

Honolulu, Hawaii

FEB 11 2022

RE: S.B. No. 3118
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 3118 entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose and intent of this measure is to ban the sale of flavored tobacco products and mislabeled e-liquid products.

Your Committee received testimony in support of this measure from the Department of Health; AlohaCare; American Cancer Society Cancer Action Network; American Heart Association; American Lung Association in Hawaii; Hawaii COPD Coalition; Hawaii State Teachers Association; American Academy of Pediatrics, Hawaii Chapter; Hawaii Children's Action Network Speaks!; Hawaii Dental Association; Kapi'olani Medical Center for Women & Children; Hawai'i Primary Care Association; Hawai'i Public Health Association; Hawaii Substance Abuse Coalition; Hui O Mana Ka Pu'uwai; Kaiser Permanente Hawaii; Keiki Injury Prevention Coalition; Pediatric Therapies Hawai'i; The Man Cave; Teens For No Nicotine HI; Student Health Advisory Council; Hawaii Youth Services Network; Pioneering Healthier Communities Initiative; and forty-six individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii; Cigar Association of America, Inc.; Hawaii Smokers Alliance; and ten individuals. Your Committee received comments on this measure



from Hawaii Food Industry Association, Hawaii Petroleum Marketers Association, Taxpayers Protection Alliance, and one individual.

Your Committee finds that since 2014, e-cigarettes have been the most commonly used tobacco product among youth nationwide. Thirty-one percent of Hawaii's high school and eighteen percent of Hawaii's middle school students used e-cigarettes in the past thirty days (current use), with highest rates on the neighbor islands. Flavored tobacco products, including flavored vaping products are designed and marketed to entice youth. Additionally, scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be urgently implemented. Accordingly, this measure bans the sale of flavored tobacco products and mislabeled e-liquid products.

Your Committee acknowledges the concerns of multiple testifiers that the measure as currently written also bans the sale of flavored cigars, cigarettes, and chewing tobacco, which are not the intended focus of this measure.

Therefore, your Committee has amended this measure by:

- (1) Exempting chewing tobacco, cigarettes, and cigars from the definition of tobacco products for the purpose of this measure;
- (2) Clarifying the definition of "hazardous waste" as used in the measure;
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3118, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3118, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committee on Health,



JARRETT KEOHOKALOLE, Chair



