Thank you for taking decisive action with this BILL 2228 for decreasing the harmful and deadly vaping products infecting Hawaii's youth NOW! It is clear that these are targeting underage kids in order to guarantee their addiction (and \$\$\$ to the tobacco industry) for years to come. It is well proven that the earlier someone begins vaping/smoking, the longer they use because of nicotine's addictive properties. Unfairly, our children from minority families and low socioeconomic status become targeted, then addicted users, then communities feel the overall decline of health and economic wellbeing, because who can study, attend school or work productively when someone is addicted to menthol and other flavored tobacco products? BE THE EDUCATED VOICE TO CURB THIS PUBLIC HEALTH MENACE!!!! Mahalo, Laurie Tanner/Teacher/Author/Citizen**

**SB-2228-SD-2**

Submitted on: 3/10/2020 1:56:44 PM

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

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

Comments:

3/10/2020

Dear Members of the Committee,

My name is Andrea Snow, and I live and work on Maui. I lost my grandfather and aunt to

lung cancer, so I understand how smoking and lung disease devastates families. My grandfather was so addicted to nicotine, he continued to secretly smoke after having part of

a lung removed. He started by smoking menthol cigarettes at age 12, back in the day before

we had the research showing smoking causes cancer.

I often go into schools to speak with students about taking care of their health. It is devastating to hear that many of the young people I see are already addicted to nicotine,

and often start smoking, because they were hooked by flavored electronic vaping devices.

I am in support of SB2228, because vape and tobacco products should not be flavored to

appeal to children. We need to stop this addictive product from being marketed, priced and

consumed like candy bars.

Banning flavors, regulating sales and taxing tobacco products are proven strategies to reduce youth initiation. The vast majority of youth who vape start with menthol or flavored products.

These may taste good and sound harmless, but they are a drug and are incredibly addictive. Some vape pods gives kids doses of nicotine equivalent to 40 cigarettes worth,

ensuring they are hooked. Online sales make it so easy for kids to get them. We need this bill to prohibit shipping these products to youth.

Please pass SB2228 to ban flavored vape products now. We need to stop kids from getting addicted to nicotine before another generation faces the consequences.

Thank you,  
Andrea Snow

61 Kapuai Rd.  
Haiku, HI 96708



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

---

**ON THE FOLLOWING MEASURE:**

S.B. NO. 2228, S.D. 2, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

**BEFORE THE:**

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

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

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Richard W. Stacey, Deputy Attorney General

---

Chair Takumi 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, and electronic smoking device accessories, 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, Hawaii Revised Statutes (HRS), 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, section 3 of the bill adds a new section to chapter 712, HRS, to make 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, or electronic smoking device accessories other

than through retail sales via a direct in-person exchange between a retailer and a consumer. Page 7, lines 10-21, to page 8, lines 1-2. 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 18-21. 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. Pursuant to Hawaii law, 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.” Section 702-228, HRS. To make the wording of the penalty consistent with the described offense, and to clarify the potential fine amount, we suggest that the penalty section be amended to read “any retailer and any agents or employees of the retailer who violate this section shall 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 7-8, 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, HRS.

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

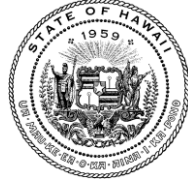
State Constitution. This applies to “unlawful shipment of e-liquid products,” page 5, line 6, to page 7, line 6; the new offense of “mislabeling; nicotine-free,” page 7, line 11, and lines 17-19; the new offense of “remote retail sales,” page 7, line 11, and lines 20-21, to page 8, lines 1-2; and the new and amended definitions of section 4 of the bill to be placed in section 245-1, HRS, page 11, line 1, to page 13, lines 1-4. 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.

Finally, there are some issues with the definition of “[f]lavored product for electronic smoking devices,” page 9, lines 18-21, to page 10, lines 1-3, including that it refers to an “electronic smoking device product,” page 9, line 19, which is not itself defined. The same definition also refers to consumption of “a nicotine product,” page 9, line 21, which is not consistent with the definition of “[e]-liquid . . . which may or may not contain nicotine,” page 9, lines 14-15. A suggested solution would be to replace “nicotine product” with “tobacco product”, and include a definition of “tobacco product” that includes “e-liquid” within the definition. Rather than rely on the definition of “tobacco product” from section 712-1258 (7), HRS, which does not include “e-liquid,” as referred to on page 10, lines 16-17, it is suggested that either a new definition of “tobacco product” be used or the definition in section 712-1258 (7) be amended to include “e-liquid.” The definition of “[f]lavored product for electronic smoking devices,” page 9, lines 18-21, to page 10, lines 1-3, also refers to whether a consumer can distinguish a taste or smell prior to or during consumption of the nicotine product. This might result in proof issues involving what a “consumer” is and how to prove that a consumer can distinguish a taste or smell.

