

STAND. COM. REP. NO. 2938

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 3118
S.D. 2

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

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 3118, S.D. 1, 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; Student Health Advisory Council; Hawai'i State Department of Education; Honolulu Youth Commission; Hawai'i Children's Action Network Speaks!; Hina Mauka; AlohaCare; Blue Zones Project; Kahoomiki; Coalition for a Tobacco-Free Hawai'i's Youth Council; Hawai'i COPD Coalition; Hawai'i Youth Services Network; Hawai'i Public Health Association; Aloha Harvest; The Friends of Kamalani and Lydgate Park; Hawai'i State Teachers Association; Kapiolani Medical Center for Women and Children; American Academy of Pediatrics, Hawai'i Chapter; Opportunity Youth Action Hui; We Are One; Kaiser Permanente Hawai'i; Hawai'i Public Health Institute; Ohana Health Plan; Hawai'i Dental Hygienists' Association; Keiki Injury Prevention Coalition; Save Medicaid Hawai'i; Hawai'i Substance Abuse Coalition; and fifty-four individuals. Your Committee received testimony in opposition to this measure from Volcano, Retail Merchants of Hawai'i, Consumer Choice Center, 24hourvapes, Consumer Advocates for Smoke-free



Alternatives Association, American Vaping Association, ABC Stores, Black Lava Vape, Hawai'i Smokers Alliance; and forty-four individuals. Your Committee received comments on this measure from the American Heart Association, Reason Foundation, Hawai'i Petroleum Marketers Association, and Hawai'i Food Industry Association.

Your Committee notes that the American Cancer Society Cancer Action Network also submitted testimony in opposition to this measure as it is written in its current form, and requested that this measure be reverted to its original version, which would have prohibited the sale or distribution of all flavored tobacco products, including products with menthol. Your Committee shares the concerns raised in the testimony from the American Cancer Society Cancer Action Network and others that exempting certain products, including cigarettes, from the definition of "tobacco product" will make this measure ineffective in addressing the State's alarming youth tobacco epidemic. Experiences in other communities that have exempted certain tobacco products from flavor bans have illustrated that tobacco companies will shift their marketing to those flavored products that are exempted from the ban. Mint and menthol flavored tobacco products are heavily marketed to children, especially those from minority communities and the LGBTQ community, which has resulted in more than half of all youth and young adult smokers preferring menthol cigarettes.

Your Committee further finds that flavored tobacco products are a marketing weapon used to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients with flavors can mask their harsh effects, facilitating nicotine uptake and increasing the product's overall appeal. Accordingly, amendments to this measure are necessary to impose a comprehensive ban on the sale of flavored tobacco products.

Your Committee has amended this measure by:

- (1) Clarifying that the cost of proper disposal of electronic smoking devices and e-liquids, as hazardous waste under existing administrative rules, shall be borne by the retailer;
- (2) Amending the definition of "tobacco product" to include cigarettes, cigars, or chewing or smokeless tobacco; and



- (3) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3118, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3118, S.D. 2.

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




ROSALYN H. BAKER, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:	
SB 3118, SD 4	HTH, CPN	02-22-2022	
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____			
The Recommendation is:			
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313
Members	Aye	Aye (WR)	Nay
BAKER, Rosalyn H. (C)	X		
CHANG, Stanley (VC)	X		
DECOITE, Lynn	X		
NISHIHARA, Clarence K.	X		
RIVIERE, Gil		X	
SAN BUENAVENTURA, Joy A.		X	
FEVELLA, Kurt	X		
TOTAL	5	2	0
Recommendation:			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature:			
			
Distribution:			
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes