



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/24/2022

Time: 02:00 PM

Location: 329 Via Videoconference

Committee: House Consumer Protection
& Commerce

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: HB 1570, HD1 RELATING TO THE YOUTH VAPING EPIDEMIC.

Purpose of Bill: Requires DOH to post online monthly updates on all deposits and expenditures of the tobacco enforcement and Hawaii tobacco settlement special funds and Hawaii tobacco prevention and control trust fund. Requires DOH to submit annual reports to the legislature on the receipts and expenditures of the Hawaii tobacco settlement special fund and Hawaii tobacco prevention and control trust fund. Requires the attorney general to monitor online sales of tobacco products and electronic smoking device products and post online monthly updates. Requires DOH to establish a standardized and scientific testing process for the presence of flavoring in tobacco products and synthetic nicotine products and post this information online. Beginning 1/1/2023, prohibits the sale or distribution of all flavored tobacco and synthetic nicotine products in the State. Requires DOH to coordinate with DOE to establish a take back program for students to voluntarily dispose of electronic smoking devices, flavored tobacco or synthetic nicotine products, and tobacco products in their possession. Requires DOH and DOE to coordinate quarterly meetings with students on addressing the youth vaping epidemic. Effective 7/1/2060. (HD1)

Department's Position:

The Department of Education (Department) supports HB 1570, HD 1.

The Department is committed to ensuring that our students are educated, healthy and

lifelong learners who contribute positively to our community and global society. In our Department schools, there is a policy of zero-tolerance for tobacco products and electronic smoking devices that extend to Department transportation and/or during school-sponsored activities.

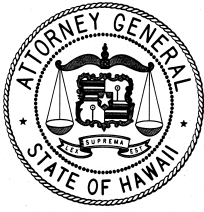
In 2019, the Hawaii Youth Risk Behavior Survey results indicate that 30.6% of high school students used an electronic vapor product and 5.3% of high school students smoked cigarettes in the past 30 days.

To raise awareness about the risks and dangers of tobacco products and electronic smoking devices, the Department's efforts focus on the following:

- Providing health education to develop students' skills that support healthy behaviors;
- Collaborating with the Hawaii State Department of Health and the University of Hawaii at Manoa Curriculum Research and Development Group on the administration of the Youth Risk Behavior Survey to monitor students' tobacco use and the associated risk and protective factors;
- Promoting public awareness through parent letters and flyers of Section 712-1258, Hawaii Revised Statutes, which makes it unlawful for anyone under the age of 21 years of age to be sold, purchase, use, or possess tobacco products and electronic smoking devices; and
- Monitoring students for compliance or violation of Title 8, Chapter 19, Hawaii Administrative Rules, Student Misconduct, Discipline, School Searches, and Seizures, Reporting of Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation, as it relates to using tobacco products and electronic smoking devices.

Additionally, the Department partners with the Department of Health and community organizations on programs for youth to help them to make positive health decisions.

Thank you for the opportunity to provide testimony on HB 1570, HD 1.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 1570, H.D. 1, RELATING TO THE YOUTH VAPING EPIDEMIC.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Thursday, February 24, 2022 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 329, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General,
Richard W. Stacey, Deputy Attorney General, or
Chelsea Okamoto, Deputy Attorney General

Chair Johanson and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill and provides the following comments.

This bill creates additional responsibilities for the Department of Health, including posting monthly updates on its website regarding deposits into and expenditures from the Tobacco Enforcement Special Fund, Hawaii Tobacco Settlement Special Fund, and the Hawaii Tobacco Prevention and Control Trust Fund; submitting annual reports to the Legislature providing an accounting of the Hawaii Tobacco Settlement Special Fund and the Hawaii Tobacco Prevention and Control Trust Fund; establishing a standardized and scientific testing process for presence of flavoring in all tobacco products and synthetic nicotine products and making the testing protocols and results available to the public; collaborating with the Department of Education in the establishment of a take-back program for the collection and destruction of all electronic smoking devices, flavored tobacco or synthetic nicotine products, and tobacco products voluntarily disposed of by students on school property; and collaborating with the Department of Education in the establishment of quarterly meetings with students at all school complex areas and independent schools to seek input on addressing the youth vaping epidemic.

Further, the bill would require the Department to monitor all 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. The bill would also prohibit the sale or distribution of all flavored tobacco and synthetic nicotine products in the State.

The Department is concerned that the House Draft 1 of this bill added subjects that go beyond the title of this bill, "Relating to the Youth Vaping Epidemic," that could subject it to constitutional challenge. Article III, section 14, of the Constitution of the State of Hawaii mandates that "[e]ach law shall embrace but one subject, which shall be expressed in its title." There are two parts to the analysis of this Constitutional provision – that there be only one subject, and that this subject be expressed in its title.

The Hawaii Supreme Court has liberally construed the term "subject" with respect to the title of a law as having a "broad and extended meaning." Schwab v. Ariyoshi, 58 Haw. 25, 33, 564 P.2d 135, 140 (1977). Therefore, it is sufficient if the title of a law "fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead." Id. at 34, 564 P.2d at 141.

Here, the bill's title embraces only one subject – the Youth Vaping Epidemic. The bill amends section 28-15, Hawaii Revised Statutes (HRS), relating to the Tobacco Enforcement Special Fund, section 328L-2, HRS, relating to the Hawaii Tobacco Settlement Special Fund, and section 328L-6, HRS, relating to the Tobacco Prevention and Control Advisory Board and the Tobacco Prevention and Control Trust Fund. The title "Relating to the Youth Vaping Epidemic" does not fairly indicate to the ordinary person that this bill pertains to these special funds.

The Hawaii Tobacco Settlement Special Fund, established by section 328L-2, HRS, consists of moneys from tobacco settlement moneys and all interest and earnings accruing from the investment of moneys in the fund. Section 328L-2(a), HRS. "'Tobacco settlement moneys' refers to moneys received by the State pursuant to the tobacco master settlement agreement." Section 328L-1, HRS. The tobacco master

settlement agreement (MSA)¹ was an agreement between the State, forty-five other states and additional territories, and the four largest tobacco manufacturers in 1998. The MSA was an agreement relating to cigarettes and roll-your-own tobacco and did not address electronic smoking devices or the youth vaping epidemic addressed by this bill. Additionally, it is not clear how the posting of monthly financial updates for these funds is related to the youth vaping epidemic. The title may not be "comprehensive enough to reasonably cover all its provisions." Schwab, 58 Haw. at 34, 564 P.2d at 141.

Section 2 (page 4, lines 17-20) of the bill requires the Department of Health to post a monthly update on the Department of Health's website on the sources of deposits made to and expenditures made from the Tobacco Enforcement Special Fund. The Tobacco Enforcement Special Fund, as established by section 28-15, HRS, is administered by the Department, not the Department of Health. The Department already submits annual reports to the Legislature accounting for receipts and expenditures of the Tobacco Enforcement Special Fund. The Department of Health would not have the information necessary to fulfill this requirement.

The Department is committed to supporting the fight against the youth vaping epidemic and will enforce and prosecute offenses of the Penal Code on a case-by-case basis. However, section 5 (page 10, lines 4-12) of this bill would require the Department to "monitor all online sales of all tobacco products and electronic smoking devices in the State" and "post a monthly update on the department's website regarding the estimated number of tobacco products and electronic smoking device products entering the State and how many products, by tonnage, have been confiscated." Without additional funding, the Department does not have the extensive resources required to implement section 5 of this bill.

¹ On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the State. The Master Settlement Agreement obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to the State (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking. Section 675-1(e), HRS.

The Tobacco Enforcement Unit of the Department is tasked with enforcing the requirements of the MSA and related Hawaii statutes. The Tobacco Enforcement Special Fund, as created in 2001 by section 28-15, HRS, after Hawaii became a signatory to the MSA, specifies that the moneys are to be used consistently with enforcement of the MSA, including diligent enforcement of chapter 675, HRS (the Tobacco Liability Act), chapter 486P, HRS (Tobacco Products Reporting), and numerous other enforcement requirements. To expand the use of the Tobacco Enforcement Special Fund beyond its original purpose could put Hawaii at risk of being found non-diligent, in addition to creating issues relating to the good faith and fair dealing of the settlement entered into with other parties by Hawaii. Any state found non-diligent faces the loss of all or a portion of its annual MSA payments. Hawaii, for example, could face the loss of over half of its expected MSA payment, nearly \$20,000,000, if found non-diligent.

Section 7 of this bill adds a new section to chapter 712, HRS, which is in the Penal Code; however, on page 13, lines 3-14, the bill states that the penalties for violating the section are administrative fines ". . . paid to the department of health and deposited into the Hawaii tobacco prevention and control trust fund. . . ." Administrative fines do not belong in the Penal Code, but if this section is to remain in the Penal Code, the Department suggests that the word "administrative" be stricken from the phrase "administrative fine" on page 13, lines 4, 7, and 8.

The Department also has concerns about how and where the fines would be deposited. As part of the sentencing provisions set forth on page 13, lines 11-14, the bill requires "[a]ll fines shall be paid to the department of health and deposited into the Hawaii tobacco prevention and control trust fund established pursuant to section 328L-5." Although this bill directs that the moneys be paid to the Department of Health and then deposited into the Hawaii Tobacco Prevention and Control Fund, for clarity purposes, the Department suggests deleting "paid to the department of health and" on page 13, lines 11-12, so the moneys would be directly deposited into the Hawaii Tobacco Prevention and Control Fund.

The Department further notes that because section 706-643(2), HRS, provides "[a]ll fines and other final payments received by a clerk or other officer of a court . . .

[and] all such funds shall be deposited with the director of finance to the credit of the general fund of the State", amendments to section 706-643(2), HRS, may be required to redirect funds that currently go automatically to the state general fund, in addition to amending the wording in the bill.

On page 20, lines 8-19, this bill adds the definition of "synthetic nicotine products" to section 712-1258, HRS. The definition of "synthetic nicotine products" includes cigarettes and cigars, which are already included in the definition of "tobacco product" in subsection 712-1258 (7), HRS. Including "a cigarette, cigar" on page 20, lines 13-14, may be confusing for enforcement and compliance, as cigarettes and cigars are traditionally tobacco products derived from tobacco. See section 245-1, HRS (defining "cigarette" to mean "any roll for smoking made wholly or in part of tobacco, irrespective of size and shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco"). See also section 245-1, HRS, (definitions for "large cigar" and "little cigar").

Finally, in section 7, on page 11, line 16, the Department notes the effective date is January 1, 2023, and the effective date for all other sections would be July 1, 2060. Because both section 7 and section 8 would impact both retailers and enforcement agencies, having the same effective date may reduce confusion and aid in compliance and enforcement efforts.

We respectfully request that the bill be held.

Thank you for the opportunity to testify and provide comments and suggested amendments on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF TALENT MANAGEMENT

DATE: 02/24/2022
TIME: 02:00 PM
LOCATION: CR 329 & Videoconference
COMMITTEE: Consumer Protection & Commerce

Department: Education

Person Testifying: Reid Kuba, Ph.D., Principal in Residence for the DOE's Leadership Institute

Title of Bill: HB1570 RELATING TO THE YOUTH VAPING EPIDEMIC

Purpose of Bill: Requires DOH to post online monthly updates on all deposits and expenditures of the tobacco enforcement and Hawaii tobacco settlement special funds and Hawaii tobacco prevention and control trust fund. Requires DOH to submit annual reports to the legislature on the receipts and expenditures of the Hawaii tobacco settlement special fund and Hawaii tobacco prevention and control trust fund. Requires the attorney general to monitor online sales of tobacco products and electronic smoking device products and post online monthly updates. Requires DOH to establish a standardized and scientific testing process for the presence of flavoring in tobacco products and synthetic nicotine products and post this information online. Beginning 1/1/2023, prohibits the sale or distribution of all flavored tobacco and synthetic nicotine products in the State. Requires DOH to coordinate with DOE to establish a take back program for students to voluntarily dispose of electronic smoking devices, flavored tobacco or synthetic nicotine products, and tobacco products in their possession. Requires DOH and DOE to coordinate quarterly meetings with students on addressing the youth vaping epidemic.

Principals' Position:

The various Principals across the state from the Hawaii State Department of Education ask that you respectfully consider our SUPPORT of HB1570.

My name is Reid Kuba and I am a Principal in Residence for the Hawaii State DOE. In my role, I specifically work with secondary principals from all islands, but also work with the elementary principals as well. HB1570 was determined to be of importance to Principals who represent their faculty, schools, and communities. Principals have direct knowledge and experience with the students and communities they serve.

Principals from the various islands have experienced the increase in students who vape. This leads to their decline in academics, peer interactions, behavior, and personal health. Principals have also seen first hand how vaping escalates to more serious drug use. Principals believe that the banning of flavored tobacco products will have a significant impact on this youth epidemic because many students who initially start vaping, do so because of the fruity smells and flavors.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

Please see the attached list of Principals who SUPPORT HB1570. Please note that although I represent Principals, there are also Vice Principals who SUPPORT HB1570 and they have designated themselves as such on the list for your convenience.

Thank you for the opportunity to testify in SUPPORT of HB1570.

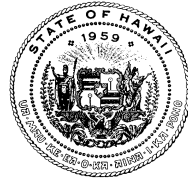
HB1570 - RELATING TO THE YOUTH VAPING EPIDEMIC. By filling in your name and information below, you agree that you SUPPORT HB1570 that requires DOH to post online monthly updates on all deposits and expenditures of the tobacco enforcement and Hawaii tobacco settlement special funds and Hawaii tobacco prevention and control trust fund. Requires DOH to submit annual reports to the legislature on the receipts and expenditures of the Hawaii tobacco settlement special fund and Hawaii tobacco prevention and control trust fund. Requires the attorney general to monitor online sales of tobacco products and electronic smoking device products and post online monthly updates. Requires DOH to establish a standardized and scientific testing process for the presence of flavoring in tobacco products and synthetic nicotine products and post this information online. Beginning 1/1/2023, prohibits the sale or distribution of all flavored tobacco and synthetic nicotine products in the State. Requires DOH to coordinate with DOE to establish a take back program for students to voluntarily dispose of electronic smoking devices, flavored tobacco or synthetic nicotine products, and tobacco products in their possession. Requires DOH and DOE to coordinate quarterly meetings with students on addressing the youth vaping epidemic.

NAME	Name of School	Island	Complex
Momi Kaehuaea	Konawaena High School	Hawai'i	HKKK
Tammie Picklesimer	Waimea Elementary	Hawai'i	HKKK
Trisha Sanborn	Kohala Middle School	Hawai'i	HKKK
Dean Cevallos	Kea'au High School	Hawaii	KKP
James Denight	Kealakehe High School	Hawaii	HKKK
Lisa Souza	Waiakea Intermediate School	Hawaii	HW
Teddy Burgess	Konawaena Middle School	Hawaii	HKKK
Gregg Yonemori	Keaau Middle School	Hawaii	KKP
Amy Stafford	Kohala High School	Hawaii	HKKK
Rachelle Matsumura	Honokaa High and Intermediate School	Hawaii	HKKK
Hannah Loyola	Kohala Elementary School	Hawaii	HKKK
Jasmine Urasaki	Hilo High School	Hawaii	HW
Rory Souza	Honoka'a Elementary School	Hawaii	HKKK
Noreen Kunitomo	Honaunau Elementary	Hawaii	HKKK
Michelle Barber	Waikoloa Elementary & Middle School	Hawaii	HKKK
Jeffrey Freeman(VP)	Waikoloa Elementary & Middle School	Hawaii	HKKK
Brian Godsill	Kalaheo Elementary School	Kauai	KKW
Melissa Speetjens	Waimea Canyon Middle	Kauai	KKW
Leila Maeda-Kobayashi	Koloa Elementary	Kauai	KKW
Tracy Lui	Kihei Elementary	Maui	BKM
Stacy Bookland	Lahaina Intermediate School	Maui	HLLM
Ty Ogasawara	Pukalani Elementary	Maui	BKM
Barbara Oura Tavares	Lihikai Elementary	Maui	BKM
Camille Woods (TA-VP)	Lahaina Intermediate School	Maui	HLLM
Richard Carosso	Makawao Elementary School	Maui	BKM
Amy Strand	King Kekaulike High School	Maui	BKKM
James M Petrakis (VP)	Lahaina Intermediate School	Maui	HLLM
Alison Uyehara (VP)	Kekaulike High School	Maui	BKM
Kristen Stafford	Kekaulike High School	Maui	BKM
Jo-Anne Higa	Maui High School	Maui	BKKM
Brittany Neizman (VP)	Maui High School	Maui	BKKM
Elizabeth Ayotte (VP)	Maui High School	Maui	BKKM
Kainoa Pali	Molokai Middle School	Molokai	HLLM

Shona Pineda	Kilohana Elementary School	Molokai	HLLM
Daniel Espaniola	Kaunakakai Elementary	Molokai	HLLM
Ronald Oyama	Kapalama Elementary School	O'ahu	FKK
Yuuko Arikawa-Cross	Daniel K. Inouye Elementary School	O'ahu	LMW
Sonja Samsonas	Kauluwela Elementary School	O'ahu	KMR
Derek Santos	Kalihi Uka Elementary	O'ahu	FKK
Shannon Goo	Hahaione Elementary	Oahu	FKK
Donna Lindsey	Kahuku High and Intermediate	Oahu	CK
Mavis Tasaka	Dole Middle School	Oahu	FKK
Suzie Lee	Ma'ili Elementary	Oahu	NW
Lisa DeLong	Olomana	Oahu	KK
Gary Yasui	Holomua Elementary School	Oahu	CK
Mitchell Otani	Kalani High School	Oahu	FKK
Christopher D. Bonilla	Ilima Intermediate School	Oahu	CK
Wayne C. Guevara	Moanalua Middle School	Oahu	AMR
Eliza Elkington	Sunset Beach Elementary School	Oahu	CK
Varissa Pata	Waiialua Elementary School	Oahu	LMW
Todd Fujimori	Honouliuli Middle School	Oahu	CK
Duwayne Abe	Salt Lake El.	Oahu	AMR
Stacey Oshio	Kailua High School	Oahu	KK
Allyson Doherty	Kailua Elementary	Oahu	KK
Kim Sanders	Ewa Makai Middle School	Oahu	CK
Christine Alexander	Waiialua High and Intermediate	Oahu	LMW
Wesley Shinkawa	Kapolei High School	Oahu	CK
Richard Fajardo	Kapolei Middle School	Oahu	CK
Alisa Bender	Aiea Intermediate School	Oahu	AMR
Abey Qureshi	Kahuku Elementary School	Oahu	CK
Malaea Wetzel	Hale'iwa Elementary School	Oahu	LMW
Patrick Wetzel	Hickam Elementary School	Oahu	AMR
Aaron Tominaga	Waipahu Elementary School	Oahu	PW
Kathy Kahikina	Benjamin Parker Elementary School	Oahu	CK
Tami Marie Haii	Linapuni Elementary School	Oahu	FKK
Michael Harano	Washington Middle school	Oahu	KMR
Jeffrey Shitaoka	Koko Head Elementary School	Oahu	FKK
Joseph Passantino	Ke'elikolani Middle School	Oahu	KMR
Sheldon Konno	Wai'anae Elementary School	Oahu	NW
Kyle Shimabukuro	Mililani Mauka Elementary	Oahu	LMW
Komarey Moss	Red Hill Elementary	Oahu	AMR
Ernest Muh	Helemano Elementary School	Oahu	LMW
Noel Richardson	Waimanalo Elementary & Intermediate	Oahu	KK
Corey Allen	Nimitz Elementary School	Oahu	AMR
Garret Zakahi	Jefferson Elementary School	Oahu	KMR
Zachary Sheets	Pearl City Highlands Elementary	Oahu	PW

Garrett Arakawa	Momilani Elementary School	Oahu	PW
Bryan Rankie	Ho'okele Elementary School	Oahu	CK
Cherise Akimoto (VP)	Honouliuli Middle School	Oahu	CK
Nathan Maeda	Maunawili Elementary	Oahu	KK
Bryan Honda, VP	Ewa Elementary	Oahu	CK
Meryl Matsumura	Waipahu High School	Oahu	PW
Bernie Tyrell	James B. Castle High School	Oahu	CK
Ryan Micale (VP)	James B. Castle High School	Oahu	CK
Teresann Taua (VP)	James B. Castle High School	Oahu	CK
Donna Kam (VP)	James B. Castle High School	Oahu	CK
Noah Tagatauli (VP)	James B. Castle High School	Oahu	CK
Jennifer Luke-Payne	Ka`a`awa Elementary School	Oahu	CK
David Pila (VP)	McKinley High School	Oahu	KMR
Garett Yukumoto	Iliahi Elementary School	Oahu	LMW
Lynn Kobayashi	Kuhio Elementary School	Oahu	KMR
Diana Agor (VP)	Ewa Makai Middle School	Oahu	CK
Larisa Gadach (VP)	Ewa Makai Middle School	Oahu	CK
Kristin Muramoto (VP)	Dole Middle School	Oahu	FKK
Shelley Ferrara (VP)	Leilehua High School	Oahu	LMW
Shawn Nakata (VP)	Leilehua High School	Oahu	LMW
Shane Nakamura (TA-VP)	Leilehua High School	Oahu	LMW
Deyon Nagato (VP)	Leilehua High School	Oahu	LMW
Nolan Tokuda (AD)	Leilehua High School	Oahu	LMW
Deb Ostovich (VP)	Kapolei Middle School	Oahu	CK
Chad Matsuda	Webling Elementary	Oahu	AMR
Shannon Tamashiro	Pearl Harbor Elementary	Oahu	AMR
Candace Aimoto (VP)	Roosevelt High School	Oahu	KMR
David Lane (VP)	Roosevelt High School	Oahu	KMR
Lori Yoneda (VP)	Roosevelt High School	Oahu	KMR
Lorelei Aiwohi	Kalakaua Middle School	Oahu	FKK
Kel Hirohata (VP)	Waipahu High School	Oahu	PW
Matthew Mitsuyuki (VP)	Waipahu High School	Oahu	PW
Gary Chun (VP)	Waipahu High School	Oahu	PW
Daryl Agena (VP)	Waipahu High School	Oahu	PW
Jason Yoshimoto	Kamiloiki Elementary	Oahu	FKK
Al Carganilla	Farrington High School	Oahu	FKK
Jill Yoshimoto	Farrington High School	Oahu	FKK
Julie Ledgerwood	Farrington High School	Oahu	FKK
Hartwell Lee Loy	Farrington High School	Oahu	FKK
Kimberly Saula	Farrington High School	Oahu	FKK
Lisa Joy Andres	Farrington High School	Oahu	FKK
Alan Lee	Liholiho Elementary School	Oahu	FKK
Michael Jose	Shafter Elementary School	Oahu	AMR

Tim Hosoda	Ali'iolani Elementary School	Oahu	KMR
Ray Pikelny-Cook	Waianae High School	Oahu	NW
Randall Galeon (VP)	Salt Lake El.	Oahu	AMR
Michelle DeBusca	Ala Wai Elementary School	Oahu	KMR
Joyce Yang (VP)	Holomua Elementary School	Oahu	CK
Justin S. N. Mew	Kaiser High	Oahu	FKK
Dana Takahara-Dias (VP)	Kaiser High	Oahu	FKK
Michael Viernes (VP)	Kaiser High	Oahu	FKK
Andrew Szkotak (VP)	Kaiser High	Oahu	FKK
Nelson Chee (AD)	Kaiser High	Oahu	FKK
Laura Ahn	Niu Valley Middle School	Oahu	FKK
Daniel Larkin	Kalihi Waena Elementary	Oahu	FKK
James Aronica (VP)	Ewa Elementary	Oahu	CK
Blaine Takeguchi	Pearl Ridge Elementary	Oahu	AMR
Cherilyn Inouye	Ka'elepulu Elementary	O'ahu	KK
Kau'i Tanaka	Keolu Elementary School	O'ahu	KK



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

**Testimony in OPPOSITION to H.B. 1570, H.D. 1
RELATING TO THE YOUTH VAPING EPIDEMIC**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

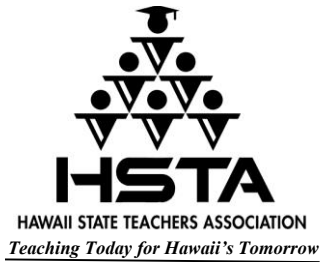
Hearing Date: 2/24/2022

Room Number: Videoconference

1 **Department Testimony:** The Department of Health (DOH) opposes House Bill (H.B.) 1570,
2 House Draft (H.D.) 1.

3 The DOH supports the intent of the original measure, H.B. 1570 to address the youth
4 vaping epidemic and protect Hawaii's next generation from lifelong addiction to tobacco use by
5 prohibiting the sales, distribution, and mislabeling of all flavored tobacco and synthetic nicotine
6 products. The multiple amendments in H.B. 1570, H.D. 1 are unreasonable and make the current
7 version untenable.

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



Osa Tui, Jr.
President
Logan Okita.
Vice President
Lisa Morrison
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON CONSUMER
PROTECTION & COMMERCE

RE: HB 1570, HD1 - RELATING TO THE YOUTH VAPING EPIDEMIC

THURSDAY, FEBRUARY 24, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Johanson, and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1570, HD1**, relating to the youth vaping epidemic. The main focus of this bill that we support bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. Establishes fines and penalties for violations. Includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

Flavored tobacco products have been proven as the entry point for youth to start smoking. With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say they only use a flavored product.

The use of e-smoking products among youth is at epidemic levels, especially in Hawaii. According to the 2017 Youth Risk Behavior Survey, **Hawaii has one of the highest rates of middle and high school usage in the nation at 15.7% and 25.5% respectively.** Moreover, 27% of middle school students and a whopping 42% of high school students have tried e-cigarettes. On the neighbor islands, usage trends are particularly concerning—in Hawaii county 34% of students reported they are regular users while on Kauai 32% are regular users.

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking.

According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.

Lastly, thank you for not adding any fines for our youth, as HSTA opposes these fines, as we feel our students are the victims in this case. 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. We just want to make this stance clear from the start.

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawaii State Teachers Association requests you **support this bill.**



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
hicopd@gmail.com
(808)699-9839

February 22, 2022

Honorable Chair Representative Aaron Ling Johanson
Honorable Vice-Chair Representative Lisa Kitagawa
Members of the House Committee for Consumer Protection and Commerce

RE: **Comments on HB1570, HD1 Relating to Tobacco Products (ban flavored nicotine)**

Dear Chair Johanson, Vice Chair Kitagawa, and members of the Consumer Protection and Commerce Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please amend the bill HB1570, HD1 to return to the original form of the bill**, which will ban the sale of flavored nicotine products and mislabeled e-liquid products without adding a lot of confusing changes to the original, well-drafted bill.

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 and requiring support from society than they or any of us would like.

Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and on in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019!

While 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, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous 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! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine](#) at

www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs.

Flavors in tobacco and nicotine products entice youth, while the nicotine keeps them hooked for life. Our organization is daily working to help those whose lungs have been ruined by exposure to smoke and we are trying to reduce our numbers, NOT increase them. In 2020, 8 in 10 youth who currently use electronic smoking devices reported they use a flavored product, up from 7 in 10 in 2019 (National Youth Survey). Ending the sale of flavored tobacco and nicotine products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is at least as harmful as other tobacco and nicotine flavors. It is known for its ability to mask the harshness of tobacco and makes using nicotine easier to start and harder to quit. If our aim is to protect our vulnerable keiki and reduce the burden of tobacco in our communities, menthol MUST be included.

Ending the sale of all flavored tobacco and nicotine will advance health equity—disparities in tobacco use are due to the tobacco industry’s history of marketing menthol tobacco products to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Island smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among youth.

The March 2021 Tobacconomics Fact Sheet estimates that more than 3,000 smokers (5.6% of menthol smokers) would quit when flavored and menthol products are banned. Additionally, the fact sheet estimates 700 premature smoking-caused deaths will be avoided. Additionally, fewer youth will be initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing kids in Hawaii from becoming addicted smokers would secure millions of dollars in future health cost savings.

The many amendments in HD1 of the bill have removed the five page rationale for the bill and imposed numerous requirements on the Departments of Health, Attorney General and Education. The amendments are not evidence-based and DO NOT align with the original intent of the bill (which was also removed when the 5-page preamble was inexplicably removed).

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please **amend HB1570, HD1 to return to the original form of the bill, and pass it out of committee so it can become law as it was originally drafted.** 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



**American
Heart
Association.**

American Heart Association comments for HB 1570, HD1 “Relating to the Youth Vaping Epidemic”

The American Heart Association offers comments for HB 1570, HD1 “Relating to the Youth Vaping Epidemic.”

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David Underriner

Jennifer Walker

The original version of HB 1570 was based on evidence-based policy aimed at restricting the use of flavors in all tobacco products as a way to eliminate one of the key tools the tobacco industry uses to attract and addict its young targets. However, many of the amendments made in the HD1 version of the bill are not evidence-based and therefore we ask that the bill be amended back to its original form.

Proven evidence-based policy to reduce tobacco use, especially among underage users, includes consistently increasing tobacco taxes, including a tax on e-cigarettes to create parity with other tobacco taxes, to discourage use by price sensitive youths and to maintain the taxes’ effectiveness as economic inflation rises. Other evidence-based policies aimed at reducing youth tobacco use and addiction include: restricting all flavors, including menthol, in all tobacco products; requiring licensing for all tobacco retailers and establish meaningful penalties for underage sales targeted to the retail shop owner including the potential for loss of retail license to sell tobacco products; and online sales restrictions.

Tobacco use among kids is being driven by youth-friendly flavors like mint, fruit, and candy. From 2017 to 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%), according to the CDC’s 2019 National Youth Tobacco Survey. Numbers among Hawaii youths are even higher, especially on neighbor islands.

E-cigarettes are available in thousands of youth-appealing flavors, including fruit, candy, mint and menthol. The overwhelming majority of youth e-cigarette users report using flavored products. Tobacco companies target youth and adolescents with million-dollar marketing campaigns and thousands of appealing flavors that are specifically designed to attract and hook kids.

Mint and menthol flavored tobacco products are heavily marketed to kids, especially those from communities of color and the LGBTQ community with products specifically designed to entice them. A 2019 Stanford study found that JUUL’s initial advertising campaigns were “patently youth-oriented.” Nearly two-thirds of high school students who use e-cigarettes use mint or

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menthol flavors. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products. More than half of all youth and young adult smokers smoke menthol cigarettes.

Though e-cigarettes are the most commonly used tobacco product among middle and high school students, they are also using other flavored tobacco products such as cigars, cigarettes, hookahs and chewing tobacco. The CDC's 2019 National Youth Tobacco Survey found that nearly 1 in 3 high school students have used a tobacco product in the last 30 days.

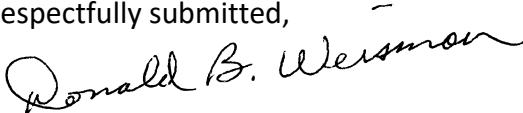
And even though e-cigarettes are often marketed as a less harmful alternative to traditional cigarettes, there's limited evidence on the long-term health impact of their use. **What is known is that nicotine can have adverse health effects on kids, such as causing addiction to dangerous tobacco products, harming their brain development, and increasing the risk of heart disease. Recent studies have found that e-cigarettes decrease blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.**

Current FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use, state and local governments need to move forward to address loopholes. Under the FDA's guidance, thousands of e-cigarette flavors remain on the market since the policy exempts menthol e-cigarettes and allows fruit, candy, and mint flavored liquid nicotine used in refillable open tank systems or in disposable e-cigarettes (like the popular brand Puff Bar), to stay on the market. In addition, other flavored tobacco products such as menthol cigarettes and flavored smokeless tobacco and cigars are still allowed to be sold.

A comprehensive approach to eliminating all flavors from all tobacco products is needed so that the tobacco industry can no longer play a shell game in driving our youths from one product to another using the enticement of flavors to veil the dangers of nicotine addiction and smoking/vaping. Other unproven policies will only distract from implementing the evidence-based methods to address and reduce youth tobacco use and would potentially drain resources to support proven programs and methods.

Mahalo for this opportunity to testify,

Respectfully submitted,


Don Weisman

Government Relations/Communications and Marketing Director



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Consumer Protection & Commerce

Re: **HB 1570, HD1 – Relating to the Youth Vaping Epidemic**
Hawai'i State Capitol, Via Videoconference, Conference Room 329
February 24 2022, 2:00 PM

Dear Chair Johanson, Vice Chair Kitagawa, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am submitting COMMENTS on HB 1570, HD1, relating to the youth vaping epidemic. This bill would ban the sale of flavored tobacco products and synthetic nicotine products in our state.

Hawai'i's youth report some of the highest e-cigarette use rates in the nation. In 2020, the Centers for Disease Control and Prevention (CDC) announced that nearly half (48.3 percent) of Hawai'i high school students and 3 in 10 (30.6 percent) of middle school students have ever tried e-cigarettes.¹

Tobacco use is also a health equity and social justice issue. According to the CDC,² approximately 3 in 10 (31 percent) of Hawai'i high school students and nearly 2 in 10 (18 percent) of Hawaii middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island youth, these numbers climb to 4 in 10 (40 percent) for high school and 3 in 10 (30 percent) for middle school students.

