

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 2538, S.D. 1
RELATING TO THE YOUTH VAPING EPIDEMIC**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 25, 2020

Room Number: 016

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

5 **Department Testimony:** The DOH supports Senate Bill 2538, Senate Draft 1 (S.B. 2538,
6 S.D. 1) which would address a gap in policies to prevent youth tobacco use, and is especially
7 critical to address the teen vaping epidemic in Hawaii. The measure makes it unlawful to sell,
8 offer to sell, or possess with the intent to sell or offer to sell any flavored tobacco product,
9 including menthol in the State, establishes legal responsibilities and fines for retailers, and
10 prohibits mislabeling of e-liquid products containing nicotine.

11 Since the 2018 U.S. Food and Drug Administration (FDA) and Surgeon General
12 declaration of the youth e-cigarette epidemic, use among young people continues to rise, and yet,
13 effective laws are not in place to protect teens. By 2019, 27.5% of high school students said they
14 vaped compared to 20.8% in 2018.¹ These figures represent a doubling of proportions between
15 2017 and 2019 for high schoolers (11.7% to 27.5%) and tripling effect for middle schoolers
16 (from 3.3% to 10.5%).² In total numbers, 4.1 million high school youths and 1.2 million middle

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

1 school youths said they currently use e-cigarettes.³ Hawaii youth in 2017 had amongst the
2 highest electronic smoking device (ESD) rates in the nation, with 25.5% high school, and 15.7%
3 middle school students reporting regular use.⁴

4 Scientific studies are increasingly reporting that flavors are a major reason that youth use
5 tobacco. According to the 2013-2014 Population Assessment of Tobacco and Health (PATH)
6 study, 81% of 12-17 year old teens who had ever used a tobacco product initiated tobacco use
7 with a flavored product. Additionally, 80% of current users had used a flavored product in the
8 last month.⁵ In 2019, the large majority of youth ESD users reported use of flavors with fruit,
9 menthol or mint, candy, desserts, or other sweets being the most commonly used.^{6,7} According
10 to the same research, mint and menthol went from being among the least popular to among the
11 most popular flavors for high school students over the past four years.⁸ Data from another 2019
12 study revealed that the most popular flavor among 10th and 12th grade Juul users was mint.⁹
13 These data illustrate that trends among youth users of flavored e-cigarette products change
14 quickly and therefore must be swiftly addressed.

15 The FDA Commissioner stated, “No child should be using any tobacco or nicotine-
16 containing product. We need to do everything possible to reverse the alarming trend of rising
17 youth use of novel products like e-cigarettes and help kids who may already be addicted.”¹⁰
18 However, the recent FDA announcement only prioritized the enforcement of flavored cartridge-

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

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

⁵ 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>

⁶ 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

⁷ 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

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 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

¹⁰ 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.

1 based ESDs excluding tobacco- or menthol-flavored products. Other flavored and menthol-
2 flavored ESDs used by youth including disposable, refillable, and e-liquids are not part of the
3 priority. None of the ESDs on the market now have gone through premarket authorization to
4 determine public health risks and benefits to the population as a whole, including whether non-
5 tobacco users will start using the new products.¹¹

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

8 Thank you for the opportunity to testify.

¹¹ 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>



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/25/2020
Time: 12:30 PM
Location: 016
Committee: Senate Judiciary

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2538, SD1 RELATING TO THE YOUTH VAPING EPIDEMIC.

Purpose of Bill: Bans the sale of flavored tobacco products. Prohibits mislabeling of e-liquid products containing nicotine. Establishes fines and penalties for violations. Authorizes a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine. Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device. (SD1)

Department's Position:

The Department of Education (Department) appreciates the intent and offers comments on SB 2538, SD1.

There is a zero-tolerance for tobacco products and electronic smoking devices (ESDs) on the Department's campuses, transportation, and/or during Department school-sponsored activities. In addition, any tobacco product(s) or ESDs found in a student's possession is a violation of Chapter 19, and shall be seized by school administration and forfeited to law enforcement in accordance with Section 712-1258, Hawaii Revised Statutes (HRS).

Nicotine products, including ESDs, are considered an acutely toxic hazardous waste under the state's regulations. The regular and timely pick-up and disposal of ESDs are essential in ensuring schools do not harbor and store hazardous waste on their school campus.

The Department is working in partnership with the Hawaii Department of Health (DOH) to educate youth to make positive decisions about their health. In raising awareness about the risks and dangers of tobacco products and ESDs, the Department's efforts focus on the following:

- Providing health education to develop skills that support healthy behaviors;

- Collaborating with DOH on the collection of Youth Risk Behavior Survey (YRBS) data on Hawaii's youth and their usage of tobacco and ESDs;
- Promoting public awareness through parent letters and flyers of Section 712-1258, HRS, which makes it unlawful for anyone under the age of 21 years of age to be sold, purchase, use, or possess tobacco products and ESDs; and
- Monitoring students for compliance or violations of Title 8, Chapter 19, Hawaii Administrative Rules (HAR) Student Misconduct, Discipline, School Searches, and Seizures, Reporting Offenses, Police Interviews, and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment, (Including Sexual Harassment), Bullying and/or Retaliation, as it relates to the use of tobacco products and ESDs.

Thank you for the opportunity to provide testimony on SB 2538, SD1.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 5:30:48 PM

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

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

Comments:

I write in STRONG support of SB2538 SD1.

We should be appalled by the tobacco/vaping industry's aggressive and unethical tactics to addict teenagers using flavors to lure, and very high concentrations of nicotine to hook. If a virus or an opioid addiction afflicted 25-50% of our young people, we'd be demanding action. The tobacco/vaping industry is in every way an unregulated, unfettered vector of addiction and, as we learned from recent "EVALI" cases, of disease and death. Electronic Cigarette and Vaping Product-Associated Lung Injury is just the first tip of a very large iceberg of nicotine addiction.

The nicotine content in a single "Puff Bar" (newer than "Juil") exceeds the nicotine in 2 whole packs of cigarettes! It is possible for a youngster to inhale all 200 puffs in a Puff Bar within an hour. Imagine the extraordinary levels of nicotine hitting our youngsters' brains, lungs, cardiovascular systems during the important growth spurt of adolescence. There will be consequences. We already know that this exposure does lead to higher rates of addiction to cigarettes, and dual use of both cigarettes and vape

Please ban the sale of electronic nicotine-delivery systems that contain flavors, especially menthol. Stop the vendors, distributors, and merchants of addiction. They have the gall to put these lies on the web, to confuse and seduce our youngsters:

"Is There A Nicotine In Puff Bars And Is It Hazardous?"

Puff bars do not have nicotine, but they are blended on the flavor of the juices used to create a smoke effect of this e-cigarette. Many people are saying that it does not come differently with a regular cigarette because it also has nicotine in it. So, does it really help in getting away from smoking?

Take note that nicotine is not the root cause of serious health problems. The only thing it can contribute is an addiction. Aside from that, puff bar juices contain less volume of nicotine, and does not contribute to addiction. Perhaps. A puff bar juice can have nicotine content ranging from 3% to 5%.

So, in that sense, you can surely use puff bars anytime without worrying about the nicotine percentage you might get. Also, you can sense that you have consumed too

much nicotine because you will feel dizzy at some point. If you feel this kind of sensation, you can reduce your level of nicotine intake by not vaping all the time.”

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www.wvoc.com Dec 3, 2019, accessed Feb 24, 2020.

Stop these pushers.

SB-2538-SD-1

Submitted on: 2/21/2020 3:41:01 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Testifying for Maui Police Department	Support	No

Comments:

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

February 21, 2020

To: Senator Karl Rhoads, Chair
And members of the Committee on Judiciary

Testimony in Support of SB 2538 SB 1 Related to the Youth Vaping Epidemic

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2538 SD 1 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, flowing style.

Judith F. Clark, MPH
Executive Director

SB-2538-SD-1

Submitted on: 2/21/2020 9:23:10 PM

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

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

Comments:

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

SB-2538-SD-1

Submitted on: 2/22/2020 10:07:32 AM

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

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

Comments:

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

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

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

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

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

Please also consider a revision to hold tobacco and e-cigarette companies responsible for this problem. They hope to shift the blame from this billion-dollar industry onto the

young people that they have targeted with their deadly and highly addictive product. Comprehensive tobacco retailer licensing policies place responsibility on retailers rather than young consumers. With appropriate funding and enforcement, these retailer licensing policies have proven more effective in reducing youth initiation of tobacco and nicotine.

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.



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

RE: SENATE BILL NO. 2538, SENATE DRAFT 1, RELATING TO THE YOUTH VAPING EPIDEMIC.

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2538, Senate Draft 1, RELATING TO THE YOUTH VAPING EPIDEMIC.

The bill, as received by your Committee, would prohibit the sale or distribution of all flavored tobacco products in the State.

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.



HAWAII SUBSTANCE ABUSE COALITION

SB2538 SD1 Ban the Sale of Flavored Tobacco

COMMITTEE ON JUDICIARY:

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

Hawaii Substance Abuse Coalition Supports SB2538 SD1:

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

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

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

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

SB-2538-SD-1

Submitted on: 2/22/2020 10:49:02 AM

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

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

Comments:

Strongly Support SB2538 SD1

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

www.WeAreOne.cc

SB-2538-SD-1

Submitted on: 2/23/2020 7:33:41 AM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for aauw of hawaii	Support	No

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 3:36:14 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments:

Support ban on sales to youth in line with the intent of the bill.

SB-2538-SD-1

Submitted on: 2/21/2020 3:58:41 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 3:56:23 PM

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

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

Comments:

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

SB-2538-SD-1

Submitted on: 2/21/2020 4:06:25 PM

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

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

Comments:

Hi All

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

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

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

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

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

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

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

Here is another articles that references ecigs from the CDC.

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

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

Best Regards

Sheldon Miyakado

Register voter.

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-2538-SD-1

Submitted on: 2/21/2020 4:08:18 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 4:21:41 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 4:20:04 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 4:24:46 PM

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

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

Comments:

People dont just drink alcohol just because it tastes good. They do it for the alcohol. Would you make it a law that a alcoholic trying to excape being a alcoholic only drink beer or wiskey flavored drinks? Smokers wishing to escape smoking find satifaction in flavors other then tobacco. It actually works to make tobacco flavor feel repulsive so the desire to return to tobacco smoking is greatly diminished.

Current historical data shows that smoking tobacco is on a downward trend and coincidensly the greatest leap was about when ecigs came along. Coincidence you say? Cancer rates have just had a huge plummet. Coincidence yet again???

If you do succeed in passing these kinds of anti e-cig legislation I hope you are honorable enough to take credit for if the tobacco smoking and cancer then suddenly reverses direction and goes up.

I do totally agree that a major anti-youth access to e-cigs is needed and there is so many ways of doing that without killing the industry that is helping adults.

It actually bothers me to see every year absolutely nothing about alcohol and our youth is ever in these legislation. Do kids not die each and every year from alcohol???

SB-2538-SD-1

Submitted on: 2/21/2020 4:53:56 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 5:12:59 PM

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

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

Comments:

This is a violation of the rights of individuals and small businesses. There is no "youth vaping epidemic."

SB-2538-SD-1

Submitted on: 2/21/2020 5:25:14 PM

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

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

Comments:

I strongly support the passage of SB 2538, SD1.

Thank you for the opportunity to testify.

SB-2538-SD-1

Submitted on: 2/22/2020 7:11:44 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/21/2020 4:53:37 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 8:18:47 AM

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

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

Comments:

I support **SB2538 SD1**. Thank you.

SB-2538-SD-1

Submitted on: 2/22/2020 8:35:29 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 8:34:02 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 8:58:30 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 9:23:26 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 9:27:20 AM

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

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

With flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum, the industry is clearly targeting our children! It's well-documented that menthol flavors are particularly enticing to teens who haven't previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit.

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

SB-2538-SD-1

Submitted on: 2/22/2020 9:53:28 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 10:12:07 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 11:31:43 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 11:33:14 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 11:56:25 AM

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

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

Comments:

A Possession law Needs to be made so people of age arent affected by this and penalized because of others and underage. We should have the right to be able to get products we use.

SB-2538-SD-1

Submitted on: 2/22/2020 11:58:51 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 11:59:07 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 12:05:40 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 12:43:44 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 12:46:13 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 12:50:43 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 3:15:40 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 3:41:03 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/22/2020 3:48:56 PM

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

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

Comments:

Respect my right to like the flavors I want.

SB-2538-SD-1

Submitted on: 2/22/2020 4:16:59 PM

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

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

Comments:

I oppose and believe that the root cause of the teen vape epidemic are the people in charge of the teens who vape illegally and not having enough strict possession laws. Adults who work and are educated about vaping should be allowed to vape flavored liquids. Thank you for your time.

SB-2538-SD-1

Submitted on: 2/22/2020 10:44:53 PM

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

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

Comments:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

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

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

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

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

Please also hold tobacco and e-cigarette companies responsible for this problem. They hope to shift the blame from this billion-dollar industry onto the young people that they have targeted with their deadly and highly addictive product. Comprehensive tobacco retailer licensing policies place responsibility on retailers rather than young consumers.

With appropriate funding and enforcement, these retailer licensing policies have proven more effective in reducing youth initiation of tobacco and nicotine.

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

Date: February 23, 2020

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

Re: **Strong Support for SB2538 SD1**, Relating to the Youth Vaping Epidemic

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

Aloha Senate Committee on Judiciary,

I am writing in **strong support of SB2538 SD1**, which bans the sale of flavored tobacco products; prohibits mislabeling of e-liquid products containing nicotine; establishes fines and penalties for violations; authorizes a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

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 and 97% of youth who use e-cigs vape flavored products, including mint and menthol.

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

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

The tobacco industry has targeted our youth with compelling ads and sweet flavored vape products to addict a new generation to nicotine. And they've succeeded, **for each adult who tries to quit smoking with e-cigarettes, 81 kids who use e-cigs will become daily tobacco cigarette smokers**.

Tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. Under the SB2538 SD1 flavor ban,

tobacco flavored and unflavored e-cigarettes would remain available for adult cigarette smokers seeking to use e-cigs to quit smoking. Research finds that youth are not attracted to tobacco flavored or unflavored e-cigs.

I applaud this bill for including tobacco education, tobacco cessation and community service as repercussion options for youth possessing/using tobacco products.

SB2538 SD1 requires factual labeling of e-liquids to make it more likely that both adults and youth will be easily able to determine if a product contains the highly addictive drug, nicotine. This is particularly important for youth, many of whom are unaware that most e-liquids and e-cigs contain nicotine, and, the products most popular with kids contain ultra-potent nicotine salts.

I **strongly support SB2538 SD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

SB-2538-SD-1

Submitted on: 2/23/2020 7:53:33 AM

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

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

Comments:

-

SB-2538-SD-1

Submitted on: 2/23/2020 8:25:35 AM

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

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

Comments:

Strong opposition.

SB-2538-SD-1

Submitted on: 2/23/2020 9:20:17 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/23/2020 10:41:35 AM

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

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

Comments:

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

SB-2538-SD-1

Submitted on: 2/23/2020 11:18:51 AM

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

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

Comments:

We Strongly oppose bill SB2538. 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 2017 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 SB2538 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.

Before you decide on taking the livelihood away from myself and my employees please provide us proof we are breaking the law, show us proof that underage Ecig users are purchasing these flavored products from our store! Every year rights and freedoms are taken away by laws such as this one. Why is the blame not put on the underage users of ecig products and their parents? People who break the law including teens should be dealt with directly, the blame for these people breaking the law should not be put on people that have not committed the crime!

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 law breaking teens. Teen texting and driving is illegal but happens very often. Are adults banned from driving due to this? Please make sensible laws and stop infringing on the rights of adults.

SB-2538-SD-1

Submitted on: 2/23/2020 11:33:02 AM

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

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

Comments:



Testimony in Support of RE: Relating to Youth Vaping Epidemic

Hawaii Dental Hygienists' Association

Feb 23, 2020

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

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports Senate Bill 2538 SD1** which proposes to amend Chapter 302A, HRS by prohibiting the sale or distribution of flavored tobacco products.

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—an irreversible oral health condition. 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 SB 2538 SD1** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.

SB-2538-SD-1

Submitted on: 2/23/2020 2:22:33 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/23/2020 2:37:03 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/23/2020 2:47:15 PM

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

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

Comments:

This bill puts the blame of under aged people who are breaking the law on other people who have had nothing to do with them breaking the law. I am offended the legislature would even think of a bill that takes away the rights of adult individuals and puts the blame of law breakers on them! Enforce the law do not hurt business and take peoples rights away.

First a ban on flavored vape then what next? A ban on flavored alcohol? A ban on sweet foods? STOP IT!

SB-2538-SD-1

Submitted on: 2/23/2020 3:13:41 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/23/2020 3:37:45 PM

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

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

Comments:



February 23, 2020

Committee Members

Annaleah Atkinson
808 652-7743

Lori Carlson
651 587-2904

Tom Christy
808 645-1594

Eric Devlin
808 429-3229

Regina Floyd
702 292-2372

Doug Haigh
808 635-1120

Eve Hands
808 346-7799

Steve Hardy
707 481-5070

Larry Lindsay
808 634-4559

Scott McCubbins
816 781-5883

Graeme Merrin
808 651-7211

Ryan Moen
808 651-0726

Lelan Nishek
808 245-7747

Tommy Noyes
808 639-1018

Ron Rector
808 639-2443

Valerie Woods
808 822-2420

Ron Wiley
808 245-9527

COMMITTEE ON JUCICIARY

STRONG SUPPORT FOR **SB 2538 SD1 RELATING TO THE YOUTH VAPING EPIDEMIC**

Aloha Committee Members,

The citizens listed on the left are members of the Friends of Kamalani and Lydgate Park committee, and we would like to register our strong support for support prohibiting the use of flavors, including menthol, in ALL tobacco products (including e-cigarettes) as set forth in SB 2538 SD-1.

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

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

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

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

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

Please fulfill your allegiance to the people of Hawaii and advance SB 2538 SD-1. It is your responsibility to protect our youths' health and wellness, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality-of-life impairments.

Sincerely,

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

SB-2538-SD-1

Submitted on: 2/23/2020 4:21:10 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Moani Aiona	Individual	Support	No

Comments:

SB-2538-SD-1

Submitted on: 2/23/2020 4:31:44 PM

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

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

Comments:

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

SB-2538-SD-1

Submitted on: 2/23/2020 5:12:54 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	No

Comments:

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

SB-2538-SD-1

Submitted on: 2/23/2020 5:47:27 PM

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

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

Comments:

I'm Alex and I strongly oppose this ban.

SB-2538-SD-1

Submitted on: 2/23/2020 6:02:03 PM

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

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

Comments:

Aloha. Please OPPOSE Bill SB2538 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-2538-SD-1

Submitted on: 2/23/2020 6:10:27 PM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/23/2020 6:10:43 PM

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

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

Comments:



Kaho'omiki

Hawai'i Council on Physical Activity & Nutrition

February 23, 2020

To: Chair Rhoads
Vice Keohokalole
Senate Committee on Judiciary

Re: **Strong Support for SB2538 SD1**

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

Thank you for your dedication to our community and for this opportunity to provide testimony in **strong support** of **SB2538 SD1**.

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

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

Thank you for this opportunity to testify in **strong support** of **SB2538 SD1**.

Sincerely,

Colby Takeda, MBA, MPH
President

SB-2538-SD-1

Submitted on: 2/23/2020 6:33:26 PM

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

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

Comments:

I'm a NON-SMOKER and a NON-VAPER and I OPPOSE THIS BILL.

The assault on civil liberties in Hawaii is sickening!

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

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



American Heart Association testimony for SB 2538, SD1 "Relating To The Youth Vaping Epidemic"

Chairman of the Board

Glen Kaneshige

President

Kahealani Rivera, MD

Board Members

Rick Bruno, MD, FACEP

Jackie De Luz

Brandt Farias

Jason Fujita

Mimi Harris

Brandon Kurisu

Michael Lui, MD

Arnold Martines

Michael Rembis, FACHE

Andrew Rosen

Timothy Slottow

Jennifer Walker

Serving Hawaii since 1948

Mission Statement:

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

For more information on the AHA's educational or research programs, visit www.heart.org or contact your nearest AHA office.

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The American Heart Association **supports the intent of** SB 2538, SD1 which would enact a ban on sales of flavored tobacco products. The Association however **OPPOSES Section 4** of the bill which proposes to impose penalties for those underage who purchase or possess 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 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. 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 adult smoker cessation 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 regards to Section 4, the American Heart Association strongly opposes youth possession and penalties (PUP) tobacco laws. The rise in PUP laws is linked to Big Tobacco's response to the Synar amendment which required states to enact and enforce laws prohibiting distribution and sale of tobacco products to minors. As states imposed restrictions on tobacco retail sales, the tobacco industry and retail merchants associations pressured lawmakers to penalize buyers and users as well as vendors.