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  
FAX NO: (808) 587-1560

**RONA M. SUZUKI**  
DIRECTOR OF TAXATION

**DAMIEN A. ELEFANTE**  
DEPUTY DIRECTOR

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

From: Rona Suzuki, Director  
Department of Taxation

**Re: S.B. 2228, S.D. 2, Relating to Flavored Products for Electronic Smoking Devices**

Date: Wednesday, March 11, 2020

Time: 2:00 P.M.

Place: Conference Room 329, State Capitol

The Department of Taxation (Department) supports S.B. 2228, S.D. 2. This measure makes multiple amendments to chapter 245, Hawaii Revised Statutes. These amendments will enable improved regulation of the sale of e-liquid.

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





# Chamber of Commerce HAWAII

*The Voice of Business*

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

**RE: SB 2228 SD2, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC  
SMOKING DEVICES**

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

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 2228 SD2, 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. This bill would also include 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.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Hawaii has some of the highest vaping rates among youth in the nation. According to 2017 data from the Center for Disease Control and Protection (CDC), Hawaii has the highest reported vaping rate among middle schoolers and the second highest vaping rate among high schoolers in the nation behind Colorado. While the State has made tremendous strides toward reducing the use of cigarettes and other tobacco products, the use of electronic cigarettes has continued to increase with 42% of all high school students and 27% of middle school students reporting to have tried an electronic smoking device in 2017. Without further prevention, it is estimated that around 54,000 of Hawaii's youth will eventually become smokers.

The rise in youth vaping has been in conjunction with enticing flavored products that are offered and actively advertised, with one study showing that 81% of youth who used a tobacco product reported that the first product they used was flavored. Smokers who used nicotine products at a younger age have shown to increase the chances of long-term addiction during their adult years, leading to a faster decline in health.

Reducing tobacco use also benefits employers by reducing health care costs. According to the Hawaii State Department of Health (DOH), in 2009, \$526 million was spent in health care costs as a result of smoking. The DOH also estimates that for every \$1 spent on tobacco prevention, Hawaii and employers saved about \$6.64 in direct health care costs. Efforts such as



Chamber *of* Commerce HAWAII  
*The Voice of Business*

SB 2228 SD2 ensure that employers can continue to afford to provide quality health care to Hawaii residents.

Thank you for the opportunity to testify on this measure.



## HIPHI Board

Michael  
Robinson, MBA, MA  
Chair  
Hawaii Pacific Health

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

Kilikina Mahi, MBA  
Treasurer & Vice Chair  
KM Consulting LLC

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

Debbie Erskine  
Kamehameha Schools

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

Mark Levin, JD  
William S. Richardson School  
of Law

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

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

Garret Sugai  
Kaiser Permanente

Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: March 10, 2020

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

Re: Strong Support SB 2228, SD2, Relating to Flavored Products for  
Electronic Smoking Devices

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

---

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>1</sup> is in **Strong Support of SB 2228, SD2** which would:

- (1) end the sale of all menthol and flavored e-liquid products in the state;
- (2) prohibit the mislabeling of e-liquid containing nicotine;
- (3) require retail sales to occur through in-person exchanges, and restricts the shipment of e-liquids to licensees only; and
- (4) include e-liquids and ESDs in the definition of tobacco products in Chapter 245.

### **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-cigarettes<sup>ii</sup>. 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 poll<sup>iii</sup> 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.

**This measure also establishes policy parity between ESDs and other tobacco products.**

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

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, SD2.**

Mahalo,



Jessica Yamauchi, MA  
Executive Director

---

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

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

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

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

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 3:02:51 PM

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

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

Comments:



## Hawaii Dental Association

To: House Committee on Consumer Protection & Commerce  
Time/Date: 2:00 p.m., March 11, 2020  
Location: State Capitol Room 329  
Re: SB 2228, SD2, Relating to Flavored Products for Electronic Smoking Devices

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

The Hawaii Dental Association (HDA), a professional association comprised of approximately 950-member dentists, is in **strong support** SB 2228, SD2, relating to flavored products for electronic smoking devices. This bill, among other provisions, establishes the offense of unlawful shipment of e-liquid products. Beginning July 1, 2020, it prohibits the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of certain tobacco products.

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

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

Mahalo for the opportunity to testify in support of SB 2228, SD2.



## American Heart Association testimony for SB 2228, SD2 “Relating To Flavored Products For Electronic Smoking Devices”

### Chairman of the Board

Glen Kaneshige

### President

Kahealani Rivera, MD

### Board Members

Rick Bruno, MD, FACEP

Jackie De Luz

Brandt Farias

Jason Fujita

Mimi Harris

Brandon Kurisu

Michael Lui, MD

Arnold Martines

Michael Rembis, FACHE

Andrew Rosen

Timothy Slottow

Jennifer Walker

Serving Hawaii since 1948

### Mission Statement:

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

For more information on the AHA’s educational or research programs, visit [www.heart.org](http://www.heart.org) or contact your nearest AHA office.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Served by the Oahu office

The American Heart Association **supports the intent** SB 2228, SD2, but is concerned 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..

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 including **all tobacco products** 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.

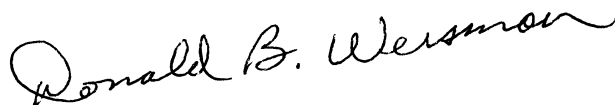
The tobacco industry for years, on the other hand, has attempted to pass state legislation that would preempt local government's home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments 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, SD2 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, SD2.

Respectfully submitted,



Donald B. Weisman

Hawaii Government Relations/Communications Director



American Cancer Society  
Cancer Action Network  
2370 Nu`uanu Avenue  
Honolulu, Hawai`i 96817  
808.432.9149  
[www.acscan.org](http://www.acscan.org)

House Committee on Consumer Protection and Commerce  
Representative Roy Takumi, Chair  
Representative Linda Ichiyama, Vice Chair

**SB 2228, SD2 – 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 testimony in support of SB 2228 SD2, 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. Measure is effective July 1, 2020.

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 as well.

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



TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 11, 2020  
Re: SB 2228 SD2

**RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES**

Good afternoon Chairperson Takumi and members of the House Committee on Consumer Protection & Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

We OPPOSE SB 2228 SD2 Relating to Flavored Products for Electronic Smoking Devices. This measure 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; and is effective 7/1/2023.

Bans are not the simple solution and will not stop adults from smoking - noting that it is already illegal for minors. This type of ban would only push the sale of cigarettes and vaping devices into the black market. It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. Many E-cigarettes contains NO tobacco and NO smoke is emitted when vaporized. Furthermore, almost every e-liquid available worldwide is "flavored" and menthols cigarettes are preferred by most adults. Because they do not contain tobacco, electronic vaping devices has no "natural tobacco" taste, or any taste for that matter, without the addition of flavorings. Many adults that are 21 and older enjoy their electronic vaping device with their favorite flavored e-liquid, including sweet flavors of chocolate, candy, fruit, and vanilla to name a few. **By banning all flavored vape products and tobaccos, many small mom and pop type stores will go out of business and thus displacing many workers.**

Retail has changed over the years in how products are purchased. We are seeing a surge in online sales for all types of merchandise. It almost impossible for anyone under the age of 21 to purchase vape products from reputable law abiding local online or at a brick and mortar retail stores. The online verifications vetting process is intense to ensure those purchasing are 21 or older.

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

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean the convenient corner store would be gone and leaving people out of work.

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

**SB-2228-SD-2**

Submitted on: 3/10/2020 2:02:50 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha Board. 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-Kep

**SB-2228-SD-2**

Submitted on: 3/10/2020 3:26:41 PM

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

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

Comments:

Banning flavored e-cigs will save the lives of Hawaii's teens. This is something you have the power to do. Please do the right thing and support this bill.

**SB-2228-SD-2**

Submitted on: 3/10/2020 2:20:39 PM

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

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

Comments:



**SB-2228-SD-2**

Submitted on: 3/10/2020 3:20:14 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 4:10:10 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 4:13:39 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Larson	Individual	Oppose	Yes

Comments:

Please remove the flavors part from the bill. It should only be illegal to sell flavored products to those under 18.

**SB-2228-SD-2**

Submitted on: 3/10/2020 5:08:48 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Treece MD	Individual	Support	No

Comments:

Once again, as a pediatrician, I see no reason to allow nicotine hucksters to create a new group of addicts and damage our keiki's health.

March 10, 2020

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

To the House of Representatives

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

**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*

**SB-2228-SD-2**

Submitted on: 3/10/2020 8:51:06 PM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/10/2020 9:36:10 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Miyakado	Individual	Oppose	No

Comments:

Hi All

I **STRONGLY OPPOSE** this bill the way it is written. Sales of flavored ecig juice to responsible adults should be legal and the choice of the responsible adult. The medical industry and deep pocket non profits will always be against something that they deem as a menace to society. The freedom of choice should be given to responsible adults and not be based on those that break the laws such teens. **Stronger penalties for both the TEENS and their PARENTS will have a bigger effect on curbing the use not creating laws to ban products.**

I do understand the recent news articles have dramatically hyped up the usage of e-cigarettes in a bad way, but you have to review both sides and all the studies. Increasing taxes on a product doesn't curb the usage or demand but it further increases the use of black mark items which spurred up all the illness. If you compare the usage in the Bill \$1.3M teens started or are using compared to all the teens in the US that number is very small. It's like all the teens doing drugs and alcohol which is higher than that compared to ecigs. The numbers are a pure exaggeration used as a scare tactic to pass laws.

**The problem is not the product but the illegal usage by underage users.** Instead of taxing and penalizing small businesses or responsible adults who use the product, penalize the underage users, if someone sells to an underage user penalize them, same with cigarettes and alcohol.

**1. Flavors Aren't Main Driver of Youth Use**

Despite media alarmism, youth tobacco surveys overwhelmingly indicate that flavors are not the primary reason youth are using electronic cigarettes. For example, only 23.9 percent of Connecticut high school students reported "flavors" as a reason for using e-cigarettes in 2017, compared to 41.6 percent who reported they used a vapor product because a friend and/or family member had used them.<sup>[1]</sup> Similarly, only 26.4 percent of Hawaii high school students cited flavors as a reason to use e-cigarettes in 2017.<sup>[2]</sup> In 2019, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them.<sup>[3]</sup> Only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes in 2017, and 33 percent

cited friends and family members.[\[4\]](#) Lastly, only 6.2 percent of Virginia high school students reported using e-cigarettes because of flavors, while 11.3 percent used them because a friend and/or family member used them.[\[5\]](#)

## **2. Flavor Bans Don't Reduce Youth Use**

Although lawmakers would have you believe otherwise, flavor bans have not reduced youth use. The Heartland Institute analyzed results from the 2017-18 California Youth Tobacco Survey (CYTS) and found that despite flavor restrictions in some localities, youth use of e-cigarettes in those areas *increased* after the bans went into effect.[\[6\]](#) Santa Clara County, California banned flavored tobacco product sales to age-restricted stores in 2014. Yet, youth e-cigarette use *increased* while the ban was in effect. For instance, in the 2015-16 CYTS, 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

## **3. Flavors Help in Tobacco Harm Reduction**

A 2018 survey of nearly 70,000 American adult vapers “found flavors play a vital role in the use of electronic cigarettes and vaping devices.”[\[7\]](#) Moreover, 83.2 percent and 72.3 percent of survey respondents reported vaping fruit and dessert flavors, respectively, “at least some of the time.”[\[8\]](#) A 2017 study discovered older adults “use of an e-cigarette flavored with something other than tobacco (69.3%) was ... significantly higher than the same at initiation (44.1%).”[\[9\]](#) Thus, e-cigarette users often first consume tobacco flavored e-liquids and products but then transition to other flavors, helping aid their cessation of combustible cigarettes.

## **4. Flavor Bans Produce Negative Economic Effects**

Ultimately, a flavor ban would destroy the vapor industry. According to the Vapor Technology Association, in 2018, the industry created 87,581 direct-vaping related jobs, including manufacturing, retail, and wholesale jobs, which generated more than \$3.2 billion in wages alone.[\[10\]](#) Moreover, the industry has created thousands of secondary jobs in the United States, bringing the industry's total economic impact in 2018 to \$24,457,512,300. In the same year, the industry provided more than \$4.9 billion in taxes. In 2016, 78 percent of e-liquid sales were flavored, and 69 percent of disposable vapor product sales were flavored and menthol products.[\[11\]](#)

## **Policy Solution**

Despite recent fearmongering, the use of vapor products is significantly safer than traditional cigarettes, as noted by numerous public health groups including the Royal College of Physicians,[\[12\]](#) Public Health England,[\[13\]](#) and the American Cancer Society.[\[14\]](#) E-cigarettes are also twice as effective in helping smokers quit. Further, their use could save states billions in health care-related costs. As with any policy area, lawmakers should refrain from outright bans and seek out alternative solutions that reduce youth use, while maintaining adult access to tobacco harm reduction products.

## **Key Points:**

1. Overwhelmingly, youth are using vapor products because friends and/or family



members are using the products. In Heartland's analysis of available youth surveys in five states, only 15.6 percent of high school students cited using e-cigarettes because of flavors.

2. Existing evidence indicates that flavor bans have not reduced youth e-cigarette use in several localities that track this data.

3. Adults rely on flavors in tobacco harm reduction products. In a 2018 survey of nearly 70,000 American adult e-cigarette users, 83.2 percent and 72.3 percent reported vaping fruit and dessert flavors.

4. The vaping industry provided more than \$24 billion in economic activity in 2018, including 87,581 direct vaping-related jobs and provided \$4.9 billion in taxes. Flavors made up 78 percent of e-liquid sales in 2016.

Respectfully Yours

Sheldon Miyakado

**SB-2228-SD-2**

Submitted on: 3/10/2020 11:28:13 PM

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

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

Comments:

I write in STRONG support of SB2228 SD2.

We should be appalled by the tobacco/vaping industry's aggressive and unethical tactics to addict teenagers using flavors to lure, and very high concentrations of nicotine to hook. If a virus or an opioid addiction afflicted 25-50% of our young people, we'd be demanding action. The tobacco/vaping industry is in every way an unregulated, unfettered vector of addiction and, as we learned from recent "EVALI" cases, of disease and death. Electronic Cigarette and Vaping Product-Associated Lung Injury is just the first tip of a very large iceberg of nicotine addiction.

The nicotine content in a single "Puff Bar" (newer than "Juul") exceeds the nicotine in 2 whole packs of cigarettes! It is possible for a youngster to inhale all 200 puffs in a Puff Bar within an hour. Imagine the extraordinary levels of nicotine hitting our youngsters' brains, lungs, cardiovascular systems during the important growth spurt of adolescence. There will be consequences. We already know that this exposure does lead to higher rates of addiction to cigarettes, and dual use of both cigarettes and vape

Please ban the sale of electronic nicotine-delivery systems that contain flavors, especially menthol. Stop the vendors, distributors, and merchants of addiction.

**SB-2228-SD-2**

Submitted on: 3/10/2020 11:44:13 PM

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

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

Comments:

Please end the sale of flavored e-cigarettes that appeal to youth Please reduce our youngsters access to these addictive and deadly products, by extending our effective tobacco laws and regulations to ESDs

The Hawaii State Legislature  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Support for SB2228, Relating to Flavored Products for Electronic Smoking Devices**

Dear Legislators:

My name is Debra Nelson-Kelii. I grew up in McCully and am now a resident of 'Ewa Beach. As a Native Hawaiian, a parent, and a grandparent, I strongly support SB2228, Relating to Flavored Products for Electronic Smoking Devices.

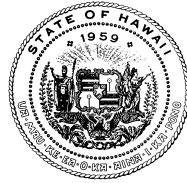
We need to give our youth the tools to grow up in a clean environment that will continue throughout their lifetime.

Simply looking at the amount of smoke that vaping generates, one can see that the tobacco effects could be 6 times as much as our ancestors generated when they simply smoked cigarettes.

I respectfully request that you **pass SB2228, Relating to Flavored Products for Electronic Smoking Devices.**

Mahalo,

Debra Nelson-Kelii  
nelsonkelii@yahoo.com  
'Ewa Beach



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

**Testimony in SUPPORT of S.B. 2228, S.D. 2  
RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES**

REPRESENTATIVE ROY M. TAKUMI, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE  
Hearing Date: March 11, 2020 Room Number: 329

1 **Fiscal Implications:** The Department of Health (DOH) defers to the 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 2 (S.B. 2228,  
5 S.D. 2) 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. 2 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 “electronic smoking device” in the  
13 definition of tobacco products, and also requiring those selling ESDs or e-liquids to obtain a  
14 license or retail permit through the DOTAX. Youth are price-sensitive and, historically,  
15 increasing the cost of cigarettes has been associated with decreasing smoking rates. Recent  
16 studies are now showing new evidence that increasing the price of e-cigarettes will reduce  
17 consumption by youth.<sup>1,2</sup>

---

<sup>1</sup> Jawad, M., Lee, J. T., Glantz, S., & Millett, C. (2018). Price elasticity of demand of non-cigarette tobacco products: a systematic review and meta-analysis. *Tobacco control*, 27(6), 689–695. [doi:10.1136/tobaccocontrol-2017-054056](https://doi.org/10.1136/tobaccocontrol-2017-054056)

<sup>2</sup> Pesko, M. F., Huang, J., Johnston, L. D., & Chaloupka, F. J. (2018). E-cigarette price sensitivity among middle- and high-school students: evidence from monitoring the future. *Addiction (Abingdon, England)*, 113(5), 896–906. [doi:10.1111/add.14119](https://doi.org/10.1111/add.14119)

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

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 available and  
16 accessible to youth. None of the ESDs that are currently on the market have gone through  
17 premarket authorization to determine public health risks and benefits to the population, including  
18 whether non-tobacco users will start using the new products.<sup>7</sup>

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 old youth who

---

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

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

<sup>4</sup> 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

<sup>5</sup> Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students —

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

<sup>6</sup>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.

<sup>7</sup> 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 had ever used a tobacco product-initiated tobacco use with a flavored product. Additionally,  
2 80% of current users had used a flavored product in the last month.<sup>8</sup> In 2019, the large majority  
3 of youth ESD users reported use of flavors with fruit, menthol or mint, candy, desserts, or other  
4 sweets as being the most commonly used.<sup>9,10</sup> 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.<sup>11</sup> Data from another 2019 study revealed that the most popular flavor among  
7 10th and 12th grade Juul users was mint.<sup>12</sup> These products are heavily marketed to teens, with 7  
8 in 10 reporting exposure to e-cigarette advertising.<sup>13</sup> These data and trends illustrate that  
9 e-cigarette products and their marketing are resulting in increased risk for vulnerable youth, and  
10 effective policy is 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

---

<sup>8</sup> 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>

<sup>9</sup> 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](https://www.tobaccofreekids.org/press-releases/2019_11_05_jama).

<sup>10</sup> 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

<sup>11</sup> 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

<sup>12</sup> 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

<sup>13</sup> 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.<sup>14,15</sup> The tobacco and vaping  
2 industry have proven adept in circumventing existing regulations to continue marketing products  
3 to youth even after announcements by the FDA to prioritize enforcing the sale of flavored  
4 cartridge-based ESD products.<sup>16</sup>

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 the nicotine  
7 disrupts neural pathways to prime the brain for future addiction. It disrupts sleep, attention, and  
8 memory, and has been implicated in the lung illness outbreak.<sup>17,18</sup> 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. Everything possible must be done to reverse the alarming trend  
12 of rising youth use of novel products like e-cigarettes and to help those who may already be  
13 addicted.”<sup>19</sup> The DOH supports this measure to address the access and availability of the  
14 flavored products used in ESDs that are promoted to entice and addict teens to become regular  
15 customers.

16 Thank you for the opportunity to testify.

---

<sup>14</sup> 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.

<sup>15</sup> 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.

<sup>16</sup> *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>.

<sup>17</sup> U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016, retrieved from <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>

<sup>18</sup> 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](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html).

<sup>19</sup> 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.



**SB-2228-SD-2**

Submitted on: 3/11/2020 9:49:29 AM

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

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

Comments:

**SB-2228-SD-2**

Submitted on: 3/11/2020 10:35:25 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa	WCCHC	Support	No

Comments:

Aloha,

I am writing in support of bill SB 2228SD2. I am a psychologist that works with children and teens. Majority of my clients that report the use of electronic smoking devices mention the flavors as being a significant motivator towards experimenting with these devices. Sadly, many that started due to the excitement surrounding the flavors and colors report becoming dependent on nicotine and THC products and are now trying to limit or discontinue use with difficulty.

Hawaii reported the highest use amongst children and adolescence. Hawaii also has the highest incidence of Asthma amongst Native Hawaiian youths. Nicotine and THC use often aggravates this condition sending many youths to the emergency room. We have also seen reports of youths having respiratory illnesses such as pneumonia due to smoking electronic devices. Therefore fighting all factors that ultimately cause the use of these devices is necessary to preventing exacerbation of life long diseases and drug dependence.

We need to do our best to prevent the intrigue and means by which our youth are accessing and becoming intrigued by these devices and chemicals. This bill is vital towards protecting our youth and later adults from disease and lifelong chronic illnesses.

Sincerely,

Lisa Garcia, PSYD PSY 1643

Waianae Coast Comprehensive Health Center