



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 2904
RELATING TO THE SALE OF TOBACCO PRODUCTS**

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

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) thanks the Senate President for
3 sponsoring and the Chair for hearing Senate Bill 2904 (S.B. 2904) that was requested in the
4 Governor’s Package. Although the title, report title, summary description, and justification sheet
5 all contain the correct language, the body of the text contained in the bill is inconsistent with the
6 original legislative proposal. The Department is submitting suggested language from the
7 legislative proposal, HTH-11-20, and requesting the Committee’s support to remedy the
8 situation. The Department supports S.B. 2904 with the inclusion of the attached suggested
9 Senate Draft 1 that would correct the text error.

10 The suggested S.D. 1 removes the ambiguity of simply referring to a “person” and
11 replaces it with “employee of a retailer, permittee, or registrant” who illegally sells to persons
12 under 21 and reduces the fine from \$500 to \$100 for the first offense. Subsequent offenses
13 within five years or not less than \$100 nor more than \$500. The retailer, permittee, or registrant
14 in violation or whose employee illegally sells to persons under 21 years is to be fined \$500 for
15 the first offense. Subsequent offenses within five years start at \$500 and can go to \$5,000.
16 Further, a third or more offense results in license suspension. The proposal holds licensees
17 responsible for the actions of their employees, reinforces supervisory responsibility and on-site
18 employee training and education while reducing youth access and subsequent addiction. The
19 proposed change also aligns with the amended Federal Food, Drug and Cosmetic Act which
20 raised the federal minimum age of sale of tobacco products to 21 years.

1 Currently, retail clerks are the only persons facing penalties. The requested S.D.1 clearly
2 establishes the legal responsibility of the retailer, permittee, or registrant who sells tobacco
3 products and the liability incurred when illegal tobacco sales are made to anyone under 21 years
4 of age. The Department supports this measure as a result of meeting with representatives from
5 the four county Office of the Prosecuting Attorney, because of the concerns with youth ESD use.
6 The prosecutors requested clarification to Section 712-1258, Hawaii Revised Statutes, to help
7 standardize enforcement across counties, and to increase compliance with the identification
8 checks and required signage, and hold accountable those persons who allow or influence the sale
9 or consumption of tobacco products to a person under the age of 21.

10 Thank you for the opportunity to testify.

11 **Offered Amendments:** The Department submits as an attachment the suggested S.D. 1 that
12 corrects the body of the text contained in the current S.B. 2904.

13

S.B. NO. 2904 S.D. 1

A BILL FOR AN ACT

RELATING TO THE SALE OF TOBACCO PRODUCTS.

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

1 SECTION 1. Section 712-1258, Hawaii Revised Statutes, is
2 amended by amending subsections (6) and (7) to read as follows:

3 "(6) Any [person]employee of a retailer, permittee, or
4 registrant who violates subsection (1) or (4), or both, shall be
5 fined [\$500]\$100 for the first offense, [. Any subsequent
6 offenses shall subject the person to a fine] and not less than
7 [\$500] \$100 nor more than [\$2,000]\$500 for any subsequent
8 offense within five years of a previous offense. Any retailer,
9 permittee, or registrant who violates or whose employee violates
10 subsection (1) or (4), or both, shall:

11 (a) Be fined \$500 for the first offense;

12 (b) Be fined not less than \$500 nor more than \$5,000 for a
13 second offense within five years of a previous
14 offense; and

15 (c) Have the retailer's, permittee's, or registrant's
16 license suspended for a third or any subsequent
17 offense within five years of the last offense.

