



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 2228
RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Hearing Date: February 5, 2020 Room Number: 229

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 (S.B. 2228) which makes it
5 unlawful to sell, offer to sell, or possess with the intent to sell, or offer to sell any flavored
6 product for electronic smoking devices (ESDs), including menthol in the State. The Department
7 supports S.B. 2228 as a strong public health measure to address the growing and unprecedented
8 youth e-cigarette epidemic.

9 Since the 2018 Food and Drug Administration (FDA) and Surgeon General declaration of
10 the youth e-cigarette epidemic, use among young people continues to rise. By 2019, 27.5% of
11 high school students nationally reported vaping compared to 20.8% in 2018.¹ These figures
12 represent a doubling of e-cigarette use between 2017 and 2019 for high schoolers (11.7% to
13 27.5%) and tripling of use for middle schoolers (from 3.3% to 10.5%).² In total numbers, 4.1
14 million high school youths and 1.2 million middle school youths said they currently use
15 e-cigarettes.³ Hawaii youth in 2017 had amongst the highest ESD rates in the nation, with 25.5%
16 high school, and 15.7% middle school students reporting regular use.⁴

¹ 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>

² 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

³ Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

⁴Department of Health, [Hawaii Health Data Warehouse, Indicator-Based Information System](#), 2017 Hawaii Youth Risk Behavior Survey.

1 The proposed measure would protect the health of Hawaii’s youth and remedy the slow
2 action by the federal government to regulate the burgeoning ESD industry. The recent FDA
3 announcement was not a ban on the availability of all flavored tobacco products. Instead,
4 products that are not legally on the market are being prioritized by the FDA for enforcement.
5 Since only flavored cartridge-based ESD products excluding tobacco- or menthol-flavored are
6 part of the announcement, flavored disposable and refillable ESD products remain on the market.
7 None of the ESDs on the market now have gone through premarket authorization to determine
8 public health risks and benefits to the population, including whether non-tobacco users will start
9 using the new products.⁵

10 Scientific studies are increasingly documenting that flavors are a major reason that youth
11 use tobacco. According to the 2013-2014 Population Assessment of Tobacco and Health
12 (PATH) study, 81% of 12-17 year olds who had ever used a tobacco product-initiated tobacco
13 use with a flavored product. Additionally, 80% of current users had used a flavored product in
14 the last month.⁶ In 2019, the large majority of youth ESD users reported use of flavors with
15 fruit, menthol or mint, candy, desserts, or other sweets as being the most commonly used.^{7,8}
16 According to the same research, mint and menthol went from being among the least to among
17 the most popular flavors for high school students over the past four years.⁹ Data from another
18 2019 study revealed that the most popular flavor among 10th and 12th grade Juul users was

⁵ 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>

⁶ 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>

⁷ 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

⁸ 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

⁹ 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

1 mint.¹⁰ These data illustrate that trends among youth users of flavored e-cigarette products
2 change quickly and therefore must be addressed urgently.

3 It is well documented that flavors facilitate youth initiation of tobacco use, which can
4 expose the developing brain and body to the harmful effects of nicotine. The FDA
5 Commissioner stated, “No child should be using any tobacco or nicotine-containing product. We
6 need to do everything possible to reverse the alarming trend of rising youth use of novel products
7 like e-cigarettes and help kids who may already be addicted.”¹¹

8 The DOH supports this measure as both a public health and social justice issue to protect
9 the next generation from lifelong addiction to tobacco use.

10 Thank you for the opportunity to testify.

11 **Offered Amendments:** None.

¹⁰ 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

¹¹ Press Announcement; Statement from FDA Commissioner Scot Gottlieb, MD, on the agency’s continued efforts to address growing epidemic of youth e-cigarette use, November 2, 2018.



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

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The American Heart Association **support the intent** of SB 2228, but suggests that amendments to the bill are needed in order to avoid creating loopholes that will be used to continue hooking Hawaii’s youths on a lifetime addiction to its cigarette products. **By focusing only on electronic smoking devices and not extending the menthol ban to traditional cigarette and other tobacco products the bill invites the industry to market to youths, and youths to transition to menthol-flavored cigarettes and other flavored tobacco products.**

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

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

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

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

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

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

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn’t work for many people. They cut back, but they still smoke while vaping and they remain addicted. That’s called “dual use” in public health literature. The dangers of cigarettes remain, with the added dangers of e-cigarette use. The American Heart Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don’t want anyone to ever start any nicotine-containing product.

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

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

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

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

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking; and

- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

The number of flavored tobacco products on the market increased substantially after flavored cigarettes were banned. After the 2009 federal ban on flavored cigarettes (excluding menthol cigarettes) took effect, the tobacco industry started producing different types of flavored tobacco products that were not subject to the prohibition. This led to the rise in the number of youth using flavored cigars, and especially in Hawaii, e-cigarettes. Both the tobacco industry and youth adjusted to the cigarette flavor ban by moving to other tobacco products where flavors were still allowed. If the Hawaii State Legislature were to pass a flavoring ban, but limit it to certain types of products or flavorings, we are likely to see the same thing happen again.

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

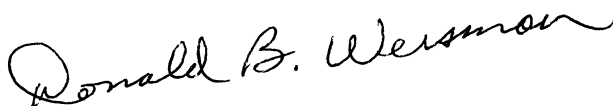
The tobacco industry for years, on the other hand, has attempted to pass state legislation that would preempt local government's home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments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

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

While we support the intent of SB 2228, we fear its limited focus on banning flavors only in electronic smoking devices will 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.

Respectfully submitted,



Donald B. Weisman
Hawaii Government Relations/Communications Director



LATE

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Senate Committee on Commerce, Consumer Protection Health
Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

SB 2228 – 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, which prohibits the sale of flavored products for electronic smoking devices.

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 uses 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.

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

**Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection, and Health**

**Hearing: February 5, 2020, 9:30 AM
State Capitol, Conference Room 229**

By Hawaii – American Nurses Association (Hawaii-ANA)



SB 2228 RELATED TO FLAVOR PRODUCTS FOR ELECTRONIC SMOKING DEVICES

Chair Rosalyn H. Baker, Vice Chair Stanley Chang, and members of the Senate Committee on Commerce, Consumer Protection, and Health, thank you for this opportunity to provide testimony in strong support for SB 2228. This bill seeks to prohibit the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of tobacco products, and established penalties for same.

We are members of the American Nurses Association of Registered Nurses in Hawaii. As a profession, we advocate for the health of vulnerable populations in our community. Measures in this bill will help to protect protect young people in our community from these predatory flavored tobacco products and a lifetime of addiction. Health hazards of tobacco products are well known. This is a place where we can intervene as a community to influence the health habits of our young population. In establishing penalties for the retailers, we believe this bill shifts responsibility to the tobacco retailers for exposing young people to health-hazardous vaping behaviors.

We respectfully request that SB2228 pass out of this committee. Thank you for your continued support for measures that address the healthcare needs of our community.

Contact information for Hawaii – American Nurses Association
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Testimony in Support of RE: Relating to Flavored Tobacco Products

Hawaii Dental Hygienists' Association

Feb 3, 2020

Dear Chair Baker, Vice Chair Chang and Respected Members of the Committee on Commerce, Consumer Protection and Health:

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

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

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

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

Thank you for your time and consideration.



**Testimony to the Senate Committee on Commerce, Consumer Protection, and Health
Wednesday, February 5, 2020; 9:30 a.m.
State Capitol, Conference Room 229**

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

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

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2228, RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

The bill, as received by your Committee, would:

- (1) Beginning July 1, 2020, prohibit:
 - (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;
- (2) 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;
- (3) 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;
- (4) Establish civil penalties of \$500 per day per violation;

Testimony on Senate Bill No. 2228

Wednesday, February 5, 2020; 9:30 a.m.

Page 2

- (5) Provide that if this law conflicts with any rule or ordinance, the more stringent requirement will prevail; and
- (6) 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.

SB-2228

Submitted on: 2/3/2020 4:20:08 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

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

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

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

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

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

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

Mahalo for your consideration and support of this important measure.



HIPHI Board

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Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 4, 2020

To: Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Commerce, Consumer Protection, and Health
Committee

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

Hrg: February 5, 2020 at 9:30 AM at Conference Room 229

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **Strong Support of SB 2228** which would end the sale of all menthol and flavored e-liquid products in the state, prohibit the mislabeling of e-liquid containing nicotine, and require retail sales to occur through in-person exchanges. The Coalition also requests that all tobacco products be included in a flavored tobacco ban.

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

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

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

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

deadly addiction to these products. The health of Hawaii's keiki must be protected from the predatory marketing of tobacco companies.

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

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

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

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

This measure corrects the loophole in our minimum age selling and tax laws.

Online ESD sellers simply ask users to click a button to verify their age – a process that is both ineffective and inadequate. This measure helps to correct this loophole by requiring that retail sales of ESD products must be conducted in-person.

The Coalition requests that all tobacco products be included in this measure.

SB 2228 would exempt all flavored e-cigarettes, including menthol, however it does include all tobacco products (ie flavored cigars, menthol cigarettes). Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking.

Each year, Hawai'i spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. In addition, 78% of Native Hawaiian/Pacific Islander smokers use menthol cigarettes^{iv}. The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians and Filipinos die at higher rates of lung cancer than other groups. All tobacco products must be included for this measure to increase healthy equity and have the greatest public health impact.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products, to quit. 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 with the inclusion of all tobacco products in a flavored tobacco ban.**

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

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

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

^{iv} Smoking and Tobacco in Hawaii. Facts, Figures and Trends. 2010 Jul;
<https://health.hawaii.gov/healthequity/files/2013/08/trends.pdf>

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Committee on Commerce, Consumer Protection, and Health

Coalition for a Tobacco Free Hawaii

Monday, February 3, 2020

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. 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. By supporting S.B. 2228, it would ensure the safety of Hawaii's Youth. Thank you for the opportunity to testify.

Date: February 3, 2020

To: The Honorable Roslyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Committee on Commerce, Consumer Protection, and Health

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, February 5 at 9:30am at Capitol Room 229

Thank you for the opportunity to submit testimony in SUPPORT of SB2228, which would prohibit the sale and distribution of flavored tobacco products.

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



Pono Hawai'i Initiative

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

Tuesday, February 4, 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 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

Wednesday, February 5, 2020 at 9:30 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

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

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

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.

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 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 their actions tell a different story. 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, 42% of Hawai'i high schoolers reported ever using an electronic smoking device.
- Hawaii has the highest reported vaping rate among middle schoolers and the second highest vaping rate among high schoolers in the nation, just behind Colorado
- **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

TAX E-CIGARETTES AS TOBACCO PRODUCTS

E-Cigarettes are the only tobacco products without a tobacco tax. These products often contain nicotine, which is derived from tobacco, and have not been approved by the FDA for cessation. Thus, they should be regulated via taxation as a tobacco product.

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.

RESTORE COUNTY AUTHORITY 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.

Mahalo a nui loa for your time and consideration.



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
Valerie@hawaiicopd.org
(808)699-9839

February 2, 2019

Honorable Chairs Senator Roz Baker
Honorable Vice-Chair Senators Stanley Chang
Members of the Committees of Commerce, Consumer Protection and Health

RE: Strong Support of SB2228, banning sale of all flavored tobacco products **including** menthol and mint in Hawaii

Dear Senators Baker, Chang, and members of the Committees on Commerce, Consumer Protection and Health,

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of SB2228, banning all flavored tobacco products including menthol and mint in Hawaii.

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers than they or any of us would like.

We are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping.

All our young people deserve protection from a lifetime of addiction. Sadly, 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! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain.

Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old!

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. In the Philippines, market share of menthol cigarettes was 55%. The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians and Filipinos die at higher rates of lung cancer than other groups. Also, 81% of youth who have ever used tobacco products started with a flavored product and 97% of youth who vape say they use a flavored product.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please vote in favor of SB2228 and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang
Executive Director



Hawaii Dental Association

To: Senate Committee on Commerce, Consumer Protection & Health
Time/Date: 9:30 a.m., February 5, 2020
Location: State Capitol Room 229
Re: SB 2228, Relating to Flavored Products for Electronic Smoking Devices

Aloha Chair Baker, Vice Chair Chang and members of the Committee:

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

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.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care Systems

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

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family Intervention Services

Sex Abuse Treatment Center
Susannah Wesley Community Center

The Catalyst Group

January 31, 2020

To: Senator Roslyn Baker
And members of the Committee on Consumer Protection and Health

Testimony in Support of SB 2228 Related to Flavored Products for Electronic Smoking Devices

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2228 Relating to Flavored Products for Electronic Smoking Devices

Elimination of flavored tobacco products across the state of Hawai'i will prevent addiction, reduce continued use of tobacco products throughout one's lifespan, and prevent chronic health conditions such as COPD and cardiovascular disease.

It is important to ban flavored tobacco products as today's marketing targets and encourages youth to take part in this unhealthy behavior. Hawaii has the fifth highest amount of vaping in the United States. E-cigarettes continue to grow in popularity leading to a potential health epidemic. With up to 15,500 flavors, e-cigarettes are of particular interest and attraction to Hawai'i's youth. Along with the enticing flavors and packaging, youth perceive e-cigarettes to be less harmful than other nicotine filled tobacco products. Students have shared that vaping is a popular activity that occurs both inside and outside of the academic setting. Youth have the ability to access flavorless tobacco through social media accounts, vape stores without regulation of the 21-year-old age law, and online orders with their parent's credit cards.

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

808novape researchers have found that:

- 26% of Hawai'i high school students are using e-cigarettes
- 94% online purchases of e-cigarettes have been successful amongst teens

- 60% of teens believe occasional use of e-cigarettes does little to of harm
- 70% of middle and high schoolers have recently seen e-cigarette advertising

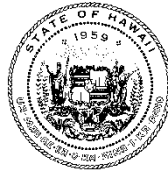
Four of five young people who use tobacco start with a flavored product. Tobacco is one of the leading causes of death and should not be accessible to Hawai'i's youth. Please ban the sale of flavored tobacco products.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large initial 'J' and 'C'.

Judith F. Clark, MPH
Executive Director



STATE OF HAWAII
DEPARTMENT OF EDUCATION
Hana High & Elementary School
P.O. BOX 128
HANA, HAWAII 96713

Aloha,

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

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

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

The Hawaii State Department of Education (HIDOE) and its schools do not discriminate on the basis of race, sex, age, color, national origin, religion, or disability in its programs and activities. Please direct inquiries regarding HIDOE nondiscrimination policies as follows:

ADA/Section 504 Inquiries	Title VI, Title IX, and other inquires
Krysti Sukita, ADA/504 Specialist	Anne Marie Puglisi, Director
Civil Rights Compliance Office	Civil Rights Compliance Office
Hawaii State Department of Education	Hawaii State Department of Education
P.O. Box 2230	P.O. Box 2230
Honolulu, Hawaii 96804	Honolulu, Hawaii 96804
(808) 586-3322 or relay	(808) 586-3322 or relay
crco@notes.k12.hi.us	crco@notes.k12.hi.us

SB-2228

Submitted on: 2/3/2020 10:21:05 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

We strongly oppose this bill. Adults should be able to make the choice to vape or enjoy flavors themselves.

TO: Hawaii Senate Committee on Commerce, Consumer Protection, and Health
RE: SB 2228 - Concerning the Sale of Flavored Vapor Products
DATE: January 31, 2020

Distinguished Senators:

Logic Technology Development, LLC, ("Logic"), headquartered in New Jersey, is one of the largest suppliers of electronic cigarettes/vapor products in the United States.

Our position is clear: minors should not be able to obtain or use electronic cigarettes. We market our products to adult smokers only and we abide by federal and state regulations that govern our industry.

We write to you today regarding SB 2228, which seeks to ban the sale of all flavored vapor products in the state of Hawaii.

We oppose this measure as currently written and urge you to instead support legislation that would limit the sale of flavored vapor products to only those products which have received a marketing authorization from FDA through the Premarket Tobacco Product Application (PMTA) pathway.

It is our position that, at a minimum, any action taken by the state in regard to flavored products should be in line with provisions set out in the FDA deeming regulations stating that:

"While FDA is conducting its review of marketing applications during the continued compliance period, the Agency does not intend to take enforcement action against products remaining on the market for failure to have a premarket authorization order." (81 FR 29010)

While we believe that submission of a PMTA should be sufficient to keep flavored products on the market until a determination is made by FDA, we understand the desire of some lawmakers to wait until products receive a marketing authorization before being allowed back on the market.

We would proudly support any measure taken by Hawaii that would ban the sale of flavored vapor products statewide, so long as products that have been through the PMTA process and are authorized for sale by FDA are exempt from that prohibition.

The development of a PMTA is an intense process on the part of the manufacturer that includes clinical and non-clinical tests, as well as significant studies into the impact these products may have on current cigarette smokers and the likelihood that non-smokers, including youth, would use these products.

Further, the Federal government has already begun to take action on the issue of flavored products. The FDA's recent action will prioritize enforcement against traditional retail outlets selling most flavored products beginning February 6, 2020. Beyond that, once the federal regulatory requirements set out in the 2016 deeming regulations take effect in May, it is estimated that up to 90 percent of the products currently on the market will disappear, including all of the flavored products that are specifically designed to appeal to youth.

Any company that is committed to long-term, responsible operations and is truly serious about regulatory compliance and preventing youth access should comply with these requirements if they wish to continue selling electronic cigarettes to adult consumers in Hawaii.

For any vapor product, including flavored products, to be authorized for marketing and sale, the manufacturer must demonstrate to FDA through a PMTA submission that those products are "appropriate for the protection of public health."

