

**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 598, H.D. 2, S.D. 1, RELATING TO TOBACCO PRODUCTS.

**BEFORE THE:**

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

**DATE:** Tuesday, April 6, 2021

**TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 211, Via Videoconference

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

(For more information, contact Delanie Prescott-Tate,  
Deputy Attorney General, at 586-1189)

---

Chairs Dela Cruz and Rhoads and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

The purposes of this bill are to (1) establish the offense of unlawful shipment of tobacco products; (2) raise the fees for obtaining a tobacco wholesaler/dealer license and a retail tobacco permit; (3) allocate a portion of the excise tax on cigarettes and tobacco products to health education and prevention programs for youth on the dangers of using electronic smoking devices; (4) require retailers to specify if their retail establishment sells electronic smoking devices when applying for or renewing a retail tobacco permit; and (5) repeal certain provisions of the Hawaii Revised Statutes (HRS) relating to electronic smoking devices.

Section 2 of the bill at page 4, line 14, through page 6, line 12, essentially adopts the wording of section 245-16, HRS, which sets forth the offense of unlawful shipment of cigarettes. The bill replaces the term "cigarettes" with "tobacco products" to create a new offense.

It should be noted that subsection (b)(1) on page 5, lines 6 to 11, seeks to exempt tobacco products "from taxes as provided by section 245-3(b) or are otherwise exempt from the applicability of this chapter as provided by section 245-62[.]"

(Emphasis added.) Section 245-62, HRS, states:

"(a) This chapter shall not apply to:

- (1) Cigarettes allowed to be imported or brought into the United States . . . ;
- (2) Cigarettes sold or intended to be sold as duty-free . . . ;
- (3) A delivery service when engaged in the business of transporting or delivering packages or other containers of cigarettes, . . . ."

(Emphasis added.)

As section 245-62, HRS, only applies to cigarettes, the reference to section 245-62, HRS, at page 5, lines 8 to 11, should be stricken so the paragraph reads:

- "(1) The tobacco products are exempt from taxes as provided by section 245-3(b); or"

Another option would be to amend section 245-62, HRS, to include tobacco products. The Department recommends that reference to section 245-62, HRS, be stricken from the new offense.

Additionally, the definition of "electronic smoking device" on page 6, line 17, through page 7, line 8, makes reference to "aerosolized or vaporized nicotine" and a "substance intended to be aerosolized or vaporized during the use of the device[.]" The definition does not include the term e-liquid. The Department suggests that the phrase "or any other substance" be added to page 6, line 18, following the word nicotine, and the phrase "e-liquid or other" be added to page 7, line 2, before the word "substance" so the definition starting on page 6, line 17, reads as follows:

"Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. "Electronic smoking device" includes any component, part, or accessory of such device, whether or not sold separately, and includes any e-liquid or other substance intended to be aerosolized or vaporized during the use of the device. . . . "

Expanding the definition of "electronic smoking device" to include "other substance" would take into account that not all aerosolized or vaporized substances used in

electronic smoking devices contain nicotine. Including "e-liquid or other substance" in the definition adds clarity to the definition by using a common term that will be clearly understood by applicants for a retail tobacco permit.

For clarity, a definition of "e-liquid" should be added as a definition to section 245-1, HRS. The following definition of "e-liquid" could be inserted in section 3, starting on page 6, line 13:

Section 245-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read:

""Electronic smoking device" means . . .

"E-liquid" means any liquid or like substance, which may or may not contain nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container. "E-liquid" shall not include prescription drugs; medical cannabis or manufactured cannabis products pursuant to chapter 329D; or medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a)."

Finally, this bill repeals part XII of chapter 28, HRS. See section 8, page 16, lines 7 to 8. By requiring retailers to specify if their retail establishment sells electronic smoking devices when applying for a retail tobacco permit renders the Electronic Smoking Device Retailer Registration Unit established under part XII of chapter 28, HRS, unnecessary. Including electronic smoking devices under the purview of the Department of Taxation would conserve resources and make the regulation of electronic smoking devices a more efficient process for retailers and the State. The Department supports the repeal of part XII of chapter 28, HRS.

Thank you for the opportunity to provide comments.

DAVID Y. IGE  
GOVERNOR

JOSH GREEN M.D.  
LT. GOVERNOR



ISAAC W. CHOY  
DIRECTOR OF TAXATION

STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

To: The Honorable Donovan M. Dela Cruz, Chair;  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair;  
and Members of the Senate Committee on Ways and Means  
  
The Honorable Karl Rhoads, Chair;  
The Honorable Jarrett Keohokalole, Chair;  
and Members of the Senate Committee on Judiciary

From: Isaac W. Choy, Director  
Department of Taxation

Date: April 6, 2021  
Time: 10:00 A.M.  
Place: Via Video Conference, State Capitol

**Re: H.B. 598, H.D. 2, S.D. 1, Relating to Tobacco Products**

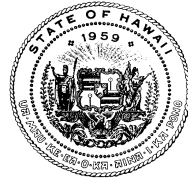
The Department of Taxation (Department) offers the following comments regarding H.B. 598, H.D. 2, S.D. 1, for your consideration.

H.B. 598, H.D. 2, S.D. 1, makes numerous amendments to chapter 245, Hawaii Revised Statutes, including creating a new offense for unlawful shipment of tobacco products, repealing a related section dealing with delivery sales of tobacco products, raising tobacco wholesaler license and retailer permit fees, requiring retailers to specify whether they sell electronic smoking devices, taxing those electronic smoking devices, modifying tobacco tax allocation, and repealing the Electronic Smoking Device Retailer Registration Unit. The bill has a defective effective date of July 1, 2050.

First, the Department notes that it appreciates the method by which this measure imposes the tobacco tax on electronic smoking devices. By incorporating the new imposition into the existing tobacco tax regime, this Department will be able to begin administration with far less form and instruction changes compared to a completely new tax.

Finally, the Department appreciates the increased wholesaler/dealer license fees and retail permit fees in sections 245-2 and 245-2.5, HRS, respectively. In most cases, the current fee amount does not cover the cost to the State to issue the license or permit.

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



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of H.B. 598, H.D. 2, S.D. 1  
RELATING TO TOBACCO PRODUCTS**

SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 4/6/2021

Room Number: Videoconference

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

4 **Department Testimony:** The DOH supports House Bill 598, House Draft 2, Senate Draft 1  
5 (H.B. 598, H.D. 2, S.D. 1) as a solid public health and social justice measure to end the youth  
6 tobacco epidemic in Hawaii through the prohibition of online sales to customers, defining and  
7 taxing electronic smoking devices (ESDs) as tobacco products, requiring and providing for  
8 sustainable licensing and permitting mechanisms, and eliminating delivery sales of tobacco  
9 products.

10 ESDs are the most commonly used tobacco product among youth in Hawaii. High school  
11 youth experimentation with ESDs grew from 22% in 2015 to 48% in 2019. In 2015, over one in  
12 four (25.5%) high school students reported being a current user, and today it is almost one in  
13 three (30.6%). Regular use is highest for Native Hawaiian youth at 42% and neighbor island  
14 counties, Kauai and Maui (36%), and Hawaii (35%).<sup>1</sup>

---

<sup>1</sup> Hawaii State Departments of Health and Education, Hawaii Health Data Warehouse, Youth Risk Behavior Survey. [YRBS 2019](#). Accessed 3-17-2021.

1           Currently, Hawaii does not regulate ESDs through licensing, permitting, nor taxation.  
2 ESDs are not taxed like other tobacco products and often can be purchased at lower prices than  
3 cigarettes. According to the U.S. Surgeon General, increasing the price of tobacco products is  
4 the single most effective way to reduce consumption.<sup>2</sup> A recent economic study by the  
5 University of Illinois, confirmed that increasing the price of ESDs by 10% can lead to a 10% to  
6 18% reduction in the demand and consumption of ESDs – a higher price elasticity compared to  
7 combustible cigarettes. Increasing the price of tobacco products has the greatest impact on  
8 youth, who are particularly price sensitive.<sup>3</sup> The imposition of an excise tax equal to 70% of the  
9 wholesale price of each ESD would be consistent and provide parity with the tax on other  
10 tobacco products in Hawaii.

11           Requiring licensure and retail permitting under the DOTAX would bring ESD and  
12 vendors in alignment with the traditional tobacco retailers and would provide accurate data for  
13 compliance surveillance. As of 2020, 31 states, the District of Columbia, the Northern Mariana  
14 Islands, and the U.S. Virgin Islands required retailers to have a license to sell ESDs.<sup>4</sup> Tobacco  
15 licensing is an effective tool for limiting the negative public health consequences of tobacco use  
16 by ensuring that wholesalers and retailers comply with responsible sales practices. Increasing  
17 the licensure and permitting fees, which have remained unchanged since 1995, despite high  
18 tobacco taxes and ever-increasing tobacco industry expenditures in marketing and advertising,  
19 would be a further positive move.

20           The DOH supports this measure to protect Hawaii’s youth from the promotion of and  
21 access to ESDs.

22           Thank you for the opportunity to testify on this measure.

---

<sup>2</sup> U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: 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, 2012 [accessed 2018 Jan 22].

<sup>3</sup> Chaloupka, F. Macro-Social Influences: The Effects of Prices and Tobacco Control Policies on the Demand for Tobacco Products, 1 *Nicotine & Tobacco Research* S105 (Supp. 1 1999).

<sup>4</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, STATE System Licensure Fact Sheet, <https://www.cdc.gov/statesystem/ecigarette.html>

1 **Offered Amendment:** None

DAVID Y. IGE  
GOVERNOR

**LATE**



CRAIG K. HIRAI  
DIRECTOR  
  
ROBERT YU  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEES ON WAYS AND MEANS AND JUDICIARY  
ON  
HOUSE BILL NO. 598, H.D. 2, S.D. 1

**April 6, 2021**  
**10:00 a.m.**  
**Room 211 and Videoconference**

RELATING TO TOBACCO PRODUCTS

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 598, H.D. 2, S.D. 1.

H.B. No. 598, H.D. 2, S.D. 1, establishes a new offense for the unlawful shipment of tobacco products; increases tobacco wholesaler license and retailer permit fees from \$2.50 to \$250 and \$20 to \$300, respectively; requires tobacco retailers to specify whether they sell electronic smoking devices; establishes a new allocation of \$750,000 in tobacco excise taxes to be deposited annually into the Hawai'i Tobacco Prevention and Control Trust Fund to support health education and prevention programs concerning the risks and danger of the use of electronic smoking devices for youth; and repeals certain provisions of the HRS relating to electronic smoking devices.

B&F is concerned that the proposed amendments would decrease revenues to the State general fund and impact the State's share of direct federal aid from the American Rescue Plan Act of 2021 (ARPA). Provisions of the ARPA specifically state:

*"A state or territory shall not use the funds provided under this section or transferred pursuant to section 603(c)(4) to either directly or indirectly offset a*



*reduction in the net tax revenue of such state or territory resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.”*

B&F notes that any reduction in State tax revenues could result in reduced ARPA funding. Hawai'i's estimated allocation of ARPA funds is in excess of \$1.6 billion and is critical to mitigating the negative financial impacts the COVID-19 pandemic has had on the State budget.

B&F defers to the Department of Taxation and the Department of the Attorney General regarding the implementation of this bill.

Thank you for your consideration of our comments.

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Include electronic smoking devices, hike fees

BILL NUMBER: HB 598, SD1

INTRODUCED BY: Senate Committees on Health and Commerce and Consumer Protection

EXECUTIVE SUMMARY: Establishes the offense of unlawful shipment of tobacco products. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of tobacco products.

Amends section 245-1, HRS, to define “electronic smoking device” as any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. "Electronic smoking device" includes any component, part, or accessory of such device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any battery or battery charger when sold separately. In addition, "electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in title 21 United States Code chapter 9.

Also amends the definition of “tobacco products” as any product, other than cigarettes or little cigars, that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including but not limited to a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco products" also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and substances used in electronic smoking devices, whether or not they contain nicotine. "Tobacco products" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in title 21 United States Code chapter 9.

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20.00 to \$300.00.

Amends section 245-15, HRS, to earmark \$750,000 annually to the Hawaii tobacco prevention and control trust fund (section 328L-5, HRS) to support health education and prevention programs concerning the risks and danger of the use of electronic smoking devices for youth.

Repeals part XII of chapter 28, HRS (sections 28-161 through 28-168), relating to Electronic Smoking Device Retailer Registration Unit.

Repeals section 245-17, HRS, relating to delivery sales.

Makes technical and conforming amendments.

EFFECTIVE DATE: 7/1/2050.

STAFF COMMENTS: The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it's working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn't be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation's previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii's weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.

The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

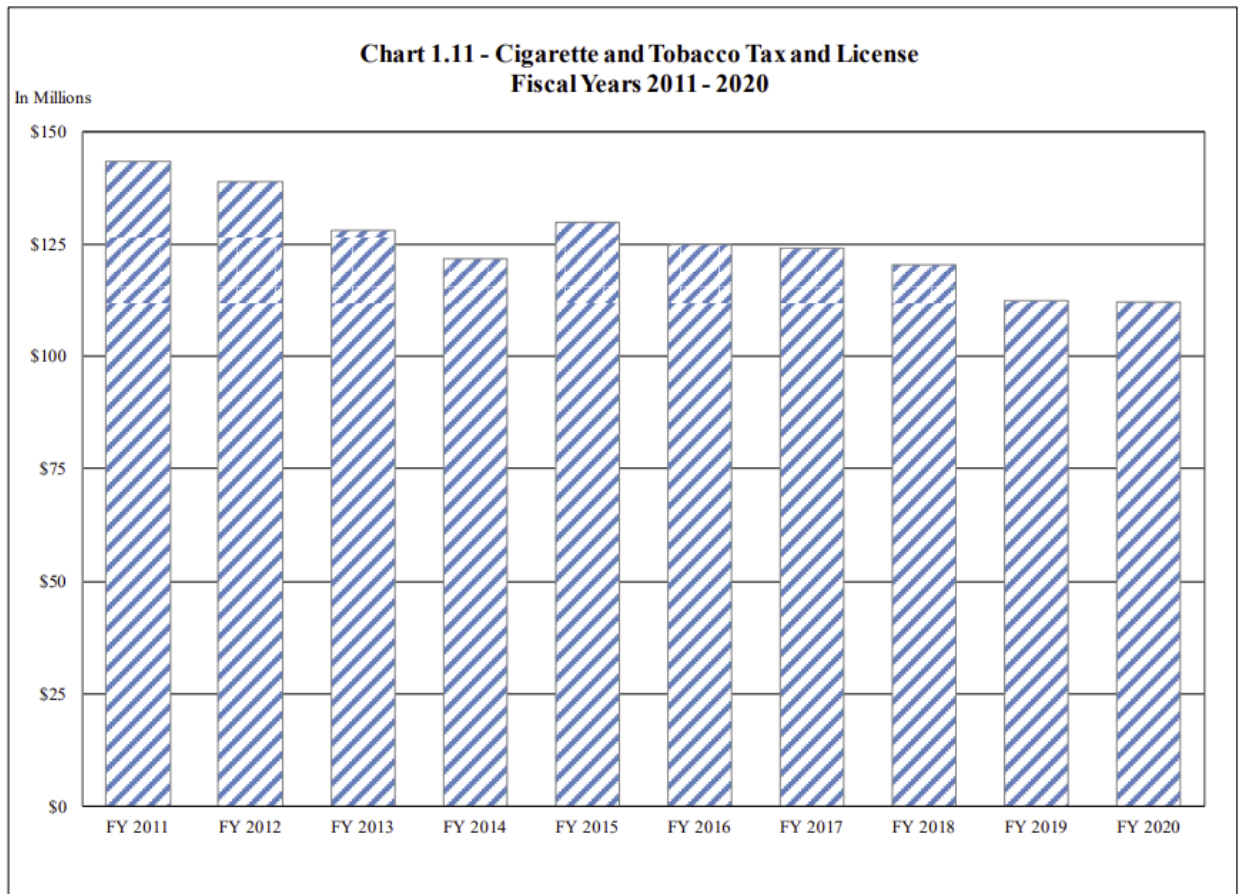
The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes are influencing smokers as tax collections on the sale of cigarettes have fallen. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian

reservation outlets while others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases, and hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.



Source: Department of Taxation Annual Report (2019-2020), page 23.

Fiscal reliance on funds from a sin tax is inadvisable, perhaps outright dangerous. If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested 4/2/2021



**Testimony to the Senate Joint Committee on Ways and Means and Judiciary  
Tuesday, April 6, 2021; 10:00 a.m.  
State Capitol, Conference Room 221  
Via Videoconference**

**RE: HOUSE BILL NO.0598, HOUSE DRAFT 2, SENATE DRAFT 1, RELATING TO TOBACCO PRODUCTS.**

Chair Dela Cruz, Chair Rhoads, 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** House Bill No. 0598, House Draft 2, Senate Draft 1, RELATING TO TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Establish the offense of unlawful shipment of tobacco products;
- (2) Including electronic smoking devices in the definition of "tobacco products";
- (3) Increase the licensing fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (4) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (5) Fund health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth; and
- (6) Repeal various statutory provisions relating to electronic smoking devices.

This bill would take effect on July 1, 2050, to facilitate further discussion.

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.

**Testimony on House Bill No. 0598, House Draft 2, Senate Draft 1**  
**Tuesday, April 6, 2021; 10:00 a.m.**  
**Page 2**

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.

Pragmatically speaking, tobacco will continue to be consumed regardless of anything done at the Legislature. **But, if regulation and a tax increase can serve as a disincentive for consuming these products, especially by our youth, then the interests of the general public are served.**

It should be noted that previous tax increases as well as public health media campaigns have been effective in reducing consumption of tobacco to the point where collections of the Cigarette Tax and Tobacco Tax have steadily diminished in recent years. Proceeds from the Cigarette Tax and Tobacco Tax have served as a dedicated source of revenue for very important public health programs. The one most directly affecting our organization is the Community Health Center Special Fund, which is essential for the operations of most of our member FQHCs. However, it is unclear whether the use of Cigarette Tax and Tobacco Tax collections as a dedicated source of revenue for essential public health programs will continue to be sustainable.

It should be noted that the House of Representatives approved on Third Reading House Bill No. 1296, House Draft 1, a measure that would, among other things, repeal the Hawaii Tobacco Prevention and Control Trust Fund (Trust Fund), and transfer all unencumbered balances to the General Fund on July 1, 2021. Should that measure be enacted, it is unclear whether SECTION 6 of this bill would be operative. The HPCA opposes House Bill No. 1296 and believes that the Trust Fund is an essential funding mechanism for vital public health programs. **To the extent that this measure can help to preserve the Trust Fund, the HPCA wholeheartedly supports this bill.**

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.

**HB-598-SD-1**

Submitted on: 4/3/2021 10:24:16 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I support this bill.

Electronic smoking devices are used in a similar manner as cigarettes, yet are not taxed as such. The American Academy of Pediatrics strongly supports regulation and taxation of electronic smoking devices to prevent initiation of use, especially by young people.

Hawaii has one of the highest rates of middle schoolers (18%) and high schoolers (31%) currently using e-cigarettes. For Native Hawaiian and Pacific Island youth the rates are even higher: 30% for middle schoolers and 40% for high schoolers.

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.

