

STAND. COM. REP. NO. 663 -22

Honolulu, Hawaii
FEB 18 , 2022

RE: H.B. No. 1570
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 1570 entitled:

"A BILL FOR AN ACT RELATING TO THE YOUTH VAPING EPIDEMIC,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale or distribution of all flavored tobacco and synthetic nicotine products in the State.

Your Committee received testimony in support of this measure from the Department of Health; We Are One, Inc.; Hawaii Youth Services Network; Hawaii Children's Action Network Speaks!; Hawaii State Teachers Association; Hawaii Dental Association; American Lung Association in Hawaii; Hawaii COPD Coalition; Maui Preparatory Academy; Hawaii Association of Independent Schools; University of Hawaii Student Health Advisory Council; Blue Zones Project; Kaho'omiki; Friends of Kamalani and Lydgate Park; Keiki Injury Prevention Coalition; Hawaii Dental Hygienists' Association; American Cancer Society Cancer Action Network; Hamakua-Kohala Health; AlohaCare; Coalition for a Drug-Free Hawaii; 'Ohana Health Plan; Coalition for a Tobacco-Free Hawai'i; Hawai'i Public Health Association; The Man Cave; Pediatric Therapies Hawai'i; Hawaii Substance Abuse Coalition; Hawaii Primary Care Association; Hina Mauka; American Heart Association; Hawaii Job Corps; Kaiser Permanente Hawai'i; DreamHouse 'Ewa Beach;

2022-1358 HB1570 HD1 HSCR HMSO-1



Coalition for a Tobacco-Free Hawai'i Youth Council; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance; Cigar Association of America, Inc.; Retail Merchants of Hawaii; Consumer Choice Center; and fifteen individuals. Your Committee received comments on this measure from the Department of the Attorney General, The Taxpayers Protection Alliance, Hawaii Petroleum Marketers Association, Reason Foundation, and Hawaii Food Industry Association.

Your Committee finds that while the use of combustible cigarettes has declined over the past decade, there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth. Recent studies show that sixteen percent of middle school students and more than a quarter of high school students use electronic smoking devices; in the counties of Hawaii, Maui, and Kauai, these numbers exceed thirty percent, which is higher than the national average. Your Committee further finds that a significant driver of increased youth use of electronic smoking devices is the availability of flavored tobacco products, including flavors that are designed to appeal to the State's youth such as Maui mango and Molokai hot bread. Your Committee acknowledges that addressing the youth vaping epidemic in Hawaii necessitates a comprehensive, multi-faceted approach.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the preamble, other than the narrow purpose statement of this measure;
- (2) Requiring the Department of Health to post monthly updates on its website on all deposits into and expenditures from the Tobacco Enforcement Special Fund, Hawaii Tobacco Settlement Special Fund, and Hawaii Tobacco Prevention and Control Trust Fund;
- (3) Requiring the Department of Health to submit annual reports to the Legislature with an accounting of the receipts and expenditures from the Hawaii Tobacco Settlement Special Fund and Hawaii Tobacco Prevention and Control Trust Fund;
- (4) Requiring the Department of the Attorney General to monitor online sales of all tobacco products and



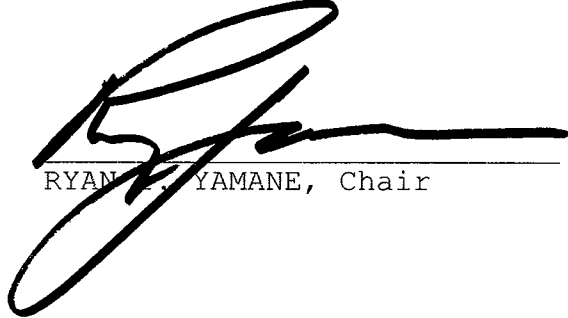
electronic smoking device products and post monthly updates on its website regarding the estimated number of these products that have entered the State and how many products, by tonnage, have been confiscated;

- (5) Requiring the Department of Health to establish a standardized and scientific testing process for the presence of flavoring in all tobacco products and synthetic nicotine products and make the testing protocols and results available to the public;
- (6) Requiring the Department of Health, in collaboration with the Department of Education, to establish a take back program to collect and destroy all electronic smoking devices, flavored tobacco products or synthetic nicotine products, and tobacco products voluntarily disposed of by students on school property;
- (7) Requiring the Department of Health, in collaboration with the Department of Education, to establish quarterly meetings with students at all school complex areas and independent schools to seek input on addressing the youth vaping epidemic and post video recordings of these meetings on the Department of Health's website within seven calendar days of the meeting;
- (8) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1570, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1570, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.




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

A large, stylized handwritten signature in black ink, appearing to read 'Ryan E. Yamane', is written over a horizontal line.

RYAN E. YAMANE, Chair



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

Bill/Resolution No.: HB 1570	Committee Referral: HHH, CPC	Date: 02/10/2022		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	✓			
2. TAM, Adrian K. (VC)	✓			
3. GATES, Cedric Asuega	✓			
4. HAR, Sharon E.	✓			
5. KAPELA, Jeanne	✓			
6. NISHIMOTO, Scott Y.	✓			
7. WARD, Gene				✓
TOTAL (7)	6			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				