Flavors in tobacco entice keiki to get hooked on nicotine. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019.³ Ending the sale of flavored tobacco products will reduce the appeal of these products to our children and youth. Menthol and mint should be included in the flavor prohibition, as their ability to soothe the throat makes them popular among youth.

Hawai'i needs to take action to tackle our growing youth vaping epidemic. However, we are concerned that the amendments made to HB 1570 distract from the original intent of the bill, as they are not necessary to implement a flavored tobacco ban and their effectiveness is not supported by evidence.

For those reasons, **we respectfully request that you restore the bill to its original version.** Mahalo for the opportunity to provide these comments.

Thank you,
Nicole Woo, Director of Research and Economic Policy

¹ <https://www.lung.org/media/press-releases/hawaii-vaping-rates>

² <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>

³ https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

HB-1570-HD-1

Submitted on: 2/22/2022 8:30:02 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

The Hawaii Smokers Alliance is strongly opposed to HB1570.

We oppose the bill because it is a **shameful and bigoted attack on the rights and liberties of adults over age 21.**

We oppose this bill because it will cause a **black market** of flavor additives without any standards to ensure the product is not harmfully adulterated.

We oppose this bill because it will **harm local small businesses** that retail these products.

Thank You for Your Consideration

Michael Zehner, co-chair of Hawaii Smokers Alliance

Aloha,

My name is Rustin Smith and I am the owner of Smokey's Pipe and Coffee. I have been selling tobacco and vaping products in Hawaii for over 20 years. I am in opposition of this bill. I have attached below a testimony given by a women from Stanford, CT who was in opposition of a bill that is similar to HB1570. I found it to be very interesting, especially the solutions she offers at the end of her testimony. Please give it an honest read thru.

Mahalo,

Rustin Smith
President
Hardknocks Inc
Smokeys Pipe and Coffee
808-389-0272

Testimony to Public Health Committee
In Opposition of HB 6450: An Act Implementing the Governors Budget
Recommendations Concerning Public Health
Submitted by Cheryl Richter
41 Iroquois Road, Stamford, CT 06902.
[C I richter@yahoo.com](mailto:C_I_richter@yahoo.com) 203-253-2372

March 2, 2021

I'm Cheryl Richter, a 28 year resident of Stamford, and I live in Assembly district 146. I am 57 years old and I started smoking when I was 13 years old. I continued for over 30 years until I discovered an e-cigarette 11 years ago and quit the first time I tried one. I am sorry I'm unable to testify in person, but I had a business obligation at the same time.

I am writing to oppose HB 6450: An Act Implementing the Governors Budget Recommendations Concerning Public Health.

I became a vaping advocate shortly afterwards and have testified in front of your Public Health Committee many times over the years. I am currently the Executive Director of the New York Vapor Association and I feel I can bring a perspective to the issue of a flavor ban that I hope can help guide you NOT to make the same mistake that New York last May by banning flavored vapor products.

Almost a year ago today, I testified in front of New York's Joint Health Committee and warned the legislators of the terrible consequences a flavor ban would cause to consumers.

Health Consequences to Consumers:

- An immediate explosion of a dangerous black market
- Buy online from domestic and international sources
- Do-it-Themselves
- Return to smoking

The elimination of a life-saving industry in the state. When 93% of the products sold are removed from the shelves licensed vapor-tax paying retailers sell were illegal

That banning the sale of more than 93% of the e-liquids currently sold by vapor tax-paying registered Vapor Product Retailers, thus eliminating a life-saving industry; decimate hundreds of small businesses and with the convenience of cigarettes being still readily available on every street corner, people would go back to smoking.

So what are the consumers' health consequences after New York's flavor Ban? They:

- They Are Buying on the Black Market. There was an immediate rise of the black market with no product regulations, no manufacturing standards, no IDing, no licensing, no taxes. Fifty percent of vapers surveys indicated they would resort to the black market to get their flavors if banned and that is now obviously true.

- Today, kids are sourcing vapor products easily from online sites such as Snap Chat and Tik Tok. Please see the recent article from Tech Crunch: [TikTok is being used by vape sellers marketing to teens](#).
- Buy online, skirting tax and age verification.
- Dangerous Do-It-Yourself E-liquid which is very easy to make and very easy to get it wrong. E-liquid ingredients are readily available in supermarkets where consumers can get ingredients that are unsafe to inhale, like McCormick's peppermint oil, and DIYing puts undiluted nicotine in many homes. See [diyordievaping.com](#) for instructions. There is only one death related to nicotine and it happened when a couple was diying, and they left a bottle of undiluted liquid nicotine open and their toddler drank it. More reason why e-liquid needs to continue to be made in ISO labs.
- Consumers have returned to smoking. Now, in 2021, Altria is boasting of an increase in sales. Between COVID-19 lockdown when people were home and convenience stores and gas stations had cigarettes widely available, and the lack of flavored e-liquid due to flavor bans, ex-smokers returned to smoking for the first time in years. Please see this recent article from the Wall Street Journal: [Smoking's Long Decline Is Over](#).

The opponents of e-cigarette harm reduction tell you that adults will just switch to tobacco flavored. This makes no sense and it hasn't worked. Why would any adult choose to use a tobacco flavor when that is their relapse trigger? Flavors are the key to their success because it helps them disassociate from the smell, taste and triggers of tobacco smoke. As Judge Cholakis said in her NY court decision, *"There is no evidence in the record to support the inference that once flavored e-liquids are banned, the consumers of vaping products will simply switch to tobacco, menthol or flavorless e-liquid..."* By the way, there's no proof that minors would or wouldn't either.

During the time of this pandemic, small business has been impacted the most. In New York, it is estimated that 40-50% of vape shops have already closed since the ban went into effect. Of those still in business, many express that the only reason they are still in business is because their leases are deferred right now but they are prepared to close.

Economic consequences of the HB 6450 flavor ban:

- We warned a ban will force the closure of independent vape shops, and layoffs of employees with retail, wholesale, e-liquid and component manufacturing jobs. So far unfortunately in NY this has proved true. As of now, we estimate a 50% closure rate with the rest hanging on due to the moratorium on lease payments. In Connecticut, the same could be expected.
- Bankruptcies declared
- Movement out of state: Many members have moved to Tennessee, Florida, Texas, South Carolina and Indian Reservations
- Employee layoffs: In NY, it is estimated that 75-80% have laid off employees with the majority having no employees after the May ban

- Leases broken
- Defaults on business loans, mortgages, cars, equipment, etc.

Federal Regulations of E-Cigarettes

- September 2020: All e-liquid companies must have had to submit pre-market applications. Those that did not are considered illegal.
- December 2020: The PACT Act forbids the shipping of vapor products B2C. Fedex and UPS express they will do the same. Therefore in the US, only B2B shipments of vapor products will be legal. To go into effect April 2021
- National Tobacco 21⁸ (effective 12/10/2019)
- January 2020: The FDA removed from the market of all flavored pod/cartridge-based e-cigarettes⁹ other than tobacco or menthol, which they determined to be the preferred products of youth because of the extremely high nicotine content that cause a nic-buzz the kids like. In addition, next Thursday they will prioritize enforcement against all other ENDS products for which the manufacturer has failed to take (or is failing to take) adequate measures to prevent minors' access; and any ENDS product that is targeted to minors or whose marketing is likely to promote use of ENDS by minors.
- Additional Federal requirements that have been in effect for years include: Tamper/Child resistant packaging and flow-restricted bottles; warnings on labels including nicotine is addictive, the manufacturer's address, percentage of nicotine by volume, and all ingredients¹⁰. Plus, all label images and ingredients¹¹ are now uploaded to the FDA's FURL system to ensure that if an ingredient is found harmful it can be recalled.
- The PMTA (pre-market tobacco application) Process went into effect in September 2020² E-liquid and hardware manufacturers submitted their premarket applications and are not complying with copious lab results and physiological studies. Many manufacturers have been working with the FDA on these applications for years.

Solution:

As a solution to the surety of an immediate black market, we suggest the "Liquor Store Model" as an amendment to a flavor ban, by simply adding, "exemptions for state licensed vapor retailers that are age-restricted for 21 and above." We do not believe that a store that sells candy and soda needs to sell flavored vapor products. These are adult products, and adult vapers need them to avoid relapse. However, importantly, we believe that wherever cigarettes are sold, an adult should have the right to switch to a harm reduction product spontaneously, so allow tobacco and menthol to stay next to the cigarettes but put them behind or under the counter. Prohibit in-store displays, unless in age-restricted shops. Prohibit posters in windows so general traffic can't see them. The FDA will remove flavored high-nicotine pod systems sold mostly in c-stores and gas stations next week anyway.

Here are the things that would actually curb youth vaping:

- **Restrict Access:** Allow flavored e-liquid sales in age-restricted retail locations only (as with hard liquor). Allow menthol and tobacco sales where deadly cigarettes are readily available to enable “accidental quitting.”
- **Nicotine Cap:** No more than 3.6% nicotine by volume to be sold in the state. Lowering nicotine contents will be less addictive and will not cause the nicotine “buzz,” which is what is attractive to minors.
- **State-approved training for all employees selling vapor products.** E-cigarettes are vastly different than combustible tobacco products. Employees need education on their specific federal and state regulations, appropriate IDing techniques, understanding of nicotine levels, spotting counterfeits, and how to effectively communicate with smokers
- **Physical ID scanners at every point of sale.** Fake IDs are cheap and readily accessible to minors from China, coming in through packaging of shoes, electronics, etc. High quality technology is needed to prevent the sale unless age is verified
- **Age verification software for all online sales** to verify name, age and address
- **Marketing and packaging restrictions:** (No cartoon images of food, animals, children; no animated or non-animated media characters such as superheroes; no IP/trade mark/dress infringement)
- **Restrict tobacco and e-cigarette signage** on store-fronts near schools.
- **Legal Consequences** for minors using or possessing tobacco or e-cigarettes.
- **Steep Penalties** for adults who sell or give them to minors to prevent straw purchases, including employees who sell vapor products.

Please rethink the negative consequences that will inevitably happen if HB 6450 becomes enacted. Thank you for your time.

Sincerely,

Cheryl Richter

Cheryl Richter

Citations:

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3. 2019 NYS Governor's Budget Bill S1509, <https://www.nysenate.gov/legislation/bills/2019/s1509>
4. NYS Tobacco 21 Bill <https://www.nysenate.gov/legislation/bills/2019/a558>
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6. The VTA vs. NY State, January 2020, <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=hB8yjEfHrJsE9VgVu8DsVw==>
7. NYS Tobacco Use and Prevention Program Bill, 2019, <https://www.nysenate.gov/legislation/bills/2019/a481>
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9. FDA Flavored Pod Systems Guidance, January 2020, <https://www.fda.gov/media/133880/download>
10. FDA labeling and warning statement requirements, <https://www.fda.gov/tobacco-products/labeling-and-warning-statements-tobacco-products/covered-tobacco-products-and-roll-your-own-cigarette-tobacco-labeling-and-warning-statement>
11. FDA Ingredient Listing Requirements, <https://www.fda.gov/tobacco-products/manufacturing/submit-ingredient-listing-tobacco-products>
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13. Changes in Flavor Preference in a Cohort of Long-term Electronic Cigarette Users, Jan. 2020 <https://www.ncbi.nlm.nih.gov/pubmed/31978316>
14. CDC Statement on E-Cigarettes, January 2020 https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm
15. Tax Foundation, 2015 <https://taxfoundation.org/cigarette-tax-cigarette-smuggling-2015/>
16. NYSVA Market Survey, 2017 <https://drive.google.com/file/d/1I96k9LmNcNqC0xPIAADdVNCrMuR2kabA/view?usp=sharing>
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breakdown: <https://www.convenience.org/Research/FactSheets/ScopeofIndustry/IndustryStoreCount>

18. NACS, Number of Convenient Stores in
NY, [https://www.convenience.org/Research/FactSheets/ScopeofIndustry/IndustryStore
Count](https://www.convenience.org/Research/FactSheets/ScopeofIndustry/IndustryStoreCount)



February 22, 2022

To: Chair Ling Johanson
Vice Chair Kitagawa
House Committee on Consumer Protection & Commerce

RE: **Comments on HB1570, HD1**

Thank you for this opportunity to offer comments on HB1570, HD1. While we are in strong support of ending the sale of flavored tobacco products, significant amendments were added to this bill that are not necessary. We respectfully ask the committee to restore the bill to its original version.

Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make our state a healthier, happier place to live, work and play. To accomplish that goal, we address ways that we can lower obesity rates, tobacco use, and chronic diseases.

The original bill is necessary to improve health outcomes, reduce preventable chronic conditions, reduce unnecessary healthcare spend, and save lives.

Thank you for this opportunity to offer comments on HB1570, HD1.



February 24, 2022

2:00 pm, Via Videoconference

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Testimony in SUPPORT of HB 1570, HD1 RELATING TO THE YOUTH VAPING EPIDEMIC

To: Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair

My name is Lisa Dau, RN, and I am the Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPC), which is a non-profit agency with a mission to decrease childhood injuries. KIPC **SUPPORTS** HB 1570, Relating to the youth vaping epidemic that bans the sale of flavored tobacco and synthetic nicotine products.

Tobacco flavors lure young people, while nicotine keeps them addicted for life. In 2020, 8 out of 10 young people who use e-cigarettes said they used a flavored product, up from 7 out of 10 in 2019. (National Youth Tobacco Survey). Stopping the sale of flavored tobacco products will limit their attractiveness and safeguard our children from a lifetime of addiction.

Menthol is just as dangerous as any other tobacco flavor, if not more so. Menthol is known for masking the harshness of tobacco, making it easier to start and harder to quit. We must include menthol if we want to safeguard our keiki and minimize the burden of tobacco in our communities.

Ending the sale of all flavored tobacco will improve health equality since the tobacco industry has a history of marketing menthol cigarettes to adolescents and people of color, which has contributed to inequities in tobacco use. Menthol cigarettes used by 78 percent of Native Hawaiian and Pacific Islander smokers in Hawai'i (Hawaii BRFSS, 2008). One of the most popular flavors among teenagers is mint and menthol flavored e-cigarettes.

We support of HB 1570, which will ban flavored tobacco products in the best interests of our local kids. If the goods lose their attractiveness, become more difficult to obtain, and our children are better educated about the health concerns of using these products, we may be able to mitigate the harm produced by the tobacco and vaping companies.

Thank you,

Lisa Dau, RN, MBA, BSN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition

HB-1570-HD-1

Submitted on: 2/23/2022 7:16:25 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
UH Student Health Advisory Council	UH Student Health Advisory Council	Comments	No

Comments:

The UH Student Health Advisory Council remains deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults. The banning of flavored tobacco products as well as providing tobacco education and cessation programs without penalties for youth is imperative if we are committed to protecting the health and well-being of our communities. While significant amendments were added to this measure that are unnecessary to the implementation of a flavored tobacco ban, we respectfully request that you restore this measure back to its original version which focused on ending the sale of flavored tobacco in Hawaii.

February 23, 2022

To: Hawaii House Consumer Protection and Commerce Committee

From: Americans for Tax Reform

Dear Representative,

On behalf of Americans for Tax Reform (ATR), a non-profit organization which advocates in the interests of taxpayers and consumers throughout the United States, I urge you to reject HB 1570, misguided legislation which seeks to restrict access to lifesaving reduced risk tobacco alternatives such as electronic cigarettes through flavor bans proven critical to the process of helping adults quit smoking. **The evidence clearly demonstrates that if enacted, this bill would have a disastrous impact upon not only businesses, but public health throughout the State, and lead to a clear increase in tobacco-related mortality.**

ATR further submits that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses, at a time when they can afford it least. **It would kill thousands of jobs and would cost business owners their livelihood. Hawaii's total economic cost would be devastating.**

Studies have repeatedly shown that flavors, which HB 1570 would prohibit, are critical to helping adult smokers make the switch to vaping. Adults who use flavored vapor products are **43% more likely to quit smoking** than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health.

Further, bans on flavored vaping products are shown to cause increased youth cigarette smoking. A [study](#) from Dr. Abigail Friedman at the Yale School of Public Health found that **when San Francisco imposed a flavor ban in 2018, youth smoking doubled.** Before San Francisco's flavor ban, the city had lower youth smoking rates than comparable counties like New York and Los Angeles. **After the flavor ban, San Francisco's youth smoking rate rose to 6.2% while comparable districts had an average rate of 2.8%.**

Additionally, contrary to the claims of anti-vaping advocates, Contrary to the claims of anti-vaping advocates, flavors play no role in youth uptake of vaping. Academic studies have found that teenage non-smokers "willingness to try plain versus flavored varieties did not differ" and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. National Youth Tobacco Survey results have shown [no increase in nicotine dependency](#) among youths since flavored products entered the market.

Along with the flavor bans imposed on reduced risk tobacco alternatives, HB 1570 extends flavor prohibition to menthol cigarettes and other conventional tobacco products. Like bans on flavors in reduced risk tobacco alternatives, these would also come with significant negative consequences for the state, with no evidence whatsoever that they have any effect in reducing smoking rates. To the contrary, real-world evidence from Massachusetts demonstrates that such bans are counterproductive and come at significant cost.

Since Massachusetts implemented a ban on all flavored tobacco products in the middle of 2020, cross-border purchases and the creation of a booming black market have more than made up a decline in sales in the Commonwealth. In the first six months since the ban was enacted, Massachusetts retailers have sold 17.7 million fewer cigarette packets compared to the same six months in the prior year, while neighboring Rhode Island and New Hampshire have combined to sell 18.9 million more as Massachusetts residents stocked up across state lines. The loss to the state, already amid a fiscal crisis brought on by the Covid-19 pandemic, has thus far been a [staggering \\$73,008,000](#).

While the states of Rhode Island and New Hampshire have been some of the biggest beneficiaries of Massachusetts' ban, collecting close to \$50 million in additional revenue, criminal syndicates have also benefited. Contrary to widespread belief that tobacco smuggling is a victimless crime consisting of someone purchasing a few extra cartons across state lines, most tobacco smuggling is run by multi-million-dollar organized crime syndicates. **These networks, who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a “[threat to national security](#)”.**

Paradoxically these bans may therefore increase youth smoking in the state: By definition, criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

Prohibitions on menthol-flavored cigarettes will disproportionately impact minority populations and communities of color. Banning menthol cigarettes will also significantly increase the policing of minority communities and lead to a rise in negative interactions between law enforcement and people of color. This proposal prioritizes criminalization over harm reduction and public health and will ensure that people of color will disproportionately suffer from the enforcement of HB 1750.

Civil liberty organizations such as the American Civil Liberties Union (ACLU), the Law Enforcement Action Partnership, and the Drug Policy Alliance are all [opposed](#) to bans on menthol and other flavored tobacco products for these same reasons. Further, law enforcement

officials [overwhelmingly](#) oppose a menthol ban because it will spur smuggling, counterfeit cigarettes, and increase organized crime.

About E-Cigarettes and Vapor Products:

- Traditional combustible tobacco remains one of the leading preventable causes of death in Hawaii. **The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine.** While highly addictive, nicotine is a benign substance like caffeine and nicotine use “does not result in clinically significant short- or long-term harms”.
- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. In recent years, advancements in technology have created a more effective alternative: **vapor products and e-cigarettes. These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.**
- The [CDC \(Centre for Disease Control\)](#) has found that only 3.1% of youths use e-cigarettes daily, disproving the myth of an ongoing “youth vaping epidemic.”
-

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been [proven to be at least 95% safer](#) than combustible cigarettes. A comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.
- E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. **According to one [study](#), a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation** compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. **Due to increased access to vaping, the U.S. adult smoking [rate](#) has**

plummeted to 13.7% as of 2018.

- New [analysis](#) this year by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. Another new study demonstrated that high-strength electronic nicotine products are [particularly helpful](#) for smokers with mental health issues quit smoking, like people with schizophrenia who smoke at rates more than three times the national average. Some 40% of participants had stopped smoking traditional cigarettes by the end of 12 weeks and researchers observed an overall, sustained 50% reduction in smoking or complete smoking abstinence in 92.5% of participants at the end of 12 weeks. **LD 1550 will have a tremendously negative impact on public health and would fail to decrease socioeconomic disparities by reducing adult access to products shown to improve public health.**
- Large-scale [analysis](#) from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if a majority of cigarette smokers switched to vaping. **This would save more than 28,000 lives in Hawaii.**

For the reasons outlined above, in the interests of public health, protecting the Hawaiian economy, and the spread of smuggling cartels, we call upon you to **accept the science and vote against HB 1570**. Thousands of lives depend upon it.

Sincerely,

Tim Andrews
Director of Consumer Issues
Americans for Tax Reform

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 23, 2022

To Representative Aaron Ling Johanson, Chair,
And members of the Committee on Commerce and Consumer Affairs

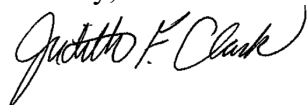
TESTIMONY IN SUPPORT OF HB 1570 HD 1 RELATING TO THE YOUTH VAPING EPIDEMIC

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, support HB 1570 HD 1 Related to the Youth Vaping Epidemic.

Thirty-one percent (31%) of Hawaii's students have used flavored tobacco products, a much higher rate than the national average. Tobacco is addictive and its use leads to many long-term health problems. Banning the sale of flavored tobacco products will help our youth grow up safe, healthy, and ready to succeed.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



February 23, 2022

**Committee
Members**

Tom Christy
808 645-1594

Regina Floyd
702 292-2372

Brian Foster
808 639-3529

Doug Haigh
808 635-1120

Larry LaSota
808 651-0910

Larry Lindsay
808 634-4559

Scott McCubbins
816 781-5883

Graeme Merrin
808 651-7211

Ryan Moen
808 651-0726

Lelan Nishek
808 245-7747

Tommy Noyes
808 639-1018

Doug Shannon
909 496-1188

Valerie Woods
808 822-2420

Ron Wiley
808 245-9527

Tom Worthen
435 994-0023

House Committee on Consumer Protection & Commerce
Hawaii State House of Representatives

STRONG SUPPORT FOR
HB1570 RELATING TO THE YOUTH VAPING EPIDEMIC

Aloha Rep. Johanson, Rep. Kitagawa, and CPC Committee Members,

This testimony is submitted on behalf of the Friends of Kamalani and Lydgate Park committee, registering our strong support for HB1570 as it was originally written.

We collaborated with appointed and elected officials to designate portions of Lydgate Beach Park as the County of Kauai's first tobacco-free park, and we believe in advancing the health and wellness of our youth by protecting them from becoming tobacco product addicts.

Here's why we implore you to advance this bill in its original language and without the unnecessary, diluting amendments that have been added without citing valid research supporting their effectiveness:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of **ALL** flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Please fulfill your allegiance to the people of Hawaii and advance HB1570 as originally written and without dilution. It is your responsibility to protect our youths' health, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality of life impairments.

Sincerely,

s/ Tommy A. Noyes, General Coordinator, The Friends of Kamalani and Lydgate Park



Hawaii Dental Association

To: House Committee on Consumer Protection & Commerce
Time/Date: 2:00 p.m., February 24, 2022
Location: Via Videoconference
Re: HB 1570, HD1, Relating to the Youth Vaping Epidemic

Aloha Chair Johanson, Vice-Chair Kitagawa, and members of the committee:

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 1570, HD1**, relating to the youth vaping epidemic. This bill bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. It establishes fines and penalties for violations and includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

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, jawbone 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 1570, HD1.

HB-1570-HD-1

Submitted on: 2/23/2022 7:59:06 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Riley Legaspi	BLVK E-Liquid	Oppose	No

Comments:

HB1570 while on paper is intended for the protection of public health, the way in which the bill would be enforced is to restrict access to vaping products to ALL people, including former smokers of legal age. This total ban would spell disaster for not just those former smokers, but the total destruction of the industry as hundreds, if not, thousands of jobs are destroyed. On behalf of BLVK E-Liquid, we oppose this bill.

Hawaii House Consumer Protection and Commerce Committee
Testimony: HB 1570
Guy Bentley, Director of Consumer Freedom, Reason Foundation
February 24, 2022

Chair Johanson, members of the committee, thank you for allowing me the opportunity to submit testimony on HB 1570.

My name is Guy Bentley, and I'm the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. The consumer freedom project analyzes and promotes policy solutions that improve public health while avoiding unintended consequences and protecting consumer choice.

The intention behind HB 1570 to limit tobacco use, especially among youth, is to be applauded. However, the evidence on the success of such prohibitions should raise significant concern that the ban will promote further inequalities in the criminal justice system, push sales and tax revenue to other states, increase the illicit tobacco trade, and fail to improve public health in Hawaii.

Case Studies: Massachusetts and Canadian Provinces

Massachusetts's ban on flavored tobacco products went into effect in June 2020. A preliminary analysis conducted by Reason Foundation which compared cigarette sales in Massachusetts the year prior to the ban and the year following the ban's implementation found that in total there was a net increase in cigarette sales of 7.2 million packs for Massachusetts and its bordering states. These figures underestimate cross-border trade because they do not account for lost sales of flavored e-cigarettes, smokeless tobacco, or cigars. There was also an increase of non-menthol cigarettes sales in Massachusetts of 15.6 million packs as consumers switched brands.

Furthermore, according to a study published by the *Journal of Law and Economics*, Canadian provinces' menthol prohibition has significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking rates.¹ As for adult smokers, the study discovered, provincial menthol bans shifted smokers' cigarette purchases away from grocery stores and gas stations to First Nations reserves (where the menthol bans do not apply). These results are important not just because they demonstrate an immediate economic impact

¹ Christopher Carpenter, Hai V. Nguyen. "Intended and Unintended Effects of Banning Menthol Cigarettes." *The Journal of Law and Economics*. August 2021.
<https://www.journals.uchicago.edu/doi/abs/10.1086/713978>

on jurisdictions that introduce prohibition but thanks to cross-border trade and the substitution of non-menthol cigarettes any health benefits are severely limited. In other words, the loss in tax revenue is unlikely to be made up by lower healthcare costs.

Public Health and Disparate Impacts

Advocates for the prohibition of menthol cigarettes correctly observe a disproportionate number of Black, Native Hawaiian, Pacific Islander and Filipino smokers choose a menthol product. In Hawaii, some hope the ban will dramatically reduce the state's smoking rate. While these populations are more likely to use a menthol product and White smokers use a non-menthol product, smoking prevalence is, in fact, lower among Black youth and adults.

Black non-Hispanic and other, non-Hispanic youth are less likely to smoke than their White peers.² These data conform to Reason Foundation's study published in 2021, showing that states with higher menthol cigarette use, such as Hawaii, tend to have lower, not higher, youth smoking rates.³ From a public health standpoint, as Black adults and youth smoke at lower rates than non-Hispanic Whites, it's hard to ascertain why non-menthol cigarettes, which are equally dangerous, will not be subjected to prohibition and menthol products will be.

Because menthol cigarettes are overwhelmingly the choice of minority smokers, prohibition will necessarily lead to a concentration of the illicit tobacco market in minority communities. The American Civil Liberties Union and other civil rights groups warn prohibition could disproportionately impact people of color, trigger criminal penalties, and prioritize criminalization over public health and harm reduction.⁴ The National Organization of Black Law Enforcement Executives (NOBLE), Grand Council of Guardians (GCGNY), National Association of Black Law Enforcement Officers (NABLEO), and Law Enforcement Action Partnership (LEAP) have argued that prohibitions of all kinds disproportionately affect communities of color and this is especially the case when it comes to banning menthol cigarettes.⁵

² Gentzke AS, Wang TW, Jamal A, et al. Tobacco Product Use Among Middle and High School Students — United States, 2020. <https://www.cdc.gov/mmwr/volumes/69/wr/mm6950a1.htm>

³ Guy Bentley and Jacob Rich. "Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?." <https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>

⁴ American Civil Liberties Union. "Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act." <https://www.aclu.org/letter/coalition-letter-criminal-justice-concerns-hr-2339-reversing-youth-tobacco-epidemic-act>

⁵ Franklin, Neil. "Ban on Menthol Cigarettes Would Have Unintended Consequences." *City Limits*. December 2, 2019. <https://citylimits.org/2019/12/02/opinion-ban-on-menthol-cigarettes-would-have-unintended-consequences/>

Food and Drug Administration Review and Tobacco Harm Reduction

Last year, the Food and Drug Administration authorized an e-cigarette as “appropriate for the protection of public health” for the first time. The FDA is also currently reviewing e-cigarette product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed to be net beneficial, it will be authorized for sale as appropriate for the protection of public health.

If Hawaii chose to ban these products prior to the FDA concluding its review it would limit consumer access to products the FDA may deem as a positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project 57 percent of vapers said they would continue vaping if flavors were banned, but half said they would find a way to get their preferred flavor. Of most concern, was the finding that close to one five vapers said they would stop vaping and smoke instead.⁶

While prohibiting flavors may seem an attractive solution to the problem of youth vaping, policymakers should be recognize that according to the 2021 National Youth Tobacco Survey (NYTS), 89 percent of high schoolers are not using e-cigarettes at all and 95 percent are not using them frequently. Youth vaping has also fallen to its lowest point in seven years.⁷ Furthermore, data released by the Centers for Disease Control and Prevention (CDC) shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason youth initiate vaping is “curiosity,” followed by “friend or family member used them,” with “they are available in flavors, such as mint, candy, fruit, or chocolate” coming a very distant third.⁸ Banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents.

In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University’s Abigail Friedman found that after the ban was enacted, San Francisco area youth had double the odds of smoking compared to similar

⁶ Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States.” *Addictive Behaviors*. Volume 125. February 2022. <https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

⁷ Park-Lee E, Ren C, Sawdey MD, et al. Notes from the Field: E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. https://www.cdc.gov/mmwr/volumes/70/wr/mm7039a4.htm?s_cid=mm7039a4_w

⁸ Wang TW, Gentzke AS, Creamer MR, et al. “Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019.” *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down

jurisdictions with no tobacco flavor ban.⁹ “While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health,” said Friedman.

According to a 2020 study by researchers at Yale School of Public Health, the use of e-cigarette flavors is positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.¹⁰ The prestigious Cochrane Review concluded e-cigarettes are more effective than traditional nicotine replacement therapies for helping smokers quit.¹¹ Prohibition of flavored e-cigarettes, which are overwhelmingly the choice of adult vapers, risks fueling illicit markets, forcing the closure of Hawaii’s vape shops, and driving vapers back to smoking.

Thank you for your time. I’d be happy to answer any questions.

Guy Bentley, Director of Consumer Freedom
guy.bentley@reason.org

⁹ Friedman AS. “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California.” *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

¹⁰ Abigail S. Friedman, PhD; SiQing Xu, BS. “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation.” *JAMA*. June 5, 2020.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787>

¹¹ Cochrane Review. “Updated Cochrane Review shows electronic cigarettes can help people quit smoking.” October 14, 2020.

<https://www.cochrane.org/news/updated-cochrane-review-shows-electronic-cigarettes-can-help-people-quit-smoking>



TO: The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
House Committee on Consumer Protection & Commerce

FROM: Philip Bossert, Executive Director
Hawaii Association of Independent Schools

RE: **HB 1570 HD1 – RELATING TO THE YOUTH VAPING EPIDEMIC - In Support**

DATE: Thursday, February 24, 2022
2:00 p.m.; via Videoconference

Aloha Chair Johanson, Vice Chair Kitagawa and Members of the Committee:

My name is Philip Bossert, and I am the Executive Director of the Hawaii Association of Independent Schools.

The Hawaii Association of Independent Schools (HAIS) strongly supports HB 1570 HD1.

HAIS is a membership organization that currently represents as members 100 of Hawaii's independent K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 112 private K-12 schools in the State.

Approximately 35,000 children attend Hawaii's private and parochial schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic sweeping the country. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support HB 1570 HD1 because, in banning the sale of flavored tobacco products – including menthol-flavored tobacco products – and increasing the penalties for the purchase of e-cigarettes by persons under the age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students and help to protect the current and future generations of Hawaii's citizens.

Thank you for the opportunity to submit testimony.

HB-1570-HD-1

Submitted on: 2/23/2022 9:46:29 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marisa	JOCOR Enterprises, LLC	Oppose	No

Comments:

I oppose any bill that is trying to place a ban on any products. I feel we are a much better alternative than smoking cigarettes. I feel that if these bills continue to be brought up, that it would take away from what our company is trying to do, we are trying to help our Community. We are making a difference and we are trying to continue to do so.

HB-1570-HD-1

Submitted on: 2/23/2022 10:05:57 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bev Brody	Get Fit Kauai	Comments	No

Comments:

On behalf of Get Fit Kauai, the Healthy Eating Active Living Coalition of Kauai County, thank you for hearing our concerns about the amendments to HB1570. We feel that they are unnecessary and distract from the original intent of the bill. Get Fit Kauai strongly stands behind proven, evidence-based strategies like ending the sale of flavored tobacco, taxing e-cigarettes, and restricting online sales. These policies have worked to reduce cigarette smoking to record lows, and will work to reverse the youth vaping epidemic. We respectfully request that the committee restore the bill to its original version, which focused on ending the sale of ALL flavored tobacco products in Hawai'i. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting. Once again we ask you to please restore HB 1570 to its original version! Thank you!



ABC Stores
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E-mail: mail@abcstores.com

Testimony 2/23/22

Re: HB1570 HD1 Relating to the Youth Vaping Epidemic

Good Morning Chairperson Aaron Ling-Johanson and members of the House Committee on Consumer Protection & Commerce. I am Curtis Higashiyama Government Affairs Manager and I appreciate this opportunity to testify.

ABC Stores are in **Strong Opposition** to HB1570 HD1 Relating to the Youth Vaping Epidemic. This measure includes directives for not only the Department of Health and the Department of the Attorney General, but also bans the sales of flavored tobacco products and mislabeled e-liquid products. Effective 1/1/2023.

As provided by research done by the "Taxpayers Protection Alliance," Electronic cigarettes are effective tobacco cessation products that have helped thousands of Hawaiian adults quit combustible cigarettes, and flavors are essential in this use. Although youth use of vapor products are concerning, lawmakers must refrain from alarmist efforts that would restrict access to flavors. Rather than prohibition, lawmakers ought to invest already-existing tobacco monies to fund robust tobacco control programs including cessation efforts, education, and youth prevention campaign."

We strongly encourage efforts be placed on current enforcement programs to prevent the availability of any tobacco product from getting into the hands of our youth. As the past has shown, when any type of "prohibition" is enacted, unfavorable results occur. Address areas such as the black market arena, and purchases made by family and friends. This is where areas of tobacco control programs, education, and youth prevention campaigns will help the most.

We ask the committee to re-evaluate the bill and refer to testimony submitted by the Taxpayers Protection Alliance. Included are current information from studies and surveys; funding availability through the state collection through taxes, funds availability through the Master Settlement Agreement, economic impacts, public health statements and more.

We hope that you will hold this bill.

Mahalo for the opportunity to testify.

HB-1570-HD-1

Submitted on: 2/23/2022 10:43:17 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Keenan Reader	Maui Preparatory Academy	Comments	No

Comments:

To Whom it May Concern,

While we strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, we are concerned that the amendments added to HB1570 are not necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. We respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

Mahalo,

Keenan Reader



949 Kamokila Boulevard, 3rd Floor, Suite 350, Kapolei, HI 96707
808.675.7300 | www.ohanahealthplan.com

February 24, 2022
2:00 p.m.

Via Videoconference Conference Room 329

To: The Honorable Chair Aaron Ling Johanson
The Honorable Vice Chair Lisa Kitagawa
House Committee on Consumer Protection & Commerce

From: 'Ohana Health Plan
Rachel Wilkinson, Government Relations Manager

Re: HB1570 HD1, Relating to the Youth Vaping Epidemic; **Providing Comments**

'Ohana Health Plan is a wholly owned subsidiary of Centene Corporation, a leading multi-national healthcare enterprise committed to helping people live healthier lives. Since 2008, 'Ohana Health Plan has provided government-sponsored managed care services to families—from keiki to kupuna—and individuals with complex medical needs primarily through QUEST Integration (Medicaid), Medicare Advantage and Medicare Prescription Drug Plans across the state.

'Ohana Health Plan offers **comments** on HB1570 HD.

Hawaii is in the midst of a youth vaping epidemic. According to the Hawaii Public Health Institute, one in three high school students and one in five middle school students report current use of e-cigarettes. These various flavored tobacco products, as well as menthol cigarettes, are enticing and addicting our keiki. While we are in strong support of the provisions to end the sale of flavored tobacco products in Hawaii, significant amendments were added to HB1570 that are not necessary to 1) implement a flavored tobacco ban, 2) does not have research to support their effectiveness, and 3) distracts from the original intent of the bill.

Thank you for allowing us to provide comments on this important measure and we urge you to restore HB1570 HD1 to its original version.

HB-1570-HD-1

Submitted on: 2/23/2022 11:14:43 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Abigail Kalin	7 Daze MFG	Oppose	No

Comments:

I, Abigail Kalin in representation of 7 Daze MFG, hereby oppose the bill HB1570 to ban flavored vaping products in Hawaii.

We at 7 Daze MFG have a mission to provide a healthier alternative for those who are addicted to cigarettes. If this bill is passed, we would not be able to help people who are in need.



February 23, 2022

RE: HB 1570, Relating to the Youth Vaping Epidemic

Chair Johanson, Vice Chair Kitagawa, and Honorable Members of the Committee on Consumer Protection and Commerce,

Thank you for the opportunity to write on behalf of our more than 800 members in Hawai'i expressing our concerns and extreme opposition to HB 1570, which would prohibit sales of low-risk nicotine products in flavors other than tobacco. This proposal is a hasty reaction to an emotionally fueled issue that is only being made worse by well-meaning, but misguided attempts to eradicate nicotine use.

The proposal to ban the sale of vapor products sold in flavors other than tobacco will deny people who smoke access to the most popular low-risk smoking replacement product in generations. Focusing solely on a particular feature of vapor products ignores other aspects of these products that people find enjoyable--a key factor in helping people who smoke make the switch and dramatically improve their health. Moreover, we believe it is a mistake to focus on the issue of flavors to the exclusion of underlying factors affecting youth use. Socioeconomic status, trauma, peer pressure, stress, depression, and a natural inclination toward taking risks all motivate young people to experiment with potentially harmful behaviors and coping strategies. None of these factors are addressed by HB 1570 or any other measures that deal strictly with access to substances like nicotine and other drugs.

The leading indicator of whether or not a young person will smoke is if they live with a parent who smokes. Hawai'i can do more to promote healthy behaviors among young people by encouraging parents who smoke to switch completely to a low-risk smoke-free alternative. In order to achieve a rapid and enduring transition to safer nicotine products, people who smoke must have access to products they enjoy. This necessitates the availability of a diverse range of flavored smoke-free products. For these and the following reasons CASAA is urging the Committee Commerce and Consumer Protection to reject HB 1570.

HB 1570 will deprive people who smoke access to life saving products

- **The availability of enjoyable smoke-free nicotine products is helping millions of people quit smoking.**

It is very disappointing that some of the comments the committee will hear on this legislation callously dismiss the experiences of millions of people who quit smoking¹, or are on their way to living smoke-free by switching to a safer nicotine product like vaping. You are being asked to disbelieve the experiences of surgical patients who will have better outcomes after switching to vaping,² parents and grandparents who will be around longer for their children, and young adults who are quitting before lasting damage is done, or who will never take up smoking because vaping is a better, safer alternative to combustible cigarettes.³

You are right to be skeptical of claims that vaping is unhelpful because just as we all know someone who has died early due to smoking, we are also increasingly more likely to know someone who quit by switching. Enjoyable, flavored products are being linked to positive outcomes in both people trying to quit⁴ ⁵ and those who quit by accident.⁶

- **A ban on flavored vapor products will force independent vape shops to close.**

We defer to data being presented by trade representatives from the vapor industry with regard to sales data, but it is our understanding that a majority of purchases involve e-liquid in flavors other than tobacco by people older than the federal minimum legal sales age of 21. To date, we are unaware of any retailer or manufacturer that sells a popular line of unflavored e-liquid.

It is unlikely that specialty vapor retailers will be able to remain open if they are restricted to selling just vapor devices and tobacco flavored e-liquid. It is the diversity of vapor products that both supports independent businesses and provides a customizable experience to people who are attempting to transition to a smoke-free lifestyle.

¹ Clive Bates, The Counterfactual, E-cigarette risk perceptions – an American crime scene, February 3, 2022. Accessed from <https://clivebates.com/e-cigarette-risk-perceptions-an-american-crime-scene/>, February 8, 2022.

² Nolan M, Leischow S, Croghan I, et al. Feasibility of Electronic Nicotine Delivery Systems in Surgical Patients. *Nicotine Tob Res.* 2016;18(8):1757-1762. doi:10.1093/ntr/ntw003

³ Zhu S, Zhuang Y, Wong S, Cummins S E, Tedeschi G J. E-cigarette use and associated changes in population smoking cessation: evidence from US current population surveys *BMJ* 2017; 358 :j3262 doi:10.1136/bmj.j3262

⁴ Friedman AS, Xu S. Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation. *JAMA Netw Open.* 2020;3(6):e203826. doi:10.1001/jamanetworkopen.2020.3826

⁵ Eva C. Rest, Kristin N. Brikmanis, Robin J. Mermelstein, Preferred flavors and tobacco use patterns in adult dual users of cigarettes and ENDS, *Addictive Behaviors*, Volume 125, 2022, 107168, ISSN 0306-4603, <https://doi.org/10.1016/j.addbeh.2021.107168>.

(<https://www.sciencedirect.com/science/article/pii/S0306460321003531>)

⁶ Kasza KA, Edwards KC, Kimmel HL, et al. Association of e-Cigarette Use With Discontinuation of Cigarette Smoking Among Adult Smokers Who Were Initially Never Planning to Quit. *JAMA Netw Open.* 2021;4(12):e2140880. doi:10.1001/jamanetworkopen.2021.40880

- **Vapor product specialty shops (vape shops) play a vital role in helping smokers switch to a low-risk alternative**

Vape shops are a source of peer-to-peer support that is not effectively replicated by current tobacco control strategies. Vape shops provide knowledgeable staff who offer individualized attention to help customers find devices and e-liquid flavors that will help them successfully make the switch. Just as important, vape shops provide a space for peer-to-peer support for people who used to smoke and people who are transitioning to a smoke-free product.

By way of background, vapor retailers and manufacturers in the United States are prohibited by federal law from marketing e-cigarettes as smoking cessation products or even less harmful than cigarettes.⁷ Customers, however, are bound by no such law. It is not uncommon to hear customers exchange successful quit smoking stories between one another in a vape shop. To the casual observer, sharing such a story might not seem like much, but between people who are recovering from a multiyear or multi-decade cigarette addiction, it can mean the difference between living a smoke-free life or returning to the devil they know.

By comparison, vapor retailers in the United Kingdom are not subject to the same limitations on marketing communication in face-to-face transactions. Research conducted in the UK demonstrates that people who shop for vapor products in specialty vapor shops have a remarkable quit rate of >40% after 12 months.⁸ Other than quitting “cold turkey,” no other smoking cessation intervention comes close to the success rate found in the UK. And while the retail environment studied in the UK is not a 1:1 match with vapor shops in the United States, when we consider customer-to-customer interactions within the retail environment, which are not regulated by federal law, it stands to reason that the results found in the UK may be generalizable to consumers in the United States.

For the foregoing reasons we respectfully urge the Committee to OPPOSE HB 1570. This legislation will place unnecessary barriers in front of people who would otherwise be improving their health.

⁷ 21 USC 387k: Modified risk tobacco products, accessed from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section387k&num=0&edition=prelim>

⁸ Polosa, Riccardo et al. “Quit and smoking reduction rates in vape shop consumers: a prospective 12-month survey” *International journal of environmental research and public health* vol. 12,4 3428-38. 24 Mar. 2015, doi:10.3390/ijerph120403428

Recommendations

- We urge committee members to refocus their attention on the most pressing concern of reducing the early death and disease attributed to smoking by seeking ways the state can help promote safer alternatives to people who smoke.
- Effective substance use prevention starts by empowering young people with strong social skills, critical thinking, and healthy coping strategies. People are generally resourceful and, historically, find ways to circumvent prohibitions on tobacco, drugs, and alcohol. Strong life skills training during adolescence has a greater potential to positively shape a young person's life well into adulthood.
- Hawai'i consistently spends only a small fraction of the amount recommended by the Centers for Disease Control on tobacco prevention.⁹ Arguably, the state hasn't given existing tobacco prevention strategies a chance to succeed. We assert here that if the State of Hawai'i believes that traditional tobacco control strategies are effective, then compliance and enforcement should be fully funded.

Thank you for considering our comments.

Sincerely,



Alex Clark

CEO

The Consumer Advocates for Smoke-free Alternatives Association

⁹ Lindsey Stroud, Taxpayers Protection Alliance, "Tobacco & Vaping 101: Hawaii." Feb. 2022, accessed from <https://www.protectingtaxpayers.org/analysis/tobacco-vaping-101-hawaii-2/>, Feb. 21. 2022.

HB-1570-HD-1

Submitted on: 2/23/2022 11:44:24 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Lau	7 Daze	Oppose	No

Comments:

Hi,

My name is John Lau and I am the owner of 7 Daze. 7 Daze was founded in 2013 to provide an alternative to cigarette tobacco users. During the past 8 years, our products assisted numerous smokers transition to vaping. We have now accumulated over 1000s of stories on how people used our products to break their habit of smoking. Furthermore, majority of the people said they vape "flavored" products, which all of our products consist of.

Our company has invested in clinical research, consumer and behavioral studies showing that flavored products are what adults want. In fact, CDC said "As vapor products become more available, cigarette smoking declines". What we want is to offer people options and not limit them on what they choose to transition from smoking.

To sum everything up, we can simply view this as as a product everyone is familiar with, soda. Soda has been dominated by Coca Cola's "herbal" taste for a long time. We know the unhealthy sugar content in Coca Cola (in cigarette, this is tobacco). Health consious products like La Croix, perrier, topo chico offer similar carbonbated drink with alternative flavors but without the sugar content. In order to help people transition away from Coca Cola, the idea is to NOT make the same flavor as Coca Cola so people can avert from the flavor they are used to.

If there was a ban on flavored product, the only option consumers have is to vape a tobacco flavor which will discourage smokers from attempting to switch to e-cigarettes.

In the study by Russell, C., McKeganey, N., Dickson, T. *et al.* Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA. *Harm Reduct J* **15**, 33 (2018). <https://doi.org/10.1186/s12954-018-0238-6>

The conclusion states that "Adult frequent e-cigarette users in the USA who have completely switched from smoking cigarettes to using e-cigarettes are increasingly likely to have initiated e-cigarette use with non-tobacco flavors and to have transitioned from tobacco to non-tobacco flavors over time. Restricting access to non-tobacco e-cigarette flavors may discourage smokers from attempting to switch to e-cigarettes."



DATE: 23 Feb 2022

To: Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
House Committee on Consumer Protection and Commerce

Re: Strong Support for HB 1570 HD1 RELATING TO YOUTH VAPING EPIDEMIC

Hrg: 24 Feb 2022, 2:00 PM House conference room 329 via Videoconference

Dear Chair Johanson, Vice Chair Kitagawa, and Members of the Committees,

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. As stewards of public health, HPHA is also advocating for equity in all policies.

HPHA strongly supports HB 1570 HD1, which ban the sale of flavored tobacco and synthetic nicotine products; prohibit mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one years of age.

Flavors in tobacco products is especially harmful in youth, who are enticed by the various flavors. Attracting youth to flavored nicotine products leads to nicotine addiction that keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of all flavored tobacco will also advance health equity as disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.



We strongly support HB 1570 HD1 and respectfully ask that you pass this measure. Thank you for the opportunity to provide testimony on this important public health issue affecting members of our community, especially our keiki.

Respectfully submitted,

J. Leocadia Conlon, PhD, MPH, PA-C
Legislative Committee Chair
Hawaii Public Health Association

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Aaron Ling Johanson, Chair

Rep. Lisa Kitagawa, Vice Chair

Thursday, February 24, 2022, 2:00pm

Comments Seeking Amendments for HB 1750, House Draft 1, Relating to the Youth Vaping Epidemic

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education, and advocacy. The work of the American Lung Association in Hawaii and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

The American Lung Association respectfully requests that House Bill 1750, House Draft 1, is reverted to the original verbiage of this bill.

While we are supportive of innovation to reign in the vaping epidemic that has affected our local youth population, the American Lung Association urges lawmakers to focus on evidence-based strategies. These strategies include restrictions of all flavored tobacco products, bringing tax parity to all tobacco products (including e-liquids), and strong regulations on the licensing and permitting of sales of vape and e-liquid products¹.

The strategies proposed in the House Draft 1 amendments do not have research to support their effectiveness and may have unintended consequences. That is why we support the original version of this bill, which includes restrictions for all flavored tobacco products, including menthol for the following reasons:

- 1. Menthol keeps the most vulnerable addicted.** Overwhelming 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 implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage². Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations.
- 2. Menthol is a barrier for quitting tobacco.** In a letter to the Food and Drug Administration dated January 22, 2021, the Hawaii State Attorney General stated that menthol tobacco products “remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market.”

¹ Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. 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, 2014.

² Kuiper NM, et al. Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015. *Nicotine Tob Res.* 2018;20(6):698–706.

- 3. Menthol is preferred by young people because it masks harsh flavors of tobacco.** Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine³.

The need for Hawaii to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019 nearly every 1 in 3 high schoolers in Hawaii vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.⁴

The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge you to please revert back the language of House Bill 1570 to its original verbiage, which includes evidence-based strategies to reduce vaping amongst youth.

Pedro Haro
Executive Director
American Lung Association in Hawaii
pedro.haro@lung.org

³ Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O'Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA*. 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

⁴ American Lung Association. *State of Tobacco Control – Hawaii*. 2020

HB-1570-HD-1

Submitted on: 2/23/2022 1:46:02 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Toni	Mod in hawaii alternatives llc	Oppose	No

Comments:

Banning flavored nicotine e liquids may not solve the issue of the youth vaping epidemic but instead might have a negative impact on youths resorting to other, more unhealthy, alternatives such as cigarettes. Sadly, underage youths WILL get their hands on nicotine/tobacco products regardless of whatever ban is put into place. Although, by banning flavored e liquids and only having it be available in tobacco, underage youths might just resort to cigarettes or even concocting their own flavored juices which may lead to serious health issues.

All I'm saying is, vaping is of course not healthy but it is the healthier alternative and the lesser of two evils.



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Testimony of Eric Wright
President of the Hawaii Petroleum Marketers Association (HPMA)

**HOUSE BILL 1570, HOUSE DRAFT 1
RELATING TO THE YOUTH VAPING EPIDEMIC
COMMENTS, WITH AMENDMENTS**

House Committee on Consumer Protection
& Commerce

The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair

Thursday, February 24, 2022 at 2:00 p.m.

Aloha Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

I am Eric Wright, president of the Hawaii Petroleum Marketers Association (HPMA). HPMA is a nonprofit trade association comprised of members who market motor fuel products across Hawaii.

HPMA supports strict enforcement of laws that prohibit the sale and distribution of tobacco products under the age of 21 years. However, we respectfully oppose provisions in HB 1570, HD1 that prohibit the sale, distribution and marketing of **all** flavored tobacco products, regardless of age, including menthol or mentholated products.

Additionally, we are concerned that granting counties the ability to pass ordinances that are stricter than State law may result in varying restrictions that may confuse compliance efforts for retailers. We believe having a uniform statewide law is preferred.

Therefore, HPMA respectfully requests your consideration of the following amendments:

- 1. Delete (5) on pages 13-14; and**
- 2. Amend page 14-15, to exclude menthol and mentholated “flavored tobacco or synthetic nicotine product.”**

“Tobacco product” and “synthetic nicotine product” are already defined in 712-1258(7), and, furthermore are already prohibited for those under 21 years.

Thank you for your consideration of these amendments and the opportunity to testify.



American Cancer Society
Cancer Action Network
2370 Nu'uau Avenue
Honolulu, Hi 96817
808.460.6109
www.fightcancer.org

House Committee on Consumer Protection & Commerce
Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair

Hearing Date: February 24, 2022

ACS CAN COMMENTS HB 1570 HD1 – RELATING TO THE YOUTH VAPING EPIDEMIC

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

Thank you for the opportunity to provide **COMMENT** on HB1570 HD1: Relating to the Youth Vaping Epidemic. We support any and all efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports that the bill would ban all flavors in all tobacco products including electronic smoking devices sold at all retailers. While we strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, we are concerned that the amendments added to HB1570 does not have the research to support their effectiveness and distracts from the original intent of the bill to end the sale of flavored tobacco products in Hawai'i.

The epidemic of e-cigarette use by youth and young adults, aggressive marketing tactics by their manufacturers, including the use of flavors appealing to youth, and under-regulation of these products requires the public health community to take action to protect youth, young adults, and the public at-large. After years of decline, in 2018 there was an increase in tobacco use among youth nationwide, largely due to skyrocketing rates of e-cigarette use. In Hawaii, 30.6% of high school students currently use e-cigarettes.¹

If the State of Hawaii seriously wants to protect the keiki and to implement policies of consumer protection from online sales, a better method would be to require all tobacco retailers selling in Hawai'i to be licensed and prohibit delivery directly to consumers and require consumers to pick up deliveries at licensed brick and mortar retailers. In addition, all tobacco products including e-cigarettes should be taxed at a rate parallel to the tax on cigarettes and other tobacco products. Tracking the tax revenue would be more reliable than simply monitoring online sales. And having the ability to revoke the licenses of bad acting retailers would be a more effective way to hold retailers accountable than a simple fine.

Requiring the resources of the Department of Health to test products for flavoring in tobacco products or synthetic nicotine product will be a good use of tobacco control resources. Instead, the state should require the manufacturer of the product be responsible for reporting requirements. Currently, no other state in the nation requires the resources of their Department of Health to test products for flavors.

Also, there is no evidence that take back programs work to reduce tobacco use. Limited resources should be invested in fact-based programs and services.

ACS CAN also has serious concerns that a separate definition for “synthetic nicotine” and “heating smoking product” may result in unintended consequences that might negatively impact the health outcomes for the people of Hawaii.

Thank you for the opportunity to comment on this matter. Should you have any questions, please do not hesitate to contact Cynthia Au at 808.460.6109, or Cynthia.au@cancer.org.

¹ Centers for Disease Control. High School YRSB “Hawaii 2019 and United States 2019 Results”



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Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Date: February 22, 2022

To: Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
Members of the House Committee on Consumer Protection &
Commerce

Re: Comments on HB 1570, HD1, Relating to the Youth Vaping
Epidemic

Hrg: February 24, 2022 at 2:00 PM via Videoconference

The Coalition for a Tobacco-Free Hawai'i (CTFH), a program of the Hawai'i Public Health Instituteⁱ, offers comments on HB 1570, HD1. **While CTFH strongly supports ending the sale of flavored tobacco products, we have serious concerns regarding the significant amendments made by the prior committee and the amendments' potential to delay the law's implementation.**

The enforcement mechanisms in the current draft are untested and will likely lead to dangerous delays in implementation.

HB 1570 was subjected to sweeping amendments in the House Committee on Health. First, the bill was inexplicitly stripped of its preamble, which contained informative data on the prevalence of youth tobacco use in Hawai'i and evidence justifying the need for a prohibition on the sale of flavored tobacco products. The bill was further amended to insert numerous amendments surrounding transparency and enforcement. CTFH wholeheartedly supports proven, evidence-based enforcement mechanisms but has concerns that the new provisions in HB 1570, HD1 are unproven, unvetted, and so arduous so as to potentially create delays in implementation that could prove costly to public health and the lives of Hawai'i's youth.

As of January 2022, at least seven states and 335 localities in the U.S. have passed restrictions on the sale of flavored tobacco^{ii,iii}. **CTFH is unaware of any jurisdiction that enforces its law restricting flavored tobacco sales in a manner that resembles that which would be required by HB 1570, HD1.** If the Committee is inclined to move this bill forward, we urge that the bill be restored to its original form, which we believe offers the right balance of enforcement and feasibility.

And while we were pleased when, in April 2021, the **FDA announced its intent to ban flavored cigars and menthol cigarettes** (the only allowable flavor in cigarettes) based on strong evidence that this would reduce addiction and youth experimentation, improve quitting, and address health disparities^{iv}, it must be noted that this will likely take **several years** to be fully implemented, so Hawai'i can and should act on the evidence available today instead of waiting for federal regulations. The risk of waiting — either for federal regulations or for lengthy state-level enforcement infrastructure to be built out — is too high.

Ending the sale of flavored tobacco products is effective in combatting tobacco use.

Emerging data from the first states and localities that passed flavored tobacco bans suggests that they are effective at reducing tobacco sales^v. While *some* tobacco users will switch to unflavored or tobacco-flavored products, the increase in those categories is not enough to offset the decline in flavored tobacco product sales. The reduction in tobacco sales in other jurisdictions with flavor ban policies reinforces the estimated health and economic benefits of ending the sale of flavored tobacco in Hawai'i.

Ending the sale of flavored tobacco products would save lives and money.

A 2021 analysis^{vi} on the impact of ending the sale of flavored tobacco products in Hawai'i conservatively estimates that it would result in:

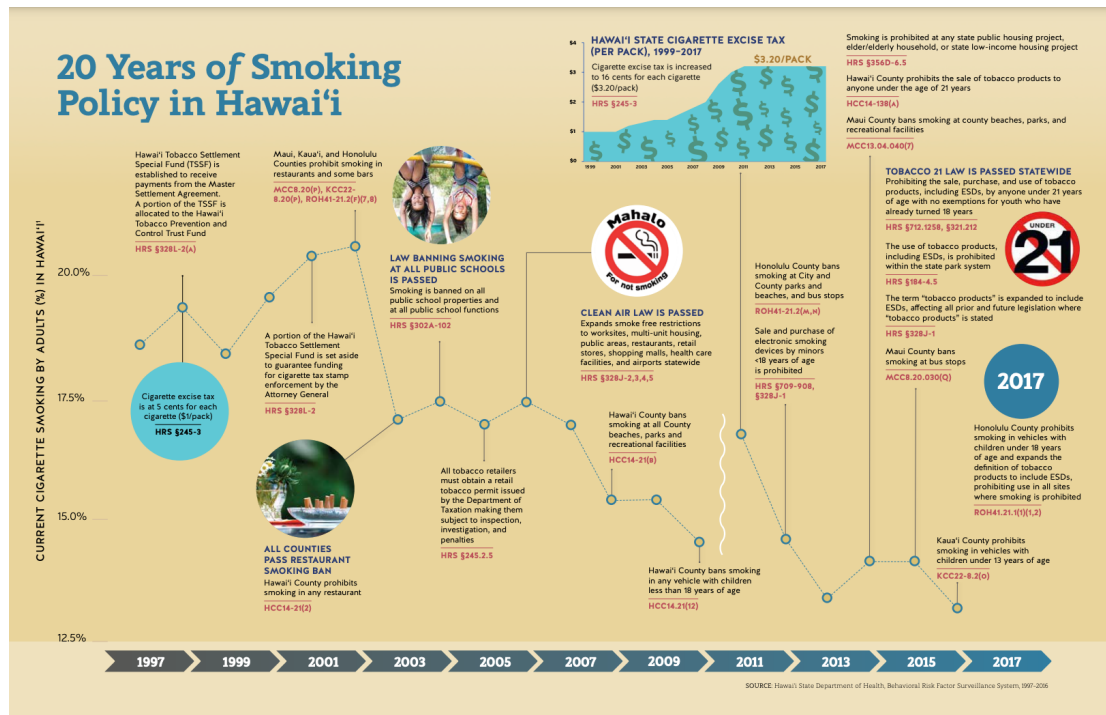
- At least \$48 million in long-term health care cost savings for the state.
- More than 3,000 smokers (5.6% of menthol smokers) would quit as a result of the policy.
- 700 premature smoking-caused deaths avoided.
- Fewer youth initiating smoking with menthol cigarettes.

These estimates are conservative, as they do not include the thousands of youth that will never start smoking as a result of this policy. Not only would this save the state millions more in healthcare cost savings, but save thousands of lives.

Comprehensive regulations on e-cigarettes are necessary to reverse the youth vaping epidemic.

Over two decades of tobacco prevention and control policy has helped Hawai'i save \$1 billion dollars in healthcare costs^{vii}, lowered the adult smoking rate to 11.6% (eighth lowest in the nation)^{viii}, and reduced smoking prevalence among high school students to 5.3% in 2019^{ix}. This was achieved through comprehensive smoke-free air laws, high tobacco taxes, age restrictions, removing most flavors in cigarettes, and investments in tobacco prevention education and cessation.

E-cigarettes have evaded many of the tobacco prevention and control laws other tobacco products are subject to, leading to the rise of e-cigarettes, undoing decades of progress. In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai'i reported that they use e-cigarettes^x. The state has an opportunity to reverse the youth vaping epidemic by implementing comprehensive policies and programs, which necessarily include ending the sale of flavored tobacco products statewide. **We strongly urge the Committee to hear SB 2278 when it crosses over from the Senate in order to close tobacco tax and online sales loopholes.**



Ending the sale of flavored products advances equity and takes an important step towards addressing the root causes of tobacco use.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of flavors in tobacco products reduces the appeal of these products. Including the flavor menthol is especially important, as its cooling properties have been exploited by the tobacco industry to mask the harshness of tobacco smoke and was heavily marketed to youth and vulnerable groups such as the African American community. In Hawai'i, 78% of Native Hawaiian and Pacific Islander who smoke use menthol cigarettes^{xiii}. Menthol is also one of the most popular flavors among high school e-cigarette users^{xiv}.

For decades, the tobacco industry has profited from targeting youth of color and other marginalized and low-income populations. African Americans, Native Hawaiians, and Filipinos are disproportionately affected by the harms caused by tobacco. Efforts to protect the health of our youth are even more important given the devastating impact of COVID-19.

Youth e-cigarette use is of public health concern.

E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. And Hawaii's teens are addicted – the percentage of frequent and daily high school users doubled from 2017 to 2019^{xi}. 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^{xii}."

The rise of severe, sometimes fatal, lung infections associated with e-cigarettes was another scary reminder of e-cigarettes' unregulated nature and unknown harms. Also known as E-cigarette or vaping product use-associated lung injury (EVALI), this disease harmed otherwise healthy individuals. Over 2,800 people were hospitalized after experiencing symptoms ranging from shortness of breath to fever, and tragically resulted in 68 confirmed deaths as of February 2020^{xiii}.

E-cigarettes are not FDA-approved tobacco cessation products.

In addition, e-cigarette manufacturers and retailers cannot legally make claims that e-cigarettes can help users quit smoking or that they are healthier than cigarettes. The deceptive health claims and aggressive marketing of these products has only increased tobacco use as people who have never smoked begin using e-cigarettes, children use e-cigarettes as a path to smoking, and smokers that use them to perpetuate their habit (dual use) instead of to completely quit. **A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth and young adults who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes^{xiv}.** This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

Hawai'i voters support prohibiting flavored tobacco products, including e-cigarettes.

In a poll^{xv} conducted by Ward Research Inc. for the Coalition in October 2021 among registered voters in Hawai'i. Seventy-three percent support prohibiting flavored tobacco products, including e-cigarettes, and 71% support including menthol.

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 protect our youth from a lifetime of addiction. These steps cannot be expediently taken with the current language in HB 1570, HD1, and should the Committee be inclined to move the bill forward, we respectfully request that the bill be restored to its original form.

Mahalo,



Amanda Fernandes, JD
Policy and Advocacy Director

ⁱ 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.

ⁱⁱ Campaign for Tobacco Free Kids. (2022, January 6). States & Localities that have Restricted the Sale of Flavored Tobacco Products. Accessed from <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.

ⁱⁱⁱ Ali, F., Vallone, D., Seaman, E. L., Cordova, J., Diaz, M. C., Tynan, M. A., Trivers, K. F., & King, B. A. (2022). Evaluation of Statewide Restrictions on Flavored e-Cigarette Sales in the US From 2014 to 2020. *JAMA network open*, 5(2), e2147813. <https://doi.org/10.1001/jamanetworkopen.2021.47813>

^{iv} U.S. Food and Drug Administration. (2021, April 29). FDA Commits to Evidence-Based Actions Aimed at Saving Lives and Preventing Future Generations of Smokers. Retrieved from <https://www.fda.gov/news-events/press-announcements/fda-commits-evidence-based-actions-aimed-saving-lives-and-preventing-future-generations-smokers>.

^v Gammon, D. G., Rogers, T., Gaber, J., Nonnemaker, J. M., Feld, A. L., Henriksen, L., Johnson, T. O., Kelley, T., & Andersen-Rodgers, E. (2021). Implementation of a comprehensive flavoured tobacco product sales restriction and retail tobacco sales. *Tobacco control*, tobaccocontrol-2021-056494. Advance online publication. <https://doi.org/10.1136/tobaccocontrol-2021-056494>

^{vi} Chaloupka, F. J. Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawaii, University of Illinois at Chicago, 2021.

^{vii} Holmes JR, Ching LK, Cheng D, Johnson L, Yap L, Starr RR and Irvin L. 2018. Tobacco Landscape. Honolulu: Hawai'i State Department of Health, Chronic Disease Prevention and Health Promotion Division

^{viii} Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2020.

^{ix} 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021.

^x 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/03/2021.

^{xi} Youth Risk Behavior Surveillance System (YRBSS), 2017-2019. Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021.

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

^{xiii} Centers for Disease Control and Prevention. (2020, February 25). "Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products." Retrieved from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

^{xiv} Soneji S, Barrington-Trimis JL, Wills TA, et al. Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. *JAMA Pediatr*. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

^{xv} This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 - October 26, 2021.

HB-1570-HD-1

Submitted on: 2/22/2022 4:40:01 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vin Kim	Individual	Oppose	No

Comments:

Hawaii already has a law preventing anyone under 21 years of age from purchasing vapor products. Banning flavors will just create an even bigger black market along with vapers going back to smoking combustible cigarettes, which is a lot more harmful

HB-1570-HD-1

Submitted on: 2/22/2022 4:44:56 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erin R.	Individual	Oppose	No

Comments:

Dear Chair and 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 cigarettes.

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.

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.

By forcing a ban on vaping products, you will force adults and especially youths in Hawaii to go underground, creating illegal black markets.

Another huge impact to consider is shutting down many small businesses. This will create more burden on the system because people will be unemployed, there will be empty storefronts, and also more strain on the local economy. 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-1570-HD-1

Submitted on: 2/22/2022 4:42:59 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rafael Montero	Individual	Oppose	No

Comments:

I am opposing this.

HB-1570-HD-1

Submitted on: 2/22/2022 4:56:35 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ASHLEY MATTOS	Individual	Oppose	No

Comments:

I oppose this bill!

HB-1570-HD-1

Submitted on: 2/22/2022 5:09:45 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
francis luu	Individual	Oppose	No

Comments:

I oppose this bill because, flavors got me and a lot of my friends off cigarettes! I don't want to go back to smoking cigarettes as it stinks and gross to see cigarettes butts all over the ground.

HB-1570-HD-1

Submitted on: 2/22/2022 5:09:10 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Naomi Muronaka	Individual	Oppose	No

Comments:

I oppose

HB-1570-HD-1

Submitted on: 2/22/2022 5:15:43 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Frida Luo	Individual	Oppose	No

Comments:

To whom it may concern,

How are you ? Hope you are well .

I don't think we need to ban flavored vaping products in Hawaii. Actually it can help people to quit smoking which is proved a high probability of causing cancer. I know many young children addicted to this now. But I think the most important thing is to educate them . We can't keep young people from vaping through this way. For adults, It's our own liberty to get flavored vaping products. It's not good enough to ban it while so many citizens need it.

Thank you for your time and hope you could take it into consideration !

HB-1570-HD-1

Submitted on: 2/22/2022 5:21:22 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jade N Shiroma	Individual	Oppose	No

Comments:

Please do not pass this bill. Vaping is the only way A LOT of people can quit smoking. 3 people in my family quit via vaping and menthol was a big part of that. Hawaii is a menthol smoking state and without it, the use of vaping to quit would be greatly diminished. Thank you

HB-1570-HD-1

Submitted on: 2/22/2022 5:26:52 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Derek Miller	Individual	Oppose	No

Comments:

The prohibition of something based on biases is blatantly flawed. If you're doing this because minors are using said products, you need to punish those selling it or giving it to them. This law should be instead contributing to a minor or underage person(s). Is there a ban on sweet tasting liquors? Is there a prohibition on menthol cigarettes or flavored cigars? This is what is known as a slippery slope logical fallacy, dressed as a bill. To avoid facing lawsuits in court you should instead create or enforce laws against those contributing to underage person(s).

HB-1570-HD-1

Submitted on: 2/22/2022 5:33:21 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Alesna	Individual	Oppose	No

Comments:

I believe banning electronic cigarettes is detrimental to people trying to quit smoking.

I have been off cigarettes for 2 years.

I believe giving people options with vaping, will help more people quit cigarettes.

maybe instead of banning the flavors, create firmer penalties for underage and or people who misuse them.

HB-1570-HD-1

Submitted on: 2/22/2022 5:34:33 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
chris davis	Individual	Oppose	No

Comments:

Strongly opposed.

Point 1. Do not punish adults for the actions of unsupervised children. Why are the rights of adults who legally enjoy vaping being infringed upon because people can not control their kids?

Point 2. If it's such an epidemic, make punishment of underage possession more severe; create real consequences for these youths; and spare those of us who enjoy this safer alternative to tobacco.

Point 3. Banning/restricting vaping will only push youth to regular tobacco products and/or whatever is left after the banning is done. Removing flavors will not be a viable solution, only an "easy" one. Flavored or not, without consequences, youth will find ways to circumvent this. Traditional cigarettes are pretty unflavored, kids still smoked.

Point 4. Shipping of these products has already been mostly banned. That alone should have been enough to stop this "epidemic". I reiterate point 2.

In closing I'd like to say that banning something that is an enjoyable safe alternative to tobacco, simply because there are no consequences for underage possession is not only a blatant miscarriage of law, it's quite ridiculous. Rather than try something on par with prohibition, you (the governing body) needs to find a solution that leaves the rights of consenting adults intact, and instead focus on a system of punishment for those found outside the laws.

HB-1570-HD-1

Submitted on: 2/22/2022 5:38:41 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hoku	Individual	Oppose	No

Comments:

I oppose this bill.

HB-1570-HD-1

Submitted on: 2/22/2022 5:51:55 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
calvin	Individual	Oppose	No

Comments:

To whom it may concern,

How are you ? Hope you are well .

I don't think we need to ban flavored vaping products in Hawaii. Actually it can help people to quit smoking which is proved a high probability of causing cancer. I know many young children addicted to this now. But I think the most important thing is to educate them . We can't keep young people from vaping through this way. For adults, It's our own liberty to get flavored vaping products. It's not good enough to ban it while so many citizens need it.

Thank you for your time and hope you could take it into consideration !

HB-1570-HD-1

Submitted on: 2/22/2022 5:53:21 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dillon Rellez	Individual	Oppose	No

Comments:

I strongly oppose this bill. The parents of these kids should be the ones who receive a penalty. There are more important bills to worry about right now. All retailers follow guidelines and they are working perfectly fine as is.

HB-1570-HD-1

Submitted on: 2/23/2022 8:04:18 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
zach pollard	Individual	Oppose	No

Comments:

Flavored vaping devices is what keeps people from smoking a traditional cigarette I've been vaping for 9 years now and haven't even thought of going back to tobacco cigarettes I've herd from alot of people there stories on how they quit smoking from vaping with several flavored items in the vaping industry and how it changed them as a person feeling better everyday can actually do activities without having a loss of breath

HB-1570-HD-1

Submitted on: 2/22/2022 5:55:09 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ellen benton	Individual	Oppose	No

Comments:

I strongly oppose this bill.

HB-1570-HD-1

Submitted on: 2/22/2022 6:15:32 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colby Sato	Individual	Oppose	No

Comments:

I was a smoker of regular cigarettes for over 10 years... I was able to quit with the help of flavored vapor tobacco products. If flavors are banned, I may be forced to go back to regular cigarettes or get my flavored vapes by other means. I in no way want to break the law but this is an infringement on my rights. Why is it okay to have cotton candy alcohol that can kill people? Why not ban those flavors instead...

HB-1570-HD-1

Submitted on: 2/22/2022 6:32:22 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Park	Individual	Oppose	No

Comments:

My friends and I are angry about this bill. Asking this committee to leave the vape products out of this bill and limit it to underage only. Without these proposed changes, this bill shouldn't go forward. Mahalo for your consideration.

HB-1570-HD-1

Submitted on: 2/22/2022 6:55:50 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
mary santa maria	Individual	Comments	No

Comments:

Dear House Committee on Consumer Protection and Commerce

Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai‘i, I am concerned about the amendments added to HB1570 which are not necessary to implement a flavored tobacco ban. The research does not support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai‘i.

Sincerely

Mary Santa Maria, MS MPH,

Makawao, Maui

HB-1570-HD-1

Submitted on: 2/22/2022 7:27:14 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nicholas Winters	Individual	Oppose	No

Comments:

I stand on my previous testimony.

We don't need hb1570 taking away our RIGHT to enjoy flavors.

Strong opposition to hb1570!

HB-1570-HD-1

Submitted on: 2/22/2022 7:42:38 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha Board

Please OPPOSE bill HB1570 stop hurting law abiding adults. Has the government make an effort to go out and speak with People that Vape is helping LIKE ME 2 years Cigarette FREE all glory goes to vaping I've tried countless times with all different quit smoking programs and nothing else works for me please don't make a decision without proper information.

Thanks

HB-1570-HD-1

Submitted on: 2/22/2022 7:46:59 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Randi D	Individual	Oppose	No

Comments:

Aloha Board

Please OPPOSE bill HB1570 stop punishing law abiding adults instead punish under age like you do ALCOHOL I feel with stiffer fines under age might think twice thanks

HB-1570-HD-1

Submitted on: 2/22/2022 9:09:32 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eric Heaukulani	Individual	Oppose	No

Comments:

I strongly oppose this bill!

DATE: Tuesday, 2/22/2022

CHAIR YAMANE,
VICE CHAIR TAM, AND
MEMBERS OF THE HOUSE COMMITTEE ON
HEALTH, HUMAN SERVICES, & HOMELESSNESS

RE: **STRONG SUPPORT** of HB1570 HD1
Thursday 2/24/2022
2:00 pm, Via Videoconference

Aloha,

My name is Suzanne Kapuamailani Kaulia. I am a current student of UH Mānoa, participating in the BSW Program at the Thompson School of Social Work and Public Health through Distance Education. I am a lifelong Kānaka ʻŌiwi of Hawaiʻinuiākea and I am also a mother of five keiki whose ages range from 19 down to 6 years old.

I am submitting my written testimony in regards to HB1570 HD1, “Relating to the youth vaping epidemic.”

I STAND IN **STRONG SUPPORT** OF HB1570 HD1. As I had mentioned above, I am a descendant of Hawaiʻinuiākea, but more importantly a mother of youth and young children. In my personal history, I have been a tobacco smoker for about 14 years. I do not have a lot of data and statistics to share about vaping. But I do have experience to know that any type of chemically inhaled smoking product is certainly not good for one’s health. With my naked eye, I see that there has been a rise in youth vaping in the area where I reside. My daughter tried it about 3 years ago while she was still in high school and had gotten sick from it. Today, I see groups of youth as young as 12, vaping as they walk off of their high school campus. Seeing this makes me very concerned and has me questioning myself. How old do they have to be to buy those vape equipment?, why aren’t their parents stopping them from harming themselves?, why aren’t our state representatives doing something about this?. Then I find this bill and take action to voice concern. We need to put an end to this epidemic by making someone responsible, the sellers?, the consumer?, the parents?, the youth?. I think that by creating “free” education about the side effects, the long term effects, and life threatening effects, we will be able to give our youth an opportunity to make better choices for themselves and even change their lives before it is too late.

In conclusion, I would like to state that I am also a soon-to-be grandmother and passing this bill will help to alleviate the social anxiety and stress levels concerning the health and quality of life for the unborn keiki and future generations of Hawaiʻinuiākea. I stand in humility and ask for your support on HB1570 HD1.

Suzanne K. Kaulia
P.O. Box 1868
Kealakekua, HI 96750

HB-1570-HD-1

Submitted on: 2/22/2022 11:03:32 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Austin Tucker	Individual	Support	Yes

Comments:

Aloha members of the House Committee on Consumer Protection & Commerce,

My name is Austin Tucker and I am a junior at McKinley High School. I personally have a lot of experience with vape usage and am currently addicted to nicotine.

You would be flabbergasted by the true amount of students in middle and high school who vape. I know a lot of different people in my school and I can still confidently say that 50% of the people I know vape. It's to the point where kids are leaving class to go vape in the bathrooms. It's always been like that. It's kids asking all of their friends if they can use their vapes, or asking someone they don't even know if they can use the vape they don't even know they have. Something like that really shows you how common it is. People who don't even own vapes are addicted to nicotine because they're everywhere, why not just take one right? Vaping is a virus that we have all been blind to.

The most commonly asked question when students use other students' vapes is, "What flavor is this?" Please, for the sake of generations to come, get rid of flavored vapes.

Thank you.

HB-1570-HD-1

Submitted on: 2/22/2022 11:46:15 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
P Kuromoto	Individual	Oppose	No

Comments:

Studies show that ecigarettes are the most effective tobacco harm reduction tool and that they are vastly less toxic than cigarette smoke. Flavors are used by adult vapers and are integral to the harm reduction. Studies also show vaping is not a gateway to combustible tobacco use. Smoking is down when vaping increases and can go back up if vapor products are banned.

It is important that adult smokers not be denied access to the best tool to quit smoking.

HB-1570-HD-1

Submitted on: 2/23/2022 2:26:28 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James Zech	Individual	Oppose	No

Comments:

I smoked over 3 packs of cigarettes a day. Over 10 years ago I found volcano ECigs and was able to stop smoking in 1 day. I have not smoked a cigarette since that time. Please do NOT place a ban on flavored Ecig products they have changed my life for the better.

Thanks.

HB-1570-HD-1

Submitted on: 2/23/2022 7:38:14 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kelli Schroeder	Individual	Oppose	No

Comments:

Aloha,

I would like to oppose this bill as flavored nicotine has helped myself and others in my family stop using tobacco products which are way more harmful to our bodies. If flavored ecigs are banned, all my family would go back to smoking tobacco products. Cigarettes are far more worse than ecigs. You can smell the tar and chemicals in a cigarette and I do not want my family to go back to smoking. Please understand that eCigs are far more healthier and safe than cigarettes. Teens will just start smoking if eCigarettes are gone. Cigarettes are so gross, we must eliminate cigarettes, not eCigs.

Thank you very much~

HB-1570-HD-1

Submitted on: 2/23/2022 7:59:58 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alison Vasquez	Individual	Oppose	No

Comments:

Vaping has helped me quitting smoking. My health has dramatically changed for the better, even my doctor has seen a difference since I have to do blood work every 3 months.

Vaping flavored liquids has helped me the most to stick to NOT going back to cigarettes. ADULTS LIKE GOOD TASTING FLAVORS TOO. It is not targeting kids its called Marketing. There is still flavored alcohol that is being sold and advertised.... whats the difference??

Banning, taking away something from the public is not the solution

HB-1570-HD-1

Submitted on: 2/23/2022 8:06:18 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bryan Mih	Individual	Support	No

Comments:

Aloha,

As a pediatrician and medical director of the Kapi’olani Smokefree Families Program, I strongly support this bill in its original form, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. 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. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to restore this bill to its original version and remove the unnecessary amendments.

Mahalo for your consideration and support of the original version of this measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

HB-1570-HD-1

Submitted on: 2/23/2022 8:07:48 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Choe	Individual	Oppose	No

Comments:

Having more options as someone who quit smoking cigarettes and is healthier because it is great. Please do not limit options to people like me. People who work in the vape industry locally will also be negatively affected. If the goal of these bans is truly to be against youth vaping then I think more studies have to be looked at. The total amount of youth using vape and cigarettes combined has been dropping year over year. Just because the cigarettes use is dropping and the vaping use is increasing does not mean we need to ban everything. The overall use of nicotine is still lower. Also, if youth safety is a concern then why are flavored alcohol products still on the market in Hawaii? I personally did not drink until I was 21 but everyone around has been drinking since much younger.

HB-1570-HD-1

Submitted on: 2/23/2022 8:11:33 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maddalynn Seseapasara	Individual	Support	No

Comments:

Aloha,

Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Mahalo,

Maddalynn Seseapasara

HB-1570-HD-1

Submitted on: 2/23/2022 8:12:10 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard Marianos	Individual	Oppose	Yes

Comments:

Dear Legislators:

As you know, there is currently dangerous legislation in Hawaii on the prohibition of flavored tobacco products, that to include the sale of vapor products. The state is attempting to create a prohibition in this environment and will provide an easy way for smugglers to ship interstate products crossing state lines to sell, trade, and barter among the criminal market. Currently with the recent consideration by Hawaii in banning the sale, the state is creating a breeding ground in vulnerable communities that will increase illicit activity and increase interaction with law enforcement.

From a law enforcement perspective, this legislation will create a greater gap between police and the community, known as the Ferguson effect. Police will be forced to deal with the side-effects of this legislation rather than serving and protecting the community. The community will witness this as a waste of law enforcement resources—or harassment—and refuse to cooperate with investigators on real issues. More and more each day, the community will begin to lose trust in law enforcement. A ban on the sale of flavored products but not the possession of those products has led to increased smuggling into all over the United States. This has also led to an increase in other criminal activity. As time passes, Law enforcement doesn't have the resources to engage with an influx of criminals and the court system doesn't have the resources to take on additional caseloads. At the same time, police overtime doesn't exist to pay for the additional burden. Obviously, for police to devote a larger share of resources to one area or problem, they must divert resources from other areas and problems.

Disparities in local ordinances can provide huge profit opportunities criminals. For example cigarettes, a tractor trailer smuggling 800 cases of cigarettes (48,000 cartons) from Richmond Virginia, to Boston, continually grosses profits more than over \$1.1 million. Smugglers coming from even further out—such as St. Louis, Missouri—have an even larger windfall when smuggling cigarettes. Factor in the potential smuggling from not only outside states but outside republics, and Hawaii will create a perfect storm for criminal activities.

With the influx of commercially smuggled tobacco products from criminal entities comes a potential increase in violent crime. Those who participate in large-scale smuggling are often involved with other forms of illicit activity. Recently, the state of Rhode Island realized that the movement of illicit tobacco products into their state has resulted in an increase in violent criminals traveling to the state to sell illicit product from Virginia and other lower-tax

jurisdictions. Rhode Island lawmakers have taken a firm stand against smuggling to thwart the influx of violent criminals entering the state.

And let me be clear: Those who smuggle tobacco products do not attempt to age-verify those purchasing their illicit product. This will place Hawaiian youth in a precarious position and could jeopardize the efforts to date to prevent youth from vaping and smoking.

I strongly urge the committee to study what is occurring with regard to criminal tobacco trafficking their sales, enforcement and the operational needs of the distribution community. Voting to support this ban and please use the revenue to enhance the safety of the state's citizenry.

Sincerely,

Richard Marianos

Retired Assistant Director, Bureau of Alcohol, Tobacco Firearms and Explosives

Professor Georgetown University Washington DC

HB-1570-HD-1

Submitted on: 2/23/2022 8:26:02 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lawren	Individual	Oppose	No

Comments:

Aloha,

I believe this Ban would be ridiculous for humans free will, you choose to take flavors of Nicotine away to drive people back to a more harmful Tobacco "Flavor" or Cigarette which will be easier for Kids to Get on the Streets. This State will lose a Great deal of Money & Business shutting down Over 20 Vape Shops in Oahu Alone! The frustration this state will cause taking away "Flavors" for people getting rid of a Habbit could cause more Harm to this State!

HB-1570-HD-1

Submitted on: 2/23/2022 8:28:08 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Aquino	Individual	Oppose	No

Comments:

I dont know why this is so hard for everyone to understand. I am an adult. I am over the age of 21. I choose to vape. I love the selection's that I can make. I live in a free America. or atleast I thought I did. Stop trying to take our rights away.

HB-1570-HD-1

Submitted on: 2/23/2022 8:49:17 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jaquelyn Esprecion	Individual	Oppose	No

Comments:

Aloha! My name is Jaquelyn Esprecion, I am a 26 year old woman and a Hawaii resident. I am submitting a written testimony to **oppose** Bill HB1570 which will prohibit the sale or distribution of all flavored tobacco and synthetic nicotine products in the State.

I have seen the positive effect that the availability of these alternative tobacco products have had on our kapuna. My father was a cigarette smoker from a very young age and over the years it was clear that his overall health was suffering from that. I begged him to quit smoking cigarettes and finally, in 2014 he walked into a Volcano Vape shop and purchased a vape device and a flavored nicotine liquid. My father immediately stopped buying cigarettes and continued the use of his vape device for less than a year. He is now no longer a cigarette smoker or a vape user. He no longer experiences shortness of breath, has become more active and is conscience of his health. Thanks to my father making the switch to vaping and finally quitting his nicotine habit, he has given my family more years for us to enjoy together.

I was so inspired by my fathers journey that I decided to apply for a job in the vape industry. I started working at a local vape shop in my community and have witnessed first hand the increase of kapuna changing their lives for the better. Seeing so many adults wanting to quit cigarettes by vaping has been extremely fulfilling. I fear that by approving this bill with the intent to "prevent youth vaping" will be a huge blow to the options the kapuna in our communities have to help them quit smoking traditional cigarettes.

I have confidence that our lawmakers can come up with an alternative way to prevent youth vaping which is a topic that I fully support. Vape devices and nicotine products are not made with children in mind, they are made to help adults who want to better their lives and health. We can help so many people who wish to quit smoking by having flavored vape liquids and vape devices available to them. Please do not take this choice away from adults.

Mahalo for the opportunity to oppose this bill.

HB-1570-HD-1

Submitted on: 2/23/2022 8:59:01 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kuulei gansit	Individual	Oppose	No

Comments:

I oppose this bill because ecigs has helped me, i was a heavy smoker 2 packs of cigarettes a day. In 2012 ive decided to give vaping a try and im so glad i did since then i feel so much more healthier, im not stink and im not intaking all this harsh chemicals like i was with cigarettes. Im gotten so many people off of nasty cigarettes and switched them to vaping flavored nicotine.

HB-1570-HD-1

Submitted on: 2/23/2022 9:03:24 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shania Bustos	Individual	Support	No

Comments:

As a smoker myself (i am of-age to smoke) I do feel a lot healthier rather than when i would smoke 2 packs of cigarettes a day. Vaping as an option has helped me, and also alot of famly and friends and has made a positive impact.

HB-1570-HD-1

Submitted on: 2/23/2022 9:08:45 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dustin Hirayama	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this bill to ban flavored tobacco and synthetic nicotine products.

First, passing this bill would cause many local businesses to immediately lose a large portion of revenue. The bulk of sales at these local companies are for flavored products. Most of the employees at these businesses solely rely on these jobs to make ends meet. The amount of mental and financial stress these employees would suffer is unexplainable.

Next, the ban of product in any one state means gain of business in another state. Just because there is a ban it would not stop people using the product, but would instead send customers out of state to purchase. This would cost the state a lot in lost tax revenue.

Also, the vast majority of people using flavored tobacco products or synthetic nicotine products are adults purchasing these products legally. The ban would also not stop underage children from using the products but would force them to find other ways to purchase the products. To avoid this problem I believe there should be penalties for the parents or other adults who purchase these products for their underage family members or friends.

Last, despite all of the associated issues, there are no bans for flavored alcohol circulating. There are problems with underage users getting their hands on these products and there are also associated dangers when it comes to alcohol but nothing is being done on that front.

HB-1570-HD-1

Submitted on: 2/23/2022 9:22:09 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Austin Malbog	Individual	Oppose	No

Comments:

I oppose this bill due to person experience. Before when i started smoking cigarettes my health had gotten bad, especially because i have asthma. After switching to flavored nicotine, i have no health problems that affect my asthma. I don't have the cigarette smell and i don't have as harsh of a crave to smoke versus vaping. Vaping flavored nicotine is a healthier alternative compared to smoking cigarettes.

HB-1570-HD-1

Submitted on: 2/23/2022 9:24:04 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
HANALEI BENN	Individual	Oppose	No

Comments:

We don't need anymore laws!

In place the laws we already have instead of taking and spending our hard working tax money.

Focus on the laws that are already in place, or getting our children out of mask while in school for 8hrs straight. That's seems to be a lot more important then anything else.



February 23, 2022

From: Scott Rasak, VOLCANO Vape Shops
Chief Operating Officer

RE HB5170 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 90 full-time workers to support sales of our products in Hawaii. We service thousands of adult Hawaii consumers who legally purchase vaping products overwhelmingly in flavored variations. Roughly, 99% of all Hawaii based vapor sales to legal adult consumers are flavored vapor products.

While we stand in overwhelming support of the harsh restrictions measures and laws to restrict use of vapor products among youth, the suggestions put forth for flavor prohibition sales **have not and will not** yield the results that lawmakers are proposing. We stand in opposition to HB5170 for the following:

Effects of Flavor Bans

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California (“Vaping Up, Smoking Increasing Among Teens in San Francisco – Despite Bans,” *Tobacco Harm Reduction 101*, July 28, 2020, <https://www.thr101.org/research/2020/vaping-up-smoking-increasing-among-teens-in-san-francisco-despite-bans>).

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use. Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette. (Centers for Disease Control and Prevention, “San Francisco, CA 2017 Results,” *High School Youth Risk Behavior Survey*, 2017, <https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=SF>)

Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019. Worse, despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette.

Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019. An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco’s flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years. (Yong Yang et al., “The Impact of a Comprehensive Tobacco Product Flavor Ban in San Francisco Among Young Adults,” *Addictive Behavior Reports*, April 1, 2020,



<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/#!po=0.961538>.) Although the ban did have an effect in decreasing vaping rates, the authors noted “a significant increase in cigarette smoking” among participants aged 18 to 24 years old.

Other municipal flavor bans have also had no effect on youth e-cigarette use. (“Flavor Bans Do Not Reduce Youth E-Cigarette Use,” *Tobacco Harm Reduction 101*, 2019, <https://www.thr101.org/research/2019/flavor-bans-do-not-reduce-youth-e-cigarette-use>) For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

Youths Are Not Relying On Internet for E-Cigarette Products

Despite many claims, most youth are not purchasing tobacco and vapor products online. Indeed, in analysis of state Youth Risk Behavior Surveys, youth are relying on social sources – including friends and family members – to obtain vapor products.

Arkansas In 2019, among all Arkansas high school students, only 1.1 percent of reported using the internet to get their own vapor product. Alternatively, 7.3 percent of Arkansas high school students reported borrowing them and 5.1 percent reported that someone else bought them. (Arkansas High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, http://dese.ade.arkansas.gov/public/userfiles/Learning_Services/School_Health_Services/YRBS/2019/2019ARH_Detail_Tables.pdf)

Maryland In 2018, among all Maryland high school students, only 1.3 percent reported using the internet to get their own electronic cigarette or vapor product. Further, 9.7 percent of Maryland high school students reported borrowing vapor products, and 4.3 percent reported that someone else bought them. (Maryland High School Survey, “2018 Youth Risk Behavior Survey Results,” 2018, <https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDH%20Detail%20Tables.pdf>)

Montana In 2019, among all Montana high school students, 0.7 percent reported using the internet to get their own electronic cigarette or vapor product. Moreover, 10.6 percent of Montana high school students reported borrowing vapor products and 6.9 percent reported giving “someone else money to buy them for me.” (Montana Office of Public Instruction, “2019 Montana Youth Risk Behavior Survey High School Results,” 2019, http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820)

New Hampshire In 2019, among all New Hampshire high school student, 0.5 percent reported using the internet to get their own electronic cigarette or vapor product. Further, 13.9 percent of New Hampshire high school students reported borrowing vapor products, and 5.8 percent reported that someone else bought them. (New Hampshire High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, <https://www.education.nh.gov/sites/g/files/ehbemt326/files/files/inline-documents/2019nhdetailables.pdf>)

Vermont In 2019, among Vermont high school students that reported current e-cigarette use and were under the age of 18, only 3 percent reported using the internet to get obtain vapor products. Further, 52 percent of Vermont high school students that were current e-cigarette users reported borrowing them and



26 percent reported giving “someone else money to buy them.” (Vermont Department of Health, “2019 Vermont Youth Risk Behavior Survey Statewide Results,” March, 2020, https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS_YRBS_statewide_report.pdf)

Menthol Bans Have Little Effect on Smoking Rates, Lead to Black Markets, Lost Revenue and Will Create Racial Tension

Beyond e-cigarettes, policymakers’ fears about the role of menthol and flavorings in cigarettes and cigars are overblown and banning these products will likely lead to black markets.

Data from the National Health Interview Survey (NHIS) finds nearly a third of all American adult smokers smoke menthol cigarettes. In a 2015 NHIS survey, “of the 36.5 million American adult smokers, about 10.7 million reported that they smoked menthol cigarettes,” and white menthol smokers “far outnumbered” the black and African American menthol smokers. (Brad Rodu, “Who Smokes Menthol Cigarettes?” *Tobacco Truth*, December 4, 2018, <https://rodutobaccotruth.blogspot.com/2018/12/who-smokes-menthol-cigarettes.html>)

Although lawmakers believe banning menthol cigarettes will deter persons from smoking those, such a ban will likely lead to black markets. A 2012 study featured in the journal *Addiction* found a quarter of menthol smokers surveyed indicated they would find a way to purchase, even illegally, menthol cigarettes should a menthol ban go into place. (RJ O’Connor *et al.*, “What would menthol smokers do if menthol in cigarettes were banned?” *Addiction*, April 4, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/>)

Further, there is little evidence that smokers would actually quit under a menthol ban. A 2015 study in *Nicotine & Tobacco Research* found only 28 percent of menthol smokers would give up cigarettes if menthol cigarettes were banned. (Olivia A. Wackowski, PhD, MPH, *et al.*, “Switching to E-Cigarettes in the Event of a Menthol Cigarette Ban,” *Nicotine & Tobacco Research*, January 29, 2015, https://www.researchgate.net/publication/271592485_Switching_to_E-Cigarettes_in_the_Event_of_a_Menthol_Cigarette_Ban)

Moreover, there is no evidence to suggest that menthol cigarettes lead to youth tobacco use. Analysts at the Reason Foundation examined youth tobacco rates and menthol cigarette sales. The authors of the 2020 report found that states “with more menthol cigarette consumption relative to all cigarettes have *lower* rates of child smoking.” Indeed, the only “predictive relationship” is between child and adult smoking rates, finding that “states with higher rates of adult use cause higher rates of youth use.” (Guy Bentley and J.J. Rich, “Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?” Policy Study, Reason Foundation, January 30, 2020, <https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>)

Lawmakers should take note that menthol sales bans will strain minority communities. Although white Americans smoke more menthol cigarettes than black or African Americans, “black smokers [are] 10-11 times more likely to smoke” menthol cigarettes than white smokers. (D. Lawrence *et al.*, “National patterns and correlates of mentholated cigarette use in the United States,” *Addiction*, December, 2010, <https://www.ncbi.nlm.nih.gov/pubmed/21059133>)

Given African Americans’ preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences. A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market. (National Research Council, “Understanding the U.S. Illicit Tobacco Market: Characteristics, Policy Context and Lessons from International Experiences,” *The National Academies Press*, 2015, <https://www.nap.edu/download/19016>)

The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, “having a higher share of non-white households was



associated with a lower probability of finding a local tax stamp” and “neighborhoods with higher proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes.”

Lawmakers in New Hampshire should reexamine the case of Eric Garner, a man killed in 2014 while being arrested for selling single cigarettes in the city. In a 2019 letter to the New York City council, Garner’s mother, as well as Trayvon Martin’s mother, implored officials to “pay very close attention to the unintended consequences of a ban on menthol cigarettes and what it would mean for communities of color.” Both mothers noted that a menthol ban would “create a whole new market for loosies and re-introduce another version of stop and frisk in black, financially challenged communities.” (Carl Campanile, “Menthol cig ban will lead to more stop-and-frisk: Moms of Garner, Martin,” *New York Post*, October 16, 2019, <https://nypost.com/2019/10/16/menthol-cig-ban-will-lead-to-more-stop-and-frisk-moms-of-garner-martin/>)

Conclusion & Policy Recommendations:

It is disingenuous that lawmakers would purport to protect public health yet restrict access to safer products. Rather than restricting access to tobacco harm reduction products and flavored vapor products, lawmakers should encourage the use of e-cigarettes and work towards earmarking adequate funding for smoking education and prevention programs.

- To address youth use of age-restricted products, as well as adult use of deadly combustible cigarettes, Hawaii must allocate additional funding from revenue generated from existing excise taxes and settlement payments.
- Hawaii’s education and health departments must work with tobacco and vapor product retailers to ensure there are no sales of age-restricted products to minors. Any solution to address such strategies must include all actors – not only proponents of draconian prohibitionist policies.
- Lawmakers’ must face the reality of a larger illicit market in the wake of a ban on flavored tobacco and vapor products – prohibition does not automatically translate into reduced use, just different markets.
- Most recently, the FDA has issued updated guidance on vapor products which limit a flavor restriction to prefilled pods such as the Juul device which has been proven in the recent CDC Youth Tobacco Risk Survey to be the #1 brand choice for youth usage. This is a measured approach to an issue The FDA purposefully left the “open tank” market off their guidance for flavor restrictions because they want to keep the adult users and industry participants insulated from a blanket ban that would send adults back to cigarettes and put 15,000 small businesses out of business & 100,000 people out of work nationally.
- SB3118 will deny current combustible tobacco smokers vital products needed to help them quit smoking. Furthermore, a flavor ban would no doubt force the closure of over 50+ businesses in Hawaii and immediate loss in employment as well as retail leases and supporting businesses. It’s the small independent vape shops which play a vital role in helping adults make a successful transition off tobacco cigarettes, not convenience stores.



- To date there is no manufacturer that sells as successful line of unflavored eliquid to legal adult users 21+. These products rely heavily on their ability to offer flavor diversity to adults to increase their success in secession rates from tobacco cigarettes.
- A flavor ban would force a black market “Do it yourself” experimental market due to the massive adult population who currently use these products in Hawaii. Currently, all products being distributed by Hawaii vape shops are third party batch tested and registered with the FDA with assigned TP numbers. The factories manufacturing the products that currently sit on the shelves are quality controlled. The black-market conditions which would arise from the passing of this bill would inflict a huge quality void in the market and expose the adult population to greater risks. The unintended consequences of this bill outweigh the hypothetical gain.
- Flavored alcohol products remain in plentiful abundance at every retail outlet even with high rates of youth usage, associated death and disease, in addition to all the addiction and abuse of those items as well. The vapor category is being held to a different standard in regards to flavors on the retail market. Its potential to be a risk reduction tool is proven to assist adults in a path off of using the known killer of tobacco cigarettes and should be supported instead of denied the single largest public health with of our lifetime.



- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet HB5170 deceptively refers to vapor products as “Electronic



Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.

- HB5170 states in its justification that the bill and its regulations are needed to curb youth usage. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco.

- <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes

- http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html

- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for these products, not tighter regulations that steers vapers back towards tobacco cigarettes

- <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.

- <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththat-vaping-is-as-toxic-as-smoking/article/2646804>

- http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite

- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf

It is our belief that this continuing unjustified classification and requirements are not in the best



VOLCANO®

interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Scott Rasak
Chief Operating Officer
VOLCANO Vape Shops
197 Sand Island Access Rd. #213
Honolulu, HI 96819
scott@volcanoecigs.com

HB-1570-HD-1

Submitted on: 2/23/2022 9:49:26 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark Dietrich	Individual	Oppose	No

Comments:

This bill hb1570 is written wrong.

.Please don't include those over 21 in this ban.

February 23, 2022

From:
Emma Bredeman

Subject:
Support for H.B. No. 1570 HD1, Relating to the Youth Vaping Epidemic

Aloha! My name is Emma Bredeman, I am currently a senior at Kalaheo High school in Kailua. I strongly support the H.B. 1570 HD1 bill and would ask for your support. Youth vaping is an issue that should be addressed due to the high numbers of young individuals experiencing flavored tobacco. I believe that banning flavored tobacco will help reduce the number of youth Vaping especially for the beginners who are attracted to the flavor of the tobacco. In this bill it states "eighty-one percent of youth who have ever used a tobacco product reported that the first tobacco product they used was flavored." This bill only mentions the youth who have been reported and gave results, there is a lot more unreported data of youth vaping. The bill also states, "Today, sixteen percent of middle school students and more than a quarter of high school students use electronic smoking devices." The bill also states that 30% in Hawaii, Maui and Kauai counties which is higher than the national average.

The statistics prove that youth vaping is an issue, but looking beyond the statistics, brain development is another issue to address. Vape and tobacco contain nicotine, disrupting brain development. The brain is developing through adolescents and when nicotine disrupts the development process, the functions start to fail, including the brain circuits, ability to pay attention, ability to learn and susceptibility to addiction habits. Vaping also puts people at health risks that involve lung cancer which could lead to death. With the health concerns of youth vaping, the bill includes a part that states, "The legislature believes that the use of such devices is especially dangerous during times of widespread respiratory illness, such as the ongoing coronavirus disease." With the pandemic causing problems in the emergency rooms and hospitals, adolescents coming in because of respiratory issues from vaping should not be an issue.

I am in full support of banning flavored tobacco. The amount of young adults vaping is an issue, and banning flavored tobacco will help reduce the amount of young adults vaping. The flavor of tobacco is what appeals to people to continue to vape and with young adults vaping increases their nicotine intake which can affect their brain development. In hopes of reducing the amount of youth vaping will also help reduce the amount of adolescents going to the hospital due to respiratory issues.

Thank you for your time and consideration, I truly hope you support H.B. 1570 HD1 and strongly consider banning flavored tobacco.

HB-1570-HD-1

Submitted on: 2/23/2022 10:01:56 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andy Takaaze	Individual	Oppose	No

Comments:

we dont need anymore government influnce. inforce the laws that are in place.

HB-1570-HD-1

Submitted on: 2/23/2022 10:09:17 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Blair	Individual	Oppose	No

Comments:

Restore this bill to its original. End the sale of flavored Tabacco products. Ban them!

HB-1570-HD-1

Submitted on: 2/23/2022 10:31:10 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sarah-Lyn Kaeo	Individual	Support	No

Comments:

Aloha,

I support HB 1570. E-cigarettes contain nicotine, a highly addictive substance. Our youth deserves a vaping-free future. The flavors of these e-liquid products range from fruity scents to children's favor snacks such as fruit roll ups and Starbursts. They are very alluring for our youth and quite often tempts them to utilize vaping products because of the e-liquid flavors. If banning the sales and distribution of flavored e-liquid products will assist in keeping Hawai'i's youth from the usage of e-cigarettes, then that is a start that I strongly support. Thank you for the opportunity to submit testimony.

Sarah-Lyn Kaeo

HB-1570-HD-1

Submitted on: 2/23/2022 10:33:23 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shani Gacayan	Individual	Comments	No

Comments:

I, Shani Gacayan, humbly and respectfully request the restoratio of HB1570 to its original version that focuses on ending the sale of flavored tobacco products in Hawaii, for the health and safety of our children, our youth.

HB-1570-HD-1

Submitted on: 2/23/2022 10:35:54 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathryn Braun	Individual	Comments	No

Comments:

I am a professor of public health and social work, testifying as an individual.

I strongly support ending the sale of flavored tobacco products in Hawai‘i, but request that the committee restore HB 1570 to its original version. The amendments distract from the original intent of the bill, which focused on ending the sale of flavored tobacco products in our state.

We in the midst of a youth vaping epidemic. In Hawai‘i, 33% of high school students and 20% of middle school students report “current use” of e-cigarettes.

While Hawai‘i has been successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs, we have not implemented similar restrictions on e-cigarettes and flavored tobacco products.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. Ending the sale of flavored tobacco products, including menthol, will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

HB-1570-HD-1

Submitted on: 2/23/2022 10:39:50 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Linda Weiner	Individual	Support	No

Comments:

I am a long-time Kauai pediatrician, and I am writing in that role to strongly support ending the sale of flavored tobacco products, the purpose of HB 1570. However, I am concerned that the amendments added to this bill don't contribute to the overall purpose, as stated in the preamble, are not at all evidence based in contradiction of the flavor ban itself, are unnecessary, and will place more burdens on the already overstretched DOH and DOE. I therefore respectfully request that they be removed from SB1570 to better focus the bill on its main purpose, which is to do away with the sale of flavored tobacco products.

We are in the midst of a vaping epidemic in Hawaii, with startling statistics – 1/3 of high school students and about 1/5 of middle school students are regular vapers. E-cigarettes and other flavored products are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. This is a recipe for ever increasing medical costs to treat the long-term consequences of nicotine addiction long into the future.

There is a clear-cut way to greatly reduce flavored tobacco use by our most precious resource - our keiki. That is to eliminate access to flavored vaping liquids and menthol by clear and clean legislation. There is absolutely no reason to avoid this responsibility. Our children are depending on us.

Linda Weiner,MD

Kauai Pediatrician

HB-1570-HD-1

Submitted on: 2/23/2022 10:43:50 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Venessa Viernes	Individual	Oppose	No

Comments:

To Whom it May Concern,

Vaping has changed my life. I feel much healthier with no tar in my body. I am able to hug my child without feeling stink and dirty. no burning of paper and ashes all over the place. My child is willing to hang out with me and I feel stronger and able to exercise without feeling out of breath. Vaping really changed my life along with my family.

thank you

Venessa Viernes

HB-1570-HD-1

Submitted on: 2/23/2022 10:45:00 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brittany Dayton	Individual	Comments	No

Comments:

Please restore the bill to its original form. We need to end all sales of flavored tobacco products in Hawai‘i. As a health care provider and an educator, we need to do this for the health of our community. Mahalo!

HB-1570-HD-1

Submitted on: 2/23/2022 10:53:46 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathleen Koga	Individual	Comments	No

Comments:

Dear Members of the House Committee on Consumer Protection and Commerce,

As a public health educator, concerned Hawaii resident and most of all the grandparent of two teenagers, I would like to offer comments on HB 1570 that would end the sale of flavored tobacco products in Hawaii.

It is important to take urgent action to address the public health crisis of the vaping epidemic among Hawaii's youth. The research is solid on the detrimental effects of vaping on their health and well-being and the shocking statistics reveal how popular these deadly and addictive products are in our communities statewide.

I am in strong support of evidence-based policies that have been proven to reduce tobacco use in our communities. This includes ending the sale of flavored tobacco products, taxing e-cigarettes, and restricting on-line sales. I am very concerned that amendments added to HB 1570 are not proven strategies, unnecessary and distract from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focuses on ending the sales of flavored tobacco products in Hawaii.

Thank you for your consideration and the opportunity to provide comments on HB 1570.

HB-1570-HD-1

Submitted on: 2/23/2022 10:54:03 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Valerie Smalley	Individual	Comments	No

Comments:

While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

HB-1570-HD-1

Submitted on: 2/23/2022 10:58:54 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maika Michioka	Individual	Oppose	No

Comments:

Good Morning,

My name is Maika & I am writing this testimony to oppose against this Bill to go through. The many reasons on why this should go through as planned, is that vaping has help many, many people quit cigarettes. These people that have quit cigarettes has realized that they can acutally breathe better, go to places without smelling gross, & have a healthier life away from cigarettes. Vaping in itself way more effective to help people quit doing tobacco & strive to have a better/heatlhier life. Vaping also doesn't cause lung cancer like how cigarettes do daily for people who still does them thats why I myself want to oppose this Bill from ever passing, because I would not to see most of my family members that I myself helped move from cigarettes to vaping go back into smoking cigarettes & having the chance of getting lung cancer which will devestate me!

I hope that you reconsider to never mention that vaping is bad & to stop listening to the lies that the ads on T.V now says, because they people being interviewed is kids that aren't even age to be doing this & is just spreading more & more lies of how it affected them in a traumatizing way even though they are not supposed to do this in the first place! Vaping is for the adult communtiy only and it is and always will be the better alternative from cigarettes! Do not Ban Vaping it will only hurt more people that you know and love who will go back to smoking tobacco/cigarettes!

Sincerely,

Maika Michioka

HB-1570-HD-1

Submitted on: 2/23/2022 10:59:37 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian Santiago	Individual	Oppose	No

Comments:

House bill 1570 will harm locally vape businesses and it takes away my rights. I'm asking that it not leave committee.

Mahalo,

Brian Santiago

HB-1570-HD-1

Submitted on: 2/23/2022 11:04:00 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wilson Lam	Individual	Oppose	No

Comments:

Vapor products save lives. I've been smoking since I was 16. I am now 36. Flavors isnt what started me smoking. But the flavors are helping me quit traditional cigaretts. I have tried every method of quitting traditional cigaretts from the patch, to the gum, to professional help.

Flavored E-cigeretts is what helped me quit traditional cigaretts, my health has improved tramendiosly. I urge you and your colleges to rethink this bill. To curb underage use, I believe the stores and sellers should be held accountable. You should be punishing them. Not legal users.

HB-1570-HD-1

Submitted on: 2/23/2022 11:19:09 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Crystal Robello	Individual	Comments	No

Comments:

Aloha,

Thank you for allowing me the opportunity to submit comments on behalf of this important bill. I humbly request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i. This is important to community because as a mother of two teenagers, I see the harms of flavors especially amongst the youth and teen population. Please consider restoring the bill to the original version it once was. Mahalo for your consideration.

Respectfully,

Crystal

Representative Aaron Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
Members of the Committee on Consumer Protection and Commerce

TESTIMONY ON SB 1570, HD 1 RELATING TO TOBACCO PRODUCTS

My name is Julian Lipsher, testifying as an individual providing comments on HB 1570, HD 1. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee which is part of the Hawaii Public Health Institute and formerly was with the Hawaii State Department of Health, focusing on tobacco prevention and control and chronic disease prevention.

Despite decades of progress in tobacco control, Hawaii and the nation are still confronted with smoking and tobacco use being the leading cause of death and disease. Hawaii has some of the strictest and most comprehensive protections regarding exposure to secondhand smoke and sale of traditional tobacco products. Yet currently the practice of vaping most often with flavored products has resulted in significant rates of delivery of nicotine to our youth, potentially addicting a new generation of smokers.

COMMENTS: The original purpose and intent of the bill was to address the epidemic of vaping among our youth through the removal of flavored products. The bill, as amended, removes the preamble that provides a clear public health rationale and adds amendments that are not based on clear public health practice and which testimony by the Departments of the Attorney General, Health and Education conclude are not either based on proven and effective methods nor able to be implemented. Going forward, it would be best to return the language of HB 1570, HD 1 to its original form, if the Legislature intends to address our youth vaping problem.

As the tobacco industry attempted more than a decade before, the introduction of flavored tobacco products entice youth, as evidenced in the CDC's Youth Tobacco Survey. Hawaii's middle and high school students report vaping rates above national averages, with disproportionate use among Native Hawaiian and Pacific Islanders. In 2020, 8 in 10 youth currently using e-cigarettes report using flavored products.

Menthol, the predominate flavor choice is just as, if not more, harmful than other flavors added to tobacco. Menthol has the ability to disguise the harshness of tobacco making it easier to start and once addicted, harder to quit.

Ending the sale of flavored tobacco products is a matter of health equity. The industry has long marketed menthol products to low income communities, especially people of color. According to the Hawaii data, 78% of Native Hawaiians and Pacific Islanders use menthol flavoring, with mint and menthol being the most popular flavors among youth.

If our objective is to protect Hawaii's children and reverse the current trends in youth vaping, we need to eliminate flavored tobacco products, including menthol.

Kindly consider returning HB 1570, HD 1 to its original form.

Thank you for the opportunity to testify on this measure.

HB-1570-HD-1

Submitted on: 2/23/2022 11:27:40 AM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Zoey Duan	Individual	Comments	Yes

Comments:

Aloha Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce,

I'm Zoey, a local youth from Nu'uuanu/Liliha, and I'd like to provide comments on the recent amendments that have been added to HB1570.

As per my previous testimony, I strongly support the original version of the bill but feel as though recent amendments decreased the bill's chance of being passed, diminishing its overall benefits to youth like myself. The amendments are not necessary nor are they related to ending the sale of flavored tobacco products, which is the original intent that youths and other supporters of the bill have been advocating for.

For instance, the testing requirements outlined in the amendments are unwarranted. No other state or jurisdiction that has implemented a flavor ban have had testing requirements like those in the amendments. Even medical cannabis dispensaries are responsible for doing their own testing, not the Department of Health. By creating extra requirements, the amendments detract from the main intent of the bill and instead create burden for other agencies, so much so that they would be forced to pull their support from the bill. Implementing a flavor ban is the simplest and most straightforward way to address the root cause of the youth vaping epidemic.

Lastly, as a youth who has been actively involved in the advocacy for a flavor ban for the past four years, it is disheartening when we are told that our voices matter, but our voices are wrongfully manipulated and twisted in practice. During the last hearing of the bill, my friends testified solely for the ending of flavored tobacco sales — without any amendments to the original language of the bill — but was misrepresented when the bill was amended with new requirements. I hope to see our youth voices being heard in its full authenticity, so I urge for the removal of new amendments to bring the bill back to what us youths have been fighting for all along.

Mahalo,

Zoey Duan

HB-1570-HD-1

Submitted on: 2/23/2022 12:10:38 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erica Olson	Individual	Oppose	No

Comments:

Flavor vaping keeps me from using traditional tobacco products

HB-1570-HD-1

Submitted on: 2/23/2022 12:21:56 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Laura Rosas Leong	Individual	Oppose	No

Comments:

I oppose limiting flavors. I have not smoked tobacco in over five years thanks to flavored vape products. I am 51 years old and am much healthier than I was when I smoked cigarettes. I have a 13 year old son who has no interest in trying e-cigarettes and I would not support anyone under age 18 having access to any nicotine product. Please do not limit my choices as an adult though.

HB-1570-HD-1

Submitted on: 2/23/2022 12:16:37 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ethan Fox Palma-Fuller	Individual	Oppose	No

Comments:

Aloha,

I had my first cigarette at age 14. It was never an addiction but the desire to look cool in front of my friends proved too hard to resist at the time. Fast forward to 18 and an addiction arose by being adjacent to my coworkers in the restaurant industry. As of today however, I have not smoked a cigarette since 2019, all thanks to easily available cessation alternatives such as flavored vaping products.

Anecdotally, these products have had the same effect within my current social circles where many of us have a similar story in our quitting journey. We typically share the same sentiment that none of these tools offer the same satisfaction as our old vice, but it is a better alternative for our health, environment (by nature of not having cigarette butt waste), and our local economy in that we all shop at locally owned vape businesses.

I'm sure we would all agree that in our journey towards quitting cold turkey would be the ideal way to go, but this option is often out of reach for many of us, especially with our diminished mental state and willpower due to the current corona virus situation.

By passing bill HB1570, you would be directly responsible in condemning many on the road to quitting back to their old and more harmful habits. It may be done in the name of protecting the youth but having been one myself, I can comfortably say that they will simply switch back towards how I was at 14 to look cool for their peers.

Federally, there are already measures in place introduced with the emergency corona virus packages that limit how youth could acquire smoking alternatives. Why add more measures than what is deemed at higher government to be acceptable?

For the sake of those who understand that it isn't a good choice, just one that isn't worse. Please consider opposition towards HB1570 and instead work towards alternatives within the DOH to properly educate the youth on the harms of starting a tool meant to stop smoking or explore the roots of why our youth might be driven to start in the first place.

Mahalo

Date: February 23, 2022

To: Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce
Re: Support for HB1570

I favor a ban on all flavored tobacco products, especially e-cigarettes. It's much easier for children to get hooked on a tobacco product if the product is flavored. Flavors are designed to draw children in and Big Tobacco companies try to use flavors to get children to use tobacco products. These flavors are specifically marketed towards kids, with flavors like POG and Tropical Blast. This is wrong and needs to be stopped.

97% of children who vape say that they use a flavored product, and 81% of children who use tobacco products say that they started with a flavored product.

A common flavor is menthol, or mint. Other names (marketed towards children) are things like Ice and Chill. Menthol is an extremely popular way for youth to start vaping, because its cooling properties mask the harshness of the tobacco. This makes it much easier for them to start!

All in all, we need a flavor ban to protect the lives of children. Over 21,000 youth alive today will die from a tobacco related health issue. Banning the sale of flavored tobacco is a crucial step to reducing that devastating number.

Karena Meyermann
Mililani

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

Testimony in support for HB 1570

It is imperative that e-cigarettes are regulated the same as other tobacco products since they contain the same amount of nicotine (if not more) that make it harder for students to quit.

In my middle school, there used to be a widespread vaping issue among classmates. Many students were caught using e-cigarettes on several occasions including the class president at the time. In fact, most students looked up to the popular people in school and saw vaping as a status symbol. It is this type of pressure that continues the cycle in my school; however, these students should not be blamed for this behavior.

Youth are not the source of the issue and therefore should not be held responsible. I strongly believe that tobacco companies should be punished for marketing their products to youth in our state through candy flavors. Please help the students in my school as well as all students across the island by ending the sale of flavored tobacco products.

Noah Chang
Honolulu

To: Chair Johanson, Vice Chair Kitagawa and members of the House
Committee on Consumer Protection and Commerce

I am writing today in support of the original HB 1570.

So many of my peers have easy access to tobacco products. The flavor of these tobacco products tend to appeal to my age group as a teen. I have seen this vaping epidemic take over high schools. Countless times I have seen my peers vaping in the bathroom, and I smell the strawberry or mint flavored product fill the air. I have seen my peers get sick and/or deal with lung problems from smoking.

The availability and the targeting of these products has caused such great harm to Hawaii youth, and I want to see accountability from Big Tobacco who fuels this harm.

The amendments made to HB 1570 HD1 have nothing to do with ending the sale of flavored tobacco which was the original intent of this bill. They do not represent the youth voice and will not help protect our health, they seem to be solely there to make sure the bill doesn't pass and leave the door open to inclusion of other unrelated amendments.

Please remove the amendments and pass HB 1570 with its original language and help protect our youth from being targeted by Big Tobacco.

Sincerely,
Misa Layne
Honolulu



Feb. 23, 2022

To: Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

Youth tobacco use is personal for me, it impacted my boyfriend who started to smoke at a young age. He finally quit at age 20 but started when he was a freshman in high school. Like many of our peers at the time he started with a Juul e-cigarette. And like many, it wasn't long before he was also smoking menthol cigarettes. It took him years to quit but he finally did. I am thankful for that, hopefully he does not have any health problems as he gets older.

The availability of flavored tobacco products negatively impacts the youth of Hawaii by being readily available for them to buy and smoke. Flavored tobacco products are clearly targeted at students as young as middle school, just look at the flavors that are available. These flavors make middle schoolers want to try tobacco products.

I think e-cigarettes need to be regulated like other tobacco products in order to stop students from transitioning to smoking, like my boyfriend.

Please pass HB 1570 but remove the amendments that are not related to ending the sale of all flavored tobacco products. Help keep our young people from starting a potentially lifetime of addiction through the use of flavored tobacco products.

Bailee Otto

Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

My name is Jaelyn Natividad and I am writing in support of HB 1570.

The availability of flavored tobacco products negatively impacts youth and other targeted groups by enticing these innocent people to purchase these harmful products. This being said, the more flavored tobacco is available in the community, the greater the increase of tobacco uses that occurs.

The importance of menthol flavors being in the ban for both e-cigarettes and other tobacco products is because menthol flavors are some of the most popular and are what attract people to purchase these products. If you think about it and relate it to food, many people want different varieties or flavors of food. E-cigarettes are no different; there is a flavor to appeal to every taste like Bubblegum, Hawaiian POG and Cotton Candy.

I believe that we need to regulate e-cigarettes as much as other tobacco products due to the harmful nicotine in these products that can result in a lifetime addiction by getting rid of all flavored tobacco products.

To: Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

Testimony in support for HB1570

The availability of flavored tobacco products negatively impacts youth and other targeted groups. Flavors make tobacco products more appealing to youth, and overall help the industry gain more underaged consumers.

Youth are subject to marketing with images ever present on social media and on shows on streaming services popular with youth. Youth easily become aware of who is able to supply them with these products.

While in the stall using the bathroom, the smell of sweet perfume with the mix of menthol flavors fills the air. It is important to me that menthol flavors be included in the ban for both e-cigs and other tobacco products because, youth are youth. To elaborate, youth are constantly attracted to the newest products through marketing. But, youth will be less likely to use a product that is unflavored and not one able to deliver that desired "Chill", "ICE" or "Frozen" flavor that menthol ads. By eliminating all flavors, including menthol, you eliminate products that attract new underage users.

In high school it is extremely normalized to have an e-cig addiction, with the same kind of constant use that was seen in adolescents from previous generations with cigarettes. It took decades to pass legislation to protect youth from flavored combustible cigarettes and menthol is still allowed. The result, while youth smoking rates declined, we still see 1,400 deaths a year in Hawaii from tobacco related illnesses. I think it is time to put in place laws that will protect this generation of youth from becoming addicted to nicotine via e-cigs. We need to protect our youth from being targeted by flavored e-cigarettes and finally get rid of menthol cigarettes too.

Please pass HB1570 and help protect my friends from a destructive future.

Shaneille Ramos
Keaau, Hawaii

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

My name is Carissa Angelize Esta and I **support HB 1570 but not the amendments that do not relate to banning flavored tobacco products.**

The reason this bill is so important to me is that I have a few adults in my family who have been using tobacco products since a young age, and now cousins around my age who are getting into it. It is sad to see that they are aware of the impact of tobacco on their bodies, but still dismiss it. Many of them smoke or use other tobacco products every day.

I had an uncle who quit, but ended up turning back to chewing tobacco when a loved one passed away. I do not believe that tobacco is a way of escape or a way to relax. I see it as a threat to the human body.

I have a cousin that I know uses e-cigarettes. I have also seen my fellow classmates and even younger classmen around sixth grade who use e-cigarettes. Our generation is always changing, we seem to be growing up too quickly, and we all want to find our place to fit into. I do not think the use of tobacco products is the best way for the younger generation to try and fit in. E-cigarettes are as bad as other tobacco products. Nothing about tobacco products is safe.

With so many flavors out there, including menthol, I feel the availability of flavored products makes it more of a temptation for those starting out or thinking about starting. Please help end the sale of **all** flavored tobacco products and pass HB 1570 with its original language.

To: Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

My name is Kaya Pettit and I support HB 1570.

Flavored tobacco products expose and hook people to nicotine from a young age. This affects them mentally and physically. E-cigarettes in particular contain high amounts of nicotine, increasing the risk of addiction. Nicotine alters the developing brain of youth and young adults, affecting things like memory and self control. Not just that, tobacco products can cause other problems such as lung and cardiovascular diseases.

Flavors, including menthol have been used by the tobacco industry to target their deadly products towards certain groups of people and younger possible consumers. It allows for people to get easily started and hooked on these addictive and harmful products, and ends up creating a lot of health problems for our generation.

It's not the youth's fault for getting addicted. While it may have been their decision to start, it is often because of peer pressure and the marketing specifically aimed towards youth that enticed them into starting. We shouldn't penalize the youth for falling for the traps of companies targeting them, rather focus on how to avoid getting them started in the first place. Ending the sale of all flavored tobacco products is a good place to start.

To: Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

I am writing today in support of HB 1570.

Flavored tobacco traps youth into wrongly devoting their lives to the craving of tobacco and can lead to bad mental and physical health which can carry on into adulthood. Flavors, including menthol wrongly make tobacco products more viable for the youth who could end up addicted to the product.

The damage and addiction that results from the use of cigarettes and other tobacco products are the same as that of e-cigarettes. We don't allow candy flavored cigarettes, why do we allow candy flavored e-cigarettes? We also need to close the menthol loophole as this sweet flavor is the most popular with youth in cigarettes and e-cigarettes.

Don't let another generation of youth fall prey to the tobacco industry, end the sale of **all** flavored tobacco in Hawaii.

Ethan Kimura

Hawaii Kai

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

The availability of flavored tobacco products negatively impacts youth and other targeted groups in that they use candy-like flavors to trick youth and create an image of these dangerous products being seen as candy, or something good. These tobacco products also stigmatize and take advantage of our native culture to sell certain flavors like Mauna Dew, and Hawaiian POG.

While attending my public school middle school almost every single time I walked into the bathroom there was somebody vaping. Recently a couple of my neighbors had to go to the hospital because of their e-cigarette addiction, and it hurts to see children like me suffer due to these dangerous products taking advantage of them.

I also believe it's important that menthol flavor should be included in the ban for both e-cigarettes and other tobacco products because menthol is the most commonly used flavor, in particular among Native Hawaiians like myself.

I ask that you **support HB 1570 but remove unnecessary amendments that do not help protect kids.**

Chanel Matsumoto

Date: February 23, 2022

To: Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

Re: Support for HB 1570

My name is DeAngelo Joshua and I urge you to support HB 1570. I come from a family with a history of substance abuse and I would hate to see my little nieces and nephews get affected by the same fate. Currently, the availability of flavored tobacco products is ridiculous and impacts all youth across the state.

Some people believe that flavored e-cigarettes are “healthier” to use. However, they are just as bad, and even worse in some cases. The list of chemicals contained in e-cigarettes are concerningly long, with some mixtures/flavors having nicotine concentrations higher than combustible cigarettes, making them even more addictive. Menthol flavors of e-cigarettes is one example, with them often being more addictive than non-flavored counterparts, due to its cooling sensation.

For the sake of our youth, now and in the future, please pass HB 1570.

DeAngelo Joshua Ola
Kauai

To : Chair Johanson, Vice Chair Kitagawa and members of the House
Committee on Consumer Protection and Commerce

Support for HB 1570

Flavored tobacco products negatively impact youth by basically giving them a delivery system for toxic chemicals inside their body. Menthol is of particular concern in e-cigs and cigarettes. Please end the sale of all flavored tobacco products in Hawaii.

Kyllie Sasaki

Hawaii

Feb. 23, 2022

Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

Flavored tobacco products hook youth. Most young people start vaping using flavored products and become addicted. It is important that menthol flavors are included in the ban because they are what get youth interested in consuming tobacco and e-cigarettes. The vibrant packaging and interesting flavors are what draw most young people in.

I avoid using the school bathroom during recess because of people vaping. Lots of my classmates actively vape or have tried vaping. As a result, they become addicted and their health is affected, mentally and physically.

Please help put an end to this and stop the sale of flavored tobacco products in Hawaii. Support HB 1570.

Lauryn Hashimoto

February 23, 2022

Chair Aaron Ling Johanson

Vice Chair Lisa Kitagawa

Members of the House Committee on Consumer Protection and
Commerce

Aloha my name is Kaidyn Yago and I am a sophomore at Kauai
Highschool. I support HB 1570. Many of my fellow peers and
friends have tried flavored e-cigarettes already in their life. I have
even been offered them but have never tried. It has become a
constant problem for teens and students in my school.

Please support HB 1570 and help protect Hawaii's youth.

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice
Chair and members of the House Committee on Consumer
Protection and Commerce

I support HB 1570 because flavored tobacco products affect youth and are used to target certain groups. These products are “attractive” to the youth and cause teens to get addicted at a very young age. Classmates of mine as young as 11 are using e-cigarettes they got online.

When I was 9, my grandfather passed away from lung cancer as a result of smoking. Knowing now that classmates of mine use e-cigarettes and tobacco products breaks my heart because I know this will take a toll on their health in the future.

It is important to include menthol in the ban in both vapes and cigarettes so youth do not switch from one to the other. Tobacco products cause enough deaths as it is, we don't need flavors targeted towards youth, it can cause serious problems for the future.

I hope that you will help my generation and community to be safe from these products and live healthy lives by ending the sale of all flavored tobacco products in Hawaii.

Neva Leung

To: Chair Johanson, Vice Chair Kitagawa and members of the House
Committee on Consumer Protection and Commerce

My name is Caleb and I am writing in support of HB 1570.

Currently, the perception that some youth have about e-cigarettes makes kids want to try vaping. Once they do, like many other types of tobacco products, they become addicted. Flavors play a big role in this. For the past few years in older grade levels, I have been seeing kids that I would never expect to vape. Recently, this problem has spread amongst kids the same age as me.

Some kids believe that smoking e-cigarettes can help relieve stress, especially due to the pandemic and having to adapt to virtual learning. However, e-cigarettes are not a healthy alternative. If we do not regulate them now, e-cigarettes will continue to negatively impact our generation and leave us with terrible health effects later down the line.

Again, I ask you to please support HB 1570.

Caleb Plowman
Lihue

Date: February 23, 2022

To: Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

Re: Support for HB 1570

Dear Representatives,

My name is Nigel and I would like to share why I support HB 1570.

I know many students from my high school who are impacted by e-cigarettes. Many who start vaping have become addicted and abuse it. It breaks my heart to see other young people my age deal with addiction, which I know will only get worse. However, this problem is not just found in my school, but practically all schools across Hawaii. I even see on my Tiktok that teens are vaping all the time.

Flavors play a big role in why students try e-cigarettes and other tobacco products, so it's important that all tobacco products and flavors are included. Menthol in particular gets so many students addicted, creating a new generation where nicotine is normalized.

Unless action is taken now, the devastating outcomes that we know go along with tobacco use may be irreversible. It is important that we address e-cigarettes right now and pass this important piece of legislation.

Nigel Agcaoili

Dear Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

Support for HB 1570

E-cigarettes should be regulated the same as other tobacco products because they have dangerous chemicals that can be inhaled. They are also as addictive as other tobacco products. The availability of flavored tobacco in general negatively impacts youth or other targeted groups by tricking them into buying more tobacco products. It entices them and lures them in with flavors and hooks them onto using tobacco. Menthol flavors must be included in the ban for both e-cigarettes and other tobacco products because they are the sole reason why so many of our youth start using them in the first place.

My uncle frequently vapes and it affects his household. His house always smells like the thick, sweet, cotton candy vape juice. I think it spreads a message to his kids that it's ok to start vaping. It seems like almost everyone I know vapes because of how easy it is to obtain one.

Youth are the victims of the marketing scams that e-cig companies put out. They are just caught in the act and these companies are putting out more flavors to make more money. The health and well-being of the youth are not being considered. Please support HB 1570.

Jeanine Longboy

To: Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

I support HB 1570 because kids are getting more and more addicted to tobacco products because of the lack of regulations, in particular all of the flavors that are available.

My best friend vapes, he has stopped coming to church and started doing more and more drugs and it's because he has access to purchase these supplies. And he only buys FLAVORED pods.

The ease of purchasing e-cigarettes online means anyone can buy it and anyone can use it. Please help protect Hawaii's keiki and support HB 1570.

Savannah Hubbard

Date: February 23, 2022

Chair Johanson,

Vice Chair Kitagawa

Members of the House Committee on Consumer Protection and
Commerce

RE: **Support HB 1570**

My name is Marissa Matsushige. We need to regulate e-cigarettes and other tobacco products to save the lives of those that are affected by this. Flavored tobacco products can easily hook the youth thus resulting in a higher chance in addiction.

On a daily basis in the school bathroom I notice people vaping. I choose to block out and ignore that aspect of school. I don't appreciate the second hand smoke and other things that affect myself and others that don't participate in smoking, but I have no choice but to be subjected to it.

In my community a lot of people are affected by this and they could potentially be harshly affected by the health risks. Tobacco is easily accessible with many menthol flavors, masking the harsh flavor of the tobacco products thus, making it easier to be addicted.

The companies that make and sell these products should be held accountable for their actions which negatively affect the youth.

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

I support HB 1570 because the availability of flavored tobacco negatively impacts youth by deceiving them with packaging and flavors similar to name brand candies and cereals. By the time they first try vapes, they are hooked, and are forced to continue to profit the tobacco and e-liquid market.