S.B. NO. 2904 S.D. 1

1 Any person under twenty-one years of age who violates subsection
2 (5) shall be fined \$10 for the first offense. Any subsequent
3 offense shall subject the violator to a fine of \$50, no part of
4 which shall be suspended, or the person shall be required to
5 perform not less than forty-eight hours nor more than seventy-
6 two hours of community service during hours when the person is
7 not employed and is not attending school. Any tobacco product
8 or electronic smoking device, as those terms are defined in
9 subsection (7), in the person's possession at the time of
10 violation of subsection (5) shall be seized, summarily forfeited
11 to the State, and destroyed by law enforcement following the
12 conclusion of an administrative or judicial proceeding finding
13 that a violation of subsection (5) has been committed. The
14 procedures set forth in chapter 712A shall not apply to this
15 subsection.

16 (7) For the purposes of this section:

17 "Electronic smoking device" means any electronic product
18 that can be used to aerosolize and deliver nicotine or other
19 substances to the person inhaling from the device, including but
20 not limited to an electronic cigarette, electronic cigar,
21 electronic cigarillo, or electronic pipe, and any cartridge or
22 other component of the device or related product.

S.B. NO. 2904 S.D. 1

1 "Permittee" means the holder of a retail tobacco permit in
2 accordance with chapter 245.

3 "Registrant" means an entity registered with the electronic
4 smoking device retailer registration unit pursuant to section
5 28-164.

6 "Retailer" means an entity that engages in the practice of
7 selling cigarettes or tobacco products to consumers and includes
8 the owner of a cigarette or tobacco product vending machine.

9 "Tobacco product" means any product made or derived from
10 tobacco that contains nicotine or other substances and is
11 intended for human consumption or is likely to be consumed
12 whether smoked, heated, chewed absorbed, dissolved, inhaled, or
13 ingested by other means. "Tobacco product" includes but is not
14 limited to a cigarette, cigar, pipe tobacco, chewing tobacco,
15 snuff, snus, e-liquid, or an electronic smoking device.

16 "Tobacco product" does not include drugs, devices, or
17 combination products approved for sale by the United States Food
18 and Drug Administration, as those terms are defined in the
19 Federal Food, Drug, and Cosmetic Act."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.

S.B. NO. 2904 S.D. 1

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act upon its approval, shall take effect
4 on July 1, 2020.

5

6

INTRODUCED BY: _____

7

BY REQUEST

8

S.B. NO. 2904 S.D. 1

1 **Report Title:**

2 Electronic Smoking Devices; Tobacco Products; Underage Sales of
3 Tobacco Products; Penalties

4

5 **Description:**

6 Establishes a schedule of penalties for employees and holders of
7 retail tobacco permits or persons registered to sell electronic
8 smoking devices who illegally sell tobacco products and
9 electronic smoking devices to persons under 21.

10

11

12

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

15



LATE

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Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 4, 2020

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

Re: Support for SB 2904, Relating to the Sale of Tobacco Products

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

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ provides **Support for SB 2904**. Based on the description, the bill would clarify that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity rather than the employee. However, the language in the bill would end the sale of flavored tobacco products.

The Coalition supports both shifting the responsibility from an individual employee to the retailer or permittee and prohibiting the sale of flavored tobacco products in Hawai'i, but is unclear on the impact and purpose of the bill based on the conflicting description and bill language. Therefore, our testimony is limited at this time.

Thank you for the opportunity to provide testimony on SB 2904.

Mahalo,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

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.



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

RE: SENATE BILL NO. 2904, RELATING TO THE SALE OF TOBACCO PRODUCTS.

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

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2904, RELATING TO THE SALE OF TOBACCO PRODUCTS.

The bill, as received by your Committee, would prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State of Hawaii, and prohibit the mislabeling or sale of any tobacco or e-liquid product containing nicotine as nicotine-free.

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

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

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

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

SB-2904

Submitted on: 1/31/2020 6:30:28 PM

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

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

Comments:



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

OPPOSING SENATE BILL 2904, RELATING TO THE SALE OF TOBACCO PRODUCTS

Senate Committee on Commerce, Consumer Protection & Health
The Honorable Rosalyn Baker, Chair
The Honorable Stanley Chang, Vice Chair

Wednesday, February 5, 2020 at 9:30 a.m.
Hawaii State Capitol, Conference Room 229

Chairs Baker and Kidani, Vice Chairs Chang and Kim, and members of both Committees,

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 2904, Relating to the Sale of Tobacco Products, establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic smoking devices who illegally sell tobacco products and electronic smoking devices to persons under 21.

HPMA opposes SB 2904 because it goes too far by prohibiting the sale, distribution and marketing of all flavored tobacco products to persons of legal age.

HPMA fully agrees with stricter enforcement of laws that prohibit the sale and distribution of tobacco products to underage buyers. However, we ask that your Committee conform SB 2904 to language found in the House companion bill, HB 2348, Proposed HD 1 that is limited to prescribing penalties for employees of a retailer, permittees or registrants who violate subsection (1) or (4), or both, of **§712-1258 Tobacco products and electronic smoking devices; persons under twenty-one years of age.**

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



February 4, 2020

LATE

To: The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Stanley Chang, Vice Chair
Members, House Committee on Commerce, Consumer Protection & Health

RE: SB 2904 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes is the largest retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 110 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to SB2904 for the following:

- SB2904 falsely states, “Establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic cigarette smoking devices who illegally sell tobacco products and electronic smoking devices to persons under 21. Effective January 1, 2021.” However, the verbiage of this bill is entirely related to the ban of the sale of flavored vaping products. The members of the Hawaii vape retailers would support bills that enact strict fines and enforcement measures to ensure vape products stay in their respective market of adults 21 and over pre federal and state laws.
- SB2904 would decimate the Hawaiian vapor industry by banning the sale of all electronic cigarette liquids and cartridges. Every electronic cigarette available on the worldwide market is “flavored.” Because they do not contain tobacco, electronic cigarettes have no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. Even electronic cigarettes advertised as coming in “tobacco flavor” are actually just the result of the blending of several different flavorings such as caramel and nut flavors in an attempt to mimic the flavor of tobacco. As a result, SB2904 will act as a de facto ban of the manufacture and sale of all electronic cigarettes.
- Even if SB2904 permitted the sale of electronic cigarettes flavored to taste like tobacco, its enactment would still ban the manufacture and sale of the vast majority of our products. This bill would present more than just a competitive disadvantage for local suppliers and retailers. It would be a death knell for vapor industry in Hawaii. Local consumers will either flavor liquids themselves or purchase from out of state, causing a loss of jobs and tax revenues for the state. Similarly, we will be forced to close our stores and move all or most of our business and operations to the mainland, taking with us jobs and tax revenue that has grown every year since our founding.
- Enactment of SB2904 will deal a similar fate to our competitors in the electronic cigarette industry. Between them these businesses have likely created 1000 jobs in Hawaii.



All or more of these jobs will be lost as a result of this legislation. Additionally, convenience stores and other businesses that sell vapor products will feel the impact of consumers purchasing products from the mainland.

- The baseless claims that electronic cigarette flavors are made to attract children must be weighed against the significant evidence that electronic cigarette flavors are very popular with adult users. The International Journal of Environmental Research and Public Health recently published the most expansive survey performed on the subject. We urge you to read the full text of this study, which we have attached to our testimony. Below are some highlights:
 - Researchers conducted an Internet survey of over 4,500 adult electronic cigarette consumers. The participants' average age was 40 years old. The vast majority (90%) of those surveyed were ex-smokers, with the average respondent having been cigarette-free for approximately one year.
 - Among the survey respondents, the most commonly used flavors were fruits, followed by sweets and tobacco.
 - Those electronic cigarette users who were still smoking ("dual users") were actually more likely to use tobacco flavors than those vapers who had quit smoking.
 - On a scale of 1-5, the average score given by the respondents for the importance of flavor variability in reducing or quitting smoking was 4 ("very important").
 - Almost 50% of the respondents answered that a lack of flavor availability would increase their cravings for tobacco cigarettes and would decrease their chances of remaining abstinent from smoking.
 - <https://www.mdpi.com/1660-4601/10/12/7272>
- The use of flavorings in electronic cigarette liquids is one of the driving factors in helping prevent adult former smokers who switch to e-cigarettes from going back to traditional cigarettes. Most users report that after switching to electronic cigarettes and experiencing the pleasant tastes one can enjoy with an electronic cigarette, they no longer find the taste of traditional tobacco cigarettes appealing.
- Enactment of this bill will actually benefit Big Tobacco by stifling their competition. Analysts credit electronic cigarettes, not government intervention, nor traditional nicotine replacement therapy products, with causing cigarette sales to experience larger than forecasted declines in the U.S. and Europe. Regardless of the good intentions involved, every step taken to reduce adult access to electronic cigarettes is really a step towards protecting cigarette markets.
- SB2904 exempts traditional Nicotine Replacement Therapy (NRT) products that



contain nicotine even though electronic cigarettes have been shown to be a much more effective tool for helping people quit smoking and have been demonstrated to have a similar risk profile as NRT's.

- <http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract>
- http://m.circ.ahajournals.org/content/130/Suppl_2/A14945.short

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes

- http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for adult smokers to these products, not tighter regulations that steers current vapers back to tobacco cigarettes

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

- If flavors are not important in helping adult smokers switch from, or quit traditional cigarettes, why is GlaxoSmithKline's nicotine gum exempt from this bill and sold in flavors?





• SB2904 would not successfully remove all flavored e-liquid products from the market. It would simply force local customers to go online and purchase them from vendors across the 49 other states who would not be subject to this ban. It would severely impact local based businesses from competing with businesses from the 49 other states who would not be subjected to this law further lowering jobs and revenues already being created in the state. While we agree that curbing youth usage and enforcing our current laws prohibiting the sale and use of vapor products is of utmost importance, doing so at the detriment to adults who use these products every day as an alternative to traditional tobacco is not the right way to do it. This bill is not in the best interests of the State of Hawaii.

Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Cory N. Smith
CEO & Owner
VOLCANO eCigs.
197 Sand Island Access Rd., Honolulu, HI 96819
cory@volcanoecigs.com

SB-2904

Submitted on: 2/3/2020 10:21:49 AM

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

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

Comments:

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

SB-2904

Submitted on: 2/3/2020 4:15:21 AM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 12:36:51 PM

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

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

Comments:

SB-2904

Submitted on: 1/31/2020 3:36:29 PM

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

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

Comments:

I agree with this bill. Stiffer penalties and enforcement are required to fight youth vaping.

SB-2904

Submitted on: 1/31/2020 5:15:09 PM

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

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

Comments:

SB-2904

Submitted on: 2/3/2020 5:38:27 PM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 12:12:25 PM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 5:54:26 PM

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

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

Comments:

SB-2904

Submitted on: 2/3/2020 6:42:30 AM

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

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

Comments:

i oppose any more penalties for store, there are enough. If you want to stop underage usage inact possession laws similar to that we have for alcohol.

SB-2904

Submitted on: 2/2/2020 11:20:03 PM

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

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

Comments:

Aloha,

I strongly oppose SB2904 because we already have laws in place that restrict the age to purchase tobacco products to age 21. SB2904 is unnecessary at this time. Please vote to oppose SB2904.

Mahalo,

Louis Bauguess

SB-2904

Submitted on: 2/2/2020 2:16:54 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Dallas Nelson	Individual	Oppose	Yes

Comments:

So nasty to people who vape. This bill lacks any logic.

SB-2904

Submitted on: 2/2/2020 1:23:09 PM

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

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

Comments:

SB-2904

Submitted on: 2/2/2020 10:25:10 AM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 1:47:53 PM

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

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

Comments:

I'm Alex and I srongly oppose this bill!

SB-2904

Submitted on: 2/1/2020 5:51:58 PM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 2:56:26 PM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 3:20:00 PM

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

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

Comments:

I oppose SB2904.

Respectfully submitted,

Theresa Revell

SB-2904

Submitted on: 2/1/2020 2:54:09 PM

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

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

Comments:

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-2904

Submitted on: 2/1/2020 11:44:52 AM

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

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

Comments:

SB-2904

Submitted on: 2/1/2020 11:32:20 AM

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

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

Comments:

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

SB-2904

Submitted on: 1/31/2020 8:22:03 PM

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

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

Comments:

SB-2904

Submitted on: 1/31/2020 6:08:15 PM

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

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

Comments:

SB-2904

Submitted on: 1/31/2020 6:00:50 PM

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

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

Comments:

SB-2904

Submitted on: 1/31/2020 5:15:15 PM

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

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

Comments:

SB-2904

Submitted on: 1/31/2020 5:13:46 PM

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

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

Comments:

SB-2904

Submitted on: 1/31/2020 5:12:41 PM

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

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

Comments:

I disagree with people having to pay more for what they need. If they're old enough to know the consequences then they should be allowed to do so.

SB-2904

Submitted on: 1/31/2020 5:11:28 PM

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

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

Comments:

Vaping has only helped me

SB-2904

Submitted on: 1/31/2020 5:04:43 PM

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

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

Comments:

SB-2904

Submitted on: 2/3/2020 10:55:47 AM

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

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

Comments:

This bill is just pointless. It's completely unfair for employees or retailers to be penalized for electric devices if its going to be put like that then all store and retailers should be penalized for saling cigarettes. Cigarettes have if not more un healthy affects and damages. Stopping electric devices would just make the underage sich back to smoke cigarettes. we need to find a better way to control underage not penalize the ones that are aloud

SB-2904

Submitted on: 2/3/2020 11:32:32 AM

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

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

Comments:

We Strongly oppose bill SB2904. First of all this bill infringes on the freedom of ADULTS. Vaping/Smoking is an adult activity. So is drinking alcohol. Alcohol use is nearly identical to vaping use among Hawaii high school students according to a report by the Hawaii Department of Health. Although vaping use is identical to drinking alcohol among teens in Hawaii, Alcohol is never a target. Why? Alcohol has just as many or more flavors. Adults like flavors also!

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

Also SB2904 would take the livelihood away of hundreds of people in Hawaii that are employed by vape shops. The vape shops in Hawaii are mom and pop stores not owned by big tobacco. This bill would devastate these businesses forcing all of them to close including my native Hawaiian owned business and my 30 employees. This is not fair to businesses such as my own that works hard to keep ecig and tobacco out of the hands of minors. We are doing the right things to prevent minors from acquiring tobacco/vape products! We just spent over \$25,000 for specialized software at our shops that scan IDs to further support our employees finding under age and fake IDs.

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

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

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

SB-2904

Submitted on: 2/3/2020 12:23:40 PM

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

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

Comments:

SB-2904

Submitted on: 2/3/2020 12:57:42 PM

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

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

Comments:

SB-2904

Submitted on: 2/3/2020 1:00:02 PM

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

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

Comments:

Aloha. Please OPPOSE Bill SB2904 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.
Valentino Miranda-Kepa

SB-2904

Submitted on: 2/3/2020 4:56:21 PM

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

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

Comments:

Protect our freedom of choice.

SB-2904

Submitted on: 2/3/2020 9:04:34 PM

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

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

Comments:

I oppose this bill.

SB-2904

Submitted on: 2/3/2020 10:36:08 PM

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

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

Comments:

SB-2904

Submitted on: 2/4/2020 8:26:16 AM

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

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

Comments:

SB-2904

Submitted on: 2/4/2020 9:20:54 AM

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

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

Comments:

I strongly oppose SB2904. A flavor ban is not the way to go

SB-2904

Submitted on: 2/4/2020 7:50:50 PM

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

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

Comments:

Aloha Chair Baker and members,

Yes to this bill. It's needed to protect our children. Mahalo,

Ann S. Freed