I strongly support the licensing and permitting for electronic smoking device wholesalers and retailers and creating tax parity between electronic smoking devices and other tobacco products. Appropriately regulating and taxing these electronic nicotine devices just brings these products in line with laws regarding other tobacco products. This is a common sense solution that is long overdue and which will improve the health of many, especially our keiki and young people.

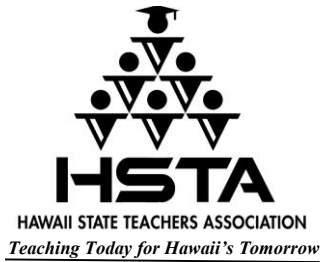
Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician





Corey Rosenlee  
President

Osa Tui, Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE SENTATE COMMITTEE ON WAYS & MEANS and  
THE COMMITTEE ON JUDICIARY

RE: HB 598, HD2, SD1 - RELATING TO TOBACCO PRODUCTS

TUESDAY, APRIL 6, 2021

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz, Chair Rhoads, and Members of the Committees:

The Hawaii State Teachers Association **supports HB 598, HD2, SD1**, relating to tobacco products. This bill establishes the offense of unlawful shipment of tobacco products. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Effective 7/1/2050. (SD1)

We support this bill because it creates policy parity between e-cigarettes and other tobacco products by:

- Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.
- Requiring licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.
- Restricting online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

**The electronic cigarette industry has gone largely unregulated for far too long and has therefore been able to market their products both directly and indirectly to our youth. It is time that regulation of the e-cigarette/vaping industry be on par with the regulation of traditional tobacco products. As**

**such, this bill does what we should do, which is to align taxation of electronic smoking device products to that of other tobacco products.** Because taxation of tobacco products is a proven strategy to reduce usage among youth, this bill would help deter children from not only trying e-cigarettes but also from becoming habitual users of these products.

Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit. Licensing and permitting of retailers and wholesalers are critical for education and enforcement of existing laws.

Furthermore, the allocation of a portion of excise tax funds to go towards health education, prevention, and nicotine cessation programs extends protections for our youth and goes hand in hand with the regulations outlined in this bill as well as a portion of the collections going to our state's general fund to shore up our lost revenue as a state.

**We oppose any increase of any fines for youth that may be suggested as an addition to this bill. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed. So please do NOT add any fines or punishment on our youth who are the victims here. Thank you for NOT including them in this bill.**

Because research shows that increasing the cost of tobacco products, through taxes, decreases the amount used by youth. The price point does matter. We respectfully ask you to support this bill.



**American  
Heart  
Association.**

**American Heart Association testimony for HB 598, HD 2, SD1  
“Relating to Tobacco Products”**

The American Heart Association supports the intent of HB 598, HD2, SD1 but **suggests an amendment may be needed to Section 2 of the bill to achieve its intended purpose of restricting illegal online sales to minors.**

**Chairman of the Board**

Glen Kaneshige

**President**

Michael Lui, MD

**Board Members**

Rick Bruno, MD, FACEP

Jackie De Luz

Brandt Farias

Jason Fujita

Mimi Harris

Zia Khan, MD

Brandon Kurisu

Arnold Martines

Michael Rembis, FACHE

Andrew S. Rosen

Timothy Slottow

Jennifer Walker

That section begins by stating:

*“A person or entity commits the offense of unlawful shipment of tobacco products if the person or entity is engaged in the business of selling tobacco products; and ships or causes to be shipped any tobacco products to a person or entity in this State that is not a licensee under this chapter.”*

That statement would help to end illegal online sales of e-cigarettes and other tobacco products, exempted in federal law, to minors.

However, part B (2) subsequently states that:

*“This section shall not apply to the shipment of tobacco products if any of the following conditions are met:*

*All applicable Hawaii taxes on the tobacco products are paid in accordance with the requirements of this chapter.”*

That clause would seem to undermine the purpose of restricting online sales to minors. Would not the inclusion of the required taxes on the sales price of an online sale then allow an online retailer to ship e-cigarettes or other tobacco products to a minor? The Association asks for greater examination of that section of the bill, and any required amendments be made to achieve the purpose of restricting access to tobacco products to minors without appropriate face-to-face age and identity checks.

Cigarette smoking is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day. Total economic cost of smoking in the U.S. is more than \$300 billion a year, including nearly \$170 billion in direct medical care for adults. More than \$156 billion in lost productivity due to premature death and exposure to secondhand smoke. In Hawaii alone, it annually claims 1,100 lives each year and \$526 million in healthcare costs are directly attributed to smoking in our state.

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate. The American Heart Association is working to combat this problem the same way we have battled health problems for nearly a century: We’re relying on the science.

*Serving Hawaii since 1948*

**Our Mission:**

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

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

Even though there is more work needed to fully understand all the dangers of e-cigarettes, there's plenty of evidence they're harmful for growing minds and bodies.

Here's a look at the latest science about vaping and nicotine, as well what science hasn't uncovered yet.

### **Safety of vaping vs. cigarettes**

One of the most basic things people want to know is whether vaping is better for you than cigarettes. It's easy to jump to the conclusion that vaping is better. After all, there is no mystery about smoking: It can kill you.

The problem is, no one knows if vaping is safe in the long run because e-cigarettes haven't been around long enough to be studied deeply. Some diseases can take years and even decades to develop, including cancer and atherosclerosis (artery blockages that can cause heart attacks and strokes).

Another reason it's difficult to study vaping is that people switch back and forth between smoking, vaping and not using either. We can see short-term effects in animals exposed to one or another, but understanding long-term effects requires long-term studies.

In addition to a lack of sufficient research, some contents of e-cigarettes remain unknown. The Food and Drug Administration – responsible for judging the safety of things Americans put into their bodies – has not yet evaluated these products for safety.

We do know that the lines between the vaping industry and Big Tobacco have blurred. Altria, the maker of Marlboro and Skoal, has invested more than \$12 billion into Juul, which makes e-cigarettes that are extremely popular with young people. The investment was 35% of Juul's value at the time of the purchase.

Big Tobacco has a history of misrepresenting facts about nicotine and smoking. So vaping-safety claims from industry or research supported by industry should be met with skepticism. For example, there's the claim that vaping produces only water "vapor" or aerosols – which sound far healthier than cigarette smoke. But there is a lot more than water in that aerosol.

The aerosols in some e-cigarettes have been found to contain multiple chemicals known to be toxic. Some aerosols contain heavy metals and other toxic ingredients (like the volatile organic compounds you try to avoid in some house paint).

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.

These studies have been done in cells from human volunteers, and in some cases, the functions of these cells have been studied in volunteers after they vape.

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

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 supporters 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 doesn'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 are mandated to have much lower levels of nicotine, 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 vaping.

Research shows some kids who had never smoked but began their exposure to nicotine by vaping later switched to smoking or did both.

The 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.

When discussing the dangers of e-cigarettes, many people think about the tragic outbreak of vaping-related deaths across the country. As an organization we are

extremely concerned about this problem, which is still being investigated and has been linked to vaping THC well as using “off-brand” e-cigarette products.

But nicotine remains a major concern about e-cigarettes. They can contain unusually high levels of nicotine. One e-cigarette refill pod can contain as much nicotine as an entire pack of cigarettes and kids are sometimes vaping 2-4 pods a day. And open pod e-cigarette products popular among Hawaii youths can contain even much more nicotine.

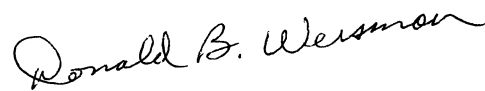
That’s especially troubling because many studies in animals show nicotine is a neurotoxin (a poison affecting the nervous system). It can affect brain development from early fetal life through adolescence, permanently changing the ability to think or reason.

The National Academies of Science, Engineering and Medicine and the World Health Organization believe nicotine delivery via e-cigarettes during pregnancy can adversely affect the development of the fetus and can affect immune system and lung function.

E-cigarettes are now the most popularly used tobacco product among Hawaii’s youth. According to recent Department of Health data, over 40 percent of Hawaii’s youths have tried e-cigarettes, and over 30 percent are now regular users. On several neighbor island counties, regular use of e-cigarettes by youths tops 35 percent.

The American Heart Association of Hawaii urges you to make necessary amendments to HB 598, HD 2, to insure it eradicates illegal online sales to minors, and to support other parts of the bill to create parity between e-cigarette and traditional tobacco product regulations and taxes to help reduce Hawaii youth vaping epidemic.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

Donald B. Weisman  
Government Relations/Communications Director



American Cancer Society  
Cancer Action Network  
2370 Nuʻuanu Avenue  
Honolulu, HI 96817  
808.432.9139  
[www.fightcancer.org](http://www.fightcancer.org)

Senate Committee on Ways and Means  
Senator Donovan Dela Cruz, Chair  
Senator Gilbert Keith-Agaran, Vice Chair

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

Hearing Date: Tuesday, April 6, 2021

HB598HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

Cynthia Au, Interim Government Relations Director – Hawaii Pacific  
American Cancer Society Cancer Action Network

Thank you for the opportunity to **SUPPORT** HB598 HD2 SD1: RELATING TO TOBACCO PRODUCTS.

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society advocates for public policies that reduce death and suffering from cancer. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

The proportion of cancer deaths in Hawaii attributable to smoking is 24.6%.<sup>1</sup> Smoking has a monetary cost placed on the State of Hawaii. The annual health care costs in Hawaii directly caused by smoking is \$526 million. Medicaid costs caused by smoking in Hawaii is \$141.7 million annually. Residents' state & federal tax burden from smoking-caused government expenditures is \$835 per household. Smoking-caused productivity losses in Hawaii is \$387.3 million. These amounts do not include health costs caused by exposure to secondhand smoke, smoking-caused fires, smokeless tobacco use, or cigar and pipe smoking.

ACS CAN supports the definition of “Tobacco products” in HB598 HD2 SD1 which includes “electronic

---

<sup>1</sup> ACS, State-Specific Smoking-Related Cancer Cases and Deaths, 2017 Updated December 3, 2020  
<https://www.fightcancer.org/sites/default/files/State-Specific%20Smoking-Attributable%20Cancer%20Cases%20and%20Deaths%20Factsheet%20FINAL%202012.11.20.pdf>

smoking devices” and the requirement of licensing and permitting for electronic smoking device wholesalers and retailers for taxation.

Proceeds collected should go toward tobacco prevention and cessation for all tobacco products, including e-cigarettes, according to Centers for Disease Control and Prevention’s (CDC) best practices. CDC’s evidence-based recommendations for a comprehensive tobacco control program provides states with the needed framework to educate people on the dangers of tobacco use as well as connect people who are already addicted to tobacco to resources to help them quit. Comprehensive tobacco control programs establish smoke-free policies and social norms, promote tobacco cessation and support those trying to quit, prevent initiation of tobacco use among prospective new users including youth and reduce tobacco-related health disparities among disparate populations.<sup>2</sup> When appropriately funded in accordance with CDC recommendations, comprehensive tobacco control programs are able to reduce tobacco use.<sup>3</sup>

Thank you for the opportunity to comment on this matter.

---

<sup>2</sup> CDC, 2014.

<sup>3</sup> CDC, 2014.



To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

I support HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

Tobacco killed my husband two years ago 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 and for being cheap to buy.

Please pass HB 598 HD2 SD1 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

I support HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

My name is Uri Martos, and I am writing to express my support HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS 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 HB 598 HD2 SD1. Thank you for the consideration of my testimony.

Mahalo,  
Uri Martos  
Lihue, Kauai 96766

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

As part of the generation that was close to getting rid of underage smoking and was later on exposed to the production of e-cigarettes, I support bill HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

As a former vape user, I can confirm that the initial reasoning of consuming product was because everyone in my immediate surrounding was doing it and the flavor was strawberry. I was skeptical at first, but my peers assured me that it was the dosage that had 0 mg of nicotine in it. I was 17 at the time, and I thought it tasted and smelled good. Prior to the legal age of buying vape products being 21, it was 18. And when I had turned 18, my peers were vapers. We discussed how vaping is safer than smoking, and since they sell the 0 mg nicotine we could just buy than and not be addicted. That was when I was given my own e-cigarette, they were small pen looking devices at the time, and any vape product I bought were mainly just flavors, I purchased fruity flavors for me and dessert flavors for my friend.

I hid this part of my life from my family, and keeping it hidden was the most stressful part. It was one of the key reasons why I stopped, I didn't want to hide things from my family, but my dad found out and he told me to just not do it in front of my mom and my siblings. When it came to thinking about my siblings and how they follow me were also the key reasons for me to stop. That is when I got rid of the pen; I broke it and gave it to my friend since they were still into vaping. Another reason I stopped was because of the looks, I notice people looking at me as I vaped, and I didn't like how I was being looked at, being judged.

As the age to purchase tobacco products raised to the age of 21, I had been given another vape product. Around this time, the e-cigarettes went from pen-looking, to big boxes that people called mods. The technology for vaping advanced fairly rapidly and these boxes promised larger intake which means bigger clouds. I was given a tiny version of these mods, and I was tempted to try it. I held onto this mod for almost a year, and then I threw it away, the feelings of guilt came back.

I can also confirm that the use of vape products turned into a gateway for drugs and alcohol. My former peers that kept through the path of vaping, are now out there going to raves and hitting up various of drugs. I see stories on socials of my old high school associates taking acid, doing cocaine, and taking various forms of marijuana products (edibles, smoking, etc.) before or after raves and huge social events. When it came to their day to day activities, it can be seen on their socials that they still use vape products to get them throughout the day. This concerns me because in my studies in personal research and in public health, there are no known long term effects for these products and given that a huge chunk of my generation and younger are consuming this product, I fear it may result in new forms of diseases and complications.

Sincerely,

Gerico Demesillo  
University of Hawaii at Manoa  
Undergraduate in Public Health Studies

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

Thank you for the opportunity to submit testimony in SUPPORT of HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

It's important to note the lack of health education geared towards informing our youth about the relative dangers and health harms of using these tobacco products. This bill would allocate a portion of the funds collected from excise taxes on tobacco products to health education and prevention programs, which would be highly beneficial for educating youth. There is a need for school health programs to prevent tobacco use and addiction. Schools are ideal settings in which to provide such programs to all children and adolescents. School-based tobacco prevention education programs that focus on skills training approaches have proven successful in the past by reducing the onset of smoking, according to numerous independent studies. Due to the considerable number of students that begin using tobacco products before the age of 15, it is imperative that school-based programs continue throughout high school.

The use of flavored tobacco products among the youth is now the most commonly used form of nicotine in the U.S. These products have the greatest appeal to the younger generation who are in fact, novice smokers. Tobacco companies are producing and marketing deadly, addictive products that look and taste just like the sweets kids can purchase at a candy shop. The use of these flavoring agents help ease youth into smoking since without it, the tobacco flavor alone could be a deterring factor. I personally see too many of our keiki using these tobacco products with their friends outside of school. Many of them are under the impression that smoking e-cigarettes instead of actual cigarettes is better for their health. They also are

unaware that these e-cigarettes contain a high amount of nicotine, which could be detrimental to their health in the future. Hawaii needs to do more if we are to stop this growing epidemic from spreading to younger and younger generations. This bill is an imperative next step in tobacco control if HB 598 HD2 SD1 were to be enacted into law. I highly encourage the committee to consider passing HB 598 HD2 SD1 for the future of our keiki. Thank you again for the opportunity to testify.

Sincerely,  
Tyler Kamisato  
Mililani, 96789

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

My name is Madeline Bush and I **support** HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

Vaping is an extremely prevalent issue that our country and the world have been facing for over a decade. E-cigarettes were originally created for the purpose of helping people who smoked tobacco cigarettes quit and reduce their exposure to tobacco. However, the companies that created these e-cigarette devices knew if they helped people quit, they would also begin losing money. Their strategy consisted of promoting a form of smoking that was “healthy”, little did people know the contents within these products had equally if not more nicotine than regular cigarettes. In a study that was performed over the course of six years (2012-2018), “The lifetime prevalence of cigarette smokers slightly decreased from 60.9% in 2012 to 56.9% in 2018, whereas the proportion of vaping users substantially increased from 32.9% in 2013 to 52.0% in 2018” (Cerrai et al., 2020). People wanted to quit smoking and many began smoking e-cigarettes when all along they were simply part of a larger plan and were just beginning a new journey of addiction.

The trend to vape quickly became popular among adolescents, high schoolers, and even middle schoolers. According to a study performed in 2019, “About 63.9% of students (16.8 million) reported noticing youth use of e-cigarettes in or around the school, with bathroom or locker room as the most common location” (Dai, 2021). The study goes on to explain that the brand JUUL has significantly spiked in popularity among adolescents due to its shape and size. It is a small pod that resembles a USB drive. They are very easy to hide, therefore many kids bring

them to school without hesitation. The company JUUL has shown to specifically cater to this younger population and have made it easier and easier for them to vape in secret. Although there is not enough hard data to validate the long-term effects of vaping, we are seeing an upsurge in hospitalized cases (2,758 cases in US) of vaping associated lung injury (VALI). There have been sixty-four deaths from vaping associated lung injury (VALI) in the United States alone. These products are being promoted as a “healthy alternative” to smoking when in reality it is killing people and ruining lives. This problem is tremendously widespread not only in our world and nation, but a rising problem within our community here in Hawaii County.

In order to protect the teenagers and young adults within our community regulations and bans on these products absolutely need to be put into action. The companies that sell these products have no interest in what their products are doing to the bodies of their customers. On the island of Hawaii, we are seeing an increase in tobacco and vaping products as well as an increase in respiratory disorders and lung cancer. That is not a coincidence.

Sincerely,  
Madeline Bush  
Hilo, 96720



To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

I support HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS. My father-in-law was severely affected from Tobacco use. He developed stage 4 oral cancer and almost lost his life. Luckily, he survived but there are many people who are not as lucky. Tobacco use does not just affect the person who is using it, but their whole family. I do not want to see my friends and family using tobacco products. Young adults, teenagers, and kids are easily fooled by these new and fruity flavors. They think that it cannot be bad for you if it tastes like fruits or candy. I see many underage teenagers selling E-cigarettes that have exotic flavors and using those products on social media. E-cigarettes and tobacco products need to have more strict regulations, so they do not fall into our youth's hands.

Please pass HB 598 HD2 SD1 to save many children and adult lives.

Sincerely,

LokeLani Chong  
Hilo, 96720

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

My name is Frank V. Guillermo and I am in my last semester of my bachelor's program at University of Hawaii at Hilo School of Nursing. I am writing this letter to support with amendments HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

My 11<sup>th</sup> grade brother once told me, "I always see students vaping everywhere like in school bus, hallway, and even in class. It looks so cool and smells so good. I want to try it!" As a future healthcare provider, I am obligated to educate my brother about the harmful effects of vaping and discourage him from vaping. My brother's statement and the increasing rate of high-school e-cigarette/vape users in Hawaii shows a lack of regulations, health education, and prevention programs of e-cigarettes.

I deeply care about the health of Hawaii people and I urge you to pass HB 598 HD2 SD1. Thank you for this opportunity to testify.

Sincerely,  
Frank V. Guillermo  
Waipahu, 96797

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

RE: Support HB598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

---

Dear Chairs, Vice Chairs and joint committee members,

My name is Cassandra Castillo and I am in support HB 598 HD2 SD1 – RELATING TO TOBACCO PRODUCTS.

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 HB 598 HD2 SD1 for the future of our children's tomorrow. Thank you for this opportunity to testify.

Sincerely,  
Cassandra Castillo  
Ewa Beach, 96706



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

**HOUSE BILL 598 HD2 SD1, RELATING TO TOBACCO PRODUCTS**

SENATE COMMITTEE ON WAYS AND MEANS  
The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

SENATE COMMITTEE ON JUDICIARY  
The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair

Tuesday, April 6, 2021 at 10:00 a.m.

Chair Dela Cruz and Vice Chair Keith-Agaran, and members of the Committee on Ways and Means, Chair Karl Rhoads and Vice Chair Jarrett Keohokalole, and members of the Committee on Judiciary:

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 fuel products and operate convenience stores across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and convenience store items such as tobacco products.

House Bill 598 HD2 SD1 seeks to, among other things, increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes, electronic smoking devices, and tobacco products from \$20 to \$300.

**HPMA comments on HB 598 HD2 SD1.**

HPMA takes no position on most of the changes proposed in HB 598 HD2 SD1, but would like to offer comments on the proposed increase in the retail tobacco permit fee. As you all know, most local businesses are struggling to stay afloat during this global pandemic. Many local businesses cannot sustain the continued operating losses and are shutting down permanently.

This is simply not the time to increase our cost of doing business in Hawaii by increasing our retail tobacco permit fee from \$20 to \$300. Local retailers will suffer as a result of this proposed increase. Hawaii already has one of the highest tobacco taxes of any state. Attempting to increase the retail tobacco permit fee will increase prices to consumers, and will continue to drive away our loyal customers and encourage mail order or gray market purchases from exempt Indian reservation outlets as well as from sources outside the country.

Please also keep in mind that the retail tobacco permit fee was created to help pay for the permitting process, administration and enforcement, and was not meant to fund other programs.

Thank you for allowing HPMA the opportunity to comment on this bill.

**HB-598-SD-1**

Submitted on: 4/4/2021 5:55:11 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

We are opposed to this bill because it is harmful to business and to civil liberties. Bills such as hb598 are purely special interest in nature and don't reflect the needs of normal citizens.

**HB-598-SD-1**

Submitted on: 4/4/2021 8:52:23 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Anderson	Testifying for Black Lava Vape	Comments	No

Comments:

Thank you for this opportunity to provide testimony.

We humbly request your consideration of one amendment to HB598 SD1 and that is to revert back to the HD2 version of this bill. Request is to delete subsection 2 of Section 3 on pg 7, lines 9-21 and pg 8, lines 1-8 or add this exemption to the definition of Tobacco product – “any flavored vapor product that has been issued a marketing order by U.S. Food & Drug Administration under 21 U.S.C. § 387j.”

The U.S. FDA’s existing Premarket Tobacco Product Application (PMTA) authorization process requires authorization by the FDA for any products through an extremely detailed and rigorous formal application including scientific data. Vapor products are NOT the same as tobacco products and should not be regulated in the same fashion. Numerous recent studies have shown that vapor products can be as much as 95% less toxic than traditional tobacco products and effective for smoking cessation, such as New England Journal of Medicine, National Academy of Sciences, Engineering, and Medicine, and Public Health England.



## HIPHI Board

*Kilikina Mahi, MBA  
Chair  
KM Consulting LLC*

*Michael Robinson, MBA, MA  
Immediate Past Chair  
Hawai'i Pacific Health*

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

*Debbie Erskine  
Treasurer  
Kamehameha Schools*

*Keshia Adolpho, LCSW  
Molokai Community Health  
Center*

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

*Mark Levin, JD  
William S. Richardson School  
of Law*

*Rachel Novotny, PhD, RDN, LD  
University of Hawai'i at  
Mānoa, College of Tropical  
Agriculture and Human  
Resources*

*May Okihiro, MD, MS  
John A. Burns School of  
Medicine, Department of  
Pediatrics*

*Misty Pacheco, DrPH  
University of Hawai'i at Hilo,  
Department of Kinesiology and  
Exercise Sciences*

*Garret Sugai  
Kaiser Permanente*

Date: April 5, 2021

To: Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Members of the Senate Committee on Ways & Means

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

Re: Strong Support for HB 598, HD2, SD1, Relating to Tobacco Products

Hrg: April 6, 2021 at 10:00 AM via Videoconference

---

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> offers testimony in **Strong Support of HB 598**, which (1) imposes a tax on electronic smoking devices (ESDs) and e-liquids; (2) requires wholesalers and retailers to obtain a license and a retail tobacco product; (3) increases the price of the tobacco license and permit; (4) restricts the shipment of tobacco products to anyone other than a licensee; (5) funds health education and prevention programs relating to risks and dangers of ESD youth use; and (6) repeals various statutory provisions relating to ESDs.

### **E-cigarette use among youth and young adults has become a public health concern.**

In 2019, 1 in 3 (30.6%) public high school students and more than 1 in 6 (18%) public middle school students in Hawai'i reported that they are regularly vaping<sup>ii</sup>. Because ESDs remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that cigarettes are dangerous and a health threat to youth and young adults<sup>iii</sup>. According to an article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations<sup>iv</sup>."

**Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax.**

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll<sup>v</sup> conducted by Ward Research Inc. for the Coalition in October 2020, 91% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption for both adults and youth.

The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs. In the same poll conducted by Ward Research, 95% of registered Hawai'i voters believe it is important to dedicate some of the funding from an ESD tax to tobacco prevention and cessation programs.

**COVID-19 Risks**

In May 2020, Stanford University published a landmark study<sup>vi</sup> that found teens and young adults that use e-cigarettes had a five to seven times greater chance of being diagnosed with COVID-19 than those that did not use e-cigarettes. Considering the 2019 YRBS results that documented an increase in youth e-cigarette use, this finding is incredibly concerning. To put this into perspective, there are 52,042 high school students enrolled in Hawai'i public schools. Using the most recent YRBS data, that translates to nearly 16,000 Hawai'i high schoolers that used an e-cigarette in the last 30 days, and may be five to seven times more likely to be diagnosed with COVID-19 than their nonsmoking peers. Global pandemic or not, these numbers are unacceptable, and there is an increased urgency for regulatory action in light of the increased risk of COVID-19. With no end in sight for the COVID-19 crisis, it is imperative that Hawai'i passes comprehensive legislation regulating e-cigarettes to curb usage and protect the health of our keiki.

**ESD licensing and permits protect both consumers and merchants.**

The Coalition supports requiring ESD sellers and vendors obtain a tobacco permit and/or license which is currently required for any tobacco retailer or wholesaler. This consistency would assist with the communication and enforcement of current tobacco tax and purchase laws. In addition, the Coalition supports the proposed increased fees for the tobacco permit and license.

**This measure strengthens federal regulations on the online sales of e-cigarettes.**

The "Preventing Online Sales of E-Cigarettes to Children Act" expands the 2009 Prevent All Cigarette Trafficking (PACT) Act to cover electronic smoking devices, requiring age verification by online retailers and private delivery companies, labeling on packaging to indicate they contain tobacco products, compliance with state and local tobacco taxes, and prohibiting shipments of electronic smoking devices through USPS<sup>vii</sup>. However, private delivery companies like UPS and FedEx to deliver e-cigarettes to consumers. States have the authority to impose stricter regulations, and at least six states have laws that prohibit direct-to-consumer shipments of e-cigarettes. This measure would restrict shipments of ESDs to registered and licensed seller, allowing the State to enforce current tobacco selling and taxation laws. According to the same



independent poll conducted by Ward Research, 82% of Hawai'i registered voters support prohibiting on-line sales of ESDs and e-liquid.

With the COVID-19 pandemic, measures to improve health are of increased importance. We need to take action and regulate electronic smoking devices for our kids. The former Surgeon General, VADM Jerome Adams issued an advisory in December 2018 “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people<sup>viii</sup>.” Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support HB 598, HD2, SD1 and ask you to pass this measure out of committee.

Mahalo,



Jessica Yamauchi, MA  
Executive Director

---

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

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

<sup>ii</sup> 2019 Youth Risk Behavior Surveillance System (YRBS). Available at: [www.cdc.gov/yrbs](http://www.cdc.gov/yrbs). [Accessed on 02/03/2021].

<sup>iii</sup> U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General* (2017). From [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Exec\\_Summ\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)

<sup>iv</sup> Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796. <https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>

<sup>v</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=800 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between September 21 – October 16, 2020.

<sup>vi</sup> Gaiha SM, Cheng J, Halpern-Felsher B. Association Between Youth Smoking, Electronic Cigarette Use, and COVID-19. *J Adolesc Health*. 2020;67(4):519-523. doi:10.1016/j.jadohealth.2020.07.002

<sup>vii</sup> Public Health Law Center. (2021, January 27). Deliver us from evil: E-cigarettes and the PACT Act. Retrieved from <https://www.publichealthlawcenter.org/webinar/deliver-us-evil-e-cigarettes-and-pact-act>.

---

viii Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>



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

#### Executive Officers

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

---

TO:

Committee on Ways and Means and Committee on Judiciary  
Senator Donovan M. Dela Cruz and Senator Karl Rhoads, Chairs  
Senator Gilbert S.C. Keith-Agaran and Senator Jarrett Keohokalole, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: April 6, 2021  
TIME: 10am  
PLACE: Via Videoconference

RE: HB598 HD2 SD1 Relating to Tobacco Products

Position: Comments

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

HFIA supports portions of this bill that seek to regulate the shipping of electronic smoking devices and e-liquid. Data<sup>1</sup> shows that the majority of underage people who use electronic smoking devices buy them online or get them from their friends. A relatively small percentage purchase them in stores that sell tobacco products since these businesses already have established and enforced age restriction in place. Regulating the shipping of these products is a common-sense way to keep them out of the hands of young people.

We oppose the section of this bill that seek to increase fees on retail tobacco licenses and permits. This measure would increase the license fee for tobacco by 10,000%, which is excessive and unnecessary.

Hawaii has the second highest tobacco taxes of any state. By attempting to increase license and permit fees, this bill unfairly and misguidedly targets retailers and wholesalers rather than tobacco users.

---

<sup>1</sup> <https://www.cnbc.com/2019/07/03/commentary-convenience-stores-say-teen-vaping-to-worsen-in-fda-plan.html>

There is no nexus between license fees and smoking cessation. Retailer license fees exist to pay for the licensing process and enforcement; these fees were not created to fund other programs. Using licensing fees to fund programs for which they were not intended creates a situation where fees are likely to rise unpredictably, this impedes retailers' ability to budget and creates unnecessary financial and administrative burdens. We thank you for the opportunity to testify.



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

April 5, 2021

Honorable Chair Senator Donovan M Dela Cruz  
Honorable Vice-Chair Senator Gilbert S C Keith-Agaran  
Members of the Senate Ways and Means

**RE: Strong Support of HB826**

Dear Chair Senator Dela Cruz, Vice Chair Senator Keith-Agaran, and members of the Senate Ways and Means Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of **HB826**, which will apply the same comprehensive tobacco prevention and control policies to e-cigarettes, to reverse the youth vaping epidemic.

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

We are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping, with one in three of the youth in Hawaii using such devices. This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain. Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old!

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please **vote in favor of HB826** and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

*Valerie Chang*

Valerie Chang  
Executive Director

April 5, 2021

TO: Chair Donovan M. Dela Cruz  
Vice Chair Gilbert S.C. Keith-Aragan  
Members of the Senate Committee on Ways and Means

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

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

RE: **HB 598 HD2 SD1** - Relating to Tobacco Products  
Hearing Date: April 6, 2021  
Time: 10:00 am

The Cigar Association of America, Inc. (CAA) **opposes HB 598 HD2 SD1** which in part makes unlawful the shipment of tobacco products except to a licensee to the extent that it includes cigars. The primary focus of this bill is to address the rising use of electronic smoking devices (“ESG”) by youth in Hawaii. Cigars are primarily the choice and custom of mature, responsible and informed adults and are not the tobacco product of choice among Hawaii’s youth. There are or will be in place regulations at both the state and federal level on the shipment of ESGs. Therefore, any prohibition on the shipment of tobacco products unless to a licensee should exclude cigars.

Thank you for considering this testimony.



To: The Honorable Senator Donovan Dela Cruz, Chair  
The Honorable Senator Gilbert Keith-Agaran, Vice-Chair  
Committee on Ways and Means

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

From: Trish La Chica, Community and Government Relations Manager, External Affairs

Hrg: April 6, 2021 at 10:00am, Room 211/Zoom

RE: **HB598 HD2 SD1 Relating to Tobacco Products – Support**

---

AlohaCare appreciates the opportunity to provide testimony in support of **HB598 HD2 SD1**, which is a measure intended to regulate e-cigarettes by taxing electronic smoking devices as tobacco products, closing the online purchasing loopholes, require permitting and licensing, and dedicate funds for tobacco prevention and education programs.

Founded in 1994, AlohaCare is a community-rooted, non-profit health plan serving 73,000 Medicaid and dual-eligible health plan members on all islands. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating access to quality health care for all. We believe that health is about supporting whole-person care, including access to housing and food security, to build a stronger, healthier Hawaii.

AlohaCare applauds this measure's approach to regulate electronic smoking devices and protect public health. [AlohaCare believes that taxation on e-cigarettes in addition to regulating the online shipment of tobacco products is necessary to improve the health of Hawaii's keiki and protect them from becoming the next generation addicted to nicotine.](#)

**AlohaCare offers the following comments:**

AlohaCare appreciates the HTH/CPN SD1 amendment to re-add the definition of electronic smoking devices to tobacco products, which was removed in the HD1. It is important to treat all ESDs and e-liquids as tobacco products for the protection of public health. Increasing prices through taxation is a proven strategy to reduce consumption and initiation of tobacco products. Tobacco consumption results in health problems that creates hundreds of millions in added health care costs for the State and contributes to health disparities and poor health outcomes.

AlohaCare believes that this measure will help to regulate an industry that has contributed to the public health crisis that resulted in an outbreak of 2,807 e-cigarette or vaping product use-associated lung injury (EVALI) cases or deaths. [A 2020 Stanford study](#) has found that young

1357 Kapiolani Blvd., Suite 1250, Honolulu, Hawaii 96814  
Call: 973-0712 • Toll-free: 1-877-973-0712 • Fax: 808-973-0726 • [www.AlohaCare.org](http://www.AlohaCare.org)



adults who vape were five to seven times more likely to get the COVID-19 virus. In 2020, AlohaCare was charged \$13.9 million treating about 6,140 members for tobacco and vaping-related illness. Among adult tobacco users, 24.2% were being treated for a serious chronic condition. On average for each member, the charges for all health care services provided to tobacco users were 154% higher than charges for non-tobacco users. In addition, AlohaCare is concerned with the rising rates of youth being diagnosed with nicotine dependence and vaping-related disorders. In 2020, the youngest recorded age being treated for vaping at AlohaCare was 10 years old.

Hawaii has been experiencing a youth vaping epidemic and we appreciate the Legislature's actions to protect our young people's health from the vaping and tobacco industry's efforts to get them addicted to life-threatening habits. Mahalo for this opportunity to testify on **HB598 HD2 SD1**.





## Hawaii Dental Association

To: Senate Committee on Ways and Means  
Senate Committee on Judiciary

Time/Date: 10:00 A.M., April 6, 2021

Location: State Capitol Room 211 and Via Teleconference

Re: HB 598 HD2 SD1, Relating to Tobacco Products

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Keith-Agaran, Vice Chair Keohokalole and members of the committees:

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 598 HD2 SD1**, relating to tobacco products. This bill establishes the offense of unlawful shipment of tobacco products, increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products, and increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Among other provisions, it allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. Tobacco use is causally associated with higher rates of tooth decay, receding gums, periodontal disease, mucosal lesions, bone damage, tooth loss, jaw bone loss and more. That is why the Hawaii Dental Association, like the American Dental Association, is working with dentists, educators, public health officials, lawmakers, and the public to prevent and, hopefully, eliminate the use of all tobacco products. HDA supports regulatory and legislative action to ban the sale and distribution of all e-cigarette and vaping products, with the exception of those approved by the FDA for tobacco cessation purposes and made available by prescription only. We will continue to support legislation aimed at enhancing and promoting oral health.

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

Mahalo for the opportunity to testify in support of HB 598 HD2 SD1.

**HB-598-SD-1**

Submitted on: 4/5/2021 10:11:09 AM

Testimony for WAM on 4/6/2021 10:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Allie Hall	Testifying for Adventist Health Castle	Support	No

Comments:

Adventist Health Castle is in support of HB598,HD2,SD1.

- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.
- E-cigarettes are the only tobacco products without a tax.
- No tobacco taxes are currently allocated for tobacco prevention and control programs, which complement and strengthen the effect of tobacco policies in reducing smoking rates.
- We support this bill because it creates policy parity between e-cigarettes and other tobacco products by:
  - Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.
  - Requiring licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.
  - Restricting online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

Thank you for the opportunity to provide testimony in support of HB598,HD2,SD1.

Mahalo,

Allie Hall, RN, BSN, MPH, NCTTP

Program Coordinator, Tobacco Control

Tobacco Treatment Specialist



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
April 6, 2021**

**Re: HB 598 HD2 Relating to Tobacco Products**

Good morning Chair Dela Cruz and Chair Rhoads and members of the Senate Committee on Ways and Means and the Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are in STRONG OPPOSITION to HB 598 HD2 SD1 Relating to Tobacco Products. This measure establishes the offense of unlawful shipment of tobacco products; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices; and is effective 7/1/2050.

Many retailers statewide are already operating on a thin margin and face stiff competition. Retail is one of the hardest hit industries during this pandemic. We see almost daily stores closing around our neighborhoods due to the affects this pandemic is having on our economy.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. Many E-cigarettes contains NO tobacco, and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article last year that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

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

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

Raising the tobacco tax and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean many small local businesses like the convenient corner store and locally owned vape stores would be gone and leaving our friends, family, and neighbors out of work.

Retailers like many businesses are struggling to survive and keep their employees employed. Many cannot afford an increase in doing business. We hope that you will hold this bill.

Mahalo again for this opportunity to testify.

**HB-598-SD-1**

Submitted on: 4/1/2021 6:07:01 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I'm opposed to this business unfriendly bill.

**HB-598-SD-1**

Submitted on: 4/1/2021 6:16:15 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I strongly OPPOSE this bill as it penalizes and prohibits law abiding citizens the right to purchase ecig products on the internet.

If you want to solve the problem impose a strick penalty for those under age smokers which requires parents to be held responsible for the actions of their children.

HARSH PUNISHMENT is the only way to deter under age smokers from attempting to purchase such products.

AGAIN you are punishing the law abiding citizens.

Instead of wasting will with this Bill go after the under age drinking and those adults who drink and drive who are killing innocent people on a weeklty basis.

Registered Voter and Community activist.

Sheldon Miyakado

**HB-598-SD-1**

Submitted on: 4/2/2021 3:50:52 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I oppose this one too.

**HB-598-SD-1**

Submitted on: 4/2/2021 9:31:16 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Aloha Senate Committee on Ways and Means and Committee on Judiciary,

I am writing in strong support of HB598 HD2 SD1 because taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit. Currently, E-cigarettes are the only tobacco products without a tax and that is a missed opportunity for our State. The long-term health of our youth is important to their future - so prevention measures to limit access to tobacco will reduce dependency in the long run.

Mahalo for your consideration.

Molly Mamaril

**HB-598-SD-1**

Submitted on: 4/2/2021 11:28:01 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

As a law abiding citizen and a mother of seven, I am definitely in support of this bill. Please make it harder for our youth to get their hands on these products. It's killing them and affecting all of us who love and care for them.

Thank you!!



**HB-598-SD-1**

Submitted on: 4/3/2021 9:39:32 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Please support HB 598, HD2, SD1, related to tobacco products.

I am a professor of public health and social work, testifying as an individual. We all know that tobacco products are bad for health, and this includes e-cigarettes, which are used by 33% of high school students and 20% of middle school students in Hawaii.

E-cigarettes are pathways to tobacco addiction. Tobacco addiction leads to chronic disease in users and the people around them. In fact, teenagers and young adults who used e-cigarettes were **5x more likely to be diagnosed with COVID-19 than non-users**. Those who had used both e-cigarettes and conventional cigarettes (dual use) were 7x more likely to be diagnosed with the disease

Flavors should be banned, as they are made by tobacco companies expressly to attract children to tobacco addiction. Requiring fact-to-face purchases makes it harder for youth to obtain these products from online sources. Licensing and permitting tobacco retailers and wholesalers will help with **implementation and enforcement** of current laws and regulations.

Finally, **e-cigarettes should be taxed at the rate of other tobacco products**, or 70% of the wholesale price. Dedicating some of the revenue from **tobacco taxes to fund health education** would complement and strengthen the effects of policies to reduce tobacco addiction in Hawai'i.

**HB-598-SD-1**

Submitted on: 4/3/2021 9:54:31 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

E cigarettes are as harmful as regular. All should be banned.

**HB-598-SD-1**

Submitted on: 4/3/2021 11:44:03 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mary santa maria	Individual	Support	No

Comments:

Dear Committe members,

Please pass this bill. **Tobacco taxes and restricting online sales will make it harder for youth to access these dangerous products. We owe it to our youth to do the right thing.**

Sincerly,

**Mary Santa Maria, M.S., M.P.H**

**HB-598-SD-1**

Submitted on: 4/3/2021 1:22:21 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I am writing as a pediatrician in support of HB 598, which regulates e-cigarettes. There are strong provisions in this bill that tax e-cigarettes as a tobacco product, require licensing and permitting of e-cigarette vendors, prohibit on-line sale of tobacco products, increase the fees for tobacco permits, and most importantly, dedicate \$750,000 annually to the Tobacco Prevention and Control Trust Fund. All of these provisions address the dramatic increase in pre-teen and teen e-cigarette use to one of the highest rates in the country. The disincentive created by increasing taxes on electronic products and creating mechanisms for licensing and permitting of sellers of vaping products will increase costs of these products, much as increasing taxes on ordinary cigarettes did 20 years ago, to great success. The proposal for an annual contribution to the Tobacco Trust will guarantee a continuation of the excellent prevention and cessation strategies developed over the past 20 years, which contributed to the very impressive decrease in regular tobacco products and are just starting to address vaping use, especially in children. Electronic cigarette use by middle and high schoolers has reached epidemic proportions and our children deserve our best efforts to both prevent further spread of these products and to help our keiki quit using them.

Linda Weiner, MD

Pediatrician

Kalaheo, Kauai

**HB-598-SD-1**

Submitted on: 4/3/2021 1:37:40 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.
- E-cigarettes are the only tobacco products without a tax.
- No tobacco taxes are currently allocated for tobacco prevention and control programs, which complement and strengthen the effect of tobacco policies in reducing smoking rates.
- We support this bill because it creates policy parity between e-cigarettes and other tobacco products by:
  - Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.
  - Requiring licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.
  - Restricting online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.
  - Too many Hawaii youth are using e-cigarettes. They are flavored to hook them on tobacco. HB 598 will help to reduce the easy access to this tobacco product.
  - Please pass HB 598
  - Thank you,
  - Michele Nihipali
  - 54-074 A Kam Hwy.
  - Hauula, HI 96717

**HB-598-SD-1**

Submitted on: 4/3/2021 5:14:05 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

We should have our own right to choose.

Date: April 3, 2021

To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair  
Members of the Senate Committee on Ways and Means

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

Re: **Strong Support for HB598 HD2 SD1**, Relating to Tobacco Products

Hrg: April 6, 2021 at 10:00 AM in Conference Room 211 & Videoconference

Aloha Senate Committees on Ways and Means and Judiciary,

As a parent, community member and healthcare professional I am writing in **strong support of HB598 HD2 SD1**.

**Hawai'i is in the midst of a youth vaping epidemic.** Approximately 31% of Hawai'i high school students and 18% of Hawai'i middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island youth these numbers climb to 40% for high school and 30% for middle school students.

Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

E-cigarettes are the only tobacco products without a tax and no tobacco taxes are currently allocated for tobacco prevention and control programs, which complement and strengthen the effect of tobacco policies in reducing smoking rates.

I **strongly support HB598 HD2 SD1** because it creates policy parity between e-cigarettes and other tobacco products.

**HB598 HD2 SD1** applies a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.

**HB598 HD2 SD1** requires licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.

**HB598 HD2 SD1** restricts online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

I **strongly support HB598 HD2 SD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI



**HB-598-SD-1**

Submitted on: 4/4/2021 8:39:31 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.
- E-cigarettes are the only tobacco products without a tax.
- No tobacco taxes are currently allocated for tobacco prevention and control programs, which complement and strengthen the effect of tobacco policies in reducing smoking rates.
- We support this bill because it creates policy parity between e-cigarettes and other tobacco products by:
  - Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.
  - Requiring licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.
  - Restricting online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

**HB-598-SD-1**

Submitted on: 4/4/2021 10:22:39 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jake J. Watkins	Individual	Oppose	No

Comments:

Enough already!

April 4, 2021

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

Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Honorable senators:

My name is Diane Omura, a retired educator again writing in support of HB598, a bill that would make it a little harder for teens to start vaping. This carefully crafted bill will 1)prevent teens from making online purchases, 2)apply a tobacco tax to e-cig products which will 3) generate revenues toward youth e cig prevention and education programs.

While taxing tobacco products has been a proven strategy to reduce youth initiation and continued use, e cigs are the only tobacco product without a tax. Why this exclusion? I support this bill because it creates policy parity between e-cigarettes and other tobacco products. This is done by applying a tax at the same 70% of the wholesale price on tobacco products to e-cigarettes. It will require licensing for retailers to help with e-cig regulations, and finally restrict online sales. I strongly support HB598 and ask you to pass this out of committees. Thank you for your consideration.

Sincerely,

Diane Omura

**HB-598-SD-1**

Submitted on: 4/4/2021 12:14:46 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracie Ann M Tjapkes	Individual	Support	No

Comments:

This bill would tax e-cigarettes as a tobacco product, require licensing/permitting for e-cigarette sellers, prohibit the online sale of tobacco products, increase the fee for tobacco permits and licenses, and dedicate \$750K per year to the Tobacco Prevention & Control Trust Fund for youth e-cigarette prevention and education programs.

**HB-598-SD-1**

Submitted on: 4/4/2021 5:35:17 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

.

**HB-598-SD-1**

Submitted on: 4/5/2021 8:09:55 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Please vote to approve this bill, HB598. It should have been written and passed many years ago, on the first appearance of e-cigarettes in the market, so it is already past-due. However, better late than never.

Anyone who does not vote for this common-sense bill will be showing that they support tobacco business profit at the expense of young people's lives and health.

**HB-598-SD-1**

Submitted on: 4/5/2021 8:42:16 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

As a middle school counselor, I'm saddened to see so many 11-14 year olds getting addicted to tobacco. Please support this bill by taxing the sale of e cigarettes and using that money for prevention programs. We need to better advocate for our keiki!

**HB-598-SD-1**

Submitted on: 4/5/2021 8:55:33 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I **support HB 598**, which improves the regulations on electronic smoking devices by taxing e-cigarettes as a tobacco product, requiring licensing and permitting for e-cigarette sellers, prohibiting online sales of tobacco products, increasing fees for tobacco permits and licenses and dedicating funds to the Tobacco Prevention and Control Trust Fund for youth e-cigarette prevention and education programs.

The youth vaping epidemic in Hawaii is a serious public health crisis with almost 31% of high schoolers using e-cigarettes. Please pass HB598 to regulate e-cigarettes as tobacco products. These regulations will protect young people from becoming addicted to harmful tobacco products and ensure the future health of our communities.

Thank you for this opportunity to testify in **support of HB 598**.



**HB-598-SD-1**

Submitted on: 4/5/2021 9:31:05 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Aloha kakou, my name is Kai Gacayan and I am a mother of 4, my oldest 13 years old where his generation of students are greatly being exposed to vaping. I SUPPORT HB598, HD2, SD1 as it will help protect our keiki and young adults with the regulation of online sales, this bill will also require permits and licenses of those who sell vaping products. Lastly with our high rates of yout who vape in Hawaii this bill will also allocate funds specifically for youth programs to prevent and educate our students on its harmful effects. Mahalo for your time and consideration, it is of great importance that we make these changes now for our children and generations to come.

**HB-598-SD-1**

Submitted on: 4/5/2021 9:52:48 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I support Bill HB 826. We need to protect our keiki from the addcition and harmful effects of nicotine. The flavors in tobacco products entice our youth and get them hooked to nicotine. Having flavors like Passion orange gauva, Molokai Bread, Li Hing Mui is proof that the vaping induistry is targeting out Hawai'i youth. If that isn't enough proof who is more likely to be intrested in Apple juice, or pocky sticks, fruit loops? These flavors are marketing towards the youth. Please think about our children they are the future and we would like to support them on a healthy lifestyle. Eliminating flavors in vaping will help protect our keiki.

**HB-598-SD-1**

Submitted on: 4/5/2021 9:59:37 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Please support HB 598.

E-cigarettes have rapidly gained popularity among Hawaii's youth, hurting their health and even putting them at a greater risk for COVID-19. Tobacco taxes and restricting online sales will make it harder for youth to access these dangerous products. Allocating a portion of the revenue from these taxes to prevention and control programs will further reduce use.

Again, please support HB598 which will regulate e-cigarettes as tobacco products.

Mahalo,

Shelly Ogata, RN, MPH

**HB-598-SD-1**

Submitted on: 4/5/2021 10:09:15 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

**LATE**

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

Comments:

Aloha,

**I am in STRONG SUPPORT of this bill. Tobacco taxes and restricting online sales will make it harder for youth to access these dangerous products.** Allocating a portion of the revenue from tobacco taxes to prevention and control programs will further reduce tobacco use. I do hope adequate funding will be sourced to DOTAX, OAG, and DOH for effective implementation.

Thank you for the opportunity to testify,

Tami Whitney

**LATE**

Date: April 5, 2021

Re: Support for HB 598

Hello! My name is Rojelle Bohol and I am a university student. I am writing in support of HB 598.

I see many people in my community smoke and use e-cigarette products. I am very concerned because I noticed more younger people are using these products. Some of my friends who did not smoke in high school do today because of the increasing popularity of e-cigarettes and flavors. Also, I have a younger brother who is in high school and I am afraid he will start smoking or begin to use e-cigarettes since many people his age are beginning to or already use them. Everyone should be concerned because e-cigarettes contain harmful chemicals that lead to negative health outcomes. This topic is especially important today because studies show that teens and young adults who used e-cigarettes were five times more likely to be diagnosed with COVID-19 than non-users. Despite the adverse effects, people continue to use these products for various reasons. There needs to be something done!

We should be focusing our efforts on preventing smoking and e-cigarette use, especially among youths, so fewer are addicted and/or stop using it in the future. We can prevent this by implementing stricter regulations on the sale of tobacco and e-cigarette products including e-liquids, requiring licensing and permitting retailers and wholesalers, applying a tobacco tax on e-cigarettes, and restricting online sales to prevent underaged people from obtaining these products.

Revenue from the tax can be used to fund prevention and education programs to promote health and educate others about the dangers of e-cigarette use. Prevention methods are crucial to help reduce smoking and e-cigarette use among youths.

This issue is a concern for all people regardless of age. Many are being affected by these products and it's time to stop it. To prevent tobacco and e-cigarette related disparities from affecting people in Hawai'i, we need to do something now! I strongly support HB 598 because I want my community and all communities in Hawai'i to become healthier. The implementation of this bill will bring us a step closer to doing that. Please support HB 598 for this to become a reality!

Mahalo,  
Rojelle Bohol

**HB-598-SD-1**

Submitted on: 4/5/2021 3:58:33 PM

Testimony for WAM on 4/6/2021 10:00:00 AM



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

Comments:

This bill doesn't help anybody.

**LATE**

**HB-598-SD-1**

Submitted on: 4/5/2021 5:29:00 PM  
Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Opposed. Our civil liberties come first.

Date: April 5, 2021

To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair  
Members of the Committee on Ways and Means

**LATE**

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

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

Re: Strong Support for HB598 Relating to Electronic Smoking Products

Hearing: Tuesday, April 6, 2020, at 10:00am at Capitol Room 211

---

Thank you for the opportunity to submit testimony in SUPPORT of HB598 which establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect children from a lifetime of nicotine addiction and associated health risks.

According to the Center for Disease Control and Prevention, Hawaii's middle schoolers rank the highest and high schoolers rank the second-highest in the nation for reported usage of e-cigarettes. This underscores the severity with which e-cigarette use has penetrated our state's middle and high schools.

Under the Food and Drug Administration, electronic smoking devices are classified as a tobacco product, and yet they are the only product with that classification that does not have a tobacco tax. From the many decades of research done on tobacco control policy, it is clear that increasing the price of these products is a proven strategy that discourages access to these products. By prohibiting online sales to retailers, underage youth will have limited access to e-cigarettes. In addition, distributing tobacco taxes towards health education and prevention programs could help youth quit or prevent them from using vape products in the first place.

We, therefore, urge you to support this measure. For the sake of our general public health, Hawaii should not allow e-cigarettes to continue to fly below the State's tobacco tax radar.



Mahalo,  
Student Health Advisory Council

**HB-598-SD-1**

Submitted on: 4/6/2021 12:39:21 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

**LATE**

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

Comments:

Reducing access to an alternative to smoking tobacco cigarettes is not the correct move. This will assure people to go back to cigarette smoking, which has far easier access than e-cigarettes. I oppose this bill.

**LATE**

**HB-598-SD-1**

Submitted on: 4/6/2021 1:05:09 PM  
Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

I oppose this bill.

To whom it may concern,

**LATE**

I am opposing the current bill (HB598 HD2 SD1) that will destroy the vaping industry here in Hawaii and put hundreds of people out of jobs. Our goal for public health is to have people quit smoking traditional tobacco cigarette which is the #1 cause of cancer here in America.

Yet our own Government demonize this new technology which has helped millions of Americans make the switch and drastically improving their health. If this bill were to pass, the industry will be dead, business will go out and people will go back to smoking traditional tobacco cigarettes.

The government already has in place a strict guideline vape shops must follow, or heavy fines will be applied or even jail time. Yet they are somehow made the enemy of public health. Meanwhile flavored alcohol can be advertised online/TV Commercials/Super Bowl and sold in supermarkets.

I implore you to take your time and review these bills that could possibly destroy something that in my opinion, a PUBLIC HEALTH MIRACLE. Especially at a time when the PANDEMIC is still killing thousands of people and putting thousands of others out of jobs.

Vinh Tran,

Resident of Honolulu, Hawaii.

**LATE**

**HB-598-SD-1**

Submitted on: 4/6/2021 1:15:56 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

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

Comments:

Hello,

I would like to oppose this bill. We are already struggling with the pandemic and this will force many small business to shut down. We are trying to make an honest living and are also following all rules and regulations for vaping. Instead of working with small business owners you are completely forcing us to shut down. Its already a struggling trying to make a living in Hawaii and this will also force us all to move out of State. If the kids are the issue of vaping we should look into higher fines and better education. Just like alcohol kids are going to find a way to abuse the item, we should look into ways to help each other and not completely shut us down. We have followed all rules and regulations put in place for vaping and instead of shutting down businesses we should have higher fines for people who are buying for young adults.

**HB-598-SD-1**

Submitted on: 4/6/2021 1:23:20 PM

Testimony for WAM on 4/6/2021 10:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erin R.	Individual	Oppose	No

Comments:

Committee Members:

I am very strongly opposed to all of the vaping bills that are in committees this year as vaping is extremely important to me as It has allowed me to not smoke deadly cigarettes. If you were in mine and millions of others' shoes you would understand why being able to afford to vape and how important this is for us. Since I started vaping over two years ago I have cut the nicotine in my e-liquid from 24mg to zero nicotine, but still being able to obtain the hand to mouth ritual that was embedded in me when I smoked for 45yrs. You don't have the opportunity to go to zero nicotine with cigarettes. I feel you need to separate vaping from tobacco and put vaping as a completely separate category of its own. I feel it is not justifiable for us vapers to be clumped into the same category as smoking because smoking causes cancer and vaping does not. I cannot find any data on people dying from vaping.

Cigarettes contain over 4000 chemicals, 43 known carcinogens, and 400 toxins. Science states that it is not the nicotine that kills, it is the tar that sticks to your lungs. Vaping has been proven to be at least 95% less harmful than cigarettes and many new reputable, peer-reviewed scientific studies prove this and these scientists have no agenda as to how the outcome will be.

There are also studies out there that are old and not reputable and have been debunked. I have yet to figure why the Health Care Organizations want to keep quoting these bad science reports. I thought we are all working toward the same goal, which is to get people off cigarettes and stop all the related deaths it causes.

I am asking you to please put our health and our Adult choices above trying to obtain more revenue from vaping. It saddens me to see all the taxes you are trying to impose

on vaping. This could cause vaping to go underground which would mean that Hawaii will get less tax money coming in and will put people's lives in jeopardy by possibly obtaining products that are not safe. I don't want to be forced to buy unsafe products which will put even more burden on our health care system if people get sick or die from using the unsafe products.

If vape shops shut down it will also create even more burden on the system because people will be unemployed, there will be empty storefronts and people will lose the ability to keep on vaping unless they drive or fly to a more vape friendly state. It will also be detrimental to the people who still smoke to be able to have another choice to try to quit along with all the Pharmaceuticals.

For the millions of Americans who find it difficult to quit smoking or are unwilling to forgo nicotine, the answer should not be "quit or die." Instead, policymakers would improve both public health and job creation by embracing a message of harm reduction paired with a respect for consumer choice. I will end by saying, I hope the voice of your community matters and you take their concerns seriously about this issue.

Mahalo,

A considered community member.

**HB-598-SD-1**

Submitted on: 4/6/2021 1:33:09 PM

Testimony for WAM on 4/6/2021 10:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonah K Manuel	Individual	Oppose	No

Comments:

Aloha,

Please Oppose bill HB598. We do not need a Tax Increase for Vaping I feel if the State put forward a Strict Possession Law for Under Age for Tobacco or Vape products that will hinder under age use. Do not punish law abiding Adults for an under age epidemic.

Thanks



**HB-598-SD-1**

Submitted on: 4/6/2021 1:35:53 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

**LATE**

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

Comments:

Aloha,

Please Oppose bill HB598. We do not need a Tax Increase for Vaping I feel if the State put forward a Strict Possession Law for Under Age for Tobacco or Vape products that will hinder under age use. Do not punish law abiding Adults for an under age epidemic.

Thanks