Although I do not have any personal connections to this issue, I realize that it is a massive issue in the community of Hawaii, and although it may sound selfish, I want to protect the rest of the community who remains untouched by this epidemic. There are kids who are just 11 years old and have already started using tobacco and e-liquid products! This needs to be solved, and the only way to is to create hard and fast rules for tobacco companies to follow.

It is important to me that menthol flavors are included in the ban for both e-cigarettes and other tobacco products because they are just as addictive, if not more! They are also targeting youth and Native Hawaiians with menthol, a market that may be unaware of the health consequences. Tobacco and e-liquid companies are specifically targeting them, knowing they will fall for the traps they set. These companies are the ones who need to be punished for hooking our people, all to make a profit.

Thank you for the opportunity to submit testimony.

Eden Thompson

February 23, 2022

To: Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

Support for HB 1570

Flavored tobacco products are the most effective when it comes to hooking and intriguing the interest for younger groups. For health concerns, it is important to ban menthol flavors in both e-cigarettes and other tobacco products due to the industry using menthol to target younger groups, being unaware of the health risks they are taking.

During my time in high school, many of my peers believed e-cigarettes are a healthy alternative to smoking cigarettes or other tobacco products. Due to their ignorance, many have ended up being treated in the hospital for poor lungs.

Please protect our youth and end the sale of all flavored tobacco in Hawaii

Aron Taguam

Chair Aaron Ling Johanson,
Vice Chair Lisa Kitagawa

Members of the House Committee on Consumer Protection and Commerce

I am writing in support of HB 1570

Youth are more likely to fall victim to e-cigarettes and other tobacco products because of their flavors and easy access. Vaping is a problem at my school, and bathrooms are almost always filled with vapor. Second hand smoke is a problem to me and many other students. Bathrooms are hardly usable during breaks. Flavors tempt youth to want to try tobacco products of all types. And it can only take once for some youth to get addicted. I possible life long addiction with many harmful effects on the body

Easy access has made it simple to try, and once you do, get addicted. Not only is their health affected but their financial situation could be at risk too. Given the total cost of a lifelong addiction.

The youth is the victim in this case. More penalties won't have much of an effect on the people who are addicted or people who don't think they will get caught. Also the toll on their bodies is a major penalty by itself. We need to focus on the industry and stop the sale of all flavored tobacco products in Hawaii.

Tanner Hubbard
Kauai

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

I am writing to ask for your support for HB 1570

My name is Kirra Carvalho. I believe we need to end the sale of all flavored tobacco products because they have similar negative effects on our bodies. The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes it easy for them to access and try it. When they soon become addicted, they will continue to get more and more. It is important that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because they are just as much a flavor as any other one. It still has the same negative effect and should be banned.

My younger sister, who is a 7th grader, came up to me one day and said she found out so many of her classmates vape. I thought that was crazy because she's so young and I couldn't believe kids her age were vaping.

I support the stance that youth penalties should not be included in flavor ban bills because for these young students it is their time to learn. We want to help them quit and show them the harmful effects of it. Not punish them for falling victim to an industry that targets them.

Date: February 23, 2022

To: Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

Support HB 1570

I believe we need to end the sale of all flavored tobacco products since these products are relatively cheap and easily accessible which makes youth more vulnerable. They are highly addictive and can cause many illnesses that youth may not be aware of. Tobacco products cause many of the same health effects and one isn't better than the other. They all end in pain or death.

My best friend is majorly affected by vaping and I wish he could come to terms with his addiction and quit. Banning all flavored tobacco and regulating vapes like other tobacco products would be a big help to him and many others. These kids don't understand the purchase they are making and how detrimental it is to their health. I urge you to support legislation to ban all flavored tobacco.

Maddison Hubbard

Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

Support HB1750 but remove the amendments and return to the original language of the bill.

Students and my peers should not be addicted to tobacco products this young when they still have the rest of their life to live and tobacco products could overtake that life. Flavored tobacco products help get them to try and become addicted when young, it could affect them for the rest of their life.

This is personal for me, my brother is addicted to e-cigarettes. I can tell it affects his exercises, and if flavors were banned and e-cigarettes controls were put in place, there would have been less of a chance he would've gotten addicted in the first place.

Many teenagers now can get a hold of e-cigarettes without an ID or a parent even knowing. E-cigarette companies cater to a younger audience, please control these products like other tobacco products and help protect kids like my brother.

Leia Mokiao-Higashi

Lihue

Rep. Aaron Ling Johanson, Chair Rep. Lisa Kitagawa, Vice Chair and members of the House Committee on Consumer Protection and Commerce

Please support the original language of HB 1570

Among the many issues of e-cigarettes and other flavored tobacco products, there is one that sticks out: The availability of these flavored products and how it can have a long-lasting impact on youth. Menthol flavors cover the harsh taste of e-cigarettes and other tobacco products alike and causes adolescents to get addicted to the taste of tobacco products.

The deaths and hospitalization of children who consume e-cigarettes has increased and as long as there is cheap and easy access to flavored tobacco, it will only grow. **Please ban the sale of all flavored tobacco products**

Jacob Trujillo

Feb. 23. 2022

Chair Johanson, Vice Chair Kitagawa and members of the House Committee on Consumer Protection and Commerce

RE: Support for HB1570 in its original form

By making flavored tobacco products available, teens are being drawn to and marketed towards which can lead to addiction to tobacco products. As we know, tobacco has major negative health effects including lung, heart, and brain problems. Naturally, youth and other people who aren't educated on the effects of tobacco would be curious to try flavored products, and thereby get hooked.

Although I am not a user of tobacco products, in my freshman year of high school, I had several classmates have allergic reactions to their vapes, as well as a friend faint due to the amount that they were using e-cigarettes. I remember being scared and incredibly concerned for these people, as I talked to them in my day to day life. I knew of the health concerns, but I had never seen them laid out right before my eyes. I knew that I was making the right choice by continuing to not vape, and that I wanted to help others quit.

I can tell that the many flavors and ease of access has created a boom in the amount of people who use e-cigarettes. I see people walking down the street in possession of one, and I've seen several people easily buying them on their cell phones. Banning flavors including menthol flavors is important because if only e-cigarettes and not other flavored tobacco products are banned, then that leaves menthol products available, meaning that targeted audiences will still have access to them and just switch. It seems pointless to only remove a portion of the problem.

Kiele Casillas

Kalaheo

Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

Please support HB 1570. The availability of flavored tobacco products negatively impacts youth because it attracts younger kids, the packaging of flavored tobacco products also makes the younger kids have a sense of familiarity when they see names like POG, Bubble Gum or Cotton Candy.

Tobacco or the use of e-cigs have impacted one of those around me. My step brother. He was hit by the popularity wave of e-cigs. Many people in his grade were taken in, he's in high school and has been put under the pressure of owning an e-cig, just to feel the need of fitting in.

With countless flavors, relatively easy access to e-cigarette purchases online combined with the low cost have negatively impacted my community because it is now common to see my peers vaping or having an e-cig.

I think that it is important to protect the youth from harmful substances/products, because youths still have a lot ahead of them. Please support HB 1570, Hawaii's keiki are depending on you.

Mikayla Lumabao

Kalaheo

Aloha, Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce

I am writing in support of HB 1570. Flavored tobacco products get kids hooked on nicotine at a very young age which can lead Hawai'i's youth to have ongoing health problems later in life and can get kids in trouble. Students get addicted to the menthol flavor because it masks the taste of tobacco. Flavored tobacco (including menthol) does the opposite of helping kids get rid of their addictions.

I've seen many of my own friends become addicted to e-cigarettes because of the flavors and advertisements targeted towards kids. When I walk into the bathroom at school, it is very normal to see a group of people passing around an e-cigarette in the stalls because they're addicted. If flavored tobacco was banned, students would not be as interested in these products, which could lead to a lower rate of addiction.

Youth penalties should not be included in bills because in most instances, using e-cigarettes is a form of peer/social pressure that students give into. The kids giving into peer pressure to seem "cool" form an addiction to these nicotine products. Instead of punishing kids for giving into these pressures, end the sale of all flavored tobacco products that attract and hook kids.

Thank you for the opportunity to provide my testimony.

Kailee Oyama
Lawai

HB-1570-HD-1

Submitted on: 2/23/2022 12:43:39 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Moani Kalai	Individual	Oppose	No

Comments:

Youth vaping is a problem due to parents/guardians allowing their children to vape. They walk into shops and buy vape for their children. It is not the vape shops responsibility of youth vaping. Vape shops do everything in their power to avoid any interactions of minors in the shops by kicking them out. Their parents buy these vapes under the premise of buying for themselves. They then walk out and hand them to their children. Once vaping is gone then our youth will resort to cigarettes or something worse. Vaping is put into place for adults to quit smoking. Vaping should not feel the wrath because parents choose idiocy. Our youth do need to understand the consequences of their actions however do not punish the vape shops for something that is out of their control.

HB-1570-HD-1

Submitted on: 2/23/2022 1:02:47 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diane Y Omura	Individual	Support	No

Comments:

My name is Diane Omura and I am in strong support of ending the sale of flavoed products in Hawaii. While I support HB 1570, I respectfully urge that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products here. This is a serious bill to protect our children.

HB-1570-HD-1

Submitted on: 2/23/2022 1:03:04 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jim lau	Individual	Oppose	No

Comments:

I have been off cigarettes for few years now thanks to the apple flavor. I might have to go back to cigarettes if this passes. Cigarettes are known to contain many carcinogens, and going back to it will not be good for my health long term.

HB-1570-HD-1

Submitted on: 2/23/2022 1:21:25 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Teddy Kim	Individual	Oppose	No

Comments:

I oppose this bill.

Subject: HB1570

Dear Legislator:

As you know, there is currently dangerous legislation in Hawaii on the prohibition of flavored tobacco products, that to include the sale of vapor products. The state is attempting to create a prohibition in this environment and will provide an easy way for smugglers to ship interstate products crossing state lines to sell, trade, and barter among the criminal market. Currently with the recent consideration by Hawaii in banning the sale, the state is creating a breeding ground in vulnerable communities that will increase illicit activity and increase interaction with law enforcement.

From a law enforcement perspective, this legislation will create a greater gap between police and the community, known as the Ferguson effect. Police will be forced to deal with the side-effects of this legislation rather than serving and protecting the community. The community will witness this as a waste of law enforcement resources—or harassment—and refuse to cooperate with investigators on real issues. More and more each day, the community will begin to lose trust in law enforcement.

A ban on the sale of flavored products but not the possession of those products has led to increased smuggling into all over the United States. This has also led to an increase in other criminal activity. As time passes, Law enforcement doesn't have the resources to engage with an influx of criminals and the court system doesn't have the resources to take on additional caseloads. At the same time, police overtime doesn't exist to pay for the additional burden. Obviously, for police to devote a larger share of resources to one area or problem, they must divert resources from other areas and problems.

Disparities in local ordinances can provide huge profit opportunities criminals. For example cigarettes, a tractor trailer smuggling 800 cases of cigarettes (48,000 cartons) from Richmond Virginia, to Boston, continually grosses profits more than over \$1.1 million. Smugglers coming from even further out—such as St. Louis, Missouri—have an even larger windfall when smuggling cigarettes. Factor in the potential smuggling from not only outside states but outside republics, and Hawaii will create a perfect storm for criminal activities.

With the influx of commercially smuggled tobacco products from criminal entities comes a potential increase in violent crime. Those who participate in large-scale smuggling are often involved with other forms of illicit activity. Recently, the state of Rhode Island realized that the movement of illicit tobacco products into their state has resulted in an increase in violent criminals traveling to the state to sell illicit product from Virginia and other lower-tax jurisdictions. Rhode Island lawmakers have taken a firm stand against smuggling to thwart the influx of violent criminals entering the state.

And let me be clear: Those who smuggle tobacco products do not attempt to age-verify those purchasing their illicit product. This will place Hawaiian youth in a precarious position and could jeopardize the efforts to date to prevent youth from vaping and smoking.

I strongly urge the committee to study what is occurring with regard to criminal tobacco trafficking their sales, enforcement and the operational needs of the distribution community. Voting to support this ban and please use the revenue to enhance the safety of the state's citizenry.

Sincerely,

Richard Marianos

Retired Assistant Director, Bureau of Alcohol, Tobacco Firearms and Explosives

Professor Georgetown University Washington DC

HB-1570-HD-1

Submitted on: 2/23/2022 1:44:04 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Charity Hartman	Individual	Comments	No

Comments:

To: Chair Johanson, Vice Chair Kitagawa and Members of the (CPC) Committee
Re: Comments for HB1570 HD1

Aloha Chair Johanson, Vice Chair Kitagawa and Members of the Committee,

Thank you for your dedication to our community and for this opportunity to provide comments on HB1570 HD1.

I am Charity Hartman, mother of two sons; with one moving up to middle school and one moving up to high school this year. I am very aware and terrified at the prevalence of vaping among their peers! While I strongly support evidence-based policies to end the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and moreover distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i. This is crucial. Please, our keiki are worth protecting.

Thank you for your time and consideration.

Mahalo,
Charity Hartman
Kahului, Maui, HI

HB-1570-HD-1

Submitted on: 2/23/2022 1:58:36 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lopaka Poaha	Individual	Oppose	No

Comments:

PLEASE OPPOSE THIS BILL

HB-1570-HD-1

Submitted on: 2/23/2022 1:57:15 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rachel Nygren-yee	Individual	Oppose	No

Comments:

On behalf of myself as well of the THOUSANDS of adults who vape responsibly, I think that it is highly unreasonable for you to punish us for the actions of the parents whom allow their children to vape. Instead of punishing the people who use these products properly you need to have higher penalties for parents and the children that are breaking the rules.

If you are going to ban these tobacco products, you should 100% ban cigarettes and chewing tobacco as well.

Representative Aaron Johanson, Chair

Representative Lisa Kitagawa, Vice-Chair

Members of the Committee on Consumer Protection & Commerce

Honorable Representatives Johanson and Kitagawa and members of the Committee on Consumer Protection & Commerce:

As a graduate of the University of Hawai'i, Schools of Public Health and Nursing and a lifelong resident of the State of Hawai'i, I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i. I am concerned that amendments made to HB 1570 are unnecessary to implement a flavored tobacco ban, do not have research to support their effectiveness, and are a tactic to distract from the original intent of the bill. I respectfully request the committee restore the bill to its original version, which focused on truly ending the sale of flavored tobacco products in Hawai'i to protect our keiki.

Hawai'i is in the midst of a youth vaping epidemic, with one in three high school students and one in five middle school students reporting "current use" of e-cigarettes. Hearing elementary school teachers and administrators from our district complain about the students using flavored vaping products and having to call 911 for health emergencies is gut-wrenching and absolutely unacceptable.

If we are truly trying to support our keiki and citizens of Hawai'i, I'm again respectfully requesting that the committee restore the bill to its original version. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must do better and we must do it now.

Please support the restoration of HB 1570 to its original version. You don't want to "be the one" to leave a legacy of doing nothing to protect our keiki.

Shelly Ogata, RN, MPH

LATE

**TESTIMONY OF MICHAEL A. MADDEN, MD
REGARDING HAWAI'I TOBACCO FLAVOR BAN BILL
(HB 1570 "Relating to the Youth Vaping Epidemic")**

I. Introduction

My name is Dr. Michael Madden, and I have been a family physician for 39 years. I write in opposition to the portion of HB 1570 that would ban the sale of flavored tobacco products in Hawai'i. I urge you to take a common-sense approach to tobacco control efforts in this State that address not only youth use of vapor and other tobacco products, but also the great potential e-cigarettes and other alternative nicotine products offer for helping adult smokers in Hawai'i move away from the riskiest form of tobacco: cigarettes.

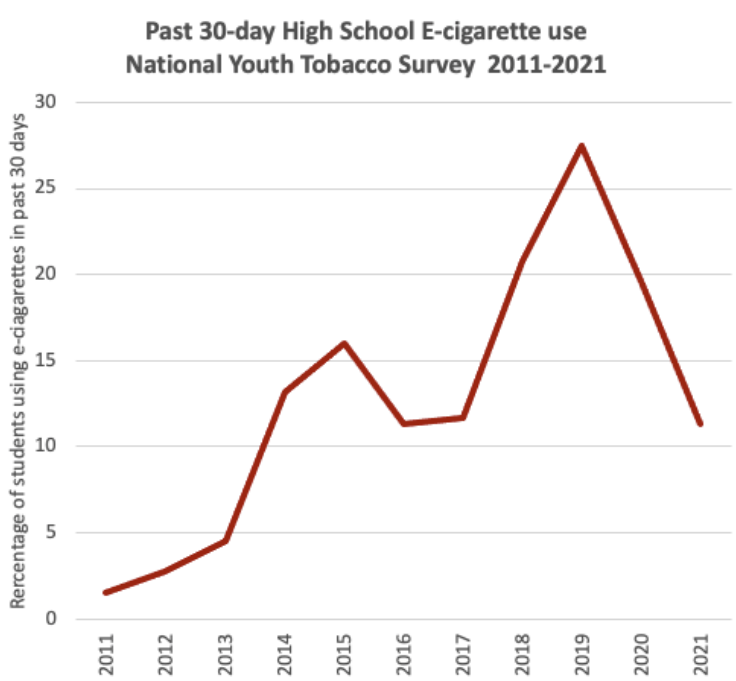
While RAI Services Company (Reynolds) has compensated me for my time in preparing this testimony, the opinions expressed are my own.

I agree with the CDC, the FDA, and, I am sure, all of you: youth should not vape or use tobacco products of any kind, especially combustible cigarettes. And as a doctor whose mother died of smoking-related causes, I also am committed to tobacco harm reduction for adult smokers unable or unwilling to quit.

II. Youth Use of Vapor Products Has Dropped Significantly

The last two years have seen efforts in state and local governments across the country to ban all flavors in e-cigarettes and even to ban all flavored tobacco products. These bans – some implemented and many others wisely turned back – are grounded in efforts to combat youth vaping, while generally ignoring their implications for adult smokers.

But it is important for you to be aware, before you take this step toward decreasing adult smokers' access to a variety of tobacco and nicotine products that may encourage them to move away from combustible tobacco or quitting altogether, that there has been good news in both [2020](#) and [2021](#) about youth use of e-cigarettes: the truth is, it has declined dramatically.



As the graph above shows, the CDC’s National Youth Tobacco Survey data suggest youth experimentation with vaping peaked in 2019 and has declined in each of the last two years – perhaps by as much as 60 percent. In 2021, in fact, just 11.3 percent of teens reported having used an e-cigarette even once in the prior 30 days.

While the CDC does quibble some with its own data collection methods (students who responded to the NYTS questionnaire in 2019 and 2020 responded to the questionnaire on paper and in school, while students who responded to the questionnaire in 2021 responded on a computer and in whatever educational setting the pandemic permitted them: some at home, some at school) and suggest that comparison should not be made across the recent years’ data collection, the data point strongly to a decrease in youth use of vapor products. And similar surveys of youth behavior, including the [Monitoring the Future Study](#), also show declines in vapor use but not coincident declines in other teen risky behaviors, such as alcohol and marijuana use. The 2021 data simply are not consistent with an ongoing and increasing youth vaping epidemic in the United States.

Commented [MM1]: Did she look this up

III. Flavored Tobacco Bans May Increase Youth Smoking

And while responding to increased youth use of vapor products by raising the age of sale of these products to those age 21 and older (as Hawai'i did in 2016 and the federal government did in December 2019) is smart, taking action to ban the sale of flavored tobacco products may actually reap a consequence you certainly do not intend: increased youth cigarette smoking.

In a study published in May 2021 in [JAMA Pediatrics](#), Dr. Abigail Friedman of Yale University School of Public Health reported that San Francisco's 2018 ban on the sale of all flavored tobacco products "was associated with more than doubled odds of recent smoking among underage high school students" when compared to youth smoking rates in other school districts. While youth smoking continued its consistent national decline between 2018 and 2020, after the flavor ban was implemented in San Francisco youth smoking rose by 30 percent.

Today youth cigarette usage [sits](#) at a historic low of 4.6 percent, declining by more than 40 percent in the past two years alone. Youth experimentation with vaping has *not* increased youth smoking.

IV. Flavor Bans Limit Adult Smokers' Access to Products that May Save Lives

The consequences for thousands of today's adult smokers are severe. Researchers from Georgetown University have [predicted](#), e-cigarettes could prevent 1.8 million premature smoking deaths. In an article published last summer in the American Journal of Public Health, 15 past presidents of the Society for Research on Nicotine and Tobacco urge us to follow the science on tobacco harm [reduction](#).

Commented [MM2]: Citation?

Nicotine vapor devices [have shown](#) incredible promise as support for cigarette smoking cessation, with one recent study demonstrating that smokers who used e-cigarettes to quit smoking were nearly twice as successful as those who used nicotine replacement therapies (patch, gum) or simply went "cold [turkey](#)."

Commented [MM3]: citation

And a study published in December 2021 in the Journal of the American Medical Association reported that [eight times](#) as many smokers who used e-cigarettes daily had quit smoking at the end of the study period than smokers who did not use e-cigarettes. This result is even more astounding given that the population of smokers who were studied had no intention to quit smoking when the study began.

The truth is that e-cigarettes and other vapor products are significantly safer than combustible cigarettes. Scientists continue to generate data confirming that fact. While nicotine undoubtedly is addictive, it is not exposure to nicotine that makes cigarette smoking so dangerous. Consider that Nicotine Replacement Products are approved to be sold Over the Counter! Vapor products, traditional smokeless tobacco, snus, and alternative nicotine products all avoid the burning of tobacco that leads to smokers' increased risk for disease and death.

And, more pointedly, a move to ban the sale of all flavored tobacco products here would run counter to the FDA’s evidence-based, science-driven evaluation of tobacco products that offer benefit to the public health as a whole. To date, more than half of the tobacco products to which the [FDA](#) has granted authorization for marketing as “modified-risk tobacco products” are flavored (mint/menthol) products. A list of these products can be found on the FDA’s website. Half of these authorized products are either menthol or mint flavored.

The FDA has determined—through a complete and rigorous review of all the relevant science—that these products are “appropriate for the protection of the public health” (FDA Language). Yet under this proposed legislation, these products would no longer be accessible to adult smokers in Hawai’i.

Accessibility and acceptability (through flavors, cost, or other means) of alternative, safer tobacco products are key to tobacco harm reduction. Public health policy has resulted in today’s historic lows in both youth and adult cigarette smoking. But flavored tobacco and vapor product bans threaten our progress. Now is the time for an open-minded and science-based discussion on cigarette-smoking harm reduction with the health of all Americans as its goal: adults and children alike.

LATE

Subject: HB 1570

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing, asking that you do NOT ban flavored or menthol tobacco or vapes from the market. I do agree, that we need to enforce rules that will prevent minors from purchasing nicotine or other vices that are for those who are 21 years and older. This includes alcohol and beer.

Again please do NOT ban flavored or menthol products to those who are of legal age to purchase.

KHI INC dba: Bayside & Waiakeawaena Texaco

Bayside Texaco
774 Kamehameha Ave
Hilo, Hi 96720

Bayside 808-935-1327
Waiakeawaena 808-981-2300



LATE

Date: February 24, 2022

To: The Honorable Aaron Ling Johansson, Chair
The Honorable Lisa Kitagawa, Vice-Chair
House Committee on Consumer Protection and Commerce

From: Peggy Mierzwa, Community & Government Relations

RE: **HB1570 HD1** Relating to the Youth Vaping Epidemic- Support

AlohaCare appreciates the opportunity to provide testimony requesting the language of HB1570 HD1 be restored to the original language in HB1570. In its current state, this measure does not provide the strong consumer protections or the evidence-based policies that were part of the original version of the bill. HB1570 was written to end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products in Hawai'i. To address the youth use, it all also subjected synthetic nicotine and heated tobacco products to age restriction.

Founded in 1994, AlohaCare is a community-rooted, non-profit health plan serving 80,000 Medicaid and dual-eligible health plan members on all islands. It is the only state health plan exclusively serving Medicaid patients. 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 Hawai'i.

Flavored tobacco products, including flavored vaping products are designed and marketed to entice youth. There are no consumer protections in place to address this tactic by the tobacco companies. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product.ⁱ Hawai'i is experiencing a youth vaping epidemic. We must do all we can to protect our young people's health from the vaping and tobacco industry's efforts to get them addicted to life-threatening habits.

AlohaCare applauds this measure's focus to improve the health of Hawai'i's keiki and protect them from becoming the next generation addicted to nicotine. The majority of youth are attracted to the many fruit flavors that are combined with menthol flavoring to create flavors like "Raspberry Ice". Alone, menthol has been used to mask the harshness of tobacco in traditional cigarettes, making it easier to start and harder to quit. Here in Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers smoke menthol cigarettes compared to 42% of White smokersⁱⁱ.

The public health harms caused by menthol flavored tobacco products have disproportionately impacted our youth, Native Hawaiians, and Pacific Islanders, in Hawai'i.

Thank you for this opportunity to provide testimony on HB1570.

ⁱ https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

ⁱⁱ <https://www.hawaiinewsnow.com/2021/03/08/an-effort-protect-their-future-youth-activists-call-ban-menthol-flavored-cigarettes/>



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 24, 2022**

Re: HB 1570 HD1 RELATING TO YOUTH VAPING EPIDEMIC

Good afternoon, Chairperson Johanson and members of the House Committee on Consumer Protection and Commerce. 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 oppose HB 1570 HD1 Relating to the Youth Vaping Epidemic. This measure requires DOH to post online monthly updates on all deposits and expenditures of the tobacco enforcement and Hawaii tobacco settlement special funds and Hawaii tobacco prevention and control trust fund. Requires DOH to submit annual reports to the legislature on the receipts and expenditures of the Hawaii tobacco settlement special fund and Hawaii tobacco prevention and control trust fund. Requires the attorney general to monitor online sales of tobacco products and electronic smoking device products and post online monthly updates. Requires DOH to establish a standardized and scientific testing process for the presence of flavoring in tobacco products and synthetic nicotine products and post this information online. Beginning 1/1/2023, prohibits the sale or distribution of all flavored tobacco and synthetic nicotine products in the State. Requires DOH to coordinate with DOE to establish a take back program for students to voluntarily dispose of electronic smoking devices, flavored tobacco or synthetic nicotine products, and tobacco products in their possession. Requires DOH and DOE to coordinate quarterly meetings with students on addressing the youth vaping epidemic. Effective 7/1/2060.

Currently Hawaii has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids and tobacco products. However, adults that are 21 and older are able to purchase these items and enjoy them like menthol cigarettes or an electronic vaping device with their favorite flavored e-liquid.

We also want to make it clear that retailers are not the ones selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not card to see how old someone is.

Furthermore, every electronic vaping device and e-liquid available worldwide is "flavored." Because they do not contain tobacco, electronic vaping devices has no "natural tobacco" taste, or any taste for that matter, without the addition of flavorings. These flavored e-liquids are enjoyed by many adults.

In addition, vapor products and e-liquids are NOT the same as a tobacco product. Electronic vaping devices contains NO tobacco and NO smoke is emitted when vaporized. The New England Journal of Medicine published found that electronic vaping devices 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.

Mahalo again for this opportunity to testify.



LATE

To Chair Aaron Ling Johanson, Vice Chair Lisa Kitagawa and members of the House Committee on Consumer Protection and Commerce.

On behalf of the Coalition for a Tobacco-Free Hawaii's (CTFH) Youth Council, we are providing **comments on HB 1570 HD1**. The CTFH Youth Council is a nationally-recognized group of future youth leaders fighting for the health of their own generation against the powerful influences of Big Tobacco. The Youth Council consists of over 80 middle, high school, and college students, with representation across all of the counties.

We strongly support the original version of this bill but question the amendments that have been added. The amendments are unnecessary at best, do nothing to protect Hawai'i youth from predatory targeting by the tobacco industry and place requirements on multiple departments that none of the five states or more than 300 other jurisdictions have included in their flavor bans.

Since the preamble, which states the purpose and intent of the bill, has been removed, we feel it is important that we reiterate the Youth Council's original objective of this bill: to address Hawaii's youth vaping epidemic. In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. As many know, these products are harmful to youth in particular, containing toxic chemicals like nicotine and formaldehyde that destroy the developing brain. In fact, over 21,000 Hawai'i youth alive today will die from tobacco-related illness if smoking rates don't change.

But beyond numbers, countless students from across the state and nation have chronicled their experiences with e-cigarettes – whether watching their friends fall victim to the predatory marketing of the industry, seeing their school bathrooms cloud with

smoke, or even reporting the struggle of recovering from nicotine addiction themselves. Students today are under siege by an industry that profits off of addiction.

The primary driver of the vaping epidemic is through the creation and marketing of flavored products. 81% of youth who ever used tobacco started with a flavored product, while 97% of youth who vape say they use a flavored product. It comes as no surprise – over the past several years, the market for flavored tobacco products has exploded, with over 15,500, mostly candy and fruity flavors. These have done a number in enticing youth into using tobacco. The industry, no less, has taken to weaponizing our local food and cultures as well, with flavors like POG, Mauna Dew, and Hawaiian Sweet Roll lining shelves.

Menthol, in particular, is one of the most popular flavors among teens – using names like Ice, Chill and Freeze to describe the cooling sensation that couples with its minty taste, menthol makes it easier to start vaping and harder to quit. Menthol, moreover, is the primary product used in predatory marketing against youth and vulnerable communities – **the industry considers Hawai'i a "Menthol State", with 78% of Native Hawaiian and Pacific Islander smokers using menthol cigarettes, perpetuating a legacy of public health disparities and corporate exploitation.**

Banning the sale of all flavored tobacco products would work to end this deadly cycle of addiction and manipulation. In doing so, retailers would no longer have the ability to sell products that have been the primary catalyst for addicting a new generation of people.

It's not just youth – we have support from more than 100 organizations, many of which have also submitted testimony. Youth have presented to over 20 Oahu neighborhood boards that have passed resolutions in support, along with organizations like the Association of Hawaiian Civic Clubs, the Honolulu Youth Commission, Parents for Public Schools of Hawai'i, and many more. You can see a partial list below.

We strongly urge that the amendments to HB1570 be removed and the original language of the bill be restored. It's time to put people over the profits of Big Tobacco. It's time to protect our keiki.



PARTIAL LIST OF SUPPORTERS TO END THE SALE OF ALL FLAVORED TOBACCO PRODUCTS IN HAWAII

HEALTH ORGANIZATIONS

'Ohana Health Plan
Adventist Health – Castle
Aloha Care
AMA/HMA Student Chapter at JABSOM
American Academy of Pediatrics – Hawaii Chapter
American Heart Association
American Lung Association
Bay Clinic Inc.
Blue Zones Project
Campaign for Tobacco-Free Kids
Coalition for a Drug-Free Hawaii
Coalition for a Tobacco-Free Hawai'i a program of Hawai'i Public Health Institute
Hamakua Kohala Health Centers
Hawaii – American Nurses Association (Hawaii-ANA)
Hawaii COPD Coalition
Hawaii Dental Hygienists' Association
Hawaii Health and Harm Reduction Center
Hawai'i Nurses' Association OPEIU Local 50
Hawaii Public Health Association
Hui No Ke Ola Pono
Hui Ola Pono (UH Public Health's Student Organization)
Kaho'omiki; Hawaii Council of Physical Activity and Nutrition
Kauai Rural Health Association

Keiki Injury Prevention Coalition
Na Lei Wili Area Health Education Center, Inc.
The Queen's Health Systems
Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy
University of Hawaii Student Health Advisory Council
US COPD Coalition
Waimānalo Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

After-School All-Stars Hawaii
American Youth Soccer Organization (AYSO)
Association of Hawaiian Civic Clubs
Big Island Interscholastic Federation (BIIF)
Hale 'Ōpio Kaua'i Inc.
Hawaii Children's Action Network
Hawaii Interscholastic Athletic Directors Association
Hawaii State Teachers Association (HSTA)
Hawai'i Youth Climate Coalition
Hawaii Youth Services Network
Honolulu Youth Commission
Kanu o ka 'Āina Learning Ohana (KALO)
Kauai Path Inc.
LearningBond
Pacific American Foundation
Parents for Public Schools of Hawai'i
Partners in Development Foundation
Residential Youth Services & Empowerment (RYSE)
The Friends of Kamalani and Lydgate Park
Waipahu Intermediate Youth For Safety

NEIGHBORHOOD BOARDS

Kuliouou-Kalani Iki Neighborhood Board 02
Kaimuki Neighborhood Board 04
Diamond Head Neighborhood Board 05
Palolo Neighborhood Board 06
McCully-Moiliili Neighborhood Board 08
Nuuanu/Punchbowl Neighborhood Board 12
Liliha/Puunui/Alewa Neighborhood Board 14
Aliamanu-Salt Lake Neighborhood Board 18
Aiea Neighborhood Board 20
Pearl City Neighborhood Board 21
Waipahu Neighborhood Board 22
Ewa Neighborhood Board 23

Mililani-Waipio Neighborhood Board 25
Koolauloa Neighborhood Board 28
Kahaluu Neighborhood Board 29
Kaneohe Neighborhood Board 30
Waimanalo Neighborhood Board 32
Mililani Mauka- Launani Valley Neighborhood Board 35
Nanakuli-Mailii Neighborhood Board 36

BUSINESSES

Country Courier, LLC
Hana Lima Physical Therapy
Home Remedies Interior Design
JCS Enterprises Inc.
Pediatric Therapies Hawaii

SCHOOLS

Damien Memorial School
Hawaii Association of Independent Schools (HAIS)
Hawaii Council of Private Schools (HCPS)
Holy Family Catholic Academy
Island Pacific Academy
Maryknoll School
Maui Preparatory Academy
Mid-Pacific Institute
Roots School
St. Andrew's Schools

HEALTH & COMMUNITY LEADERS

Kathryn Akioka, RRT / TTS
Joy Barua
Forrest Batz, PharmD
Frank Baum, MD
Deborah Bond-Upson
Dale Carstensen
Valerie Chang
Dyson Chee
Danelle Cheng
Bridgitte Daniel
May Rose Dela Cruz, DrPH
Andrew Fox, MD

Shani Gacayan
Donita Garcia
Asaka Herman
Pedro Haro, MPH
Cyd Hoffeld
Colleen Inouye, MD
Lila Johnson
Leilani Kailiawa
Lehua Kaulukukui
Ken Kozuma
Mark Levin
Loren Lindborg
Katherine May, PsychD
Bryan Mih, MD
Kristin Mills
Shelly Ogata
Gregg Pacilio, PT
Matthew Prellberg
Jordan Ragasa
Nathalie Razo
Keenan Reader
Crystal Robello
Kimberly Golis-Robello
Mary Santa Maria
Patty Kahanamoku-Teruya
Chien-Wen Tseng, MD
John A Hau'oli Tomoso
Jennifer Valera
Cecilia Villafuerte
Linda Weiner, MD
Matthew Wong

LATE

HB-1570-HD-1

Submitted on: 2/23/2022 8:40:36 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Comments	No

Comments:

COMMENTS on [HB 1570](#), respectfully requesting that the committee RESTORE THE BILL TO ITS ORIGINAL VERSION, which focused on ending the sale of flavored tobacco products in Hawai‘i.

While we are in strong support of the provisions to end the sale of flavored tobacco products in Hawai‘i, **significant amendments** were added to HB 1570 that are **not necessary** to implement a flavored tobacco ban, do not have research to support their effectiveness, and distract from the original intent of the bill.

Protect our keiki! People before profit.

www.WeAreOne.cc

Mahalo for your kōkua.

Jamil Folio
The Man Cave
1993 S. Kihei Rd Suite 18
Kihei, Hawaii 96733

LATE



Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not be necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

To our Distinguished Legislators:

My name is Jamil Folio, I am the Administrative Manager for "The Man Cave" retail business in Kihei, Hawaii. I am a property owner, father of young children, concerned citizen and a small business advocate who is proud to call Maui my home.

I am writing in **STRONG support** of comprehensive tobacco regulations, and especially banning flavored tobacco products and treating vaping products like other tobacco products. We sell tobacco products in our store, and understand the trepidation of other business owners/operators concerning potential lost revenue. BUT, we cannot jeopardize the health of our youth and our community by focusing on short term profit.

An alarming number of Maui County high school students, over 30%, are currently using e-cigarettes, while less than 5% of adults in Hawai'i are current users. These products are proving to be dangerous in themselves. A good portion of them will go on to use combustible tobacco products, which are the leading cause of preventable death and disease in the United States. Children are 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

21,000 children under the age of 18 currently living in Hawaii will die prematurely from smoking. If you could please read the previous sentence one more time. Then consider the financial cost associated with long term cancer and end of life care. Any lost short term revenue from banning the sales of flavored tobacco products is a minor rounding error in the long term costs associated with cancer for tens of thousands of Hawaii's citizens.

We are not talking about the rights adults have to make informed discussions. We are talking about middle school children being hooked on bubble gum, cotton candy, and Pipeline POG flavored addiction. And that is what is being sold: addiction. This is a tried and true campaign of influence from tobacco companies who have been marketing to children for decades (as proven in their own internal documents multiple times).

In fact, the same documents show that tobacco companies have targeted minority groups like African Americans and Native Hawaiians even more so than other groups, which is evidenced by the fact that over 40% of Maui County Native Hawaiian high school students are using e-cigarettes.

If our solution is to arrest and fine kids for being caught with these products, then more Native Hawaiian youth are going to end up criminalized for their addiction than other youth. This is a social justice issue that can't be ignored. Don't hold kids responsible for the industry's insidious manipulation. Hold the industry accountable, as they should be.

I also ask that you be sure to include menthol in order for this to be a comprehensive ban on flavored tobacco products. Menthol masks harshness, making it easier to start and harder to quit. Mint and menthol have historically been used to target youth and minority populations for the

industry's profit. In fact, 78 percent of Native Hawaiian smokers smoke menthol cigarettes. This is a social justice issue that needs to be addressed here in Hawaii.

For every potential sale that would be lost, a life might be saved. So please represent your constituents, our community, and our island ohana by doing the right thing. No child or adult needs candy flavored cancer causing products.

Thank you for your time.

Jamil Folio



335 Hoohana St. Unit F
Kahului, HI 96732
Ph: (808) 446-2032
Fax: (833) 565-3144

LATE

Aloha Members of the Committee,

Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not be necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

Pediatric Therapies Hawai'i is a non-profit on the island of Maui specializing in the diagnosis, treatment, and management of infants, children, and adolescents with a variety of congenital, developmental, neuromuscular, skeletal, or acquired disorders/diseases. We strongly support a flavored tobacco ban to help protect the health of our community, our keiki, and the future of the children we serve.

Health disparities and inequities are a real issue for the people of Hawai'i, and we understand that the tobacco industry takes advantage of youth and people of color, especially through marketing of menthol products. We ask that you please ban all flavored tobacco products, including menthol, to help protect the families we serve.

Thank you for hearing this bill, and we hope that you will pass it through committee today.

Mahalo nui loa,

Pediatric Therapies Hawai'i



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

Executive Officers

Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
Gary Okimoto, Safeway, *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
John Schliff, Rainbow Sales and Marketing, *Advisor*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Consumer Protection and Commerce
Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair

LATE

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 24, 2022
TIME: 2pm
PLACE: Via Videoconference

RE: HB1570 HD1 Relating to the Youth Vaping Epidemic

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.

Tobacco products are Federally regulated for good reason. Local bans of products that are legal elsewhere can be challenging, if not impossible to enforce, and simply create a large unregulated black market, as we currently have with fireworks.

On January 27 the FDA published an article reiterating that, “The agency remains on track to advance two proposed tobacco product standards – one prohibiting menthol as a characterizing flavor in cigarettes and another prohibiting all characterizing flavors (including menthol) in cigars – by spring. 1”

The FDA also requires that Electronic Nicotine Delivery Systems (ENDS) provide evidence that they have benefit to adult smokers in order to be allowed for sale. Products that fail to provide that evidence are issued Marketing Denial Orders and must be removed from stores. The FDA has already reviewed tens of thousands of such products². This level of review and oversight is possible at the Federal level and helps ensure that adults who are trying to quit

¹ <https://www.fda.gov/news-events/fda-voices/fda-track-take-actions-address-tobacco-related-health-disparities>

² <https://www.fda.gov/news-events/press-announcements/fda-denies-marketing-applications-about-55000-flavored-e-cigarette-products-failing-provide-evidence>

smoking have access to valuable smoking cessation tools, while taking steps to keep tobacco products out of the hands of minors.

Overlapping, or worse yet, contradictory State and Federal guidelines and laws on the same products create an impossible administrative burden for our local businesses. We encourage the committee to avoid that situation. We thank you for the opportunity to testify.

**TAXPAYERS
PROTECTION
ALLIANCE**

LATE

**Testimony before the Hawaii House Committee on Consumer Protection & Commerce
Regarding Banning the Sale of Flavored Tobacco and Vapor Products**

**Lindsey Stroud, Director
Consumer Center
Taxpayers Protection Alliance
February 2, 2022**

Chairman Johanson, Vice-Chair Kitagawa, Members of the Committee:

Thank you for your time today to discuss the issue of banning flavored sales of tobacco and vapor products. My name is Lindsey Stroud, and I am Director of The Taxpayers Protection Alliance's (TPA) Consumer Center. TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government's effects on the economy. TPA's Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

Per the statement from the legislation's sponsor, this proposal is an effort to address youth use of tobacco and vapor products. While such efforts are laudable, policymakers should refrain from excessive prohibition when addressing such issues. Rather, than punish adult former smokers, Hawaii lawmakers ought to fund robust tobacco control programs, including education and prevention.

Youth Use of Tobacco and Vapor Products is Declining

The legislation is titled "Reversing the Youth Vaping Epidemic Act of 2022." This is an interesting choice of words given how lawmakers did not ban flavored tobacco products in the 1990s when Hawaiian youth were overwhelmingly using combustible cigarettes, which are far more deadly than tobacco harm reduction products such as e-cigarettes.

According to data from the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Surveillance Survey (YRBSS) – and the same survey the legislation relies on – in 1995, 68.8 percent of high school students reported ever-using combustible cigarettes and 32.4 percent were current users, defined as having smoked a cigarette on at least one occasion in the 30 days prior to the survey.¹

While youth of vaping is a reason of concern, it also coincides with a significant decline in youth use of combustible cigarettes. In 2019, 17.8 percent of high schoolers reported ever-trying cigarettes and only 5.3 percent were current users, representing declines of 74.1 percent and 83.6 percent, respectively, from 1995 rates.

Moreover, the legislation is relying on 2019 figures on youth use which disregard recent surveys that have found that youth use of vapor products is on the decline. In 2019, 48.3 percent of Hawaiian high school students reported ever-trying e-cigarettes, 30.6 percent reported past 30-day use, and 7.9 percent reported using vapor products daily.

(See Supplemental Graph 1.1)

In 2021, according to the National Youth Tobacco Survey, an estimated 11.3 percent of high school students and 2.8 percent of middle school students reported having used a vapor product on a least one occasion in the month prior to the survey.² Further, only 3.1 percent of high school students and less than one percent of middle schoolers reported daily e-cigarette use. The rate of decline is remarkable: among high school students, vaping rates have declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes.

(See Supplemental Graph 1.2)

Robust Tobacco Control Funding – Not Bans – to Address Youth Tobacco and Vapor Product Use

Interestingly, the legislation attempts to explore tobacco-related revenue to the state and expenditures with said revenue. This is intriguing because the Aloha State spends very little of existing tobacco monies on robust tobacco control programs. In 1939, under the Territorial Government, Hawaii first imposed an excise tax on tobacco products.³

Between 2000 and 2020, Hawaii collected an estimated \$2.1 billion in cigarette taxes.⁴ During the same 20-year period, the Aloha State increased the tax rate on cigarettes nine times. The last tax increase raised the rate by \$0.20, to \$3.20 per pack.

Tobacco taxes are not the only form of tobacco-revenue the state collects. In the mid-1990s, Hawaii sued tobacco companies to reimburse Medicaid for the costs of treating smoking-related health issues. And, in 1998 with 45 other states, the Aloha State reached “the largest civil litigation settlement in U.S. history” through the Master Settlement Agreement (MSA).⁵

Under the MSA, states receive annual payments – in perpetuity – from the tobacco companies, while relinquishing future claims against the participating companies. Between 2000 and 2020, Hawaii collected \$974.4 million in MSA payments.⁶

Despite increasing taxes, and perpetual settlement payments, the Aloha State allocates very little of state funding towards tobacco control.

Between 2000 and 2020, Hawaii allocated only \$168.9 million in state funds towards tobacco control programs.⁷ This is 7.9 percent of what the state collected in cigarette taxes in the same

20-year time span and 17.3 percent of MSA payments. In total, in 20 years, Hawaii allocated only 5.4 percent of what the state received in tobacco taxes and settlement payments towards tobacco education and prevention efforts. In essence, for every \$100 received in tobacco-related taxes and settlement payments, the state spent \$5.40 funding tobacco control programs.

Moreover, increased taxes did not create increases to state tobacco control funding. For example, in 2010, the state increased the cigarette tax by \$0.60, to \$2.60 per pack. This led to an immediate 14.8 percent increase in cigarette tax collections, from \$104.4 million in 2009 to \$119.9 million in 2011. During the same time period, tobacco control funding decreased by 24.8 percent, from \$10.5 million in 2009 to \$7.9 million in 2010.

If lawmakers truly care about youth use of age-restricted products, especially tobacco products, they ought to invest more funding in robust tobacco control programs. In 2020, Hawaii dedicated only \$6.1 million in state funding to such programs, that amounts to just \$20.62 per person under the age of 18.

(See Supplemental Graph 1.3)

Vapor Product Emergence Correlates to Significant Declines in Young Adult Smoking Rates

Electronic cigarettes and vapor products were Aloha introduced to the U.S. in 2007 “and between 2009 and 2012, retail sales of e-cigarettes expanded to all major markets in the United States.”⁸ Moreover, between September 2014 and May 2020, e-cigarette sales in the U.S. increased by 122.2 percent.⁹

Examining data from the CDC’s BRFSS finds that e-cigarettes’ market emergence has coincided with a significant reduction in smoking rates among young adults.

In 1998, among current adult smokers, 24 percent were 18 to 24 years old. In 2008, this had decreased by 22.1 percent to 18.7 percent of adult smokers in Hawaii being between 18 to 24 years old.

In the years after e-cigarette’s market emergence in the early 2010s, smoking rates among current smokers aged 18 to 24 years decreased by 50.9 percent. Indeed, in 2010, among current smokers in Hawaii, 23.2 percent were between 18 to 24 years old. In 2020, only 11.4 percent of current smokers were 18 to 24 years old.

Further, since 2016, when the U.S. surgeon general issued an alarm about youth e-cigarette use, smoking rates among adults aged 18 to 24 years in the Aloha State have decreased by five percent, with an average annual decrease of 4.7 percent.

(See Supplemental Graph 1.4)

Adult Vaping Rates

Despite providing annual data on cigarette and smokeless tobacco use, the CDC's BRFSS only reports on adult e-cigarette use for 2016 and 2017.

In 2017, according to the BRFSS, 4.7 percent of Hawaii adults were current e-cigarette users. Similar to income status among smokers, lower income persons are more likely to use vapor products. In 2017, among current adult e-cigarette users, 9.7 percent reported household incomes of \$25,000 or less per year. Conversely, only four percent reported earning \$50,000 a year or more.

Economic Impact of Vaping in Hawaii

In 2021, according to the analysis by the Vapor Technology Association, the industry created 190 direct vaping-related jobs in Hawaii. These jobs generated more than \$8.2 million in wages.¹⁰ Moreover, the industry has created hundreds of secondary jobs in the Aloha State, bringing the total economic impact in 2021 to \$54.7 million. In the same year, Hawaii received more than \$4.6 million in state taxes attributable to the vaping industry.

Unfortunately, efforts by anti-vaping organizations and policymakers have negatively affected vape shops in the Aloha State. The number of employees has decreased by 57.9 percent from 451 in 2018 to 190 in 2021, representing a loss of \$9.9 million in wages.¹¹ Further, state tax collections in 2021 were down 51.2 percent from 2018's level of \$9.5 million. Overall, the economic output from the vaping industry in Hawaii was reduced from \$100.7 million in 2018 to \$54.7 million in 2021, a 45.7 percent decrease.

(See Supplemental Graph 1.5)

Flavors Are Not Main Reason for Youth E-Cigarette Use

According to the sponsor statement of this proposal, flavors are the reason why Hawaiian youth are using e-cigarettes.

This is simply not true. In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported "other."¹²

Further, in analyses of state youth tobacco use surveys, other factors including social sources are most often cited among youth for reasons to use e-cigarettes and vapor products.

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.¹³

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”¹⁴

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”¹⁵ Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”¹⁶ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”¹⁷

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”¹⁸

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.¹⁹

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.²⁰

(See Supplemental Graph 1.6)

Flavor Bans Lead to Increased Combustible Cigarette Use

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California.²¹

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use.

Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette.²² Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019.

Worse, despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette. Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019.

An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco’s flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years.²³ Although the ban did have an effect in decreasing vaping rates, the authors noted “a significant increase in cigarette smoking” among participants aged 18 to 24 years old.

(See Supplemental Graph 1.7)

Other municipal flavor bans have also had no effect on youth e-cigarette use.²⁴ For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

Further, studies have found that banning flavors in e-cigarettes leads to subsequent combustible cigarette use. A 2018 study published in *Tobacco Control* found that banning flavored “e-cigarettes alone would likely increase the choice of cigarettes in smokers.”²⁵ A July, 2021 survey in *Nicotine & Tobacco Research* found that one-third (33.2 percent) of survey respondents would “likely switch to [combustible] cigarettes” if flavors were banned in e-cigarettes.²⁶

In August 2021, an article in *American Journal of Public Health (AJPH)* co-authored by 15 past presidents of the Society for Research on Nicotine and Tobacco (SRNT). This prime academic global organization involved with nicotine and tobacco evidence-based research warned that: "Because both youth and adult smokers find e-cigarette flavors attractive, banning all (or most)

flavors risks reducing smokers' use of e-cigarettes to quit smoking at the same time that it reduces youth vaping."²⁷

Health Effects of Electronic Cigarettes and Vapor Products

Despite recent media reports, e-cigarettes are significantly less harmful than combustible cigarettes. Public health statements on the harms of e-cigarettes include:

Public Health England (PHE): In 2015, a landmark report relying on 185 studies and produced by PHE (a leading health agency in the United Kingdom), found “that using [e-cigarettes are] around 95% safer than smoking,” and that their use “could help in reducing smoking related disease, death and health inequalities.”²⁸ In 2018, the agency reiterated their findings, finding vaping to be “at least 95% less harmful than smoking.”²⁹

As recent as February 2021, PHE provided the latest update to their ongoing report on the effects of vapor products in adults in the UK. The authors found that in the UK, e-cigarettes were the “most popular aid used by people to quit smoking [and] ... vaping is positively associated with quitting smoking successfully.”³⁰

The Royal College of Physicians (RCP): In 2016, RCP found the use of e-cigarettes and vaping devices “unlikely to exceed 5% of the risk of harm from smoking tobacco.”³¹ RCP is another United Kingdom-based public health organization, and the same group which was the first to highlight the link between smoking and lung cancer, and other tobacco related diseases, in 1962.

The National Academies of Sciences, Engineering, and Medicine: In January 2018, the academy noted “using current generation e-cigarettes is less harmful than smoking.”³²

Cochrane Review: Researchers at the Tobacco Addiction Group analyzed studies that examined the effects of e-cigarettes in helping smokers quit. The researchers found 61 studies that had over 16,700 adults that had smoked. The studies compared the instances of quitting smoking using e-cigarettes to other nicotine replacements including nicotine replacement therapy, nicotine-free e-cigarettes, behavioral support and others. Of the available evidence, the authors found that more people “probably stop smoking for at least six months using nicotine e-cigarettes than using nicotine replacement therapy ... or nicotine-free e-cigarettes.” The authors also found that e-cigarette “may help more people to stop smoking than no support or [behavioral] support only.”³³

Society for Research on Nicotine and Tobacco (SRNT): An article in August 2021 co-authored by 15 past presidents of the SRNT reported that “Many scientists have concluded that vaping is likely substantially less dangerous than smoking”. Furthermore, they found that “A growing body of evidence indicates that vaping can foster smoking

cessation” and warned “Studies have found that policies intended to restrict e-cigarette use may have unintentionally increased cigarette smoking”.³⁴

Menthol Bans Have Little Effect on Smoking Rates, Lead to Black Markets, Lost Revenue and Will Create Racial Tension

Beyond e-cigarettes, policymakers’ fears about the role of menthol and flavorings in cigarettes and cigars are overblown and banning these products will likely lead to black markets.

Data from the National Health Interview Survey (NHIS) finds nearly a third of all American adult smokers smoke menthol cigarettes. In a 2015 NHIS survey, “of the 36.5 million American adult smokers, about 10.7 million reported that they smoked menthol cigarettes,” and white menthol smokers “far outnumbered” the black and African American menthol smokers.³⁵

Although lawmakers believe banning menthol cigarettes will deter persons from smoking those, such a ban will likely lead to black markets. A 2012 study featured in the journal *Addiction* found a quarter of menthol smokers surveyed indicated they would find a way to purchase, even illegally, menthol cigarettes should a menthol ban go into place.³⁶ Further, there is little evidence that smokers would actually quit under a menthol ban. A 2015 study in *Nicotine & Tobacco Research* found only 28 percent of menthol smokers would give up cigarettes if menthol cigarettes were banned.³⁷

Moreover, there is no evidence to suggest that menthol cigarettes lead to youth tobacco use. Analysts at the Reason Foundation examined youth tobacco rates and menthol cigarette sales.³⁸ The authors of the 2020 report found that states “with more menthol cigarette consumption relative to all cigarettes have *lower* rates of child smoking.” Indeed, the only “predictive relationship” is between child and adult smoking rates, finding that “states with higher rates of adult use cause higher rates of youth use.”

Lawmakers should take note that menthol sales bans will strain minority communities. Although white Americans smoke more menthol cigarettes than black or African Americans, “black smokers [are] 10-11 times more likely to smoke” menthol cigarettes than white smokers.³⁹

Given African Americans’ preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences.

A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market.⁴⁰ The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, “having a higher share of non-white households was associated with a lower probability of finding a local tax stamp” and “neighborhoods with higher

proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes.”

Lawmakers in Hawaii should reexamine the case of Eric Garner, a man killed in 2014 while being arrested for selling single cigarettes in the city. In a 2019 letter to the New York City council, Garner’s mother, as well as Trayvon Martin’s mother, implored officials to “pay very close attention to the unintended consequences of a ban on menthol cigarettes and what it would mean for communities of color.”⁴¹ Both mothers noted that a menthol ban would “create a whole new market for loosies and re-introduce another version of stop and frisk in black, financially challenged communities.”

Conclusion & Summary Points

Despite alarmism, electronic cigarettes are effective tobacco cessation products that have helped thousands of Hawaiian adults quit combustible cigarettes and flavors are essential in this use. Although youth use of vapor products is concerning, lawmakers must refrain from alarmist efforts that would restrict access to flavors. Rather than prohibition, lawmakers ought to invest already-existing tobacco monies to fund robust tobacco control programs including cessation efforts, education, and youth prevention campaigns.

- Combustible cigarette use among Hawaiian high schoolers are at record lows. In 2019, 5.3 percent reported current use of cigarettes, an 83.6 percent decrease from 1995.
- Nationally, current vapor product use among high school students has declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes on at least one occasion in the 30 days prior to the survey.
- Hawaii spends very little of existing tobacco monies on tobacco control programs.
- In 2020, the Aloha State collected \$102.4 million in state cigarette excise taxes and \$35.3 million in tobacco settlement payments, yet allocated only \$6.4 million (4.6 percent) to tobacco control. In 20 years, for every \$100 the state received in tobacco-related payments, it spent \$5.40 funding tobacco control programs. This is less than the average price of cigarettes – which is \$9.55 per-pack.
- The vapor industry has been an economic boon to Hawaii, generating \$54.7 million in economic activity in 2021 while creating 190 direct vaping-related jobs. Further, the industry has contributed more than \$4.6 million in state taxes.
- Unfortunately, anti-vaping efforts have reduced the industry’s economic impact. The number of employees decreased by 57.9 percent from 451 employees in 2018, state tax collections were down 51.2 percent from 2018’s \$9.5 million, and overall economic activity was down by 45.7 percent from \$100.7 million in 2018.
- E-cigarettes’ market emergence is associated with low young adult smoking rates. In 2020, among current smokers in Hawaii, only 11.4 percent current smokers were 18 to 24

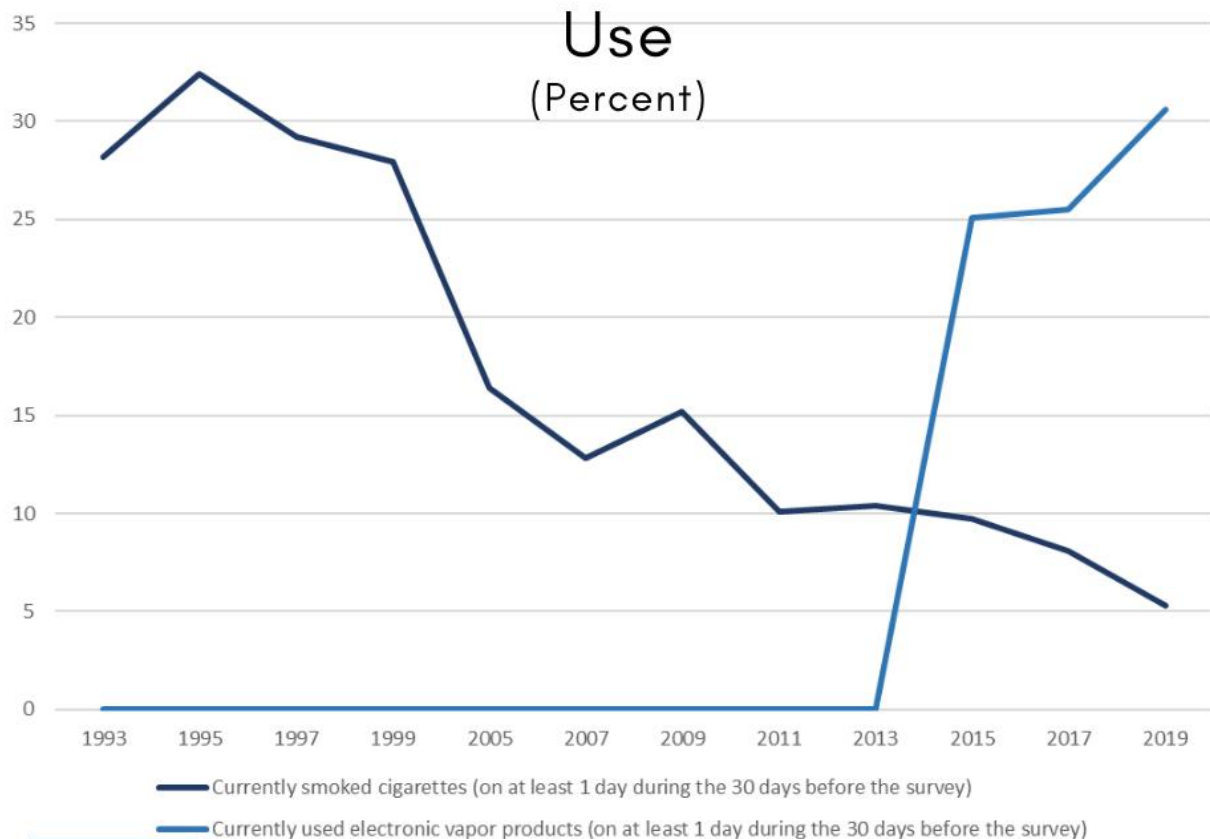
years old – a 50.9 percent decrease from 2010. Further, since 2016, smoking rates among young adults have decreased by five percent.

- Data from existing youth surveys on tobacco and vapor product use indicate that high school students are not using e-cigarettes because of flavors. Overwhelmingly, high school students cite “friends/family” and “curiosity” as reasons for e-cigarette use.

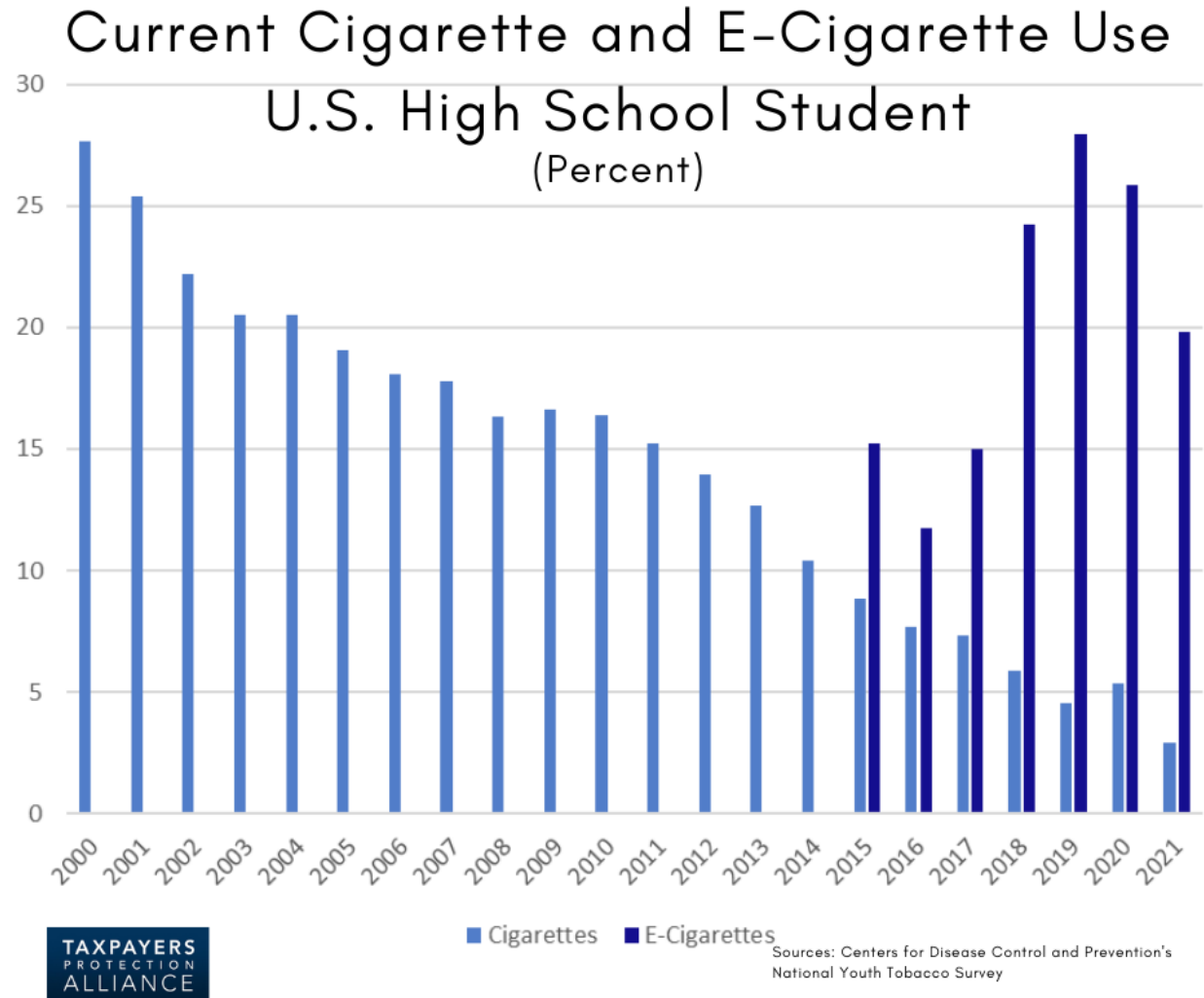
Supplemental Graphs

1.1 Hawaiian Youth Tobacco and Vapor Use

Hawaii HS Student Tobacco and Vapor



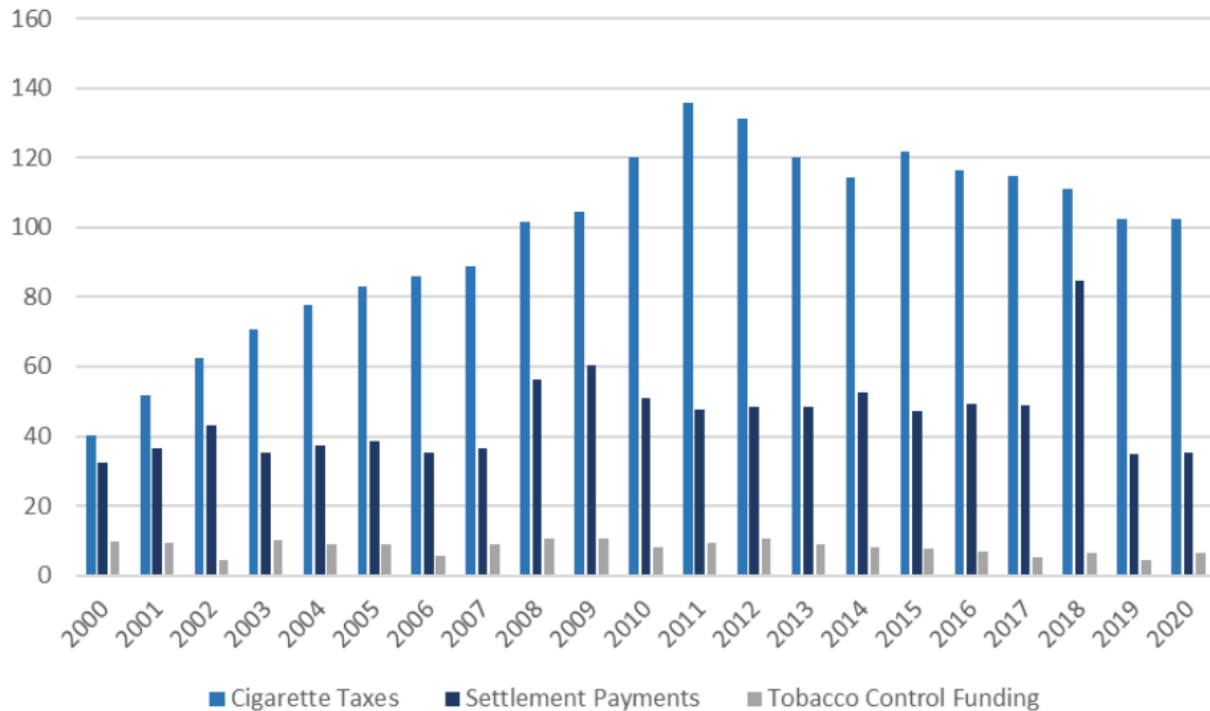
1.2 National Youth Tobacco and Vapor Use



1.3 Tobacco Economics

Cigarette Taxes, Settlement Payments, Tobacco Control Funding

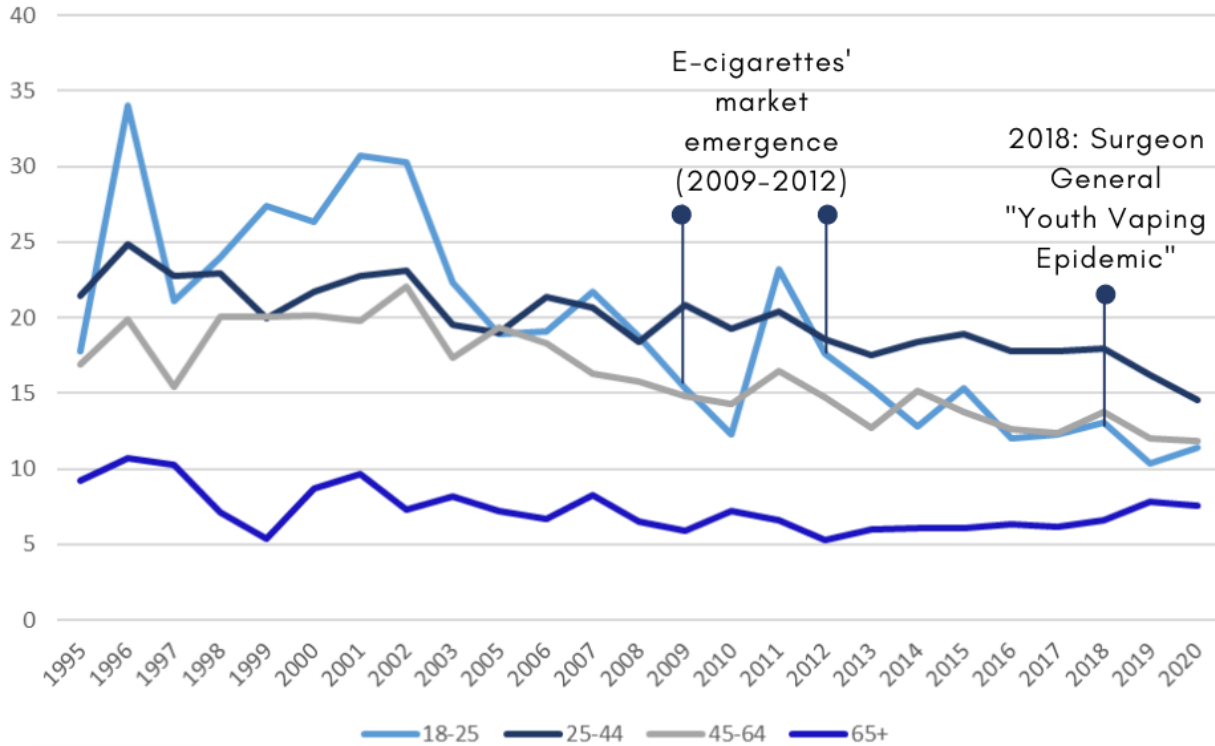
(Dollars, in millions)



1.4 Vapor Product Emergence and Young Adult Smoking Rates

E-CIGARETTES EMERGENCE LED TO SIGNIFICANT DECREASE IN SMOKING RATES AMONG YOUNG ADULTS

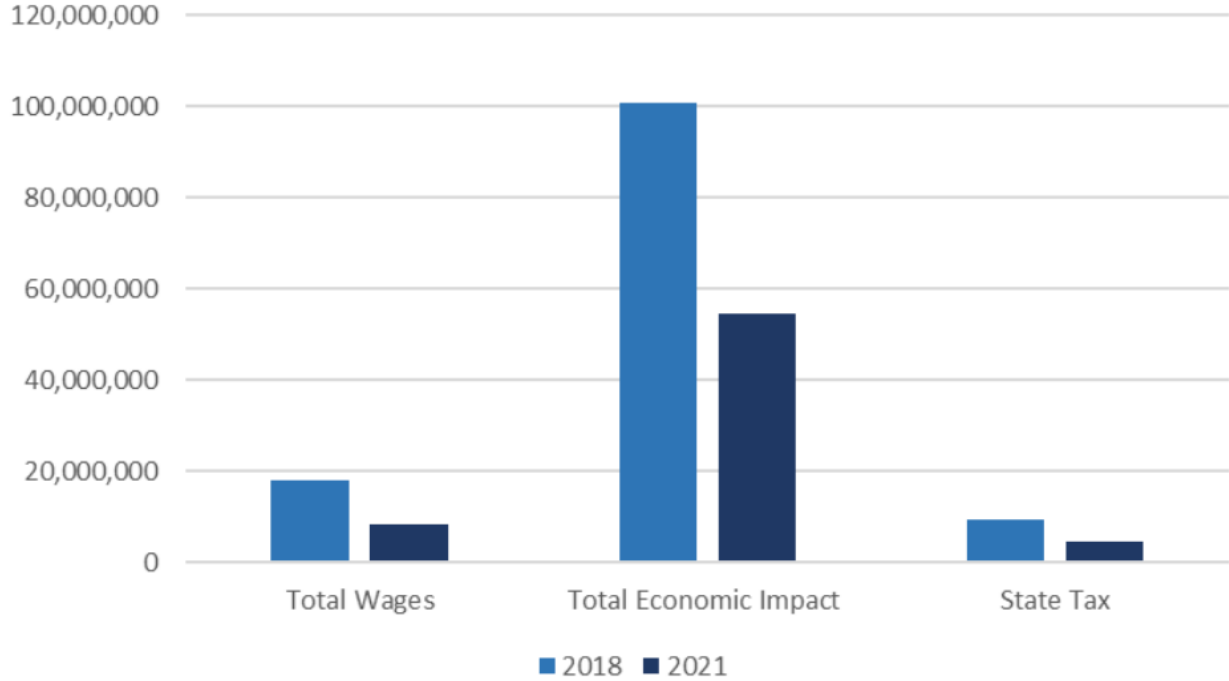
Current Smokers by Age Group (Percent)



1.5 Economic Impact of Vaping

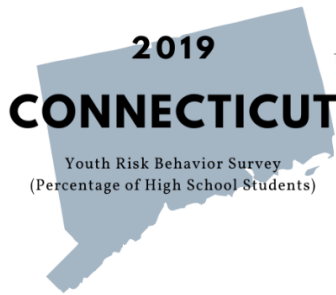
Vape Shop Economics

(Dollars, in millions)

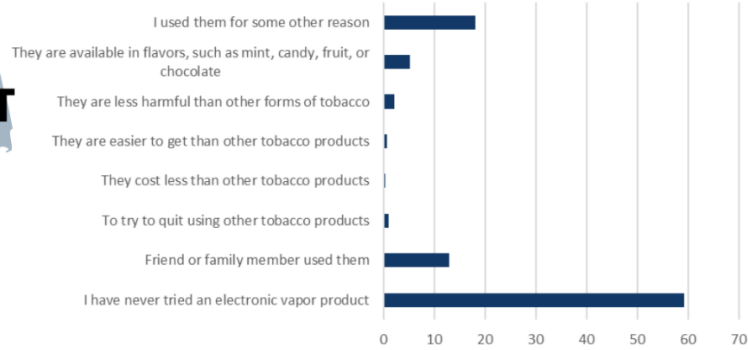


1.6 Reasons for E-Cigarette Use, High School Students

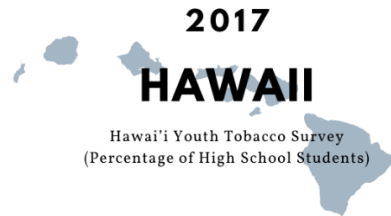
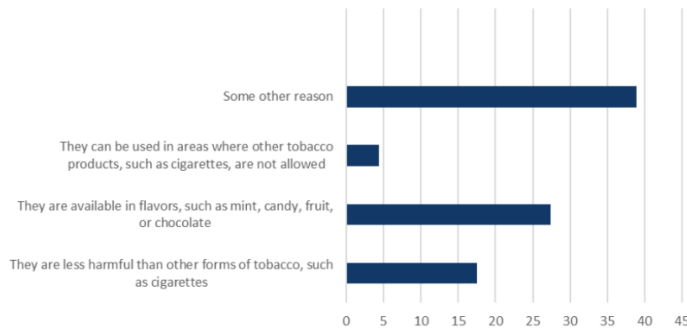
**TAXPAYERS
PROTECTION
ALLIANCE** **REASONS FOR E-CIG USE**



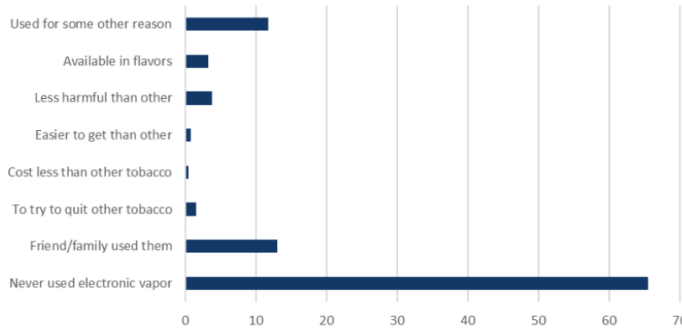
What is the main reason you have used electronic vapor products?



Reasons for e-cigarette use (among ever e-cigarette users, choose all that apply):



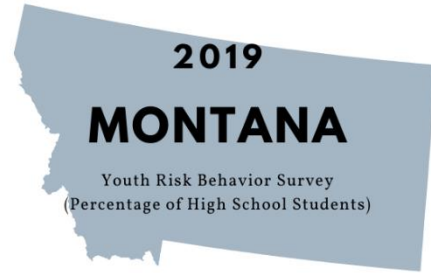
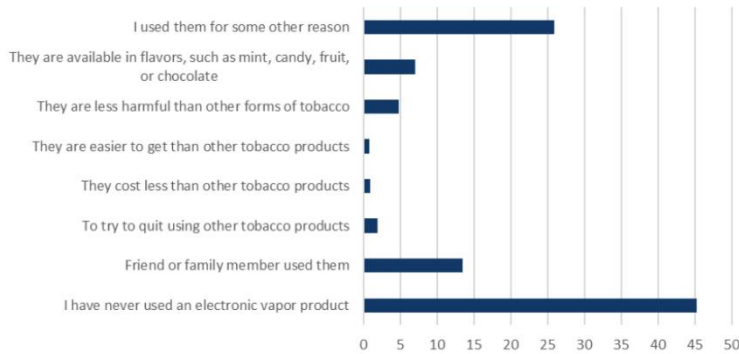
What is the main reason you have used electronic vapor products?



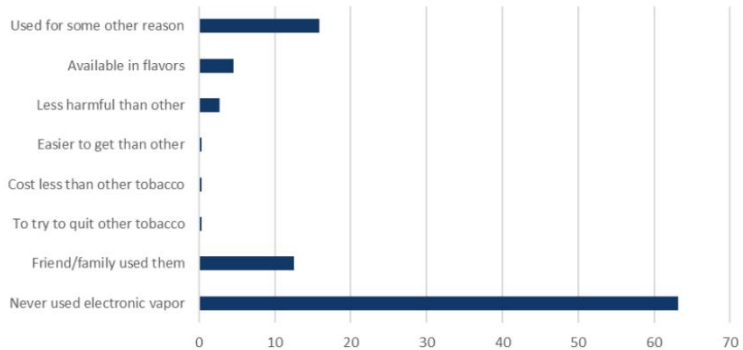
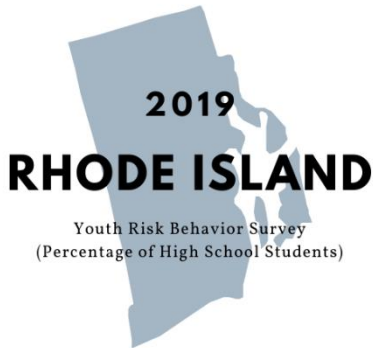
Source: World Health Organization

REASONS FOR E-CIG USE

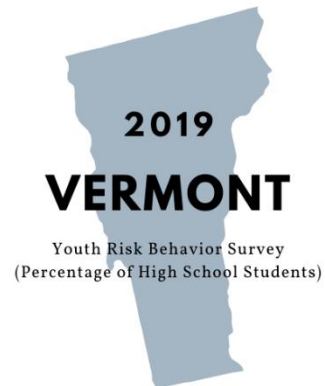
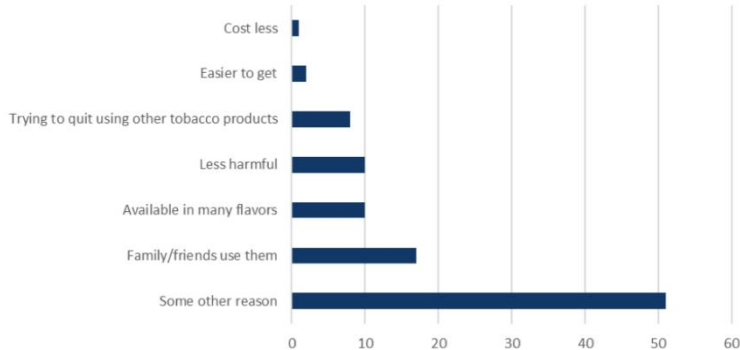
What is the main reason you have used electronic vapor products? (Select only one response.)

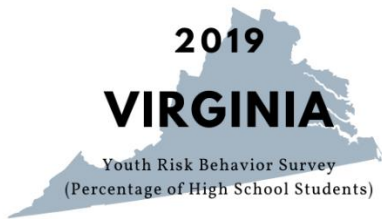


What is the main reason you have used electronic vapor products?

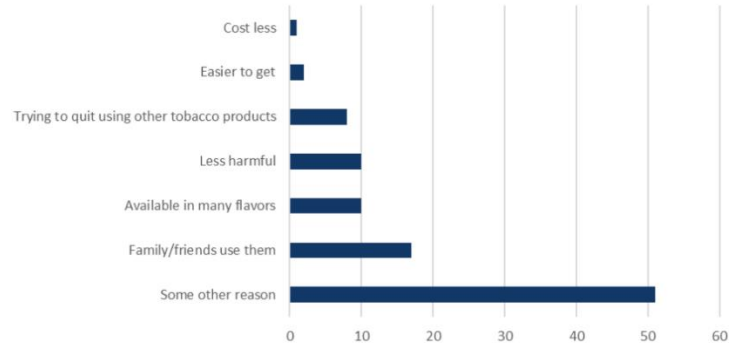


Primary Reason for Using Electronic Vapor Products (Among Current Users)





Primary Reason for Using Electronic Vapor Products (Among Current Users)

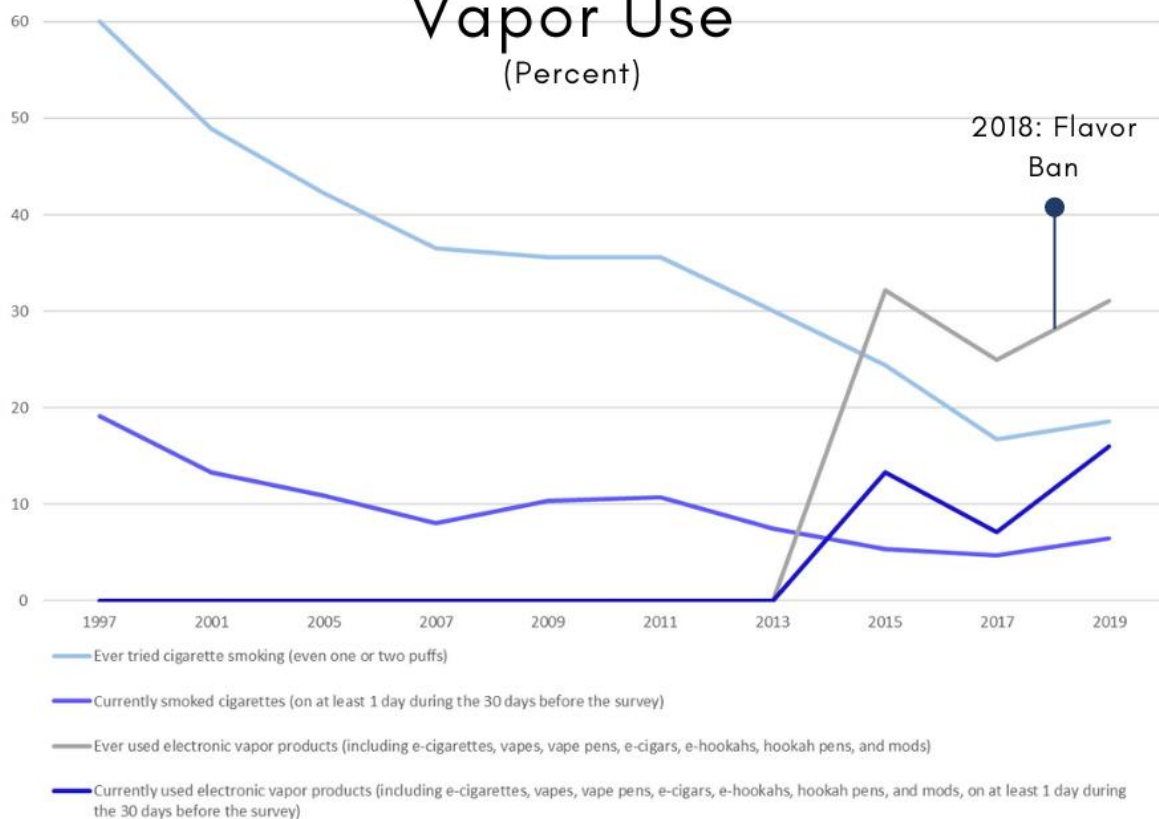


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1.7 San Francisco Youth Tobacco Use & Flavor Ban Effects

San Francisco HS Student Tobacco & Vapor Use (Percent)



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- ³⁶ RJ O’Connor *et al.*, “What would menthol smokers do if menthol in cigarettes were banned?” *Addiction*, April 4, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/>.
- ³⁷ Olivia A. Wackowski, PhD, MPH, *et al.*, “Switching to E-Cigarettes in the Event of a Menthol Cigarette Ban,” *Nicotine & Tobacco Research*, January 29, 2015, https://www.researchgate.net/publication/271592485_Switching_to_E-Cigarettes_in_the_Event_of_a_Menthol_Cigarette_Ban.
- ³⁸ Guy Bentley and J.J. Rich, “Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?” Policy Study, Reason Foundation, January 30, 2020, <https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>.
- ³⁹ D. Lawrence *et al.*, “National patterns and correlates of mentholated cigarette use in the United States,” *Addiction*, December, 2010, <https://www.ncbi.nlm.nih.gov/pubmed/21059133>.
- ⁴⁰ National Research Council, “Understanding the U.S. Illicit Tobacco Market: Characteristics, Policy Context and Lessons from International Experiences,” *The National Academies Press*, 2015, <https://www.nap.edu/download/19016>.
- ⁴¹ Carl Campanile, “Menthol cig ban will lead to more stop-and-frisk: Moms of Garner, Martin,” *New York Post*, October 16, 2019, <https://nypost.com/2019/10/16/menthol-cig-ban-will-lead-to-more-stop-and-frisk-moms-of-garner-martin/>.

Smoke-Free Alternatives Trade Association

1629 K St. NW, Ste. 300
Washington, DC 20006
Phone: 202-251-1661

LATE



February 24, 2022

Re: HB 1570 - OPPOSE

Chairman Johanson, Vice Chairwoman Kitagawa, and Members of the House Committee on Consumer Protection & Commerce:

The Smoke-Free Alternatives Trade Association (SFATA) is the nation's largest trade organization representing the thousands of small businesses that manufacture, distribute, and sell vapor products throughout the United States. As its Board President, I am writing on behalf of our Hawaii members to urge you to oppose the devastating legislative measures pending before this committee and implore you to carefully weigh the health risk to your adult smoking and vaping population.

SFATA always understood that vapor was an adult-only product and as such, pioneered the nation's first age-restriction program (Age to Vape) for its members to follow. This program placed restrictions on sales to minors based on the legal age for tobacco use in their respective states', years ahead of any state or federal age laws. SFATA also requires our members to adhere to a strict Member Code of Responsible Conductⁱ that requires responsible marketing practices, which includes limiting marketing efforts only to adults.

We wholeheartedly support the restriction of product sales to all underage persons, as well as the base premise of the legislation which implies that we should do whatever we can to restrict access to minors. However, we do not agree that the Hawaii legislature should ban flavors for adults who rely on them to refrain from using deadly combustible tobacco products, like cigarettes. Such a policy will result in severe adverse impacts on the citizens of Hawaii and should be avoided. This fact is supported by the most recent scientific studies funded by the National Institute of Health (NIH), as well as the American Journal of Public Health (AJPH).

A 2021 research paper conducted by Yale University and funded by NIH found that banning flavors in e-cigarettes, while allowing them to remain in combustibles, would result in an increase in smoking combustible cigarettes, and the use of e-cigarettes would decline.ⁱⁱ While the premise of HB 1570 is to protect kids, the included measures could actually do youth more harm than good and are almost certain to negatively impact the adult smoking and vaping populace.

Meanwhile, the FDA, which is the leading science agency in the country, has yet to decide regarding the role of flavors in vapor products, as they are lacking the scientific evidence needed to make an informed decision. We strongly urge you to reconsider a rush to enact a policy that would have unintended consequences, without full scientific information. This is because as time passes, more data becomes available on the benefit of vapor products to public health. The most recent AJPH study is a prime example of this.

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In May of 2021, AJPB released a study titled, "Balancing Consideration of the Risks and Benefits of E-Cigarettes."ⁱⁱⁱ The study reviewed the health risks of vaping compared to the benefits related to smoking cessation. The fifteen authors, all Society For Research On Nicotine and Tobacco (SRNT) past presidents, point out that e-cigarettes would have a more positive impact if the health community recognized their benefits and that, "While evidence suggests that vaping is currently increasing smoking cessation, the impact could be much larger if the public health community paid serious attention to vaping's potential to help adult smokers, smokers received accurate information about the relative risks of vaping and smoking, and policies were designed with the potential effects on smokers in mind. That is not happening." The authors also concluded that, "the need to pay attention to adult smokers is particularly important from a social justice perspective." This statement was based on findings that current "smokers come disproportionately from lower education and income groups" and that "smoking accounts for a significant proportion of the large life expectancy difference between affluent and poorer Americans."

In addition to the supporting scientific evidence above, the authors of a January 2018 study by the National Academies of Sciences, Engineering, and Medicine repeatedly state that e-cigarettes are far less harmful than conventional cigarettes.^{iv} "There is conclusive evidence," the report says, "that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The authors also stated that if a smoker is using both cigarettes and vapor products, they should immediately switch solely to vaping. The latter is a telling statement, as it acknowledges the lifesaving and harm reduction qualities of vapor products and confirms what the United Kingdom's Royal College of Physicians has concluded and continues to reaffirm - that electronic cigarettes and vapor products are at least 95% less harmful than cigarettes.^v

We understand that there is significant fear and misinformation regarding youth use of e-cigarettes and flavored e-liquid as a gateway to combustible tobacco products. However, the real-world evidence over the past decade clearly demonstrates these fears are false. In fact, 2021 National Youth Tobacco Survey data shows teen youth dropped significantly by 40% from 2020.^{vi} Of those still vaping, only 1 in 4 are reported to use vapor daily. This means that in 2021, only 500,000 youth use vapor daily. Of these, 53.7%, or roughly 5,370 per state, use disposable systems found in gas stations and convenience stores. Our question is, why is legislature considering this dangerous prohibitionist policy over enforcement of existing age laws, and why is legislature willing to place its adult population at such risk?

We have shared compelling scientific support of our opposition, as well as the public harm that this legislation will impose on the current users of vapor products in the state. We implore this Committee to reconsider these legislative actions and reject them outright.

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SFATA leadership is available to answer any questions you may have, as we prefer to work together to solve the issues of teen vaping, while at the same time, keeping life-saving products accessible to the adult consumers in Hawaii who have found success with vapor products.

It is our preference to work with the Committee on a common-sense approach to the concerns expressed in HB 1570 and to work collaboratively on solutions that will reduce youth use, like our Responsible Industry Network,^{vii} and ultimately end the devastating loss of 480,000 Americans to smoking-related deaths every year, at least 15 of whom lost their lives while you read this opposition.

Sincerely,

April L. Meyers

SFATA Board President & CEO

ⁱ "Smoke-Free Alternatives Trade Association Member Code of Responsible Conduct." Member Code of Conduct - Smoke Free Alternatives Trade Association. Accessed February 24, 2022.

<https://sfata.org/membercode>

ⁱⁱ Abigail S. Friedman, PhD. "A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco." JAMA Pediatrics. JAMA Network, August 1, 2021.

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>.

ⁱⁱⁱⁱⁱⁱⁱ David J. K. Balfour, et al. "Balancing Consideration of the Risks and Benefits of E-Cigarettes", American Journal of Public Health 111, no. 9 (September 1, 2021): pp. 1661-1672.

^{iv} National Academies of Sciences, Engineering, and Medicine. 2018. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24952>.

^v "Smoking and Health 2021: A Coming of Age for Tobacco Control?" RCP London, June 22, 2021.

<https://www.rcplondon.ac.uk/projects/outputs/smoking-and-health-2021-coming-age-tobacco-control>.

^{vi} National Youth Tobacco Survey. (2021, October 1). Notes from the Field: E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. Center for Disease Control and Prevention.

^{vii} The Responsible Industry Network. "Because Our Members Prefer to Be a Part of the Solution." The Responsible Industry Network. Accessed February 24, 2022. <https://rinprogram.org/>.

LATE

HB-1570-HD-1

Submitted on: 2/23/2022 4:04:17 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Chang	Individual	Oppose	No

Comments:

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LATE

HB-1570-HD-1

Submitted on: 2/23/2022 4:09:39 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alex Abe	Individual	Oppose	No

Comments:

I'm Alex and I oppose this bill because this bill opposes freedoms.

HB-1570-HD-1

Submitted on: 2/23/2022 4:13:16 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John A. H. Tomoso	Individual	Oppose	No

Comments:

02-23-22

RE: HB1570 HD1

Aloha,

I oppose this Bill as the amendments in now, are unnecessary and really distract from the original intent of the Bil. I reiterate my strong support for proven, evidence-based strategies like ending the sale of flavored tobacco, taxing e-cigarettes, and restricting online sales. These policies, which I really see as public health policies, have worked to reduce cigarette smoking to record lows, and, thus, will work to reverse the youth vaping epidemic.

Mahalo for your considerations.

John A. H. Tomoso +, MSW, ACSW

51 Ku'ula Street, Kahului. Maui Hawai'i 96732-2906

808-280-1749, john.a.h.tomoso@gmail.com

cc: CTFH-Maui

LATE

Subject: Bill HB1570

Hi, My name is Travis Yoshinaga, I'm the owner of Marukin Market for around 10 years. I'm born and raised in Honolulu. I was a problem kid that dropped out of high school in 9th grade. I turned my life around and now I'm a successful business owner. I've been working 100 hour weeks, for the past 10 years because Hawaii is so expensive and really hard to make it. This new law that is being proposed is not well thought out. I'm trying not to take sides in the politicians and the tobacco companies. I understand your trying really hard to stop the youth from smoking which I agree with but as an example people will always find a way and that way can be much more dangerous. If you ban menthol people will use flavor drops and put it on the butt of the cigarette for flavor which can be much more dangerous plus it will lead to putting other harder drugs like pcp or cocaine and you will have a bigger problem. (when I was 8th grade we use to put the ice mint drops on non menthol cigarettes to make it menthol). My resolution is to vote no and rethink a better alternative. I do think the tobacco companies make too many products. I think you should limit the amount of menthol and flavors to a small number. Go back to basics we don't need so many new products of flavors. (this is my opinion and just a small example that's on my mind this morning. If you ban menthol it will really damage my business and can make me and allot of other small business owners go bankrupt. We already as a whole world feel the affects of Covid and now this will just cripple us and we will never rebound. Again I'm not against the I Just think it needs to be thought out more and have better solutions. Thank you Travis Yoshinaga

Subject: Important: HB 1570

LATE

Dear Rep. Johanson,

Simply put, HB 1570 will do more harm than good if passed. Enacting a flavor ban for vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that studies have shown vaping to be [95% less harmful](#) than smoking, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawaii.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a healthier alternative to combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ in age and started vaping as a means to quit smoking cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually.

Additionally, if a flavor ban is enacted in Hawaii, then consumers will likely look towards the black market in order to get access to their preferred flavored vaping products. This presents serious concerns for Hawaiian public health as vapers will be purchasing unregulated products that could be extremely dangerous to their wellbeing.

In addition to endangering public health, pushing consumers to the black market through a flavor ban will also be to the detriment of many vape shops throughout the state as many of their products will no longer be available. After already suffering through the economic hardships of the pandemic, this bill could effectively kill many of these small businesses already struggling to stay afloat.

Although this bill is certainly well-intentioned, the proposed flavor ban is simply misguided. If you wish to protect public health, small businesses throughout the state, and consumer choice within Hawaii then I strongly encourage you to reject this bill.

Sincerely,




Elizabeth Hicks

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Elizabeth Hicks

U.S. Affairs Analyst
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LATE

HB-1570-HD-1

Submitted on: 2/23/2022 7:07:27 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anthony Orozco	Individual	Oppose	No

Comments:

Dear CPC committee,

Still strongly opposed to this flavor ban and other unfair regulation. The legislature needs to start accepting different lifestyles.

We would do better by never seeing a bill such as HB1570 ever again.

LATE

HB-1570-HD-1

Submitted on: 2/23/2022 6:35:41 PM

Testimony for CPC on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lani Hernandez	Individual	Oppose	No

Comments:

These products are for adults and vaping doesn't harm anyone. Strongly opposed.

LATE

Aloha Chair and Honorable Members of the Committee,

Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

My name is Katie Folio and I am the mother of two young girls, ages four and seven. I am a former teenage smoker and, as a result, an advocate for anti-smoking legislation. While I didn't realize it at the time, there were two primary contributing factors to my picking up smoking as a teenager - media and menthol. No one in my family smoked. I was not influenced by my family to smoke in any way, if anything, I was educated on the harms of smoking and I knew it was not good for my health. However, I was raised in the time of Joe Camel and smoking was in movies, television, and smoking ads were at eye level in grocery stores and gas stations. Eventually, and without my really being aware of it, the advertising worked.

I tried smoking non-flavored cigarettes a couple of times, but it was when I tried menthol cigarettes that I got hooked. At the time, there were also other flavors of cigarettes and bidis available, like strawberry and vanilla, which I certainly tried as those flavors also appealed to me, but menthol were by far the easiest/most palatable cigarettes to smoke. Once I started, it was an on and off again battle for about ten years before I was finally able to quit.

I became an advocate for tobacco control as an adult because of my experience as a teenager. I don't want to see other kids end up in the same situation, or worse, because of nicotine addiction. I don't want to see my girls end up where I did, or dead from cancer too early. I was one of the lucky ones - I was able to eventually quit. Not everyone can, and that is what big tobacco and the vaping industry rely on. It's how they are so powerful, how they make such ridiculous amounts of money by literally killing people. By addicting them as early as possible. It's unacceptable, and it needs to stop.

We know that tobacco control legislation works. Our youth smoking rates dropped significantly from the 90s once we started passing comprehensive legislation. But our progress is starting to be undone by the popularity of vaping with youth. We can't allow flavored tobacco products to continue to be on the market, in any form. Vaping products are tobacco products and often contain extremely high levels of nicotine. One cigarette contains 10 mg of nicotine in a freebase form that makes it harsh to inhale (which menthol helps to mask). Disposable vaping products popular with youth often contain up to 50 mg of nicotine in a salt formula that makes it smoother (i.e. easier) to inhale. They are designed to make it easier to get addicted to nicotine, creating lifetime users.

A friend's seven year old was recently *carded* at the Volcano vape kiosk at Maui Mall when he approached and asked for a watermelon apple juice box (see photo below). At least they carded him, but I'm still disgusted. He was just a little kid who wanted a juice box, and he had no idea. But the industry knows exactly what they are doing.

I also just want to call out the way that the vaping industry has appropriated Hawaiian flavors to entice our local youth as well - from POG to Molokai Hot Bread.

I want to see all tobacco products regulated the way we do cigarettes, for the sake of our kids and their futures. Please let this be the year that Hawaii takes this much needed step. Please show that you are listening to our health experts and organizations, and to our kids who are asking for you to pass this bill.

Mahalo nui loa,
Katie Folio
Kula, Maui, Hawaii