Advocates for PUP laws hoped that the laws would play a central role in a multi-pronged approach to reducing youth initiation and smoking rates, but studies show little evidence of a deterrent effect over time.

Big Tobacco targeted youth for decades, seeking to create new generations of customers addicted to its products. Instead of holding industry and retailers accountable, PUP laws shift responsibility to their victims – young consumers who are purchasing and using a deadly and highly addictive product.

Psychologists have found that punishment is not an optimal strategy for behavior change – a finding that is even more relevant when the behavior in question is addictive. PUP laws are unlikely to reduce youth initiation and smoking prevalence at the population level. Some researchers suggest that they are counterproductive, actually increasing smoking rates among youth who seek to engage in behavior deemed deviant or behavior associated with adulthood.

PUP laws are inequitable because they disproportionately affect youth of color. Youth of color – as well as LGBT youth, youth with disabilities, and boys – are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry.

Enforcement of PUP laws also disproportionately affects youth from low-income communities. High smoking rates are correlated with low income, and there are more tobacco retailers and advertisements in less affluent areas. Consequently, low-income youth are more likely to smoke and to be affected by PUP laws. A child with a job, a single parent, or 2 parents who work outside the home may struggle to complete community service or pay fines. A child who is unable to complete community service or pay fines may be subject to escalating penalties that are increasingly difficult to resolve. Further, the resulting stress takes a toll on health and increases the likelihood of risky behaviors or involvement with juvenile justice, mental health, substance use, or other systems.

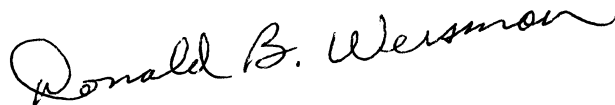
PUP laws stigmatize youth who smoke, yet smoking is an addictive behavior promoted by a billion-dollar industry that directly and deliberately targets them. Stigma is not an effective public health intervention, and it may keep kids from seeking cessation treatment

or education. Problematic behaviors such as smoking may be more likely to continue in the face of punishment (as opposed to cessation interventions) because punishment provides an incentive to hide the behavior and protect those engaged in it.

The Association instead recommends a focus on policies that have been proven effective in reducing youth tobacco use including increasing taxes, allocating state funding to meet the CDC's recommended level of tobacco prevention, control and cessation funding for the state, limiting sales to youth through effective enforcement of retailers for underage sales, restricting online sales, and prohibiting flavored tobacco products.

Thank you for considering our recommendations which we feel will have a substantial effect in reducing tobacco use among Hawaii's youths.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a prominent initial "D".

Donald B. Weisman

Hawaii Government Relations/Communications Director

SB-2538-SD-1

Submitted on: 2/24/2020 7:41:54 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/24/2020 8:20:51 AM

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

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

Comments:

Aloha. Please OPPOSE Bill SB2538 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 AND OR MAKING STIFFER PENALTIES SO PLEASE OPPOSE THIS BILL.

Thanks for your time.
Jonah Manuel

SB-2538-SD-1

Submitted on: 2/24/2020 8:36:32 AM

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

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

Comments:



Ph: (808) 446-2032
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PediatricTherapiesHawaii@gmail.com
PediatricTherapiesHawaii.com

To: Hawaii State Legislature

Regarding: Flavor Tobacco Ban

Position: Strong Support

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

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

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

Sincerely,

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



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Beau Oshiro, C&S Wholesale Grocers, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

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

RE: SB2538 SD1 Relating to Flavored Products for Electronic Smoking Devices

Position: Comments

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

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

It is also worth noting that trying to ban products that are legal in other parts of the country heavily incentivizes black market purchases. As we've seen in recent years with the fireworks ban, creating very specific state laws that are not enforceable can simply create a totally unregulated black market.

We thank you for the opportunity to testify.

SB-2538-SD-1

Submitted on: 2/24/2020 8:56:22 AM

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

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

Comments:

Aloha,

I am in strong support of SB 2538 for the following reasons: First, 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes. Second, tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava. Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction. Mahalo nui.

HUI NO KE OLAPONO

95 Mahalani St. Rm #21

Wailuku, HI 96793

P - (808)244-4647, F – (808)442-6884

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

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

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

Some troubling facts:

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

ACTIONS HAWAI'I CAN TAKE TO REDUCE YOUTH VAPING

END THE SALE OF FLAVORED TOBACCO PRODUCTS

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

HOLD THE INDUSTRY ACCOUNTABLE NOT THE YOUTH

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

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

RESTORE COUNTY AUTHORITY AND DEVELOP POLICIES TO TAKE ACTION

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

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

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

Raise Tobacco License and Permit requirement:

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

ESD tax to include e-cigs:

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

Prohibit Online Sales:

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

Funding for ESD health and education programs for youth

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

Mahalo a nui loa for your time and consideration.

SB-2538-SD-1

Submitted on: 2/24/2020 9:12:43 AM

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

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

Comments:

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

Coalition for a Tobacco Free Hawaii

Monday, February 24, 2020

Strong Support for S.B. 2538, Relating to the Youth Vaping Epidemic

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. 2538, Relating to Electronic Smoking Products, which would ban the sale of flavored tobacco products.

Nicotine products that look to mimic fruit or candy flavors appeal to underage populations. More than 80% of youth who use tobacco products started with flavored products and more than half of youth smokers use menthol cigarettes. These are the results of aggressive marketing tactics from big tobacco companies targeting adolescents. Nicotine is a highly addictive substance that alters neurotransmitters in the brain. Allowing the exposure of such harmful chemicals to adolescents' continually developing brains is detrimental to the productivity, physical well-being, and mental state of the individual. It is important to take measures that would prevent the initiation of e-cigarette usage such as that of implementing a flavor ban and regulating mislabeled tobacco products that this bill proposes.

Although the long-term health effects of vaping are still vague and have yet to be studied in detail, it is evident in recent news the health effects e-cigarettes have caused. Individuals have suffered from various respiratory illnesses and pulmonary complications that have been linked to the usage of e-cigarettes. It is important to take the necessary measures to promote the cessation and decreased initiation of e-cigarette usage. Taking action now to restrict access to flavored tobacco products will prevent a lifetime of addiction for our youth. By supporting S.B. 2538, it would ensure the safety of Hawaii's Youth. Thank you for the opportunity to testify.

Aloha

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

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

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

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

Sincerely,
Victorya Chanel.

SB-2538-SD-1

Submitted on: 2/24/2020 9:27:51 AM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Anne Gallardo	Individual	Support	No

Comments:

Hello, my name is Rachel Gallardo. I would like to support SB 2538 to end the sale of flavored tobacco products. Many have noticed that tobacco use or tobacco products have become a major problem within the youth, between young ages in middle school to early adulthood. Some have seen negative impacts on their mental health as well as their motivation to do things. I believe that there should be a ban on the sale of flavored tobacco products or flavored vape juice.

Hawaii has some serious issues with the youth being involved with these types of things.

We don't want to have future keiki normalizing the act of vaping or smoking at such a young age. 15.7% of middle schoolers and 25.5% of high schoolers smoke. This is already a high number as it is and we don't want it to increase in the future. E-cigarettes have a high variety of flavors which the youth can choose from. This causes them to pick and choose which flavors they like and they will soon become addicted to e-cigs. Nicotine is still a main chemical in e-cigarettes, not just regular cigarettes. What makes it worse is that it is less harsh than regular cigarettes which is highly appealing to the youth. What makes it less harsh is the menthol which has cooling properties that mask the harshness of tobacco. With all these appealing properties to e-cigs, I think we should at least ban flavoring. I have seen too many friends smoke and I don't approve of it.

Today's youth are encouraged to smoke and vape which shouldn't be happening. In all, I support SB 2903. We can see positive changes within the U.S., especially Hawaii. We can prevent more students from vaping or smoking and move on a more positive path. Thank you for hearing me out and for your time.

Sincerely,

Rachel Gallardo

Contact Info: 808-379-5383



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

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

SB 2538, SD1 – RELATING TO THE YOUTH VAPING EPIDEMIC

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

Thank you for the opportunity to provide written testimony in support of SB 2538, SD1, which prohibits the advertising, sales, and remote sales of flavored tobacco products, and amends the penalties for violations of use and possession by individuals under the age of 21.

Flavors in tobacco products are a marketing weapon the tobacco manufacturers use to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal. Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies. Products with flavors like li hing gummy bears, taro pancake, cotton candy, and passion orange guava are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth. Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.

We note that the prior committee removed increased fines on use and possession of tobacco products, something that would have placed penalties on youth who would be benefit from help quitting these products instead of being fined for their addiction. We would support any effort to remove all monetary fines for under-age use and possession for these reasons.

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

SB-2538-SD-1

Submitted on: 2/24/2020 9:37:35 AM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Hernandez	Individual	Oppose	Yes

Comments:

This bill is not liberal, it's hateful and oppressive. Bills like this one are **making me rethink a lifetime of voting Democrat**. Hawaii Democrats have forgotten what "liberal" once represented, that being having our choice on how we want to live.

SB-2538-SD-1

Submitted on: 2/24/2020 10:06:52 AM

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

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

Comments:

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

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

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

SB-2538-SD-1

Submitted on: 2/24/2020 10:07:56 AM

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

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

Comments:

I'm not a child. SB2538 is total bullshit.

SB-2538-SD-1

Submitted on: 2/24/2020 10:09:23 AM

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

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

Comments:

Position: Strong Support

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

HAWAII’S YOUTH VAPING EPIDEMIC

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

WHY FLAVORS?

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

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

WHY MENTHOL?

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

Please support this legislation and do the right thing.

Mahalo,

Shelly Ogata, RN, MPH

Aloha,

My name is Kaylie Bodnar from the Peer Education Program at Aiea High school. Our program allows students to reach out to their peers about problems or current topics in hopes of raising more awareness about them. Recently, we have been covering the topic of vaping and how countless students at our school involve themselves in that activity. I and many others in this program are in support of the SB2538 and its attempts to close in on the e-cigarette epidemic among youth.

The original intentions of e-cigarettes have changed as it has become popular among youth. The reason for its popularity could be blamed on vaping companies targeting kids with its numerous flavored e-liquid. There are more than 15,500 enticing sweet flavors that appeal to people of a younger age-those who shouldn't be vaping because of its dangerous effects on the adolescent brain and body. Contrary to popular belief, vaping is just as dangerous, possibly even more, as tobacco cigarettes. E-cigarette products contain nicotine, an addictive chemical that keeps Hawaii's youth hooked for life. E-cigarettes and its original purpose was not for long-term use. It was meant for tobacco smokers who wanted to wean off of cigarettes and move towards stopping smoking. Why did the e-cigarette industry change their customers to kids?

81% of youth who ever used tobacco products started with a flavored product.

97% of youth who vape say they use a flavored product.

Menthol products are more appealing to teens and adults who haven't used tobacco products. Menthol cools and masks the harshness of tobacco, making it a favorite among teens as a gateway product. Menthol is an example of how the e-cigarette industry utilizes ingredients to target kids.

15.7% of middle schoolers and 25.5% of high schoolers are currently using e-cigarettes in our state. (Hawaii YRBS, 2017)

As a high schooler with siblings entering middle school, I hope to see less marketing towards kids, who are most susceptible to long lasting addiction. I strongly believe that Bill SB2538 can make a change for the better.

Sincerely,
Kaylie Bodnar

SB-2538-SD-1

Submitted on: 2/24/2020 10:23:41 AM

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

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

Comments:

To Whom This May Concern,

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

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

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

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

Kourtney Kwok



Kamehameha Schools®



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



DAMIEN MEMORIAL SCHOOL

Senate Committee on Judiciary

Time: 12:30 p.m.

Date: February 25, 2020

Where: Conference Room 016

RE: SUPPORT FOR SB2538 SD1, RELATING TO THE YOUTH VAPING EPIDEMIC

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

The listed organizations are in **support of SB2538 SD1** which bans the sale of flavored tobacco products and prohibits mislabeling, sale, or marketing as “nicotine-free” any e-liquid product that contains nicotine.

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

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

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

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

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

SB-2538-SD-1

Submitted on: 2/24/2020 11:15:51 AM

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

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

Comments:

SB-2538-SD-1

Submitted on: 2/24/2020 11:18:28 AM

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

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

Comments:

Members of the Committee,

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

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

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

Mahalo for your time and consideration,

A concerned tax payer and voter.

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

Senate Committee on Judiciary

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

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

Re: **Testimony in Support of SB 2538, SD1
Relating to Youth Vaping Epidemic**

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 2538, SD1.which bans the sale and distribution of flavored tobacco products and prohibits mislabeling of e-liquid products containing nicotine.

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. Research conducted by the University of Hawaii Cancer Research Center, an NCI designated institute, found that the use of e-cigarettes by middle and high school aged children is rising at an alarming rate. 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, electronic smoking device (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. 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.

SB 2538, SD1 is an important step toward guarding against the harmful effects of smoking and e-cigarette use.

Thank you for the opportunity to testify.

SB-2538-SD-1

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

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

Submitted By	Organization	Testifier Position	Present at Hearing
David Iwana	Individual	Support	No

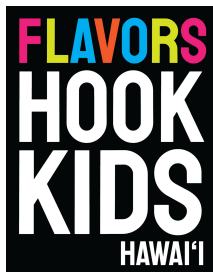
Comments:

To: The Senate Committee

I strongly support this bill that will ban the sale of flavored tobacco products and prohibits mislabeling of e-liquid products containing nicotine. Our youth are much too important to allow them to be misled into obtaining and using products which may harm their health.

I am active in my community and a past president of the Hawaii Kai Lions Club, an organization that promotes health and wellness, especially in our youth and seniors. Please pass this bill to ensure a bright future for our youth.

Aloha,
David Iwana



Date: February 24, 2020

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

Re: Support: SB2538, SD1 Relating to the Youth Vaping Epidemic

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

Dear Chair, Vice Chair, and Members,

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT SB2538, SD1**. 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.

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.

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.

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 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

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>

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 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

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.

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.

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

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

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>.

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=NEWRACE2&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.

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

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,



Liza Ryan Gill, MA

Campaign Manager

Flavors Hook Kids HI

lfreitas@tobaccofreekids.org

APPENDIX

A1: ENDORSING ORGANIZATIONS AND INDIVIDUALS

HEALTH ORGANIZATIONS

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

Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy

Waimānalo Health Center

West Hawaii Community Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

Ahuimanu Elementary's School Community Council

Alexander Academy of Performing Art

American Youth Soccer Organization (AYSO)

Association of Hawaiian Civic Clubs

Baldwin HS Peer Education

Being Adept

Big Island Interscholastic Federation (BIIF)

Bridge Club Hawaii

Hale 'Ōpio Kaua'i Inc.

Hawaii Appleseed Center for Law & Economic Justice

Hawaii Association of Independent Schools (HAIS)

Hawaii Children's Action Network

Hawaii Health and Harm Reduction Center

Hawaii High School Athletic Association (HHSAA)

Hawaii Job Corps Center

Hawaii Youth Services Network

Hui No Ke Ola Pono

Hui Ola Pono (UH Public Health's Student Organization)

Kauai Path Inc.

Kiwanis Club of the Valley Island

Konawaena HS Wellness Committee

Maui Economic Opportunity, Inc. (MEO)

Maui Interscholastic League (MIL)

Moanalua HS Peer Education Program

Pacific American Foundation

Parents for Public Schools Hawai'i

Pono Hawaii Initiative

The Food Basket, Hawaii Island's Food Bank

The Friends of Kamalani and Lydgate Park-Beach Cleanup Team

Waiakea High School PTSA

Waipahu Int. Youth for Safety Club

We Are One Inc.

HEALTH & COMMUNITY LEADERS

Tina Alcain

Forrest Batz, PharmD

Frank R. Baum, M.D.

Danielle Bergan

Janet Berreman, M.D.

Gregg Brenes, pastor

Jeenna Canche

Clifford Chang, MPH

ELECTED OFFICIALS & GOVERNMENT

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

SCHOOLS

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

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

BUSINESSES

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

SB-2538-SD-1

Submitted on: 2/24/2020 11:26:22 AM

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

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

Comments:

I strongly OPPOSE SB2538 SD1. Vape Kings LLC, which I own and operate, consists of two branches and 10 employees. Our mission is to aid in-person, Adult Smokers (21+), first in replacing combustible cigarettes, and eventually to reduce nicotine consumption altogether. At no point do we encourage underage use, and actively verify age upon entry and purchase for 100% of the products we sell. We do not manufacture any E-liquids or ENDS and rely on FDA compliant suppliers to provide the highest quality products currently on the market. FDA compliance includes, but is not limited to, Marketing Restrictions on Packaging and Warning Labels, as well as labeling with regard to printed Nicotine content.

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

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

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

If ENDS are to blame for these recent outbreaks in severe lung injury and death, why after more than a decade of use, is this happening now, and only in the US? US manufacturers make most of the E-Liquids sold globally, if this was the case, there would be data.

While I oppose most of this bill, I do applaud efforts to define and penalize under-age use and possession. If the main objective of this bill is to reduce the number of under-age users, why destroy the entire Hawaii-based industry, and further endanger adult smokers by forcing them to seek nicotine from Black Market sources?

Thank you for your time and consideration.

Paul Azuma

Owner

Vape Kings LLC

ESD 2020-1815001

1915 S. King Street

Honolulu, HI 96826

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



To our Distinguished Legislators:

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

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

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

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

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

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

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

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

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

Thank you for your time.

Jamil Folio



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Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 24, 2020

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

Re: Strong Support SB 2538, SD1, Relating to the Youth Vaping
Epidemic

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

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **Strong Support of SB 2538, SD1**, which would end the sale of all menthol and flavored tobacco products in the state and prohibit mislabeling of e-liquid products containing nicotine. The bill also offers underage youth the option to complete an education course or community service as an alternative to fines.

This measure will help to save lives.

Tobacco use remains a serious threat to public health. Each year, Hawai'i spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. 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. Candy flavors such as Fruit Hoops, Sour Straws, and Cookie Monsta are designed to appeal to kids, and make nicotine go down easier. With 81% of youth starting with a flavored productⁱⁱ, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

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

Hawai'i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of

middle schoolers reporting ever having used an “electronic vaping product” in 2017, we have an urgent need to act. More troubling is that because of the historic declines in smoking, big tobacco has decided to focus on candy flavors and nicotine delivery solutions. Tobacco giant Altria, maker of Marlboro, is investing in the popular vaping company Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.

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

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

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.

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 and young adults who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes^{iv}. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

The Coalition appreciates the Legislature’s consideration of other measures to decrease youth use of tobacco products.

Tobacco and nicotine are addictive substances, and often are difficult to quit. Fines and other similar penalties that criminalize children are ineffective and often counter-productive at stopping youth from using tobacco products. Offering youth the option of education courses, cessation services, or community service provide useful and productive alternatives to penalties. In conjunction with strong tobacco control policies, these options may be more conducive to the goal of reducing youth tobacco use. Some proven policies recommended by the Centers for Disease Control and Prevention include: regulating tobacco products; decreased access to tobacco products; increased price of tobacco products; tobacco

prevention policies and programs in schools; and increased enforcement of restrictions on tobacco sales to minors.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke cigarettes or e-cigarettes, 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 2538, SD1.**

Mahalo,



Jessica Yamauchi, MA
Executive Director

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

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

ⁱⁱ Ambrose BK, Day HR, Rostron B, et al. Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*. 2015;314(17):1871-1873. doi:10.1001/jama.2015.13802

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} 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

February 24, 2020

TO: Chair Karl Rhoads
Vice Chair Jarrett Keohokalole
Members of the Senate Committee on Judiciary

FR: Cigar Association of America, Inc.
(William Goo)

RE: **SB 2538 SD1** - Relating to the Youth Vaping Epidemic
Hearing Date: February 25, 2020
Time: 12:30 pm

My name is William Goo. I represent the Cigar Association of America, Inc. (CAA).

CAA **opposes SB 2538 SD1** to the extent that it seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the youth vaping epidemic in Hawaii. Cigars are primarily the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars.

Thank you for considering this testimony.



REV. DENNIS BARGER, PC(USA) Retired
Kihei, Maui, Hawai'i

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

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

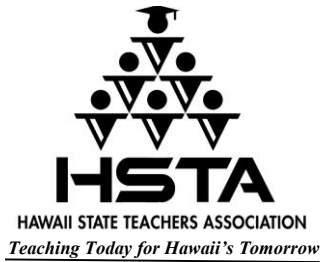
I strongly SUPPORT SB2538, which would regulate an irresponsible tobacco industry and remove the thousands of fruit and candy-flavored tobacco products and e-liquids that are addicting our keiki, including menthol cigarettes, flavored smokeless tobacco, and flavored cigars.

BECAUSE:

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

I urge YOU to support HB2457.

Mahalo, *Rev. Dennis F. Barger*



Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
JUDICIARY

RE: SB 2538 SD1 - RELATING TO THE YOUTH VAPING EPIDEMIC

TUESDAY, FEBRUARY 25, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2538, SD1, with amendments**, which bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, establishes fines and penalties for violations, authorizes a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine, and requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Hawaii State Teachers Association strongly supports banning the sale of flavored tobacco products. Flavored tobacco products are strongly correlated to usage among youth. 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 97% of youth who vape say they use a flavored product.

We would like to amend the bill to remove the stipulation regarding punitive measures such as monetary penalties, community service, or tobacco cessation programs as punitive measures are not effective in reducing usage among our youth. Conversely, research shows that taxation is an effective tool to reduce usage among youth because youth are price

sensitive; taxation can also help fund education and prevention programs to further deter usage.

To ensure we reduce the youth vaping epidemic in the most effective and targeted way, we respectfully ask you to support **SB 2538 SD1 with our suggested amendments.**

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 12:35:20 PM

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

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

Comments:

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 12:48:49 PM

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

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

Comments:

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

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 12:49:08 PM

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

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

Comments:

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 12:50:33 PM

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

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

Comments:

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

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

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

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

We also need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics. Penalties on youth for purchase, use, or possession (PUP) do not work at reducing youth tobacco use and can even be counterproductive. As an unintended consequence, PUP laws can stigmatize tobacco use and deter addicted youth from seeking help to quit smoking.

Other policies are proven strategies to reduce youth tobacco use, such as decreasing access to tobacco products, increasing prices of tobacco products, tobacco prevention

and education programs in schools, and increased enforcement of tobacco sales restrictions.

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 1:16:36 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jess Lovely	Individual	Oppose	No

Comments:

Banning flavors will not repair the teen vaping epidemic. People are addicted to the nicotine "high" not the flavors. Banning flavors will create an unsafe black market for vaping products and take away healthier alternatives to traditional tobacco products for adults. This will push adults back to regular tobacco products that kill 3.7 million people a year world wide. This is not a solution, it is actually harmful to the general public!

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 2:18:05 PM

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

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

Comments:

We support SB 2538 SD1 and strongly support banning the sale of flavored tobacco products and the use of educational programs and community service instead of a fine.

Thank you.

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

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

Support for Senate Bill 2538, Senate Draft 1, Relating to the Youth Vaping Epidemic with Suggested Amendments

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

The American Lung Association calls on Hawaii officials to restrict the sales of flavored tobacco products, including e-cigarette products, to protect youth. Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S. **We would support an amendment to eliminate punishment for youth possessing or purchasing tobacco products.**

Youth purchase, use, or possession (PUP) laws are not an effective approach to reducing youth tobacco use and inappropriately shift the blame for underage tobacco use from the tobacco industry and retailers, to young people. Penalizing youth is not an effective strategy for reducing youth smoking; and some experts argue that PUP laws could actually detract from more effective enforcement measures and tobacco control efforts.¹

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

Many youth smokers are addicted, making it difficult for them to quit, and some research suggests that penalizing youth could deter them from seeking support for cessation². Promoting interventions that provide cessation resources for youth interested in quitting could be a more beneficial alternative.

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

¹ Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl I):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," J Drug Education, 35(4):275-290, 2005.

² 2 Hrywna, M, et al., "Content Analysis and Key Informant Interviews to Examine Community Response to the Purchase, Possession, and/or Use of Tobacco by Minors," J Comm Health, 29(3):209-216, 2004; Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl I):i6-i13, 2003; Loukas, A, et al., "Examining the Perspectives of Texas Minors Cited for Possession of Tobacco," Health Promotion Practice, 7(2):197-205, 2006.

Health Institute, there are more than 15,500 flavors on the market today. Research has also shown that menthol flavors are particularly enticing to teens and adults who haven't previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit.

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

The use of electronic smoking devices by youth in Hawaii is nearly double the national average, and urgent action is required by state legislators in 2020 to address it. The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by passing Senate Bill 2538.



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

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 4:00:32 PM

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

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

Comments:

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

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

Sincerely, Hawaii Smokers Alliance

www.hawaiismokersalliance.net



LATE

Testimony of Kimo Haynes,
President of the Hawaii Petroleum Marketers Association

**OPPOSING SENATE BILL 2538, SENATE DRAFT 1,
RELATING TO THE YOUTH VAPING EPIDEMIC**

Senate Committee on Judiciary
The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair

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

Chair Rhoads, Vice Chair Keohokalole, and members of the Committee,

I am Kimo Haynes, president of the Hawaii Petroleum Marketers Association (“HPMA”). HPMA is a non-profit trade association comprised of members who directly market liquid motor fuel products across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and who buy liquid motor fuel products at the wholesale level and sell or distribute products to retail customers, other wholesalers, and other bulk consumers.

Senate Bill 2538, Senate Draft 1 Bans the sale of flavored tobacco products. Prohibits mislabeling of e-liquid products containing nicotine. Establishes fines and penalties for violations. Authorizes a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine. Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

While HPMA strongly supports strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons, **we respectfully oppose provisions in SB 2538, SD 1 that prohibit the sale, distribution and marketing of all flavored tobacco products to persons of legal age.**

HPMA respectfully asks that the bill be amended by adopting language found in HB 2347, HD 1 to exempt menthol and mentholated tobacco products from the ban.

Additionally, we are concerned that granting individual counties the ability to pass ordinances that are stricter than State law will result in varying restrictions from county to county and will

Testimony opposing SB 2538, SD 1, Relating to the Youth Vaping Epidemic
Senate Committee on Judiciary
Hawaii State Capitol, Room 016
Tuesday, February 25, 2020 at 12:30 p.m.
Page 2

make compliance for retailers difficult. We recommend having a uniform statewide law and suggest deleting the following section on page 8:

§712 - Sale or advertising of tobacco products; remote retail sales; flavored; nicotine-free.

~~[(5) Notwithstanding any other law to the contrary, any county may adopt a rule or ordinance that places greater restrictions on the access to flavored tobacco products than provide for in this section. In the case of a conflict between the restrictions in this section and any county rule or ordinance regarding access to flavored tobacco products, the more stringent restrictions shall prevail.]~~

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

LATE

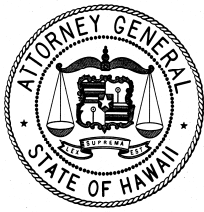
SB-2538-SD-1

Submitted on: 2/24/2020 5:02:34 PM

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

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

Comments:



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2538, S.D. 1, RELATING TO THE YOUTH VAPING EPIDEMIC.

LATE

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

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

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Delanie D. Prescott-Tate,
Deputy Attorney General, at 808-586-1203)

Chair Rhoads and Members of the Committee:

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

The bill seeks to address the significant risks to public health caused by the rapidly growing use of electronic smoking devices and e-liquids in Hawaii, especially among the youth. The bill seeks to establish the offense of sale or advertising of tobacco products within the Hawaii Penal Code; amends section 328L-5(a), Hawaii Revised Statutes (HRS), by including the fines generated from sentencing for violation of the offense of sale or advertising of tobacco products as a source of funding for the Hawaii tobacco prevention and control trust fund; amends 328L-5(e), HRS, to add the fines generated from sentencing for violation of the offense of sale or advertising of tobacco products as an asset of the Hawaii tobacco prevention and control trust fund; and amends section 712-1258, HRS, by increasing the sentencing options for violating the criminal offense of selling or furnishing tobacco products to persons under twenty-one years of age.

As part of the amendment to the sentencing provisions under section 712-1258, HRS, the bill requires "the parent or guardian of a person under eighteen years of age to be notified of the offense and given fifteen days to select which penalty shall be imposed on the person[.]" A minor who violates any federal, state, or local law or

county ordinance falls under the exclusive jurisdiction of the family court. Section 571-11, HRS (2018). The family court requires the minor's parents, guardian, or legal custodian to be notified immediately whenever a minor is taken into custody for violation of any federal, state, or local law or county ordinance. Section 571-31(b), HRS (2018). Where the minor is not in custody, the family court will issue a summons to the person who has custody and control of the minor to bring the minor before the court at the time and place stated on the summons. Section 571-23, HRS (2018).

Proceedings held under section 571-11, HRS, are "heard by the [family] court" and it is the family court judge that issues the final disposition upon finding that criminal allegations against the minor were proven beyond a reasonable doubt. Section 571-41(a), (c) & (d), HRS (2018). The disposition of a minor's adjudication as a law violator is the purview of the family court judge, not the parents or guardians. The Department of the Attorney General recommends that page 11, lines 17 to 20, and page 12, lines 1 to 2, of the bill be stricken.

Finally, the Department of the Attorney General recommends that the phrase "including, heated tobacco products" be removed from the definition of "e-liquid" on page 7, lines 16 to 17, because "heated tobacco products" are already included in the definition of "cigarette" under section 675-2(d), HRS (2016), and are therefore already regulated.

Thank you for the opportunity to provide comments.

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 5:43:53 PM

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

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

Comments:

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 5:45:19 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Grattan	Individual	Support	No

Comments:

Please stop the sale of electronic delivery systems and vaping products that contain flavors (including menthol). Stop the vendors and distributors from using flavors to lure and addict our youngsters.

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

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

My name is Ramic Santiago and I **support** SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

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

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

I support SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

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

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

Please pass SB 2538 SD1 to save our children for the future.

Sincerely,

Jennifer Hausler
Pearl City, 96782

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

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

Re: Support SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

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

Thank you for the opportunity to submit testimony in SUPPORT SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

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

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

Bill SB 2538 SD1, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

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

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

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if SB2228 SD1 becomes law.

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

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

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

My name is Cassandra Castillo and I am in support of I strongly support SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC. I am in my last semester of my master's program at Myron B. Thompson's School of Social Work and I have experienced first-hand the dangers of e-cigarettes. My first year of the program, my internship was at an elementary school. One of the challenges that we faced were children in the fourth grade getting their hands-on e-cigarettes and trying it because they thought it was "cool". Children are encouraged through social media, commercials, the radio station, and other outlets that e-cigarettes are the fun thing to do. They are persuaded by these fun flavors like cotton candy, strawberry, pink lemonade, and more. Children are encouraged that e-cigarettes are not dangerous and safe to use.

As a future social worker, we need to educate our future generations of just how dangerous e-cigarettes can be and the long-term effects that could happen by picking up this habit. I do not want to see my 8-month-old nephew grow up thinking that e-cigarettes are cool. I urge the committee to pass SB 2538 SD1 for the future of our children's tomorrow. Thank you for this opportunity to testify.

Cassandra Castillo
Ewa Beach, 96706

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

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

I strongly support SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC. I am a registered dental hygienist, and every day I see patients who are tobacco/e-cigarette users. In recent years, we have been seeing patients who do not have a history of decay, but have started developing cavities. When asked about changes habits or diet, many of the patients report the use of e-cigarettes, in particular, flavored e-cigarettes, which contain sugar. Many times, this is the only change, and these patients are experiencing decay due to the frequency of use. This is just one of the many problems caused by e-cigarettes.

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

Mahalo,

Marissa Powers, RDH
Honolulu, Hawaii, 96815

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

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

RE: SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC.

My name is Uri Martos, and I am writing to express my support for SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC to help stop our keiki from using tobacco products.

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

I urge you to support SB 2538 SD1: RELATING TO THE YOUTH VAPING EPIDEMIC. Thank you for the consideration of my testimony.

Mahalo,
Uri Martos
Lihue, Kauai 96766

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 7:33:53 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Michael M. Contrades	Testifying for Kauai Police Department	Support	No

Comments:

On behalf of Chief of Police Todd G. Raybuck, the Kauai Police Department supports SB2538.

SB-2538-SD-1

Submitted on: 2/24/2020 7:52:44 PM

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

LATE

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

Comments:

Honorable Senators:

I strongly oppose SB2538. A flavor ban on eliquids will only further reduce our rights. Please vote against SB2538.

Respectfully submitted,

Theresa Revell

LATE

February 24, 2020

Strong Support of SB 2538 RELATING TO THE YOUTH VAPING EPIDEMIC.

To the House of Representatives

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

I strongly support SB 2538 RELATING TO THE YOUTH VAPING EPIDEMIC, 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 2538 RELATING TO THE YOUTH VAPING EPIDEMIC and ask you to pass this out of committee.

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

LATE

SB-2538-SD-1

Submitted on: 2/24/2020 8:35:13 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
norma napalapai	Individual	Oppose	No

Comments:

I am an adult and when I had a medical condition and was told to quit cigarettes, vaping was the alternative that brought my health conditions back to normal. I agree that youth should not be vaping and it should be restricted the same as alcohol and tobacco. To take away the rights of adults seems harsh and unfair. It is like any other prohibited item, somehow the kids will find a way to get it. If flavored vape liquids are banned then why not ban flavored cigars, candy liquor etc?? It is purely a choice of each individual. I have a teenager and she does not vape although she was curious but I talked to her and educated her on the harm it may cause. It is the parents responsibility to educate and monitor!!!

LATE

SB-2538-SD-1

Submitted on: 2/25/2020 8:31:43 AM

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

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

Comments:

As a parent, nurse, and teacher, I am in SUPPORT of SB2538, 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.

I am concerned about the language criminalizing youth, as I feel the solution lies in preventing them from getting addicted in the first place, not by punishing them once they do become addicted. However, we have an opportunity to intervene in this unfolding public health crisis in Hawaii, and 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

LATE



TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

FROM: Philip J. Bossert, Executive Director
Hawaii Association of Independent Schools

RE: SB 2538 SD1 - RELATING TO THE YOUTH VAPING EPIDEMIC
In Support

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

Aloha Chair Rhoads, Vice Chair Keohokalole and Members of the Committee:

The Hawaii Association of Independent Schools (HAIS) supports SB 2538 SD1.

HAIS is a membership organization that currently represents 102 of Hawaii's independent K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 119 private K-12 schools in the State.

Approximately 38,000 children attend these 119 private schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic sweeping the country. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support SB 2538 SD1 because, in banning the sale of flavored tobacco products and increasing the penalties for the purchase of e-cigarettes by persons under the age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students.

Thank you for the opportunity to submit testimony and we look forward to working with you as this important measure moves through the legislative process.

LATE

SB-2538-SD-1

Submitted on: 2/25/2020 12:30:42 PM

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

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

Comments: