

Honolulu, Hawaii  
MAR 03 , 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 Consumer Protection & Commerce, to which was referred H.B. No. 1570, H.D. 1, 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:

- (1) Require 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;
- (2) Require the Department of Health to submit annual reports to the Legislature that provide an accounting of the receipts and expenditures from the Hawaii Tobacco Settlement Special Fund and Hawaii Tobacco Prevention and Control Trust Fund;
- (3) Require the Department of the Attorney General to monitor all online sales of all tobacco products and electronic smoking devices 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;



- (4) Require the Department of Health to establish standardized and scientific testing protocols for the presence of flavoring in all tobacco products and synthetic nicotine products and make the testing protocols and results available to the public on its website;
- (5) Prohibit the sale or distribution of all flavored tobacco and synthetic nicotine products in the State;
- (6) Require 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 or synthetic nicotine products, and tobacco products voluntarily disposed of by students on public school property; and
- (7) Require 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.

Your Committee received testimony in support of this measure from the Department of Education; Hawaii State Teachers Association; Keiki Injury Prevention Coalition; Hawaii Youth Services Network; Friends of Kamalani and Lydgate Park; Hawaii Dental Association; Hawaii Association of Independent Schools; Hawai'i Public Health Association; a petition from principals of the Department of Education; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General; Department of Health; Hawaii Smokers Alliance; Smokey's Pipe and Coffee; Americans for Tax Reform; BLVK E-Liquid; JOCOR Enterprises, LLC; ABC Stores; 7 Daze MFG; The Consumer Advocates for Smoke-free Alternatives Association; Mod in Hawaii Alternatives LLC; VOLCANO Vape Shops; KHI Inc.; Retail Merchants of Hawaii; Smoke-Free Alternatives Trade Association; and numerous individuals. Your Committee received comments on this measure from the University of Hawaii Student Health Advisory Council; Hawaii COPD Coalition; American Heart Association; Hawai'i Children's Action Network Speaks!; Blue Zones Project; Reason Foundation; Get Fit Kauai; Maui Preparatory Academy; 'Ohana Health Plan; American Lung Association in Hawaii;



Hawaii Petroleum Marketers Association; American Cancer Society Cancer Action Network; Coalition for a Tobacco-Free Hawai'i; AlohaCare; Coalition for a Tobacco-Free Hawaii's Youth Council; We Are One, Inc.; The Man Cave; Pediatric Therapies Hawai'i; Hawaii Food Industry Association; Consumer Center of The Taxpayers Protection Alliance; and numerous individuals.

Your Committee finds that the use of flavored tobacco products and electronic smoking devices by youth have swelled to epidemic levels. The usage rate of electronic smoking devices amongst youth in the State is prevalent with 30.6 percent of public high school students and eighteen percent of public middle school students reporting that they use electronic smoking devices. The usage rate is even more concerning on the neighbor islands, where thirty-four percent of students in Hawaii County and thirty-two percent in Kauai County reporting to be regular users.

Your Committee further finds that an expansive catalog of flavors is one of the main reasons why there is a rise in the use of tobacco products and electronic smoking devices by youth. Electronic smoking devices and flavored tobacco products have been glamorized and promoted in a manner to appeal to youth, using flavors like candy, fruit, Maui mango, and shaka strawberry. The majority of youth who use electronic smoking devices report using a flavored product.

Your Committee notes that the Department of the Attorney General raised concerns in its testimony that several provisions of this measure may be beyond the scope of the single subject expressed in its title. Your Committee believes that this concern should be given further consideration as this measure advances through the legislative process.

Your Committee further notes that the Departments of the Attorney General and Health expressed reservations in their testimony about certain provisions in this amended measure. Specifically, the departments have raised concerns that certain components may be infeasible or impractical to implement.

These concerns notwithstanding, your Committee believes that the scale of the youth vaping epidemic necessitates continuing discussion and deliberation with the intent to reach an agreeable solution to curb the usage of tobacco products and electronic



smoking devices by youth. As such, your Committee believes that this measure should advance through the legislative process to continue those discussions and ensure that a vehicle is available in the event an agreeable solution is achieved.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1570, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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AARON LING JOHANSON, Chair



