

STAND. COM. REP. NO.

1270

Honolulu, Hawaii

MAR 24 , 2021

RE: H.C.R. No. 80

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.C.R. No. 80 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO PROMOTE TRANSPARENCY AND ENFORCEMENT BY IMMEDIATELY PUBLISHING PREMARKET TOBACCO PRODUCT APPLICATIONS,"

begs leave to report as follows:

The purpose of this measure is to request the United States Food and Drug Administration promote transparency and enforcement by immediately publishing Premarket Tobacco Product Applications.

Your Committee received testimony in support of this measure from the Hawaii COPD Coalition, Coalition for a Tobacco-Free Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Department of Health.

Your Committee finds that e-cigarettes and electronic nicotine delivery systems are aggressively marketed to vulnerable youth users. Your Committee further finds that the Food and Drug Administration required all sellers and manufacturers of new tobacco products, including e-cigarettes and electronic nicotine delivery systems, to submit a Premarket Tobacco Product Application by September 9, 2020. However, your Committee finds that, to date, only three separate entities have successfully

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received marketing orders since 2015, leaving a gap between current federally approved e-cigarette sellers and non-compliant sellers or non-applicants. Furthermore, to date, no e-cigarette or electronic nicotine delivery system product has been approved by the Food and Drug Administration through its six-stage process of Premarket Tobacco Product Marketing Application review.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 80 and recommends that it be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Health, Human
Services, & Homelessness,



RYAN I. YAMANE, Chair



Record of Votes of the Committee on Health, Human Services, & Homelessness

Bill/Resolution No.: HCR80	Committee Referral: HHH.CPC	Date: 3/23/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	/			
2. TAM, Adrian K. (VC)	/			
3. GATES, Cedric Asuega	/			
4. HAR, Sharon E.	/			
5. KAPELA, Jeanne	/			
6. LoPRESTI, Matthew S.				/
7. NISHIMOTO, Scott Y.	/			
8. WARD, Gene	/			
TOTAL (8)	7			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				