LOGIC

600 College Road East #1100

Princeton, NJ 08540

609-525-4420

We believe this proposal is the most effective way to address the flavored product debate by removing flavored products from the market immediately, while demonstrating STATE's commitment to an evidence and science-based review of vapor products by allowing those products with a marketing order from FDA to remain available.

Many lawmakers have cited the recent outbreak of pulmonary illnesses and fatalities nationwide as motivation in calling for or implementing new restrictions on vapor products, while most available information suggests that the products associated with these illnesses were unregulated and illegally marketed. The CDC has stated that in most cases, cannabis oil, also known as THC, was either present in samples tested by FDA or patients reported a history of using THC-containing products. Our proposal would also support **Hawaii** in eliminating these products from sale.

To be clear, Logic does not offer any THC-containing products and have no plans to in the future. Logic cartridges come factory-sealed to prevent harmful or illegal ingredients being added by third-parties.

Banning legitimate products from the market will only increase the risks faced by adult consumers as they shift to those illicit products that are likely causing these illnesses in the first place. If the flavored products they prefer are no longer legal to buy, a growth in illicit products will follow, hindering efforts to prevent youth access and usage. Let me remind you – criminals don't ID.

Flavored products can be an important potential off-ramp for adult smokers looking to try an alternative to combustible products. Adults do not necessarily want a product that tastes similar to the product from which they are trying to transition away. The potential role flavored products may play as a legitimate alternative to combustible cigarettes cannot be dismissed out-of-hand, nor should STATE be forced to continue to wait for the FDA deadlines to take effect to see products removed from the market that have not been authorized by FDA.

We implore you to be a national leader on this issue by acting immediately to remove any flavored e-cigarette that has no long-term place on the market. Once the federal regulatory requirements take effect in May, it is estimated that up to 90 percent of the products currently on the market will disappear, including all of the flavored products that are specifically designed to appeal to youth.

By supporting a measure that codifies the evidence-based process from FDA, it will demonstrate that Hawaii takes a balanced approach in addressing public health and the issue of youth access seriously and responsibly.

We remain at your disposal should you have any further questions or you ever wish to meet in the future to discuss these important issues.

Yours respectfully,



Rick Chandler
State Government Affairs



February 4, 2020

LATE

To: The Honorable Chair Senator Baker Committee on Commerce, Consumer Protection, and Health. Vice Chair Senator Stanley Chang.

From: Cory Smith, VOLCANO eCigs[®] CEO and Owner

RE: SB2228 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO eCigs[®] is the largest manufacturer and retailer of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 14 locations statewide and employ over 80 full-time workers to support sales of our products not only here in Hawaii, but to most USA states as well as over 30 International countries. We stand in opposition to SB2228 for the following:

- Currently the FDA already has ruled to allow online sales of vapor products and requires all vendors operate with age verification software API systems to verify age. The State of Hawaii should follow suite behind the federal government regulations.
- Removing the ability of adult Hawaii State Residents who are either disabled, live in remote areas, elderly or any other means of accesses vapor products would be a major risk to these consumers who are successfully using vapor products for the use to reduce their consumption of combustible tobacco.
- The Tobacco Control Act gave FDA immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless



tobacco. On May 10, 2016, FDA issued a final rule extending its tobacco product authority to all tobacco products (except for accessories of newly deemed tobacco products), including electronic nicotine delivery systems (ENDS) – such as e-cigarettes and vape pens – all cigars, hookah (waterpipe) tobacco, pipe tobacco, nicotine gels, and certain dissolvables.

- August 8, 2016 the FDA Deeming Regulations officially went into effect. A major part of the deeming regulations is the section on preventing youth access to “tobacco products” (including e-liquids and vaping accessories). These regulations prevent the sale to individuals under 21 years old federally in the US, prevent retailers and manufacturers from providing free samples, and prevent the sale of all “tobacco products” from being sold in vending machines. In addition, the FDA has taken a stronger guidance against companies such as Juul who have been reported 59% of high school students who are illegally using vapor products say Juul is their “usual brand” and have banned the sale of all pre-filled flavored pods as of January 31, 2020.

https://www.eurekalert.org/pub_releases/2019-11/jn-srh110419.php

- 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. The UK has recently embraced these products as public health win and are crafting smart regulations that embrace the advantages these products provide to their society rather than crafting burdensome regulations that aim to limit access and 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.sciencedaily.com/releases/2017/02/170207104358.htm>



- Former smokers with long-term e-cigarette-only or NRT-only use may obtain roughly similar levels of nicotine compared with smokers of combustible cigarettes only, but results varied. Long-term NRT-only and e-cigarette-only use, but not dual use of NRTs or e-cigarettes with combustible cigarettes, is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes.

<http://annals.org/aim/article/2599869/nicotine-carcinogen-toxin-exposure-long-term-e-cigarette-nicotine-replacement>

It is our belief that this 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

SB-2228

Submitted on: 2/2/2020 1:22:29 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 3:29:05 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Flavors help combustible tobacco smokers quit. It seems odd that only allowing tobacco flavors, even though the tobacco is a flavor itself is allowed. Why would users use tobacco flavoring when their goal is to get away from it?

SB-2228

Submitted on: 1/31/2020 3:37:44 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 5:03:55 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 5:08:53 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Why would I support on taxing our people more than they already should be. They use electronic cigarette products to wane their way off of tobacco which actually hurts people. Thank you for your time.

SB-2228

Submitted on: 1/31/2020 5:10:21 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Vaping has only helped me

SB-2228

Submitted on: 1/31/2020 5:12:44 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 5:14:12 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 5:59:35 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 6:10:25 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 1/31/2020 6:27:52 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique gunn	Testifying for Tobacco king llc	Oppose	No

Comments:

SB-2228

Submitted on: 1/31/2020 8:17:49 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/1/2020 11:31:33 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

E-vapor flavor doesn't harm anyone. Don't ban the flavors people like.

SB-2228

Submitted on: 2/1/2020 11:45:28 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Nettles	Individual	Oppose	No

Comments:

To whom it may concern,

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

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

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

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

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

Vinh Tran,

Resident of Honolulu, Hawaii.

SB-2228

Submitted on: 2/1/2020 12:16:15 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katelyn Kapua	Individual	Oppose	No

Comments:

SB-2228

Submitted on: 2/1/2020 12:33:50 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I strongly disagree with this because many individuals have used the flavored vape juice in order to get off of cigarettes as well as to quite. So keeping only menthol and tobacco flavors I feel would be a step backwards

SB-2228

Submitted on: 2/1/2020 1:48:29 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I'm Alex and I srongly oppose this bill!

SB-2228

Submitted on: 2/1/2020 2:53:34 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph E Yarbrough	Individual	Oppose	No

Comments:

SB-2228

Submitted on: 2/1/2020 2:54:03 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/1/2020 2:54:40 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I Oppose

SB-2228

Submitted on: 2/1/2020 3:28:26 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I oppose SB2228.

Respectfully submitted,

Theresa Revell

SB-2228

Submitted on: 2/1/2020 5:51:21 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/1/2020 5:54:37 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/1/2020 8:03:48 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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-Kepa

SB-2228

Submitted on: 2/2/2020 9:02:11 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/2/2020 10:24:41 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/2/2020 4:02:54 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Strongly Oppose this ban.

SB-2228

Submitted on: 2/2/2020 8:00:02 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chase Yoshida	Individual	Oppose	No

Comments:

SB-2228

Submitted on: 2/2/2020 11:05:56 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Bauguess	Individual	Oppose	No

Comments:

Aloha,

I strongly opppse SB2228 because I want to maintain my rights to purchase electronic smoking devices and flavored eliquids. Please allow me to continue to purchase these items at my discretion. If SB2228 goes in to effect it will negatively effect my personal rights.

Mahalo,

Louis Bauguess

SB-2228

Submitted on: 2/3/2020 6:39:49 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I oppose all e-smoking device or e-liquid bans, all they do is take away more rights from law abiding adults. If you want to stop underage usage inact possession laws similar to that we have for alcohol.

SB-2228

Submitted on: 2/3/2020 10:27:40 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I oppose this bill because I myself use electronic smoking devices, and flavored tobacco products. It has helped me over the years (ALWAYS OF AGE) and after switching over to electronic devices and can feel and notice the difference compared to smoking a pack of cigarettes. I would reallt dislike to have to go back to the option. I completely agree we should find better ways for underage not to have access to those products but I feel we shouldnt be affected because of it.

SB-2228

Submitted on: 2/3/2020 11:05:01 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

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

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

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

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

SB-2228

Submitted on: 2/3/2020 12:22:26 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/3/2020 5:31:23 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I am writing in STRONG OPPOSITION to this proposed Bill.

Any regulation of flavors should occur at the federal level - Congress empowered FDA to establish tobacco product standards such as restricting flavors only if FDA determines that such action would be appropriate for the protection of the public health based on science and evidence.

Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products. Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself.” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and not have access to such products, including those with characterizing flavors. No manufacturer should use children's cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase.

This ban would essentially destroy the vapor industry as all flavors - even the "natural tobacco flavor" mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the loss of a multitude of local businesses, creation of a black market, and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,

Johnathon Myers

Concerned Constituent & Consumer

SB-2228

Submitted on: 2/4/2020 8:24:56 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/3/2020 10:33:06 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
shane kinoshita	Individual	Oppose	No

Comments:

Can you proved data that all flavored e-juice has nicotine? Don't think so. Flavor e-juice helped me to stop smoking. And also helped me to cut back on my sweets .

SB-2228

Submitted on: 2/3/2020 9:33:01 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Flavors are an integral component of tobacco harm reduction vaping, the vast majority of legal, adult vapers use and prefer non-tobacco flavors. Banning them would destroy a legal, vastly healthier alternative to tobacco smoking, destroying many businesses in Hawaii while leading tens of thousands of Hawaii residents back to smoking.

SB-2228

Submitted on: 2/3/2020 8:51:11 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I oppose this bill.

SB-2228

Submitted on: 2/4/2020 9:16:41 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I strogly oppose sb2228. The ban on flavored eliquids is ridiculous to me. I as an adult quit traditional cigarettes because of flavored eliquids. I as an ADULT like flavors. The taste and smell of an eliquid is much more pleasing than a regular combustble any day. I tried my first vape device and flavor as an adult over 8 years ago. I am 43 now. I was a smoker for more than 12 years before vaping. My health is better now. I frequently have check ups because i am a diabetic type 2. Isnt that the goal here is to have your citizens live longer happier lives. So why go after something that is impacting so much people and a healthier alternative. I strongly suggest that you all do more research before planning to ban a life saving alternative.

SB-2228

Submitted on: 2/3/2020 4:54:59 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Protect our freedom of choice.

SB-2228

Submitted on: 2/3/2020 12:25:19 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Johnston	Individual	Oppose	No

Comments:

Aloha,

I am in opposition of SB2228. The banning of flavors is not the answer to underage use of adult nicotine devices or vaping. Underage users are interested in "getting high" from nicotine and misuse devices that are used by adults as a tobacco cessation device. It is not the flavor that attracts underage use, it is the high level of nicotine found in the device that they chose. As a parent I am responsible for my children. Parents are accountable for the actions of their children when underage. Vaping devices and all its accompaniments should only be sold in specialized stores. The more availability the more chances for underage use. I am a former smoker and in my underage days cigarettes were sold everywhere and very accessible. Reduce the access and make sure those allowed to sell items are following the laws. Having an age restriction is law enough if it is policed properly.

Attached is a link to an article from the CDC's findings. I implore you to read it as evidence.

Mahalo for your time,

Michelle Johnston

<https://reason.org/commentary/cdc-survey-shows-flavors-arent-driving-youth-vaping/?fbclid=IwAR19XEAx9RrYEZXiFjAMX8QVJbwZo29ewuDyXzVB7LH6VYNbY7JYPkIm1RY>

SB-2228

Submitted on: 2/3/2020 12:53:44 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/3/2020 12:57:14 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beverly Victorine-Dyment	Testifying for Doe	Oppose	No

Comments:

To Whom it may concern,

I am a Special Educational Assistant at the Hana High and Elementary School. I have been here working at the school for over 16 years. I have seen the difference in the amount of students vaping at our school and it saddens me that there is more and more younger students starting to vape. It doesn't help that manufacturers are making flavors that draw these children to wanting to even vape more. Some flavors that are candy smelling and tasting. Even menthol attracts kids. We as teachers and parents need to show this young generation that there is more in life to do than just Vaping. Teaching them that following or peer pressure is not the right thing to do. That you do have the right and do not need to be afraid to say no. To stand up to other peers or friends that think vaping makes you look like your older or mature but in fact it just makes you getting closer to death. So please help us stop the Vaping with them, our younger generation. To help them see the risk in vaping that one day can cause them to become very ill or even lose their lives. Please help our young generations to have a chance to have better futures for themselves.

Testimony Presented Before the
Senate Commerce, Consumer Protection and Health Committee
Hearing Date: Tuesday, February 5, 2020

HB 2228 - Relating to Vaping

Chair Baker, Vice Chair Chang and Members of the committee:

I am writing in **strong support** of SB2228.

As a physician, I believe that preventing kids from vaping is the most important public health intervention of our generation.

With 42% of Hawai'i high school students trying e-cigarettes, we have an urgent need to act!

Of the youth who use tobacco products, 81% started with a flavored product, and more than half of youth smokers use menthol cigarettes.

Therefore, we have to stop kids from getting hooked on these dangerous products.

Thank you for the opportunity to provide testimony.

Kelley Withy, MD, PhD

Date: February 5, 2020

To: Chair Roz Baker

Vice Chair Stanley Chang

Members of the Senate Committees on Commerce, Consumer Protection, and Health

Re: Support: SB 2538 relating to Flavored Tobacco Products

Hrg: Wednesday, February 5, 2020 at 9:30am in Room 229

Dear Chair, Vice Chair, and Members,

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT SB2228**. Flavors Hook Kids Hawai'i is working to protect Hawai'i's 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. We support the first step that this bill takes towards limiting the sale of flavored tobacco but believe that it should be extended to include flavored combustible tobacco products, in addition to e-cigarettes.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in our state and the nation, killing 480,000 Americans annually. Hawaiian 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."¹ 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%.² It is clear that we must act and we must act now.

Prohibiting the sale of flavored tobacco products, including menthol cigarettes, in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them 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 their colorful

¹ 2016 Behavioral Risk Factor Surveillance System (BRFSS). <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

² CDC, "Tobacco Use is Rising" February 2019 Report.

packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.³

Menthol is the Most Popular Tobacco Flavor Among Youth

Most insidious among the flavors preferred by youth, are mint and menthol. Given that many of our youth are now addicted to nicotine and will look for easy, similarly tastings products if flavored e-cigarettes are removed from the market, we strongly recommend that the committees consider expanding this proposed legislation to include menthol, mint and mentholated combustible tobacco. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. 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."⁴

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.⁵ Menthol cigarettes comprised 36 percent of the market in 2018.⁶

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.⁷ Flavors are not just a critical part of the product design, but are a key marketing ploy

³ 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.

⁴ 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>

⁵ 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.

⁶ 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].

⁷ 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.

for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”⁸ 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 2014.⁹

Although tobacco companies claim to be responding to adult tobacco users’ demand for variety, it’s clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use in the state.

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 as a starter product, 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.¹⁰ Just like with cigarettes, menthol e-cigarette 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.¹¹ Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.¹² 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.”¹³

⁸ 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.

⁹ 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>.

¹⁰ 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?utm_source=CTPEblast&utm_medium=email&utm_term=stratout&utm_content=pressrelease&utm_campaign=ctp-vaping.

¹¹ Cullen, KA, et al., “e-Cigarette Use Among Youth in the United States, 2019” *JAMA*, published online November 5, 2019.

¹² 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>.

¹³ 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>.

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁴ The manufacturer of JUUL, the most popular e-cigarette, claims that each JUULpod 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.”¹⁵ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. More than half of youth smokers use menthol cigarettes, including seven out of ten African American youth smokers.¹⁶ The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted marketing by the tobacco industry.¹⁷ As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁸

The industry wants to blame the users, to avoid further restrictions on the sale of their product.

A tactic used by the industry around the country is to encourage the penalization of youth who they have successfully addicted to their product through the introduction of youth possession penalties and criminalization. These policies do not work, but allow the industry to ensure their users are hooked for life rather than accessing critical cessation and education programs that would lead to a decrease in customers. In lieu of penalizing children for using a product they were told was safe and then marketed to them, we suggest that the state consider

¹⁴ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General.*

¹⁵ 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>.

¹⁶ Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, published online October 20, 2016.

¹⁷ SAMHSA’s public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015.

http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWACE2&weight=ANALWT_C&results_received=true and https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C.

FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013, <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.

¹⁸ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

implementing youth/parent educational programming and alternative youth cessation programs to address the issue of under-21 tobacco consumption.

Here in Hawai'i we have access to several important programs for our youth smokers:

Youth Cessation Programs:

- **Hawai'i Tobacco Quitline Youth Program:** Recently the Hawai'i quitline expanded its services to provide evidence based strategies for youth who have become addicted. The Youth Program can be accessed via phone at 1-800-QUIT-NOW (784-8669) or online at <https://hawaiiquitline.org/how-it-works/youth-program>. Program features include: Personalized counseling from highly skilled Youth Quit Coaches, Educational materials, Quit plan development, Anonymous, non-judgmental support, Support between scheduled calls via a toll-free support line, Discussion of triggers, peer influences, environmental/household exposure to tobacco use, stressors, Relapse prevention through planning and preparation, Total of 5 intervention calls. <https://hawaiiquitline.org/new-generation-nicotine-addicts/>
- **American Lung Association – INDEPTH:** an Alternative to Teen Nicotine Suspension or Citation: <https://www.lung.org/stop-smoking/helping-teens-quit/indepth.html> This program is offered nationwide as an alternative to more punitive punishments for youth that are not proven to be effective. Developed by the American Lung Association in partnership with the Prevention Research Center of West Virginia University, this new free education program is available for any school or community to establish to help our teens make healthier choices.
- **CAN WE SAY SOMETHING ABOUT the STANFORD TOOLKIT?**

National Youth e-cigarette cessation programs

- Truth Initiative – E-Cigarette Quit Program: <http://www.thisisquitting.com/>; <https://www.becomeanex.org/>
 - Early evaluation results from this program are promising. The program has been promoted entirely through earned media and organic social media and it has seen a high level of enrollment and high levels of engagement with the program. It shows that young people are interested in quitting vaping and can be engaged in an easily accessible, anonymous digital platform promoted through social media.
- National Cancer Institute's SmokefreeTeen Quit Vaping: <https://teen.smokefree.gov/quit-vaping>

Youth Education Programs:

- Campaign for Tobacco-Free Kids – Taking Down Tobacco: <https://www.takingdowntobacco.org/>
- Stanford Medicine Tobacco Prevention Toolkit – E-Cigarettes and Vape Pens: <https://med.stanford.edu/tobaccopreventiontoolkit/E-Cigs.html>
- CATCH My Breath – Youth E-cigarette Prevention Program: <https://catchinfo.org/modules/e-cigarettes/>

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 die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our kids and vulnerable populations. By prohibiting adopting this policy would become one of only a handful of states that have already taking action to *end* the sale of flavored tobacco products. **Thank you for considering a strong and comprehensive policy. It will save lives.**

Sincerely,

A handwritten signature in cursive script that reads "Liza Ryan Gill". The signature is written in a dark ink and is positioned below the word "Sincerely,".

Liza Ryan Gill, MA
Campaign Manager
Flavors Hook Kids HI
lfreitas@tobaccofreekids.org

Appendix

A1: Examples of Flavored Tobacco Products



A2: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

A3: Flavors Hook Kids HI- Supporting and Endorsing Organizations

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 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
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
HEALTH & COMMUNITY LEADERS

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
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 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.
ELECTED OFFICIALS & GOVERNMENT
Sen. Stanley Chang
Rep. Stacelynn Eli
Rep. Sharon Har
Maui County Councilmember Kelly King
Hawai'i County Councilmember Sue Lee Loy
Kuliouou-Kalani Iki Neighborhood Board #2
Makakilo/Kapolei/Honokai Hale Neighborhood Board
#34
Makiki/Lower Punchbowl/Tantalus Neighborhood Board
#10
Miiilani/Waipio/Melemanu Neighborhood Board #25
Nanakuli-Mailii Neighborhood Board #36
Pearl City Neighborhood Board #21
Waipahu Neighborhood Board #22

Tina Alcain
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
Cassiopia Yamashita

County of Kauai Office of the Prosecuting Attorney
Department of Education
Office of Hawaiian Affairs (OHA)

SCHOOLS

Chiefess Kamakahahei 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

BUSINESSES

Emma Whitney Photography
Ganesha Body Piercing
Heartlight Montessori Homeschool
Home Remedies Interior Design
Paia Tattoo Parlor
Shaka Tea
The Man Cave
The Root Cellar Studio Mau

SB-2228

Submitted on: 2/3/2020 9:05:19 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alysha Cosier	Individual	Support	Yes

Comments:

My name is Alysha Cosier and I am a pharmacy student. I am testifying in support of bill HB2228. 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 and the increase in fines and penalties for any violations presented in this bill is essential in bringing a stop to this vaping epidemic. Again, I would like to emphasize my strong support for bill HB2228.

Thank you for the opportunity to testify.

SB-2228

Submitted on: 2/2/2020 11:15:13 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Carigon	Individual	Support	Yes

Comments:

Dear Hawaii State Legislature,

My name is Elijah Carigon and I am a senior at Waiakea High School in Hilo. I am writing to you in testimony of SB2228 and my strong support for this bill.

I believe the youth of Hawaii are tremendously impacted by the effects of vaping, in particular, the flavors used to entice young users. Although the use of traditional cigarettes is quite low among the youth of Hawaii, the use of e-cigarettes and vaping devices is at an all-time high. Flavors are the primary reason why young people are enticed to start vaping.

The US Surgeon General, CDC, and FDA have declared that vaping among youth to be an epidemic. Currently 97% of youth who vape report that they use a flavored product and 81% of youth who have used tobacco products actually started with a flavored one. Additionally, and most importantly, in Hawaii, 1 in 4 high school students vape while 1 in 5 middle school students vape.

As a student, I can honestly say that vaping is a major problem among young people here in Hawaii. In my school, students are constantly trying to find ways to vape. They do it in the bathrooms and other locations throughout the school. My mom is a middle school teacher in Hilo and she sees that vaping is a huge problem among the students at her school. Students as young as 11 years old are getting hooked on vaping and it is mainly due to the flavors.

Young people really are the ones being targeted by the tobacco industry. With flavors such as sour patch, cotton candy, green apple, mango, and bubble gum, it is easy to see just exactly who the tobacco industry is going after. These flavors make it very easy and appealing for youth, basically children, to start vaping and soon become addicted to nicotine. Besides the life-impacting effects of nicotine addiction, other toxic chemicals are found in vaping such as formaldehyde, arsenic, and lead among several other toxins.

My sincere plea to you, on behalf of my peers, the youth of Hawaii, is to vote in support of SB2228.

Thank you very much for your strong consideration of my testimony.

Sincerely,

Elijah Carigon

SB-2228

Submitted on: 2/1/2020 1:53:11 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hilary Lang	Individual	Support	No

Comments:

Aloha,

I am a teacher at Hana High & Elementary School for 11 years. I was an elementary teacher and now I am a middle school teacher. I have 7 and 11 year old children. We have had students as young as 3rd grade using vape products and bringing them to school. They are particularly drawn to the fun flavors, cute packaging, and being like their middle school family and friends. My kids are so excited about cotton candy, chocolate, strawberry, etc. Adults who are cigarette smokers are not looking for cotton candy flavor. Those are targeting my children. We have DARE at our school and anti-vape poster contests, but many students are not interested because they already use it. Vape products have highly addictive nicotine and many chemicals that are very hard on growing bodies and minds. There are many vape products that are easy for the kids to conceal (looking like regular classroom supplies, candy, or tiny enough to keep in their clothing). When the kids use these chemical products, they have a hard time focusing on their academic classes. Nicotine is very addictive. Our children have so many challenges growing up to have large corporations targeting them to be life long customers addicted to their products. They are not old enough to make educated and informed choices about this level of addiction, chemical dependency, medical problems, loss of academic learning, and social emotional problems. Please help us keep these tobacco and nicotine products out of the hands of children so that they have an opportunity to grow up with healthy minds and bodies.

Hilary Lang

A concerned teacher and parent

Date: February 1, 2020

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

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

Hrg: February 5, 2020 at 9:30 AM in Capitol Room 229

Aloha Senate Committee on Commerce, Consumer Protection and Health,

I am writing in **strong support of SB2228**, 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; and, establishes penalties.

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

And it not just the sweet flavors. Mint and menthol are especially insidious. Recent research finds that mint flavor is quickly gaining popularity among high school students.

Menthol is an anesthetic compound found naturally in mint plants that provides a cooling sensation. Menthol is added to tobacco cigarettes to reduce the throat burn caused by smoking, making it easier for non-smokers to start smoking and get hooked on nicotine. Menthol also increases the satisfaction smokers experience while smoking. The prevalence of menthol cigarette smoking (and nicotine addiction) is highest among members of communities with significant health disparities, including native Hawaiians.

Tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. But the reality is that for each adult who tries to quit smoking with e-cigarettes, 81 kids start using e-cigs. And, kids who use e-cigarettes are four times more likely to go on to smoking combustible tobacco cigarettes than kids who don't use e-cigs.

Under the SB2228, unflavored and tobacco-flavored 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 or tobacco-flavored e-cigs.

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

SB2228 also limits the sale of tobacco products to in-person purchases in licensed, retail settings between a retailer and purchaser. This will significantly reduce opportunities for youth to obtain e-cigs and e-liquids through proxy deliveries and other means that anonymize or separate the purchase and receipt of tobacco products.

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

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

SB-2228

Submitted on: 1/31/2020 8:17:16 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

SB-2228

Submitted on: 1/31/2020 5:12:46 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Rodrigues	Testifying for Irie Hawaii	Support	No

Comments:

February 2, 2020

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

To the House of Representatives

Hrg: Wednesday, February 5, 2020, 9:30 AM, Conference Room 229

I strongly support SB 2228 RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES, which would Ban the sale of flavored tobacco 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

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).

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.

Mahalo,

Jamil Folio

SB-2228

Submitted on: 2/2/2020 9:51:08 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Logan Lau	Individual	Support	No

Comments:

My name is Logan Lau and I am from 'Ā€ina Haina. I am currently a sophomore in high school and am testifying in strong support of the bill SB2228.

Although I cannot be here to testify in person because I am currently at school, I believe that this bill must be passed for three main reasons.

First, flavored tobacco products entice younger generations which causes an influx of younger vape and e-cigarette users. Currently, the percentage of high school students who vape is on the rise with polls averaging around 40%. Which is nearly a 30% increase from just two years ago.

Secondly, flavored tobacco products may have started with the intention of being an alternative to smoking which could decrease the number of smokers however it has miserably failed. Instead of encouraging smokers to quit and use vapes companies like JUUL are encouraging younger generations to start vaping, which we know can become highly addictive and lead to smoking. It is clear that these flavored tobacco products are completely counterproductive in their intentions.

Lastly, a real-life, personal example of the effects of teen vaping. Recently my mother's co-worker who is a nurse opened up about her son and his struggle with vaping. It all started when he was a student at Kalani High School and he began to vape using various flavors that made vaping look very appealing. However, this soon turned into a serious addiction and his previous straight A's and 4.0 GPA began to take a swift downturn. Despite this, he was able to get into USC however, within the first quarter that he was there he was introduced to weed and marijuana and was instantly hooked. Now he has dropped out of a great college, has a serious addiction, mental illness, and is currently in drug rehab. I had a chance to talk to him and ask him what happened to his life, and where it went wrong. He responded saying, it all started when he began vaping and got hooked on its flavors.

Thus, I stand in strong support of the bill SB2228, because flavored tobacco products target younger generations enabling a whole generation of addiction, because flavored tobacco products are counterproductive, and because these stories of how vaping ruins people's lives are all too common.

Thank you

SB-2228

Submitted on: 2/2/2020 10:18:20 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Mih	Individual	Support	No

Comments:

Dear Senators:

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

Submitted on: 2/3/2020 7:08:19 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
CLINT GIMA	Individual	Support	No

Comments:

This is a no-brainer. How many more teens do we have to get addicted to or die before something is done? Do the right thing and ban flavored vape juice.

SB-2228

Submitted on: 2/3/2020 4:14:53 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/3/2020 9:16:42 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Companies shouldn't target children because it's pretty much ruing childrens lives just for money.

like how dare you. 7th grader meleana

SB-2228

Submitted on: 2/3/2020 9:24:01 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jake lowery	Individual	Support	No

Comments:

I am a 7th grade student and i think tobaco should not be targetting children. Fun flavors attract kids like me. Elementary kids really like cotten candy flavor. Adults don't. Even menthol flavor is fun for teens. All of these flavors and advertising should not be available to kids, but they are. Please help us stop this problem.

SB-2228

Submitted on: 2/3/2020 9:25:08 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cherish-piimauna-beck	Individual	Support	No

Comments:

ALOHA!! Im a 7th grade student and I think that tabaco should not target kids my age because there to young to start smoking tabaco.I know that many kids other schools smoke tabaco because of the smell or the flavor like unicorn tears,cotton cand i dont no but i here that many kids like it to make them popular and just know that if people dont accept you for who you are then accept your self for who you want to be in the futur that means no to smoke tabaco.

SB-2228

Submitted on: 2/3/2020 9:27:34 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
J-Lah Sinenci	Individual	Support	No

Comments:

hi im a 7th grade student at hana school and i think vaping is just targeting kids mostly.

SB-2228

Submitted on: 2/3/2020 9:30:32 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
janaiah kaupe	Individual	Support	No

Comments:

Aloha i am a 7th grade student that thinks tabacco/vaping company's should not be allowed to target children because of causes with death and being led sick or into the hospital . tabacco can cause your lungs to collapse or can cause popcorn lungs . vaping can lead to having vapor smoke in your lungs and can also cause yellow/rotten teeth along with tabacco .

SB-2228

Submitted on: 2/3/2020 9:33:33 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
koalii shamblin	Individual	Support	No

Comments:

My name koalii im a 7th grader from hana school from Maui, Hawaii. Tobacco is bad for everyone and it can give you cancer and can hurt a lot of kids if people are trying to hurt and kill other people and children when they dont want to be hurt.

SB-2228

Submitted on: 2/3/2020 10:07:03 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Miriam Mendoza Martinez	Testifying for Coalition for a free tobacco Hawaii	Support	No

Comments:

My name is Miriam Mendoza Martinez and I am a student at Konawaena High school. I am in favor of this bill which bans the sale of flavored tobacco in Hawaii. The tobacco consumption rates on this Island are extremely high. Today the youth is suffering due to the marketing of these products because they appear just like our favorite candy flavors. Just at my school alone many teens vape in the bathrooms and even in classrooms around other students making it seem cool when maybe they're just that addicted or hooked up to the nicotine that it is very hard to just spend a few minutes without vaping. Additionally, teens are now hanging out in the bathrooms vaping for whole class periods so this is not only affecting their health but affecting their education. As part of my coalition I support this ban because I have seen people that want to quit and it is extremely hard to quit. These products are causing severe health issues throughout our island and even nation wide. Also, I have seen and talked to many people that want to stop especially with all the recent deaths but can't because they need help and also sometimes they're parents don't even know what they are going through so they don't have the emotional support to quit making it so hard for them. Overall, Hawaii should ban the sale of flavored tobacco products because it is taking control of many people especially the youth affecting their lives in many negative ways there are no benefits with these harmful products to society so why should we keep them if all they do is cause more and more harm.

SB-2228

Submitted on: 2/3/2020 9:34:06 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Vape commercials can lead to little kids vaping and then dieing.

SB-2228

Submitted on: 2/3/2020 10:01:47 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Fields	Individual	Support	No

Comments:

To the Senate voters:

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, YOU have an urgent need to act.

With more than 15,500 flavors, who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? It's well-documented 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.

It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

DO WHAT IS PONO AND VOTE TO RESTRICT THE SALE OF KID-FRIENDLY TOBACCO FLAVORS for electronic smoking devices!

Suzanne Fields

Haiku, Maui

SB-2228

Submitted on: 2/3/2020 9:57:07 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Mock	Individual	Support	No

Comments:

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

With 8 in every 10 kids starting with a flavored tobacco product and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With more than 15,500 flavors, who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? It's also well-documented 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. It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

Flavored tobacco products are specifically marketed to teens & youth at an age where their brains & logical reasoning skills are still developing and it's harder for them to imagine and understand the long-term impacts of their actions. Just because you make something look "sweet", doesn't mean it is.

SB-2228

Submitted on: 2/3/2020 9:46:50 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laksmi M Abraham	Individual	Support	No

Comments:

Aloha and Good Morning –

My name is Laks Abraham and I'm the Community Program Manager for Blue Zones Project – Central Maui. I writing today in support of SB2228, relating to flavored tobacco products.

This is a national concern, which prompted a statement released from FDA Commissioner Gottlieb, on steps to address the national epidemic of youth e-cigarette use. The commissioner quotes, "I use the word "epidemic" with great care. E-cigs have become an almost ubiquitous – and dangerous – trend among teens. The disturbing and accelerating trajectory of use we're seeing in youth, and the resulting path to addiction, must end." I'm sharing this with you because we, as a community are facing this epidemic right here in Maui County, rearing some of the highest youth vaping usage rates in the nation.

Blue Zones Project Hawaii will continue to support legislation to protect our keiki from tobacco products and continue to encourage smoke-free lifestyles and preventive measures for youth vaping.

Flavored tobacco products are intended to attract and addict youth to tobacco, which is wrong. It's as simple as that. Please support SB2228 and ensure our keiki are protected from big tobacco and help us work to decrease youth vaping in Hawaii. Mahalo!

Laksmi Abraham

SB-2228

Submitted on: 2/3/2020 9:38:00 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I am a 7th grade student. Vaping or smoking in any way makes your lungs look like a raizen and it could have some bad consequences like lung cancer and when it comes to vaps and the nicatin inside is really bad for kids. Flavors attract them more.

SB-2228

Submitted on: 2/3/2020 9:54:32 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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 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 the state.

SB-2228

Submitted on: 2/3/2020 10:12:37 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

As a parent, nurse, and teacher, I am strongly in SUPPORT of 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. Menthol is another flavor popular with those trying tobacco for the first time due to its cooling properties. Furthermore, menthol has historically targeted vulnerable groups and is popular amongst Native Hawaiians and Pacific Islanders, making it a social justice issue as well as a public health one. The health risks of e-cigarettes are well documented as are the disruptions to classes and schools. We have an opportunity to intervene in this unfolding public health crisis in Hawaii by passing this bill to protect our keiki. As the parent of a soon-to-be 11 year-old starting middle school this Fall, there is no time to delay.

Mahalo,

Kathleen Hagan, MS, APRN, ANP-BC

SB-2228

Submitted on: 2/3/2020 10:13:41 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony S. Kim, DMD	Individual	Support	No

Comments:

Senate Committee on Commerce, Consumer Protection, and Health

Chair Baker,

I support the prohibition of sale of flavored products for electronic smoking devices.

Tobacco and vaping companies are using the same playbook and tactics to entice new users. We know that the impact and target audience is and has always been the keiki.

Please support the prohibition of the sale of flavored products for electronic smoking devices. This blatant attempt to get our keiki hooked on tobacco and these devices cannot hide behind any smokescreen.

In this day and age, how can anyone help grow the practice of getting consumers, especially keiki, hooked on an unhealthy habit for the sake of profit?

Sincerely,

Anthony S. Kim, DMD

SB-2228

Submitted on: 2/3/2020 10:18:20 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Vinoya	Individual	Support	No

Comments:

Please keep the health and safety of our keiki in mind as you read these testimonies. I work with youth and I have heard my middle schoolers talking about how good thier friends vapes smell/taste. I have seen flavors being advertized that can only be aimed at youth, such as apple juice, li hing gummy, sour patch kids, and kids cereal flavors. These flavors are attractive to youth and should be taken of the market. In addition, I would like to point out that smokers only have non-flavored options of ciggarettes, so if someone is using a vape to quit smoking, they dont need flavors to make them switch. Thank you for your time and consideration, I hope you can make a choice that you are morally happy with.

SB-2228

Submitted on: 2/3/2020 10:38:05 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Loren	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 SB2538.

Linda Weiner, MD
Pediatrics, Kauai

SB-2228

Submitted on: 2/3/2020 12:31:06 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nedabiah hoopai-feliciano	Individual	Support	No

Comments:

I'm a 7th grader and I think the tabaco company should not target us children because if us kids start vaping or smoking cigerettes there gonna get addited to it and can't stop doing it also they will be doing it until they die.They will be dead because they were smoking sooo much of cierettes and vapes. Also, because they would be a bad examples for other children and other fucture generationthat is coming into the would.

SB-2228

Submitted on: 2/3/2020 12:37:26 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ocean Lanakila Kanuha	Individual	Support	No

Comments:

Hi, I my name is Ocean Lanikila Kanuha and I am a 7th grader at Hana School in Hawaii. I don't think tobacco products should be targeted to kids because they can die. Flavors attract kids more than adults. This is not ok.

SB-2228

Submitted on: 2/3/2020 12:34:49 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
nanea morton	Individual	Support	No

Comments:

my name is nanea morton and i and a middle schooler from hana school and i tink tobacco coumpinays should NOT target kids my age or younger. i think this because tobacco can be in possecion of a kid my age and younger, and i dont tink thats ok.

SB-2228

Submitted on: 2/3/2020 12:38:29 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawai'i high schools students trying e-cigarettes, we have an urgent need to act. With more than 15,500 flavors, who is the industry really targeting with flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum? It's well-documented 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. It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction.

SB-2228

Submitted on: 2/3/2020 12:54:23 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stratton McClure	Individual	Support	No

Comments:

I am a 7th grade student at Hana School. I think that tobacco should not be targetting kids. Flavors attract kids. Tobacco companies flavor products so they can attract more people including children.

SB-2228

Submitted on: 2/3/2020 12:49:07 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
zaesha-myah Anela okealoha ortiz	Individual	Support	No

Comments:

Im a 7th grader and i dont think that vaping is ok exspetially if the vape and tabako compony` is targeting littel kids

SB-2228

Submitted on: 2/3/2020 12:59:40 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Barrow	Individual	Support	No

Comments:

Please protect the health of our keiki & teens by passing SB2228. Hawaii has one of the highest rates in the nation of middle schoolers and high schoolers who use ecigarettes. It's well-documented 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. It's clear that restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction. Mahalo for all you do !

SB-2228

Submitted on: 2/3/2020 1:05:51 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Aloha, my name is Namahana (7th grader at Hana school), and I dont think they should target kids with tobacco because if kids start smoking at a young age their life could end really early and the human population could eventually lower by a lot. Flavors and fun packages attract kids

SB-2228

Submitted on: 2/3/2020 1:10:45 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

As a Hawaii resident and voter, I ask you to please support this bill. Nicotine addiction shortened my fathers life. Like him, I too started smoking cigarettes as a teen, but was fortunate to have been able to quit. It was far from easy to quit. Some of the teens getting hooked on flavored tobacco products today will become hooked, and their lives will be shortened. This bill will help prevent that from happening.

SB-2228

Submitted on: 2/3/2020 1:21:52 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

this will save lives. please pass.

SB-2228

Submitted on: 2/3/2020 1:22:04 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Submitted on: 2/3/2020 1:26:02 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawaiolaakealoha Sanita	Individual	Support	No

Comments:

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

SB-2228

Submitted on: 2/3/2020 1:31:11 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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

Submitted on: 2/3/2020 1:39:12 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

you smell like poop

SB-2228

Submitted on: 2/3/2020 1:41:28 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Hello! My name is Zoe and I'm am 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

Submitted on: 2/3/2020 1:42:21 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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

Submitted on: 2/3/2020 1:44:08 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

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

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

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

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

SB-2228

Submitted on: 2/3/2020 1:44:44 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I'm in the 8th grade and think that its bad that the tobaco companys are targeting little kids by selling products that are pleasing to their liking. This is causing problems for these young kids like having health issue due to vaping. Several cases has shown us that it is taking their lives because of them using it. We need to take a stand and get it off the shelves for good. These products are dangerous for us students, so if it is banned for good, we will not have to worry about it any more. It will also not be so tempting when it is easily accessed to young kids. Help save us from dying.

Mahalo

SB-2228

Submitted on: 2/3/2020 1:53:35 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Im a student from Hana and my oppinion on vape flavorings are that they are bad and attract kids with sweet candy flavored flavorings for vapes and the flavorings might make them want to get a vape.

SB-2228

Submitted on: 2/3/2020 1:55:20 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Neubert	Individual	Support	No

Comments:

This should be passed to save our children from the negative effects of tobacco products, especially ones that are purposely made to attract youth.

Testimony to Senate Committee on Commerce, Consumer Protection, and Health
Wednesday, February 5, 2020; 9:30 a.m.
State Capitol, Conference Room 229

Dear Chair Baker, Vice Chair Stanley Chang, and Committee Members,

My name is Ramic Santiago and I **support** SB2228: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

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

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

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

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

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

Sincerely,

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

Resources

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

Testimony to Senate Committee on Commerce, Consumer Protection, and Health
Wednesday, February 5, 2020; 9:30 a.m.
State Capitol, Conference Room 229

Dear Chair Baker, Vice Chair Stanley Chang, and Committee Members,

I support SB2228: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

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

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

Please pass SB2228 to save our children for the future.

Sincerely,

Jennifer Hausler
Pearl City, 96782

Date: February 5, 2020
To: The Honorable Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Committee on Commerce, Consumer Protection, and Health

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

Re: Support for SB2228: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

Hearing: Wednesday, February 5, 2020 at 9:30 am at Conference Room 229

Dear Chair Baker, Vice Chair Stanley Chang, and Committee Members,

Thank you for the opportunity to submit testimony in SUPPORT of SB2228: RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES.

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

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

Bill SB2228, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

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

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if SB2228 becomes law.

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

SB-2228

Submitted on: 2/3/2020 3:51:05 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Kobayashi	Individual	Support	No

Comments:

Flavored vape liquids target kids and are getting them addicted to nicotine at a very young age. I support a ban on flavored eliquids.

SB-2228

Submitted on: 2/3/2020 3:47:24 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I support a ban on flavored tobacco products to save young people from a lifetime of addiction.

I also support a ban on tobacco smoking in multi family dwellings that is legally actionable. The rules against smoking in apartment buildings are too weak as they stand and the result is 3 out of 5 children are being exposed to secondhand smoke where they live. If your neighbor is smoking tobacco in his or her unit you should be able to call the police and have them charged with reckless endangerment. Police should be equipped with the latest chemical sniffers and residue collectors to gather evidence. According to the CDC 41,000 nonsmokers die in the US annually from secondhand tobacco smoke.

Best, Michael deYcaza

EMMA WHITNEY

PHOTOGRAPHY

To Whom it May Concern,

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

I am writing regarding the upcoming hearing for the measure SB 2228 I am testifying in STRONG, and UNYIELDING SUPPORT of SB 2228.

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

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

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

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

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

Mahalo for doing right by our community.

Aloha,
Emma Whitney

SB-2228

Submitted on: 2/3/2020 7:11:42 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

To Whom it 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. 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 and cereals to appeal to a younger audience.

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. In fact, 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. Educating others 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. 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. Therefore, I ask everyone reading this to take action in their community. Talk to your local representative or simply those around you about this problem. By spreading awareness, educating others, and advocating for this bill, we can be one step closer to ending this epidemic.

Sincerely,

Kourtney Kwok

SB-2228

Submitted on: 2/4/2020 6:35:37 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cherie Andrade	Individual	Support	No

Comments:

As a parent of three- 19 year old, 17 year old and 12 year old, I strongly support the banning of flavored tobacco products. My kids have shared that it smells like a fruit factory in their school bathrooms cause kids are puffing away. It's become all too common to see little kids engaging in this harmful act at such a young age. These flavored products target the young and get them addicted at such a young age. I was recently talking with a friend who is trying to get someone to quit and she wanted to know what all the hype is with vaping so she tried it. She said the inhalation burned so bad and hurt her chest, yet this pain is not strong enough to make people quit. This is just one example that shows why restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction. Thank you!

February 3, 2010

RE: SB 2228

The Pioneering Healthier Communities Initiative brings together local, diverse leaders to discuss and support strategies, policies and programs that we can accomplish together to build healthier communities in our island home. The members of PHC Honolulu are involved in supporting efforts that enable children and families to become healthier through schools, afterschool programs, healthcare and more.

E-cigarette use, especially among today's youth, has skyrocketed. Drive by any local Hawaii middle or high school before or after school and you will witness the large number of youth using these devices. But e-cigarettes are far from healthy. They contain chemicals, such as nicotine and diacetyl, that are known to have serious health consequences. In addition, nicotine is highly addictive. Research has shown that most kids start their e-cigarette, and nicotine addiction, with flavored products such as bubble gum, fruity pebbles and cotton candy. Menthol cigarettes are also a popular starter product. E-cigarette manufacturers are aggressively marketing their products to our most vulnerable community members including kids, teens, and young adults.

We strongly support of **SB 2228**, which would allow greater regulation of vaping products. As such, we urge you to pass this Bill.

Thank you very much for allowing us to testify.

Paula Adams

Ray L'Heureux

Michael Broderick

Daniel Leung

Joy Barua

May Okihiro

Susie Chun Oakland

Diane Tabangay

Jennifer Dang

Tina Tamai

Stacy Evensen

Jordan Smith

SB-2228

Submitted on: 2/3/2020 7:40:33 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alana Cayabyab	Individual	Support	No

Comments:

Hi, my name is Alana Cayabyab. I'm 16 years old and a Junior at Kauai High School on the island of Kauai. I am in strong support of SB2228 as it works towards the end of flavored tobacco sales because I want to protect our future generations from the addictive nicotine and the many chemicals that are behind it. I have never smoked once in my life, but I'm constantly seeing my fellow peers and even younger get so addicted to these products mainly because they are drawn to these candy flavors that these companies advertise. I believe that if we end these sales, teens will find the real flavor disgusting causing them to stop. Being the oldest out of three, I don't want my younger siblings who are 3 and 8 years old to be influenced by these products and eventually start themselves. We are the future generation, we need to act now for the sake of our tomorrow. thank you for your time.



February 5, 2020
State Capitol, Conference Room 229

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair
Committee on Commerce, Consumer Protection, and Health

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 young children 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. **We should also 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.

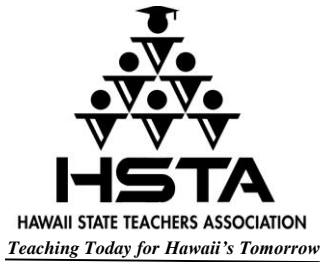
SB-2228

Submitted on: 2/4/2020 10:43:12 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:



LATE

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Corey Rosenlee
President

Osa Tui, Jr.
Vice President

Logan Okita
Secretary-Treasurer

Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

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

WEDNESDAY, FEBRUARY 5, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Baker and Members of the Committees:

The Hawaii State Teachers Association **strongly supports SB 2228** which prohibits the sale of flavored products for electronic smoking devices, the mislabeling of e-liquid products containing nicotine, and the sale of tobacco products other than through retail sales via a direct, in-person exchange between a retailer and consumer.

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 products for electronic smoking devices as well as limits the sale of electronic smoking devices such as e-cigarettes, e-liquids, accessories, and flavored products to in-person retail purchases, our youth will no longer be able to easily access these products through online purchases and shipments. Furthermore, removing access to flavored e-liquids will certainly create a reduction in usage of e-cigarettes among our youth, as **the flavors are what gets them started and keeps them coming back.**

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

SB-2228

Submitted on: 2/4/2020 4:06:24 PM

Testimony for CPH on 2/5/2020 9:30:00



Submitted By	Organization	Testifier Position	Present at Hearing
Cori Takesue	Individual	Support	No

Comments:

I am in support of this bill to eliminate the sale of flavored tobacco products as these flavors are what draw our keiki to the product. Youth are less likely to use tobacco products if they did not smell or taste pleasing, thus starting their addiction to the nicotine and later to tobacco products without flavors. Let's hold these tobacco manufacturers accountable for the increase in Youth who are using ESDs.

SB-2228

Submitted on: 2/4/2020 3:40:13 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shani Gacayan	Individual	Support	No

Comments:

I strongly support this bill due to the fact that our youth are becoming addicted to electronic smoking devices because of the various fruit and candy flavors. Our youth and young adults are dying because of vaping and is all because they start off by using flavored e-juices that get them addicted. It is time to put a stop to these candy, fruity and minty flavors so our kids will not want to try them in the first place! Hear our pleas when we say that our kids here on Hawaii island are using these devices on ALL parts of the island and at young ages as early as 11 years old! We do not want our kids to be using oxygen tanks when they're in their 20's, we don't want our kids needing lung transplants, we do not want our kids to die in their sleep because they simply could not breath anymore because their lungs are inflamed... hear our cries when we say we do not want our younger generations to continue this trend because of "flavor" experimentation, or because "everyones doing it" or because "it's the cool thing to do"... our children are dying all across this country PLEASE help us in getting ALL flavors banned including menthol!

With great concern,

Kai Gacayan- community member, mother of 4 young children

SB-2228

Submitted on: 2/4/2020 12:18:20 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mikkel	Individual	Comments	No

Comments:

Tobacco companys should make it so vapes or there products having less nicoten and have no flavors for vapes or any other electric devices have flavors for there product and if they stillare selling them then have them limit the amount of stores aloud to sell the tobacco products.

SB-2228

Submitted on: 2/4/2020 12:35:04 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ho'ola'i fillazar	Individual	Support	No

Comments:

im a 7th grade student and i dont think the tabaco company should target us childeren becuse if us kids start vaping or smoking cigarettes there gonna get addicted and cant stop and there gonna keep on doing it until they die and the reason there gonna be dead is because of all those things they ur smoking like the vapes and the ciggerets.And vapes have all kinds of thing in there liquid like hair spray,gasoline,clorox,laundry diturgent.And all that bad stuff can make ur lungs callaps.

SB-2228

Submitted on: 2/4/2020 12:42:05 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I am a 7th grade student and i think that tobacco products are bad for the whole enviornment because alot of people dont know or they do but they dont care about the causes of their actions.

SB-2228

Submitted on: 2/4/2020 1:36:03 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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

Submitted on: 2/4/2020 1:49:35 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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

Submitted on: 2/4/2020 1:39:21 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

tobacco can be fun to smoke only if you need it

SB-2228

Submitted on: 2/4/2020 1:25:28 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

I am a middle school girl at Hana High and Elementry and flavored liquid to target kids my age and younger is very very messed up because getting us kids to vape leads to a very short life.

SB-2228

Submitted on: 2/4/2020 1:42:11 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Hi, I am an 8th grade student at Hana School. my thought's about tobacco killing kid's is bad.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 4, 2020

TO: The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Tamara Paltin, Councilmember for West Maui
Maui County Council

SUBJECT: **HEARING OF February 5, 2020; SUPPORT OF SB 2228,
RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC
SMOKING DEVICES**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this bill 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. The bill also establishes penalties

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this support in my capacity as an individual member of the Maui County Council.

Recognizing that tobacco use has been one of the leading causes of preventable death and that increasing amounts of our school aged children have reported using an electronic smoking device, it is necessary for the legislature to advocate for the safety and health of our community by banning flavored e-cigarette products. This bill does so by protecting our youth from predatory tobacco products that are flavored solely to induce and target school aged children, furthering the ongoing health epidemic and fueling the tobacco industry.

Thank you, once again, for the opportunity to testify and for your consideration.

SB-2228

Submitted on: 2/4/2020 1:47:30 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
April Pacheco	Individual	Oppose	Yes

Comments:

The only reason that traditional smoking rates went down is because of vaping. SB2228 would reverse this.

LATE

SB-2228

Submitted on: 2/4/2020 7:43:41 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Baker and members,

Once again the tobacco companies are pushing their deadly products on children by enticing them with flavored products. This bill is absolutely necessary.

Mahalo, Ann S. Freed

LATE

SB-2228

Submitted on: 2/4/2020 5:25:35 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

SB-2228

Submitted on: 2/4/2020 6:46:12 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

LATE

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

Comments: