

DAVID Y. IGE
GOVERNOR

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LT. GOVERNOR



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To: The Honorable Donovan M. Dela Cruz, Chair;
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair;
and Members of the Senate Committee on Ways and Means

The Honorable Karl Rhoads, Chair;
The Honorable Jarrett Keohokalole, Chair;
and Members of the Senate Committee on Judiciary

From: Isaac W. Choy, Director
Department of Taxation

Date: April 6, 2021
Time: 10:00 A.M.
Place: Via Video Conference, State Capitol

Re: H.B. 826, H.D. 2, S.D. 1, Relating to Electronic Smoking Devices

The Department of Taxation (Department) offers the following comments regarding H.B. 826, H.D. 2, S.D. 1, for your consideration.

H.B. 826, H.D. 2, S.D. 1, with respect to taxation, adds new definitions to chapter 245, Hawaii Revised Statutes (HRS) for “e-liquid,” “electronic smoking device” and “smoke” or “smoking.” The measure also amends the definition of “tobacco products” to include electronic smoking devices and e-liquid, effectively taxing those items in the same manner as traditional tobacco products, and requiring retailers and wholesalers of those products to register with the Department for tobacco permits and licenses. The bill has a defective effective date of July 1, 2060.

The Department notes that it appreciates the method by which this measure imposes the tobacco tax on electronic smoking devices. By incorporating the new imposition into the existing tobacco tax regime, this Department will be able to begin administration with far less form and instruction changes compared to a completely new tax.

Thank you for the opportunity to provide testimony on this measure.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 826, H.D. 2, S.D. 1, RELATING TO ELECTRONIC SMOKING DEVICES.

BEFORE THE:

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

DATE: Tuesday, April 6, 2021 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 211, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Richard W. Stacey,
Deputy Attorney General, at 586-1199)

Chairs Dela Cruz and Rhoads and Members of the Committees:

The Department of the Attorney General (Department) opposes sections 2 and 5 of this bill, supports sections 6 and 7, and provides the following comments.

The bill seeks to better regulate electronic smoking devices by amending:

(1) section 28-15, Hawaii Revised Statutes (HRS), to expand the purposes for which moneys in the tobacco enforcement special fund may be used to include all functions of the Department (section 2, page 5, lines 1 to 20); (2) section 28-166, HRS, to require the electronic smoking device retailer registration unit (ESDRR Unit) to "enforce compliance of any electronic smoking device with the Federal Food, Drug, and Cosmetic Act, P.L. 75-717, as amended by the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, and its regulations" (section 5, page 7, lines 6 to 9), by endowing the ESDRR Unit with "all powers necessary for the enforcement of compliance, including but not limited to inspection warrants, search warrants, warning letters, seizure and disposal, injunction, and criminal prosecution and fines" (section 5, page 7, lines 10 to 13); (3) section 28-166, HRS, to establish a new special fund for moneys collected for violations of electronic smoking device compliance, which could be used to support ESDRR Unit operating expenses (section 5, page 7, line 15, to page 8, line 2); and (4) chapter 712, HRS, by creating new offenses relating to sale of flavored tobacco products, mislabeling e-liquid products, and indirect sales of tobacco

products (section 6, page 8, line 3, to page 13, line 7); and (5) section 245-1, HRS, to add definitions of "e-liquid", "electronic smoking device", and "smoke" or "smoking" to the Cigarette Tax and Tobacco Tax Law, and to amend the definition of tobacco products (section 7, page 13, line 8, to page 15, line 14). The bill also seeks to appropriate out of the general revenues for fiscal years 2021-2022 and 2022-2023 to establish and hire an as yet unspecified number of full-time equivalent permanent positions and related equipment within the Department to carry out the additional responsibilities (section 8, page 16, lines 9 to 17).

The Department supports the fight against the vaping epidemic among Hawaii's youth and is committed to fulfilling its statutory responsibilities relating to electronic smoking device compliance. The Legislature expresses its intent "to not compromise existing Master Settlement Agreement mandated enforcement activities . . ." (page 3, lines 4 to 6), but sections 2 and 5 would do exactly the opposite. The expanded use of tobacco funds in section 2 of this bill as well as the creation of Department enforcement authority in section 5 of this bill would run directly contrary to the obligations established by the 1998 Tobacco Master Settlement Agreement (MSA) and would in turn jeopardize Hawaii's receipt of millions of dollars in tobacco fund moneys.

The tobacco enforcement special fund was created in 2001 via section 28-15, HRS, after Hawaii became a signatory to the MSA. Section 28-15 specifies that the moneys in the fund are to be used "for administering, operating, monitoring, and ensuring compliance with and enforcement" of the MSA, as well as chapter 675, HRS (the Tobacco Liability Act), chapter 486P, HRS (Tobacco Products Reporting), chapter 245, HRS (Cigarette Tax and Tobacco Tax Law), and other statutes or programs relating to the enumerated chapters. The Department's tobacco enforcement unit, created shortly after the MSA was signed, is a team of investigators, attorneys, and staff funded by the tobacco enforcement special fund and tasked with enforcement of the MSA and Hawaii laws related to the MSA as set forth in section 28-15(b), HRS.

To expand the use of the tobacco enforcement special fund to all Department functions, as opposed to only matters relating to the MSA and other laws relating to tobacco regulation, would put Hawaii at risk of being found non-diligent under the

terms of the MSA. Continued receipt of MSA funds is contingent upon following the tobacco enforcement requirements of the MSA. 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 annual MSA payment of approximately \$37,000,000 if found non-diligent. Pennsylvania was one of six states found to be non-diligent in the most recent completed MSA arbitration and lost over \$116,000,000 of its expected annual MSA payment. The section 2 amendment would expand the use of tobacco enforcement money to purposes that would likely be deemed contrary to the purposes dictated by the MSA and could therefore jeopardize millions in Hawaii's MSA payments.

Section 5 changes the responsibilities of the ESDRR Unit from registration only to include enforcement of federal laws relating to electronic smoking device regulation and creates a special fund into which all moneys collected pursuant to such enforcement will be deposited. As currently set up, adding responsibilities to the ESDRR Unit would again potentially stretch the resources of the Department and raise the risk of non-compliance with the MSA, although these concerns could be alleviated if positions are added to the ESDRR Unit, separate from the Tobacco Enforcement Unit, as contemplated by section 8 of the bill. However, these amendments of sections 28-161 and 28-166, HRS, fail to clarify how the ESDRR Unit will conduct such enforcement. Section 5 does not specify the authority by which state agents will enforce federal law so it is not clear whether these enforcement actions must be prosecuted in federal court or which specific federal crimes or violations the ESDRR Unit would be enforcing. This section also fails to clarify how enforcement of federal statutes could result in penalties leading to fines being deposited in the new state special fund. Further, there is no appropriation provision that would enable the Department to spend any funds from the new special fund.

Instead of requiring state agents to enforce federal laws, this bill should focus on enforcement of new state laws, if enacted, to address the vaping epidemic, such as the new offenses set forth in section 6 and section 7 addressing sale of flavored tobacco products, mislabeled e-liquid products containing nicotine, selling tobacco products other than through face-to-face retail exchange, and taxation of electronic

smoking devices and related items.

The Department believes there may be a possible constitutional problem relating to the title of this bill, "Relating to Electronic Smoking Devices." The Department notes that sections 6 and 7 relating to new criminal offenses and taxation of certain items were added from another bill, S.B. No. 1147, S.D. 1, which had the title "Relating to Tobacco Products." Section 14 of article III 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 bill's title is "Relating to Electronic Smoking Devices," which by itself appears to embrace only one subject.

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." Schwab, 58 Haw. at 34, 564 P.2d at 141. Here, however, in addition to addressing electronic smoking devices, the bill seeks to criminalize sale of flavored tobacco products and e-liquid, and sale of tobacco products through retail sales other than through a direct, face-to-face, or over-the-counter exchange (section 6, page 8, line 3, through page 13, line 7). In section 6, subsection (5) of the new section added to chapter 712, HRS (page 10, lines 11 to 17), addresses a preemption issue that would allow counties to adopt rules or ordinances placing "greater restrictions on the access to tobacco or electronic smoking device products." These are examples of provisions in this bill that are not limited to electronic smoking devices and that, therefore, appear to conflict with the single-subject and title requirement. The title "Relating to Electronic Smoking Devices" does not appear to be "comprehensive enough to reasonably cover all its provisions." Schwab, 58 Haw. at 34, 564 P.2d at 141.

The Department recommends deleting the last sentence of the definition of "flavored tobacco product", which states "'Flavored tobacco product' does not include

tobacco products that contain a taste or smell of menthol." (Section 6, page 11, lines 14 to 15). This would cause enforcement problems since menthol is a flavor and would be difficult to discern from one of the listed flavors, such as mint (page 11, line 12). If this sentence is not deleted, the recommendation is to add clarification to the menthol exception by adding "and no other flavor" after the word "menthol", so that the line would read as follows:

". . . products that contain a taste or smell of menthol and no other flavor"

Section 6 also addresses sentencing issues. As part of the sentencing provisions set forth on page 10, lines 6 to 8, the bill requires "[a]ll fines shall be paid to and deposited into the Hawaii tobacco prevention and control trust fund established pursuant to section 328L-5." Penal Code section 706-643(2), HRS, provides: "(2) All 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, and section 328L-5(e), 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.

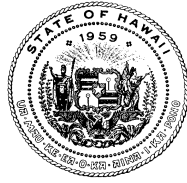
Section 7 adds definitions of e-liquid, electronic smoking device, and smoking to section 245-1, HRS, the Cigarette Tax and Tobacco Tax Law, and also amends the definition of tobacco products (page 13, line 8, to page 16, line 8). Based upon this bill's goal of subjecting electronic smoking devices and e-liquids to taxation and regulation under chapter 245, HRS, a function already within the purview of the Department of Taxation, this bill would render the ESDRR Unit, created by 28-163, HRS, unnecessary. Including electronic smoking devices and e-liquids within the same regulatory framework as other tobacco products would conserve resources and make the regulation of electronic smoking devices and e-liquids a more efficient process for retailers and the State.

Finally, the Department recommends two technical amendments. In section 6, page 12, line 15, the words "paragraph (a) or (b)" should be replaced by "any of the items described in paragraph (a) or (b)" so the line reads: "(c) Component, part, or

accessory of any of the items listed in paragraph (a) or (b" In section 7, at page 13, line 20, the word "uses" should be changed to "used" so the line reads: "cannabis products under chapter 329D, including devices used to"

For the reasons articulated above, the Department respectfully suggests the deletion of sections 2 and 5 of this bill. If those sections are deleted, the Department strongly recommends the repeal of part XII of chapter 28, HRS, to streamline the registration process and avoid unnecessary expenditure of resources. The Department appreciates the proposed appropriation for new positions to address the problems posed by the vaping epidemic. If section 5 is not deleted but the sections relating to enforcement of federal laws are deleted and replaced with state enforcement requirements, the Department asserts that it will need seven positions: one attorney; one legal assistant, one legal clerk, and four investigators to effectively regulate electronic smoking devices.

Thank you for the opportunity to provide comments.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of H.B. 826, H.D. 2, S.D. 1
RELATING TO ELECTRONIC SMOKING DEVICES**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 4/6/2021

Room Number: Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation
2 (DOTAX) for fiscal implications of implementation and to the Department of the Attorney
3 General (AG) for fiscal implications for enforcement.

4 **Department Testimony:** The DOH supports and offers amendments to House Bill 826, House
5 Draft 2, Senate Draft 1 (H.B. 826, H.D. 2, S.D. 1) as a comprehensive public health measure to
6 end Hawaii's youth vaping epidemic. H.B. 826, H.D. 2, S.D. 1 makes it unlawful to sell, offer to
7 sell, or possess with the intent to sell or offer to sell any flavored tobacco products, excluding
8 menthol. This measure prohibits the mislabeling of e-liquid products containing nicotine, and
9 the sale of tobacco products other than through retail sales via in-person exchange. It includes
10 e-liquid and electronic smoking devices (ESDs) within the definition of tobacco products as used
11 in the cigarette tax and tobacco tax law, and also requires a wholesale license fee and retail
12 tobacco permit fee for persons engaged as wholesalers/dealers or retailers of cigarettes and
13 tobacco products which include ESDs.

14 ESDs, also known as e-cigarettes, have become the most commonly used tobacco product
15 among youth in Hawaii. High school youth experimentation with ESDs grew from 22% in 2015

1 to 48% in 2019. In 2015, over one in four (25.5%) high school students reported being current
2 users, and today it is almost one in three (30.6%).¹

3 Scientific studies document flavors as a major reason that youth use tobacco. According
4 to the 2013-2014 Population Assessment of Tobacco and Health (PATH) study, 81% of 12- to
5 17-year-old youth who had ever used a tobacco product, initiated tobacco use with a flavored
6 product. Additionally, 80% of current users had used a flavored product in the last month.²

7 A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited
8 the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy
9 and fruit flavors to deter youth smoking. This prohibition extended only to flavored cigarettes
10 and their flavored cigarette component parts, such as tobacco, filter, or paper.”³ The prohibition
11 does not apply to non-cigarette tobacco products or to the flavors of menthol and tobacco.

12 In 2019, the large majority of youth who vaped reported using flavored ESDs, with fruit,
13 menthol or mint, candy, desserts, or other sweets being the most commonly used.^{4,5} According
14 to the same research, mint and menthol went from being among the least popular to becoming
15 among the most popular flavors for high school students over the past four years.⁶ Data from a
16 separate 2019 study revealed that the most popular flavor among 10th and 12th grade Juul users
17 was mint.⁷

18 Menthol flavoring is particularly problematic among youth. Menthol facilitates initiation
19 and addiction, and also makes it harder to quit smoking. Data demonstrate that youth smokers

¹ National Youth Risk Behavior Survey, Hawaii and the United States (2019).

² Ambrose, B. K., Day, H. R., Rostron, B., Conway, K. P., Borek, N., Hyland, A., & Villanti, A. C. (2015). Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 314(17), 1871–1873. <https://doi.org/10.1001/jama.2015.13802>.

³ Ctr. For Tobacco Products, Food & Drug Admin., Guidance to Industry and FDA Staff: General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors 1 (2D ED.) (2009).

⁴ Campaign for Tobacco-Free Kids, Statement of Matthew L. Myers, President, “JAMA Studies Show Youth E-Cigarette Epidemic is Getting Worse and Kids Shifted to Mint/ Menthol After Other Flavors Were Restricted”, November 5, 2019, retrieved from https://www.tobaccofreekids.org/press-releases/2019_11_05_jama

⁵ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387.

⁶ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387.

⁷ 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.

1 are more likely to use menthol cigarettes than any other age group.⁸ Longitudinal studies show
2 that initiation with menthol cigarettes facilitates progression to established cigarette use among
3 young smokers.^{9,10} Analysis from the Tobacco Products Scientific Advisory Committee to the
4 FDA found that the distinct sensory characteristics of menthol may enhance the addictiveness of
5 menthol cigarettes which appears to be the case among youth.¹¹ Not only do flavors facilitate
6 youth initiation of tobacco use, which can expose the developing brain and body to the harmful
7 effects of nicotine, they may put teens at increased risk for COVID-19 infection.

8 Hawaii does not regulate ESDs through licensing, permitting, nor taxation. ESDs are not
9 taxed like other tobacco products and often can be purchased at lower prices than cigarettes.
10 According to the U.S. Surgeon General, increasing the price of tobacco products is the single
11 most effective way to reduce consumption.¹² An economic study by the University of Illinois,
12 reported that increasing the price of ESDs by 10% has been shown to lead to a 10% to 18%
13 reduction in the demand and consumption of ESDs – a higher price elasticity compared to
14 combustible cigarettes. Increasing the price of tobacco products has the greatest impact on
15 youth, who are particularly price sensitive.¹³ Further, the imposition of an excise tax equal to
16 70% of the wholesale price of each e-liquid and ESD will be consistent with the tax on other
17 tobacco products.

18 Requiring licensure and retail permitting would bring ESD and e-liquid vendors in
19 alignment with the traditional tobacco retailers and would provide accurate data for compliance
20 surveillance. As of 2020, 31 states, the District of Columbia, the Northern Mariana Islands, and

⁸ Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” Tobacco Control, published online October 20, 2016.

⁹ Nonnemaker J, Hersey J, Homsí G, Busey A, Allen J, Vallone D. Initiation with menthol cigarettes and youth smoking uptake. *Addiction*. 2013;108(1):171-178.

¹⁰ Dauphinee AL, Doxey JR, Schleicher NC, Fortmann SP, Henriksen L. Racial differences in cigarette brand recognition and impact on youth smoking. *BMC Public Health*. 2013;13(1):170.

¹¹ *TPSAC gave the FDA what it needs to ban menthol*. (n.d.). Center for Tobacco Control Research and Education. Retrieved February 26, 2021, from <https://tobacco.ucsf.edu/tpsac-gave-fda-what-it-needs-ban-menthol>

¹² U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). 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, 2012 [accessed 2018 Jan 22].

¹³ Chaloupka, F. Macro-Social Influences: The Effects of Prices and Tobacco Control Policies on the Demand for Tobacco Products, 1 *Nicotine & Tobacco Research* S105 (Supp. 1 1999).

1 the U.S. Virgin Islands require retailers to have a license to sell ESDs.¹⁴ Tobacco licensing is an
2 effective tool for limiting the negative public health consequences of tobacco use by ensuring
3 that wholesalers and retailers comply with responsible sales practices. Increasing the licensure
4 and permitting fees, which have remained unchanged since 1995, despite high tobacco taxes and
5 ever-increasing tobacco industry expenditures in marketing and advertising, would be a further
6 positive move.

7 The DOH agrees that the need for comprehensive legislation to protect Hawaii’s youth
8 from the promotion of ESDs is imperative. Successful youth smoking prevention
9 accomplishments have been undermined by the absence of ESD regulation. Despite the
10 decrease in youth cigarette smoking, ESD use has continued to rise. Parity with cigarette
11 licensing and permitting and the implementation of taxation on ESDs are sustainable regulation
12 strategies. This measure can protect our youth from access through regulation and taxation of
13 ESDs as tobacco products, ending the sale of flavored ESDs (including menthol), and prohibiting
14 online sales or shipment of ESDs.

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

16 **Offered amendment:**

17 Section 6, page 11, lines 14-15, delete the following sentence:

18 ““Flavored tobacco product” does not include tobacco products that contain a taste or smell of
19 menthol.”

¹⁴ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, STATE System Licensure Fact Sheet, <https://www.cdc.gov/statesystem/ecigarette.html>

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON WAYS AND MEANS AND JUDICIARY
ON
HOUSE BILL NO. 826, H.D. 2, S.D. 1

April 6, 2021
10:00 a.m.
Room 211 and Videoconference

RELATING TO ELECTRONIC SMOKING DEVICES

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 826, H.D. 2, S.D. 1.

H.B. No. 826, H.D. 2, S.D. 1, amends Chapter 28, HRS, to: rename the Electronic Smoking Device Retailer Registration Unit to the Electronic Smoking Device Retailer Registration and Enforcement Unit (ESDRREU) within the Department of the Attorney General (AG); expand the scope of the ESDRREU to include the enforcement of compliance of any electronic smoking device with the Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act and its regulations; establish the ESDRREU Special Fund, to be administered by the AG, into which all moneys collected for violations of electronic smoking device compliance shall be deposited; expand the purposes for which moneys in the Tobacco Enforcement Special Fund can be used to include enforcement of Chapter 28, HRS; include e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law; and amend the fine amounts for first and subsequent offenses.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 826, H.D. 2, S.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.



**Testimony to the Senate Joint Committee on Ways and Means and Judiciary
Tuesday, April 6, 2021; 10:00 a.m.
State Capitol, Conference Room 211
Via Videoconference**

RE: HOUSE BILL NO. 0826, HOUSE DRAFT 2, SENATE DRAFT 1, RELATING TO ELECTRONIC SMOKING DEVICES.

Chair Dela Cruz, Chair Rhoads, and Members of the Joint Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 0826, House Draft 2, Senate Draft 1, RELATING TO ELECTRONIC SMOKING DEVICES.

The bill, as received by your Committee, would:

- (1) Expand the purposes for which moneys in the Tobacco Enforcement Special Fund be used, including all functions of the Department of the Attorney General (AG);
- (2) Expand the scope of the electronic smoking device retailer registration unit within the Department of the Attorney General to better regulate and ensure the removal of unsafe, noncertified electronic nicotine delivery systems from the marketplace;
- (3) Establish a special fund for the deposit of moneys collected for violations of electronic smoking device compliance;
- (4) Make unlawful the sale of flavored tobacco products, mislabeling of e-liquid containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange; and
- (5) Include e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law;

The bill would take effect on July 1, 2060, to facilitate continued discussion on this issue.

Testimony on House Bill No. 0826, House Draft 2, Senate Draft 1
Tuesday, April 6, 2021; 10:00 a.m.
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By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

Pragmatically speaking, tobacco will continue to be consumed regardless of anything done at the Legislature. **But, if regulation and a tax increase can serve as a disincentive for consuming these products, especially by our youth, then the interests of the general public are served.**

It should be noted that previous tax increases as well as public health media campaigns have been effective in reducing consumption of tobacco to the point where collections of the Cigarette Tax and Tobacco Tax have steadily diminished in recent years. Proceeds from the Cigarette Tax and Tobacco Tax have served as a dedicated source of revenue for very important public health programs. The one most directly affecting our organization is the Community Health Center Special Fund, which is essential for the operations of most of our member FQHCs. However, it is unclear whether the use of Cigarette Tax and Tobacco Tax collections as a dedicated source of revenue for essential public health programs will continue to be sustainable.

For these reasons, the HPCA urges your favorable consideration of this bill.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiipca.net.



Corey Rosenlee
President

Osa Tui, Jr.
Vice President

Logan Okita
Secretary-Treasurer

Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON WAYS & MEANS and
THE COMMITTEE ON JUDICIARY

RE: HB 826, HD2, SD1 - RELATING TO ELECTRONIC SMOKING DEVICES

TUESDAY, APRIL 6, 2021

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz, Chair Rhoads, and Members of the Committees:

The Hawaii State Teachers Association **supports HB 826, HD2, SD1**, relating to electronic smoking devices. This bill expands the purposes for which moneys in the tobacco enforcement special fund may be used to include all functions of the department of the attorney general. Renames the electronic smoking device retailer registration unit to the electronic smoking device retailer registration and enforcement unit. It also makes unlawful the sale of flavored tobacco products, mislabeling of e-liquid products containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange. It also includes e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law. Expands the scope of the unit to include enforcement of compliance of electronic smoking devices with the Federal Food, Drug, and Cosmetic Act. Establishes a special fund for moneys received from enforcement actions. Appropriates funds. Effective 07/01/2060. (SD1)

The Hawaii State Teachers Association appreciates the changes made to this bill that now allow us to support it. The electronic cigarette industry has gone largely unregulated for far too long and has therefore been able to market their products both directly and indirectly to our youth. We are thankful that the legislature sees that it is time that regulation of the e-cigarette/vaping industry be on par with the regulation of traditional tobacco products. As such, we agree that we should align taxation of electronic smoking device products to that of other tobacco products.

Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit. Licensing and permitting of retailers and wholesalers are critical for education and enforcement of existing laws.

Furthermore, the allocation of a portion of excise tax funds to go towards trauma system special fund, community health centers special fund, and emergency medical services special fund thus extending protections for our youth and goes hand in hand with the regulations outlined in this bill as well as a portion of the collections going to our state's general fund to shore up our lost revenue as a state.

The Hawaii State Teachers Association is also grateful this bill now includes a ban on flavors for e-liquids as they are known enticements for our youth to begin vaping. This is clearly shown by the FDA for regular tobacco products when, 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 2021 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users. We would ask you to go one step further and ban menthol/mint for e-liquids as well, as 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.**

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.

We in the midst of a **youth vaping epidemic**. In Hawai'i, one in three high school students and one in five middle school students report “current use” of e-cigarettes (Hawai'i YRBSS, 2019).

Hawai'i was successful in reducing cigarette use to record lows through policy (including increasing taxation and limiting availability), prevention, education, and cessation programs. By implementing the same tactics, we can reverse the trends in youth e-cigarette use.

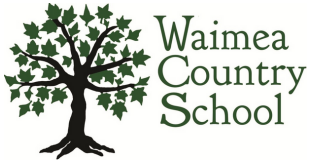
Because research shows that increasing the cost of tobacco products, through taxes decreases the amount used by youth. The price point does matter. We respectfully ask you to **support this bill.**



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Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

Time: 10:00 a.m.

Date: Tuesday, April 6th

RE: **SUPPORT FOR HB826 , HD2, SD1**, RELATING TO ELECTRONIC SMOKING DEVICES

The listed organizations are in support of comprehensive tobacco regulations in Hawai'i. These regulations include restricting the sale of all flavored tobacco products and enacting tobacco regulations on electronic smoking devices as a tobacco product through licensure, taxation, and online sale restrictions. Comprehensive policies, as well as investments in tobacco prevention and education programs, brought Hawai'i's adult and youth smoking rate to record lows. By applying the same tobacco prevention and control policies to e-cigarettes, we can reduce the burden of tobacco in Hawai'i.

Electronic cigarette use in Hawai'i, particularly among youth, has increased rapidly in recent years. These products have been shown to have severe health risks, including death. The Hawai'i State Department of Health has noted that flavored e-liquids may appeal directly to children and teenagers.

According to the CDC's 2019 Youth Risk Behavior Surveillance System (YRBSS), approximately 31 percent of Hawai'i high school students and 18 percent of Hawai'i middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island (NHPI) youth, these numbers climb to 40 percent for high school and 30 percent for middle school. Tobacco industry documents indicate that the companies intentionally marketed flavors, especially menthol, to youth and other vulnerable groups. A 2013 report by the U.S. Food and Drug Administration found that menthol cigarettes led to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking. The 2008 Hawai'i Behavior Risk Factor Surveillance System Survey found that 78 percent of NHPI smokers use menthol cigarettes.

In recognition of the growing risks that tobacco products pose on Hawai'i's people, especially our keiki, we urge the legislature to take immediate action to end the sale of all flavored tobacco products and create regulatory parity between e-cigarettes and other tobacco products.

'A'ohe hana nui ke alu 'ia. No task is too large when we all work together!

HB-826-SD-1

Submitted on: 4/4/2021 5:56:38 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	No

Comments:

We are strongly opposed to this bill because it is harmful to business and to civil liberties. Bills such as hb826 are purely special interest in nature and don't reflect the needs of normal citizens. Furthermore people should have the right to choose what flavors they want.

HB-826-SD-1

Submitted on: 4/4/2021 8:55:39 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Anderson	Testifying for Black Lava Vape	Comments	No

Comments:

Thank you for this opportunity to provide testimony.

We humbly request your consideration of amendments to HB826 to exempt those products authorized by the U.S. FDA under 21 U.S.C. § 387j – by ADDING "any flavored vapor product that has been issued a marketing order by U.S. Food & Drug Administration under 21 U.S.C. § 387j." in the following sections:

Section 6, pg 11, line 15

Section 7, pg 14, line 2

Section 7, pg 15, line 10

Section 7, pg 16, line 8 ADDING "Tobacco products does not include any flavored vapor product that has been issued a marketing order by U.S. Food & Drug Administration under 21 U.S.C. § 387j."

The U.S. FDA's existing Premarket Tobacco Product Application (PMTA) authorization process requires authorization by the FDA for any products through an extremely detailed and rigorous formal application including scientific data. Vapor products are NOT the same as tobacco products and should not be regulated in the same fashion. Numerous recent studies have shown that vapor products can be as much as 95% less toxic than traditional tobacco products and effective for smoking cessation, such as New England Journal of Medicine, National Academy of Sciences, Engineering, and Medicine, and Public Health England.



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Kaiser Permanente*

Date: April 5, 2021

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways & Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Support for HB 826, HD2, SD1, Relating to Electronic Smoking Devices

Hrg: April 6, 2021 at 10:00 AM via Videoconference

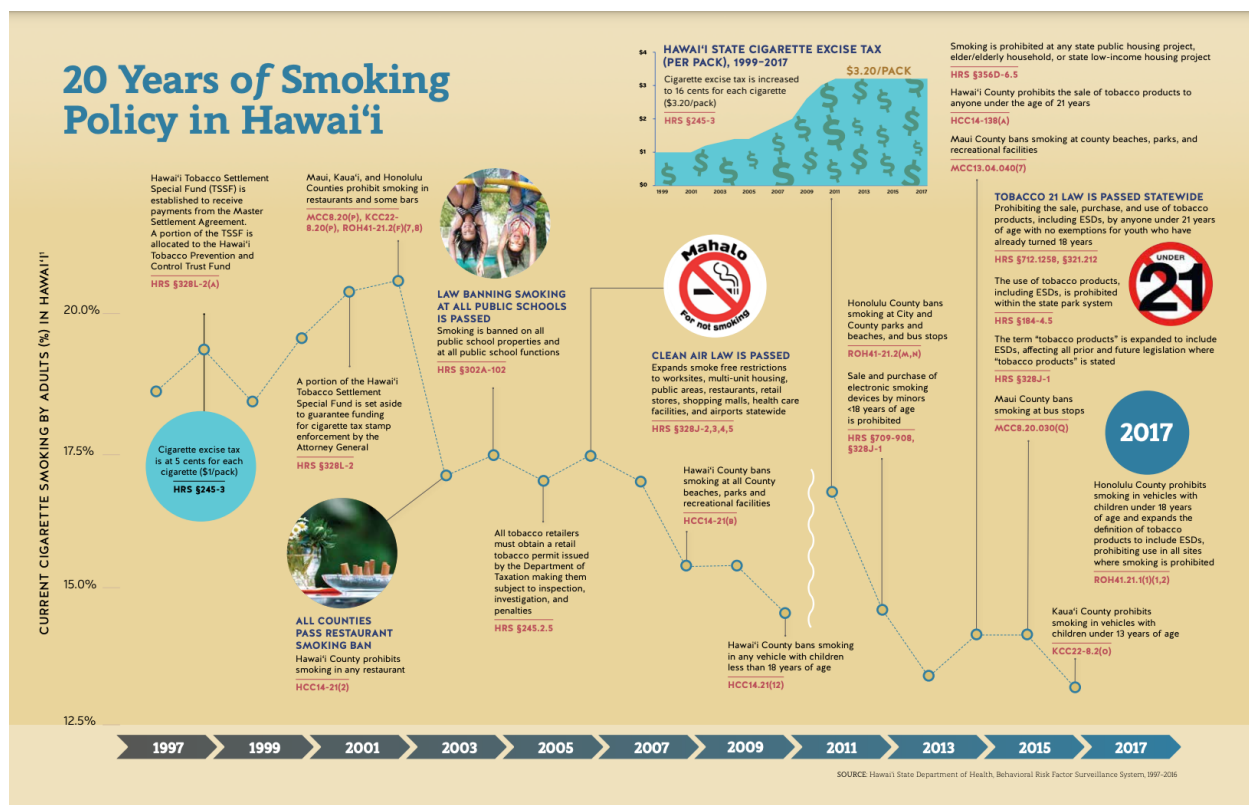
The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ, **supports HB 826, HD2, SD1**, which regulates e-cigarettes through taxation, licensing/permitting of sellers, and flavor restrictions (with the exemption of menthol). The bill would also expand the Electronic Smoking Device Registration Unit with the Department of the Attorney General to enforce recent federal regulations on electronic smoking devices.

The Coalition appreciates the regulations included in this bill, but **respectfully requests that the committees remove the exemption for menthol-flavored e-cigarettes to further strengthen this bill.**

Comprehensive regulations have reduced smoking rates to record lows and can do the same for youth e-cigarette use.

Over two decades of tobacco prevention and control policy, has helped Hawai'i save \$1 billion dollars in healthcare costsⁱⁱ, lowered the adult smoking rate to 12.3% (fifth lowest in the nation)ⁱⁱⁱ, and reduced smoking prevalence among high school students to 5.3% in 2019^{iv}. This was achieved through comprehensive smoke-free air laws, high tobacco taxes, age restrictions, and investments in tobacco prevention education and cessation.

The rise of e-cigarettes has undone decades of progress and is now the most popular tobacco product among youth. In 2019, 1 in 3 (30.6%) public high school students and more than 1 in 6 (18%) public middle school students in Hawai'i reported that they use e-cigarettes^v. The state has an opportunity to reverse the youth vaping epidemic by implementing the same comprehensive policies and programs.



The link between tobacco use and COVID-19 has increased the urgency of regulations on e-cigarettes.

COVID-19 is an infectious disease that primarily attacks the lungs, making tobacco use especially concerning. In a statement by the WHO on tobacco use and COVID-19, "Tobacco is also a major risk factor for noncommunicable diseases like cardiovascular disease, cancer, respiratory disease and diabetes which put people with these conditions at higher risk for developing severe illness when affected by COVID-19. Available research suggests that smokers are at higher risk of developing severe disease and death.^{vi}

In May 2020, Stanford University published a landmark study^{vii} that found **teens and young adults that use e-cigarettes had a five to seven times greater chance of being diagnosed with COVID-19 than those that did not use e-cigarettes**. This finding is incredibly concerning considering the high rates of youth e-cigarette use in Hawai'i. To put this into perspective, there are 52,529 high school students enrolled in Hawai'i public schools^{viii}. Using the most recent YRBS data, that translates to nearly 16,000 Hawai'i high schoolers that used an e-cigarette in the last 30 days, and may be five to seven times more likely to be diagnosed with COVID-19 than their nonsmoking peers. Global pandemic or not, these numbers are unacceptable, and there is an increased urgency for regulatory action in light of the increased risk of COVID-19. With no end in sight for the COVID-19 crisis, it is imperative that Hawai'i passes comprehensive legislation regulating e-cigarettes to curb usage and protect the health of our keiki.

Even without the global pandemic, 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 has doubled from 2017 to 2019^{ix}. 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^x.”

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^{xi}.

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^{xii}.** This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

To advance equity, Hawai'i must address the root causes of tobacco use.

For decades, the tobacco industry has profited from targeting youth of color and other 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.

Comprehensive regulations on the predatory industry will address the root causes of tobacco use and are critical to advancing health equity. Ending the sale of flavors in tobacco products reduces the appeal. 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}. Taxation and restrictions on online sales will help to decrease the accessibility of these products. Funding prevention education and cessations most benefits populations that experience higher rates of tobacco use, helping to provide them with the resources needed to quit smoking and to help curb the high costs associated with tobacco use.

On the other hand, policies that punish the victims perpetuate inequities. Possession of tobacco products by underage persons (“PUP”) laws are a known tobacco industry tactic^{xv} that shift the blame away from the industry and onto the children who are victims of their aggressive marketing tactics. There are also equity concerns, as these laws disproportionately hurt youth of color or from low-income communities due to the industry’s history of targeted advertising in these communities. Even worse, PUP laws are not effective on reducing underage tobacco use and divert policy attention from effective tobacco control strategies and reinforce the tobacco industry’s position that parents or guardians are responsible for restricting minors’ access to tobacco. Punishment may even deter addicted youth from seeking help to quit^{xvi}.

Hawai’i voters support regulations on e-cigarettes.

In a poll^{xvii} conducted by Ward Research Inc. for the Coalition in October 2020 among registered voters in Hawai’i:

- 73% support prohibiting flavored tobacco products, including e-cigarettes, and 70% support including menthol;
- 91% were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products; and
- 95% feel that it is important for the state to dedicate part of its revenue to tobacco prevention and cessation programs.

The Coalition supports the enforcement of recent federal e-cigarette regulations, in conjunction with stronger state regulations.

In 2020, the federal government took much-needed action on e-cigarettes, but these long overdue regulations left loopholes that the tobacco industry can (and will) exploit. This measure contains several proven strategies that will build on federal regulations to reduce the appeal of and access to tobacco products by youth.

In January 2020, the FDA cracked down on flavored cartridge-based e-cigarettes, popularized by Juul^{xviii}. However, the rule exempted menthol, one of the most popular flavors among youth, and disposable e-cigarettes quickly rose in popularity as the industry quickly adapted^{xix}.

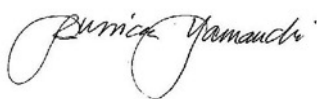
After years of delays, the deadline for the FDA’s pre-market tobacco product applications came in September 2020. The deeming rule, which was finalized in 2016, gave FDA the authority to regulate electronic smoking devices as tobacco products^{xx}. With this rule, all electronic smoking devices would be need to submit a pre-market tobacco application (PMTA) in order to stay on the market. The FDA now has a year to review the PMTAs to ensure these tobacco products are “appropriate for the protection of public health.” In the meantime, these products can remain on the market, despite the epidemic-levels of youth e-cigarette use driven by the abundance of kid-friendly flavors. As of March 2021, the FDA has yet to release a list of products that have submitted a PMTA, making it difficult for agencies to determine if products are being sold illegally.

In the last few days of December 2020, Congress passed the “Preventing Online Sales of E-Cigarettes to Children Act.” This legislation expands the 2009 Prevent All Cigarette Trafficking (PACT) Act to cover electronic smoking devices, thus requiring them to age verification by online

retailers and private delivery companies, labels on packaging to indicate they contain tobacco products, and compliance with state and local tobacco taxes^{xxi}. It also prohibits the shipment of electronic smoking devices through USPS, though there is an exemption for Hawai'i and Alaska to allow for intra-state shipping^{xxii}. With this exemption, state action to restrict online sales to licensed wholesalers or retailers is both warranted and necessary to prevent youth from accessing these products online.

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. We respectfully urge the committees to **remove the menthol flavor exemption and pass HB 826, HD2, SD1.**

Mahalo,



Jessica Yamauchi, MA
Executive 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 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.

ⁱⁱⁱ 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, 2019.

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

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

^{vi} <https://www.who.int/news/item/11-05-2020-who-statement-tobacco-use-and-covid-19> [accessed 2021 Feb 7]

^{vii} <https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html>

^{viii} Hawai'i State Department of Education. "Department announces 2020-21 enrollment figures for public and charter schools." Retrieved from <https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/2020-21-enrollment.aspx>

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

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

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- ^{xi} 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
- ^{xii} 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
- ^{xiii} 2008 Hawaii Behavior Risk Factor Surveillance System (BRFSS).
- ^{xiv} Wang TW, Neff LJ, Park-Lee E, Ren C, Cullen KA, King BA. E-cigarette Use Among Middle and High School Students – United States, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1310–1312. DOI: [http://dx.doi.org/10.15585/mmwr.mm6937e1external icon](http://dx.doi.org/10.15585/mmwr.mm6937e1external_icon)
- ^{xv} Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues *Tobacco Control* 2003;12:i6-i13; via https://tobaccocontrol.bmj.com/content/12/suppl_1/i6.citation-tools
- ^{xvi} Hrywna, M, et al., "Content Analysis and Key Informant Interviews to Examine Community Response to the Purchase, Possession, and/or Use of Tobacco by Minors," *J Comm Health*, 29(3):209-216, 2004; Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," *Tobacco Control*, 12(Suppl I):i6-i13, 2003; Loukas, A, et al., "Examining the Perspectives of Texas Minors Cited for Possession of Tobacco," *Health Promotion Practice*, 7(2):197-205, 2006.
- ^{xvii} This study by Ward Research, Inc. summarizes findings from a phone survey among n=800 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between September 21 – October 16, 2020.
- ^{xviii} U.S. Food and Drug Administration. (2020, January 2). *FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint* [Press release]. Retrieved from <https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children>.
- ^{xix} Kaplan, S. (2020, June 2). Lawmakers Say Puff Bar Used Pandemic to Market to Teens. *The New York Times*. Retrieved from <https://www.nytimes.com/2020/06/02/health/puff-bar-teens.html>
- ^{xx} U.S. Food and Drug Administration. (2020, June 3). Retrieved from <https://www.fda.gov/tobacco-products/rules-regulations-and-guidance/fdas-deeming-regulations-e-cigarettes-cigars-and-all-other-tobacco-products>.
- ^{xxi} Public Health Law Center. (2021, January 27). Deliver us from evil: E-cigarettes and the PACT Act. Retrieved from <https://www.publichealthlawcenter.org/webinar/deliver-us-evil-e-cigarettes-and-pact-act>.
- ^{xxii} United States Postal Service. PACT Act Update: Priority Mail With Delivery Confirmation for Shipments to APO/FPO/DPO Addresses. Retrieved from <https://about.usps.com/postal-bulletin/2010/pb22292/html/kit.htm>



Date: April 5, 2021

To: The Honorable Chairs Senator Donovan Dela Cruz and Senator Karl Rhoads
Members of the Committee on Ways and Means and Members of the Committee on
Judiciary

Re: Comments on HB 826, HD2, SD1, Relating to Electronic Smoking Devices

Hearing: Tuesday, April 6, 2021 at 10:00am

Dear Chair Dela Cruz, Chair Rhoads, and Members of the Committees,

The Campaign for Tobacco-Free Kids (CTFK) is providing **COMMENTS on HB 826, HD2, SD1** to prohibit the sale or distribution of most flavored tobacco e-cigarette products in the State of Hawai'i. Among several other provisions, the bill makes unlawful the mislabeling of e-liquid products containing nicotine, the sale of tobacco products other than through retail sales via in-person exchange, and also includes e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law. **Unfortunately, the bill as currently drafted specifically excludes menthol from the definition of a "flavored tobacco product." While not addressed in this bill, we would also like to see menthol traditional cigarettes and menthol e-cigarettes (one of the most popular flavors with kids) included in any comprehensive solution to this issue.**

We support the taxation of these devices, as youth are extremely sensitive to price and would be less inclined to buy them if they were more expensive.¹ It is imperative that a holistic approach be adopted to combat the health crisis of youth e-cigarette use: removing enticing flavors, taxing them like other tobacco products, and better regulation/oversight of retailers are three critical steps forward in giving our keiki an addiction-free future.

The Campaign for Tobacco-Free Kids' goal is to protect children and save lives from the number one cause of preventable death: tobacco use. The need for us to act quickly has never been more urgent, as new tobacco products have come to market in sweet candy flavors aimed at attracting our youth. Hawai'i has one of the highest rates of middle school students who vape in the US and nearly one in three of our high schoolers have used an e-cigarette in the last 30 days.

¹ "Raising Cigarette Taxes Reduces Smoking, Especially Among Youth" Ann Boonn, Campaign for Tobacco-Free Kids, June 28, 2019. <https://www.tobaccofreekids.org/assets/factsheets/0146.pdf>



Of those youth who use e-cigarettes, more than 80% of them use flavored products. It would be easy to place this health crisis on the backburner, given the pressing nature of fighting COVID-19 in our state but a recent study by Stanford Medical School showed that youth that vape are 5xs more likely to be diagnosed with COVID-19 than those that don't.² Combating youth vaping is a crucial part in beating this pandemic and should be included in our public health response.

Prohibiting the sale of flavored tobacco products, including menthol combustible cigarettes and menthol e-cigarettes, in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts of the tobacco industry to hook kids to a deadly addiction.

Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With colorful packaging and sweet flavors, these products are often hard to distinguish from the candy displays near which they are frequently placed in stores. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.³ The current bill exempts all menthol flavored tobacco products including combustible cigarettes, e-cigarettes, chew, snuus, and small cigars. While we would like to see all menthol added back into the bill, we would also like to highlight that menthol is presently in the most popular disposable e-cigarettes with our keiki, Banana Ice. In fact, mint and menthol is the MOST popular vaping flavor for kids and shows up in extremely common flavors that include: Ice, Chill, and Frozen in the name such as Frozen Lychee, Pink Mango Ice and Tropic Freeze.

Flavored Tobacco Products Are Popular Among Youth These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that *81 percent of kids who have ever used tobacco products started with a flavored product*. Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth to start, and preference for flavors declines with age.

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.⁴

² <https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html>

³ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

⁴ FDA, "Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products," September 11, 2019, https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm_source=CTPEblast&utm_medium=email&utm_term=stratout&utm_content=pressrelease&utm_campaign=ctp-vaping.



Just like with cigarettes, menthol e-cigarettes are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.⁵ Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.⁶ Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”⁷

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”⁸ The manufacturer of JUUL, the most popular e-cigarette, claims that each JUUL pod contains as much nicotine as a pack of twenty cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”⁹ It is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes. If we want to keep kids from becoming lifelong smokers we need to stop the tobacco industry from hooking them on nicotine in Middle and High school.

The industry wants to blame the users, to avoid further restrictions on the sale of their product. A national tactic used by the industry is to encourage the penalization of youth who have become addicted to these products. Youth are penalized through penalties and criminalization. These policies do not work. They allow the industry to ensure addicted youth are not seen as addicts, but instead as the one with control. These young people are now addicted for life. Instead of penalties, youth should receive effective education and be able to access cessation programs. We commend this bill for including educational programming that will support, not harm, our youth. Increasingly, kids WANT to quit but have not had access to the resources they need to do so or are afraid to come forward with their addiction. We need to give them every chance of kicking their habit by opening as many doors as possible for cessation support.

⁵ Cullen, KA, et al., “e-Cigarette Use Among Youth in the United States, 2019” JAMA, published online November 5, 2019.

⁶ FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

⁷ FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

⁸ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General.*

⁹ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.



The scientific evidence leaves no doubt flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and many die a premature death. Prohibiting the sale of all flavored tobacco, including menthol combustible cigarettes, mint/menthol/wintergreen e-cigarettes and mentholated flavors (Ice, Frozen and Chill) in general is an important step toward protecting our keiki from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our vulnerable populations. By adopting this policy, Hawai'i would become one of a growing number of states that are putting the health of their youth first.

Thank you for considering a comprehensive policy. It will help to keep our children and others safe.

Sincerely,

Liza Ryan Gill,
Campaign Manager
Campaign for Tobacco-Free Kids
lizaryangill@gmail.com



American Cancer Society
Cancer Action Network
2370 Nu'uau Avenue
Honolulu, Hi 96817
808.432.9139
www.fightcancer.org

Senate Committee on Ways and Means
Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Hearing Date: Tuesday, April 6, 2021

HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

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

Thank you for the opportunity to **OPPOSE** HB826 HD2 SD1: RELATING TO ELECTRONIC SMOKING DEVICES.

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society advocates for public policies that reduce death and suffering from cancer. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

The definition of “tobacco products” and “electronic smoking device” in this bill creates various loopholes. ACS CAN recommends the following tobacco products definition to ensure that all products are taxed and regulated in the same manner: *“Tobacco Products” means any product that is made from or derived from tobacco , or that contains nicotine, other than cigarettes or little cigars, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a large cigar, pipe tobacco, chewing tobacco, snuff, or snus. “Tobacco product” also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and substances used in electronic smoking devices, whether or not they contain nicotine. “Tobacco product” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.*

Further, we do not recommend defining “e-liquid” separately from electronic smoking devices, as this may create a loophole for flavored e-liquid taxation only. ACS CAN recommends the following definition

for electronic smoking device: *“Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include any battery or battery charger when sold separately. In addition, electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.*

This bill also exempts cannabis products from the definition of “electronic smoking device” on page 14. This is concerning as we do not want cannabis smoked in public places or workplaces.

Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product’s overall appeal.¹ Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies.² Products with flavors like cherry, grape, cotton candy, and gummy bear are clearly not *aimed* at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth.³ Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.⁴⁵

ACS CAN recommends the bill to be amended to add menthol included in the flavor ban. Recognizing the danger that flavors in cigarettes has in attracting and addicting new smokers, especially youth, the Family Smoking Prevention and Tobacco Control Act (TCA) of 2009 prohibited the use of characterizing flavors, except for menthol and tobacco, in cigarettes. To understand a consequence to limiting the flavor prohibition to only cigarettes and exempting menthol flavoring, an analysis evaluated youth tobacco use before and after the prohibition.⁶ The analysis found a decrease in the likelihood of being a smoker (17.1 percent) and fewer cigarettes smoked (59 percent) associated with the flavor prohibition, but also a 45 percent increase in the probability that the youth smoker used menthol cigarettes. Furthermore, the flavor prohibition was associated with increases in both cigar use (34.4 percent) and pipe use (54.6 percent). This suggests that youth smokers, in the absence of comprehensive sales restriction on all flavors and all products, are substituting with menthol cigarettes or cigars and pipe tobacco, for which the federal flavor prohibition does not apply.

Thank you for the opportunity to comment on this matter.

¹ FDA Guidance for Industry and FDA Staff, “General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors (Edition 2) (“FDA Guidance on Characterizing Flavors”).

² Delnevo, C, et al., “Preference for flavoured cigar brands among youth, young adults and adults in the USA,” Tobacco Control, epub ahead of print, April 10, 2014. King, BA, et al., “Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students,” Journal of Adolescent Health 54(1):40-6, January 2014

³ Carpenter CM, Wayne GF, Pauly JL, Koh HK, Connolly GN. New cigarette brands with flavors that appeal to youth: tobacco marketing strategies. Health Affairs. 2005; 24(6): 1601-1610

⁴ Ambrose et al. Flavored tobacco product use among U.S. youth aged 12-17 years, 2013-2014. JAMA, 2015; 314(17): 1871-3.

⁵ Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. Tobacco Control 2016.

⁶ Courtemanche CJ, Palmer MK, Pesko MF. Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use. Am J Prev Med. 2017;52(5):e139–e146. doi:10.1016/j.amepre.2016.11.019

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

I oppose HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Tobacco killed my husband two years ago from smoking. He ended up dying from COPD and had lung cancer. He suffered greatly before he passed away and died an early death.

We have 6 grandchildren that I don't want to have the same fate as their grandfather. Our keiki are a vulnerable group and must be protected. Don't make it easy for electronic smoking devices to get into the hands of our kids from accessibility and for being cheap to buy.

Please oppose HB826 HD2 SD1 to save our children for the future.

Sincerely,

Jennifer Hausler
Pearl City, 96782

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

My name is Uri Martos, and I am writing to express my opposition of HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES to help stop our keiki from using tobacco products from menthol flavored products.

I work right next to Wilcox elementary school and the Boys & Girls Club on Kauai. Everyday I am seeing more and more of Kauai's kids using e-cigarettes/vapes and it worries me terribly. These flavored tobacco products are targeting our children and hooking them on dangerous nicotine often for life. I'm afraid that Hawaii already has a high incidence of lung cancer and being a breast cancer survivor, I know firsthand the pain of dealing with this disease. I don't ever want our keiki to have to go through the hardship of having cancer or any other tobacco related illness. By simply eliminating these flavored tobacco products we will be able to save hundreds of our youth in Hawaii from becoming lifelong tobacco addicts.

I urge you to oppose HB826 HD2 SD1. Thank you for the consideration of my testimony.

Mahalo,
Uri Martos
Lihue, Kauai 96766

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

I oppose HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

As part of the generation that was close to getting rid of underage smoking and was later on exposed to the production of e-cigarettes.

As a former vape user, I can confirm that the initial reasoning of consuming product was because everyone in my immediate surrounding was doing it and the flavor was strawberry. I was skeptical at first, but my peers assured me that it was the dosage that had 0 mg of nicotine in it. I was 17 at the time, and I thought it tasted and smelled good. Prior to the legal age of buying vape products being 21, it was 18. And when I had turned 18, my peers were vapers. We discussed how vaping is safer than smoking, and since they sell the 0 mg nicotine we could just buy than and not be addicted. That was when I was given my own e-cigarette, they were small pen looking devices at the time, and any vape product I bought were mainly just flavors, I purchased fruity flavors for me and dessert flavors for my friend.

I hid this part of my life from my family, and keeping it hidden was the most stressful part. It was one of the key reasons why I stopped, I didn't want to hide things from my family, but my dad found out and he told me to just not do it in front of my mom and my siblings. When it came to thinking about my siblings and how they follow me were also the key reasons for me to stop. That is when I got rid of the pen; I broke it and gave it to my friend since they were still into vaping. Another reason I stopped was because of the looks, I notice people looking at me as I vaped, and I didn't like how I was being looked at, being judged.

As the age to purchase tobacco products raised to the age of 21, I had been given another vape product. Around this time, the e-cigarettes went from pen-looking, to big boxes that people called mods. The technology for vaping advanced fairly rapidly and these boxes promised larger intake which means bigger clouds. I was given a tiny version of these mods, and I was tempted to try it. I held onto this mod for almost a year, and then I threw it away, the feelings of guilt came back.

I can also confirm that the use of vape products turned into a gateway for drugs and alcohol. My former peers that kept through the path of vaping, are now out there going to raves and hitting up various of drugs. I see stories on socials of my old high school associates taking acid, doing cocaine, and taking various forms of marijuana products (edibles, smoking, etc.) before or after raves and huge social events. When it came to their day to day activities, it can be seen on their socials that they still use vape products to get them throughout the day. This concerns me because in my studies in personal research and in public health, there are no known long term effects for these products and given that a huge chunk of my generation and younger are consuming this product, I fear it may result in new forms of diseases and complications. Consider banning all flavors including menthol.

Sincerely,

Gerico Demesillo
University of Hawaii at Manoa
Undergraduate in Public Health Studies

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

Thank you for the opportunity to submit testimony in OPPOSITION to HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES. Please consider banning menthol flavor.

It's important to note the lack of health education geared towards informing our youth about the relative dangers and health harms of using these tobacco products. This bill would allocate a portion of the funds collected from excise taxes on tobacco products to health education and prevention programs, which would be highly beneficial for educating youth. There is a need for school health programs to prevent tobacco use and addiction. Schools are ideal settings in which to provide such programs to all children and adolescents. School-based tobacco prevention education programs that focus on skills training approaches have proven successful in the past by reducing the onset of smoking, according to numerous independent studies. Due to the considerable number of students that begin using tobacco products before the age of 15, it is imperative that school-based programs continue throughout high school.

The use of flavored tobacco products among the youth is now the most commonly used form of nicotine in the U.S. These products have the greatest appeal to the younger generation who are in fact, novice smokers. Tobacco companies are producing and marketing deadly, addictive products that look and taste just like the sweets kids can purchase at a candy shop. The use of these flavoring agents help ease youth into smoking since without it, the tobacco flavor alone could be a deterring factor. I personally see too many of our keiki using these tobacco products with their friends outside of school. Many of them are under the impression that smoking e-cigarettes instead of actual cigarettes is better for their health. They also are

unaware that these e-cigarettes contain a high amount of nicotine, which could be detrimental to their health in the future. Hawaii needs to do more if we are to stop this growing epidemic from spreading to younger and younger generations. I highly encourage the committee to consider banning menthol flavor for the future of our keiki. Thank you again for the opportunity to testify.

Sincerely,
Tyler Kamisato
Mililani, 96789

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

My name is Madeline Bush and I oppose HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES. Please amend the bill to include menthol flavor ban.

Vaping is an extremely prevalent issue that our country and the world have been facing for over a decade. E-cigarettes were originally created for the purpose of helping people who smoked tobacco cigarettes quit and reduce their exposure to tobacco. However, the companies that created these e-cigarette devices knew if they helped people quit, they would also begin losing money. Their strategy consisted of promoting a form of smoking that was “healthy”, little did people know the contents within these products had equally if not more nicotine than regular cigarettes. In a study that was performed over the course of six years (2012-2018), “The lifetime prevalence of cigarette smokers slightly decreased from 60.9% in 2012 to 56.9% in 2018, whereas the proportion of vaping users substantially increased from 32.9% in 2013 to 52.0% in 2018” (Cerrai et al., 2020). People wanted to quit smoking and many began smoking e-cigarettes when all along they were simply part of a larger plan and were just beginning a new journey of addiction.

The trend to vape quickly became popular among adolescents, high schoolers, and even middle schoolers. According to a study performed in 2019, “About 63.9% of students (16.8 million) reported noticing youth use of e-cigarettes in or around the school, with bathroom or locker room as the most common location” (Dai, 2021). The study goes on to explain that the brand JUUL has significantly spiked in popularity among adolescents due to its shape and size. It

is a small pod that resembles a USB drive. They are very easy to hide, therefore many kids bring them to school without hesitation. The company JUUL has shown to specifically cater to this younger population and have made it easier and easier for them to vape in secret. Although there is not enough hard data to validate the long-term effects of vaping, we are seeing an upsurge in hospitalized cases (2,758 cases in US) of vaping associated lung injury (VALI). There have been sixty-four deaths from vaping associated lung injury (VALI) in the United States alone. These products are being promoted as a “healthy alternative” to smoking when in reality it is killing people and ruining lives. This problem is tremendously widespread not only in our world and nation, but a rising problem within our community here in Hawaii County.

In order to protect the teenagers and young adults within our community regulations and bans on these products absolutely need to be put into action. The companies that sell these products have no interest in what their products are doing to the bodies of their customers. On the island of Hawaii, we are seeing an increase in tobacco and vaping products as well as an increase in respiratory disorders and lung cancer. That is not a coincidence.

Sincerely,
Madeline Bush
Hilo, 96720

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

I oppose HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES. My father-in-law was severely affected from tobacco use. He developed stage 4 oral cancer and almost lost his life. Luckily, he survived but there are many people who are not as lucky. Tobacco use does not just affect the person who is using it, but their whole family. I do not want to see my friends and family using tobacco products. Young adults, teenagers, and kids are easily fooled by these new and fruity flavors. They think that it cannot be bad for you if it tastes like fruits or candy. I see many underage teenagers selling E-cigarettes that have exotic flavors and using those products on social media. Menthol hooks kids to start. E-cigarettes and tobacco products need to have more strict regulations, so they do not fall into our youth's hands.

Please oppose HB826 HD2 SD1 or add menthol ban to save many children and adult lives.

Sincerely,

LokeLani Chong
Hilo, 96720

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

I oppose HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

My name is Frank V. Guillermo and I am in my last semester of my bachelor's program at University of Hawaii at Hilo School of Nursing. I am writing this letter to oppose with amendments HB826 HD2 SD1. Please ban menthol flavor too.

My 11th grade brother once told me, "I always see students vaping everywhere like in school bus, hallway, and even in class. It looks so cool and smells so good. I want to try it!" As a future healthcare provider, I am obligated to educate my brother about the harmful effects of vaping and discourage him from vaping. My brother's statement and the increasing rate of high-school e-cigarette/vape users in Hawaii shows a lack of regulations, health education, and prevention programs of e-cigarettes.

I deeply care about the health of Hawaii people and I urge you to oppose HB826 HD2 SD1. Thank you for this opportunity to testify.

Sincerely,
Frank V. Guillermo
Waipahu, 96797

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: OPPOSE HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

Hrg: Tuesday, April 6, 2021 at 10:00 AM via Videoconference

Dear Chairs, Vice Chairs and joint committee members,

My name is Cassandra Castillo and I oppose HB826 HD2 SD1 – RELATING TO ELECTRONIC SMOKING DEVICES.

I am in my last semester of my master's program at Myron B. Thompson's School of Social Work and I have experienced first-hand the dangers of e-cigarettes. My first year of the program, my internship was at an elementary school. One of the challenges that we faced were children in the fourth grade getting their hands on e-cigarettes and trying it because they thought it was "cool". Children are encouraged through social media, commercials, the radio station, and other outlets that e-cigarettes are the fun thing to do. They are persuaded by these fun flavors like menthol, cotton candy, strawberry, pink lemonade, and more. Children are encouraged that e-cigarettes are not dangerous and safe to use.

As a future social worker, we need to educate our future generations of just how dangerous e-cigarettes can be and the long-term effects that could happen by picking up this habit. I do not want to see my 8-month-old nephew grow up thinking that e-cigarettes are cool. I urge the committee to oppose HB826 HD2 SD1 for the future of our children's tomorrow. Thank you for this opportunity to testify.

Sincerely,
Cassandra Castillo
Ewa Beach, 96706



American Heart Association.

American Heart Association COMMENTS ON HB 826, HD2 "Relating to Electronic Smoking Devices"

The American Heart Association offers comments on HB 826, HD2, SD1.

The Association OPPOSES the proposed flavored tobacco restrictions in the bill. AHA feels that a blanket flavoring ban is needed covering advocates for flavored tobacco policies that include ALL flavors (including menthol) and ALL tobacco products. The Hawaii Legislature has the ability to regulate all flavors and all products. The current version of this bill falls short of that, and for those reasons we will need to oppose this legislation as those using flavored e-cigarettes could simply move over to combustible products. Studies show that menthol cigarettes increase initiation, especially among youth. Menthol is found in most cigarettes, even those not marketed specifically as menthol cigarettes. Menthol's cooling and analgesic properties reduce the harshness of cigarette smoke and irritation from nicotine. Evidence indicates that menthol enhances the addictiveness of cigarettes, both by increasing the likelihood of nicotine addiction in youth who experiment with smoking and by making cessation among adult smokers more difficult.

Menthol cigarettes are used at disproportionately higher rates by racial and ethnic minority smokers, including Native Hawaiians and Filipinos. Also, approximately 71 percent of all young LGBT smokers use menthol cigarettes. At least half of all teen smokers use menthol tobacco products.

A convincing body of evidence has shown that tobacco-related health disparities are exacerbated by targeted marketing in minority areas and the consumption of menthol tobacco products. Eliminating sales of menthol flavors will benefit those communities in particular and help to reduce the health inequities that exist. In Hawaii, Native Hawaiians suffer from the highest percentage of tobacco-related deaths.

Internal tobacco industry documents show that tobacco companies have a long history of using flavors, including menthol, to reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18. The FDA's Tobacco Products Scientific Advisory Committee noted that "Menthol cannot be considered merely a flavoring additive to tobacco. Its pharmacological actions reduce the harshness of smoke and the irritation from nicotine." The Committee concluded:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking; and
Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

The number of flavored tobacco products on the market increased substantially after flavored cigarettes were banned by the federal government. That's because the FDA tobacco flavor policy falls short of what is necessary to address youth

Chairman of the Board
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tobacco use. 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. This led to the rise in the number of youths using flavored cigars, and especially in Hawaii, e-cigarettes. Both the tobacco industry and youths adjusted to the cigarette flavor ban by moving to other tobacco products where flavors were still allowed. If the Hawaii State Legislature were to pass a flavoring ban but limit it to certain types of products or flavorings, we are likely to see the same thing happen again locally.

The Association ~~supports~~ is supportive of the section of the bill that amends the definition of tobacco taxes in Hawaii's statutes so that electronic smoking devices would be taxed at a rate to create parity with other tobacco products taxed under that statute. The Association ~~supports~~ is also supportive of the section of the bill that would require electronic smoking device retailers to obtain and hold a license to sell those products, a needed regulation to help reduce and enforce against illegal sales to minors. The Association also ~~supports~~ the agrees with the section of the bill that would require that retail sales of electronic smoking devices be limited to a direct, face-to-face, or over-the-counter exchange between a licensed retailer and a consumer at a tobacco retail location. That would eliminate a loophole often used by minors to purchase electronic smoking devices online, and in some cases distribute or sell them to other minors.

~~However, the Association OPPOSES the proposed flavored tobacco restrictions in the bill. AHA feels that a blanket flavoring ban is needed covering ALL flavors (including menthol) and ALL tobacco products. Studies show that menthol cigarettes increase initiation, especially among youth. Menthol is found in most cigarettes, even those not marketed specifically as menthol cigarettes. Menthol's cooling and analgesic properties reduce the harshness of cigarette smoke and irritation from nicotine. Evidence indicates that menthol enhances the addictiveness of cigarettes, both by increasing the likelihood of nicotine addiction in youth who experiment with smoking and by making cessation among adult smokers more difficult.~~

~~Menthol cigarettes are used at disproportionately higher rates by racial and ethnic minority smokers, including Native Hawaiians and Filipinos. Also, approximately 71 percent of all young LGBT smokers use menthol cigarettes. At least half of all teen smokers use menthol tobacco products.~~

~~A convincing body of evidence has shown that tobacco-related health disparities are exacerbated by targeted marketing in minority areas and the consumption of menthol tobacco products. Eliminating sales of menthol flavors will benefit those communities in particular and help to reduce the health inequities that exist. In Hawaii, Native Hawaiians suffer from the highest percentage of tobacco-related deaths.~~

~~Internal tobacco industry documents show that tobacco companies have a long history of using flavors, including menthol, to reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18. The FDA's Tobacco Products Scientific Advisory Committee noted that "Menthol cannot be considered merely a flavoring additive to tobacco. Its pharmacological actions reduce the harshness of smoke and the irritation from nicotine." The Committee concluded:~~

~~• ~~Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking; and~~~~

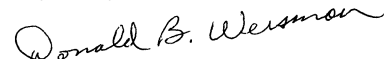
~~• ~~Young people who initiate using menthol cigarettes are more likely to become addicted and become long term daily smokers.~~~~

~~The number of flavored tobacco products on the market increased substantially after flavored cigarettes were banned by the federal government. That's because the FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use. 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. This led to the rise in the number of youths using flavored cigars, and especially in Hawaii, e-cigarettes. Both the tobacco industry and youths adjusted to the cigarette flavor ban by moving to other tobacco products where flavors were still allowed. If the Hawaii State Legislature were to pass a flavoring ban but limit it to certain types of products or flavorings, we are likely to see the same thing happen again locally.~~

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Mahalo for this opportunity to provide testimony on HB 826, HD2, SD1. ~~We suggest that the bill be amended to eliminate the flavor ban language, and that the legislature commit to revisiting that issue during the 2022 legislative session so that it can be addressed in a comprehensive, effective manner.~~

Respectfully submitted,



Donald B. Weisman
Government Relations/Communications Director



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
Valerie@hawaiicopd.org
(808)699-9839

April 5, 2021

Honorable Chair Senator Donovan M Dela Cruz
Honorable Vice-Chair Senator Gilbert S C Keith-Agaran
Members of the Senate Ways and Means

RE: Strong Support of HB826

Dear Chair Senator Dela Cruz, Vice Chair Senator Keith-Agaran, and members of the Senate Ways and Means Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of **HB826**, which will apply the same comprehensive tobacco prevention and control policies to e-cigarettes, to reverse the youth vaping epidemic.

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 than they or any of us would like.

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. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping, with one in three of the youth in Hawaii using such 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!

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please **vote in favor of HB826** and pass it out of committee so it can become law. 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

April 5, 2021

TO: Chair Donovan M. Dela Cruz
Vice Chair Gilbert S.C. Keith-Aragan
Members of the Senate Committee on Ways and Means

Chair Karl Rhoads
Vice Chair Jarrett Keohokalole
Members of the Senate Committee on Judiciary

FROM: Cigar Association of America, Inc.
(William Goo)

RE: **HB 826 HD2 SD1** - Relating to Electronic Smoking Devices
Hearing Date: April 6, 2021
Time: 10:00 am

The Cigar Association of America, Inc. (CAA) **opposes HB 826 HD2 SD1** which in part makes unlawful the sale of flavored tobacco products and the sale of tobacco products other than through retail sales via in-person exchange. The primary focus of this bill is to address the rising use of electronic smoking devices (“ESG”) by youth in Hawaii. Cigars are primarily the choice and custom of mature, responsible and informed adults and are not the tobacco product of choice among Hawaii’s youth. There are or will be in place regulations at both the state and federal level on the shipment of ESGs. Therefore, any prohibition on the sale of flavored tobacco products and the sale of tobacco products other than through retail sales via in-person exchanges is beyond the scope of this bill as titled and should exclude cigars.

Thank you for considering this testimony.



ALOHACARE

To: The Honorable Senator Donovan Dela Cruz, Chair
The Honorable Senator Gilbert Keith-Agaran, Vice-Chair
Committee on Ways and Means

The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice-Chair
Committee on Judiciary

From: Trish La Chica, Community and Government Relations Manager, External Affairs

Hrg: April 6, 2021 at 10:00am, Room 211/Zoom

RE: **HB826 HD2 SD1, Relating to Electronic Smoking Devices - Support**

AlohaCare appreciates the opportunity to provide testimony to oppose **HB826 HD2 SD1**, which as of the SD1 has been amended to include comprehensive e-cigarette regulations in addition to expanding the responsibilities of the Department of the Attorney General to include electronic smoking device retailer registration, enforcement, and compliance. AlohaCare appreciates the SD1's removal of fines and penalties imposed on youth who are already addicted to tobacco products and simply need help.

Founded in 1994, AlohaCare is a community-rooted, non-profit health plan serving 73,000 Medicaid and dual-eligible health plan members on all islands. 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 Hawaii.

Flavored tobacco products, including flavored vaping products are designed and marketed to entice youth. Hawaii one of the highest youth vaping rates in the nation and everything must be done to protect our young people's health from the vaping and tobacco industry's efforts to get them addicted to life-threatening habits. AlohaCare respectfully requests the legislature to include menthol as part of the flavor ban as public health harms caused by menthol cigarettes have disproportionately impacted Native Hawaiians and Filipinos in Hawaii.

AlohaCare applauds this measure's comprehensive approach to regulating electronic smoking devices by creating policy parity on taxation and the online shipment of tobacco products to improve the health of Hawaii's keiki and protect them from becoming the next generation addicted to nicotine. Comprehensive regulation on electronic smoking devices is long overdue and would bring substantial public health benefits. Tobacco consumption results in health problems that creates hundreds of millions in added health care costs for the State and contributes to health disparities and poor health outcomes.

In 2020, AlohaCare was charged \$13.9 million treating about 6,140 members for tobacco and vaping-related illness. Among adult tobacco users, 24.2% were being treated for a serious chronic condition. On average for each member, the charges for all health care services provided to tobacco users were 154% higher than charges for non-tobacco users. In addition, AlohaCare is concerned with the rising rates of youth being diagnosed with nicotine dependence and vaping-related disorders. In 2020, the youngest recorded age being treated for vaping at AlohaCare was 10 years old.

Thank you for the opportunity to testify.



Wellness & Lifestyle Medicine

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

RE: Support with amendments for HB 826, HD2, SD1

Hrg: April 6, 2021 at 10:00 AM via Videoconference

Adventist Health Castle is in support with amendments of HB826, HD2, SD1.

- **Requested Amendment:** Add menthol back into the flavor ban to ensure that all flavors of e-cigarettes are included. The Coalition is concerned about the health equity implications of exempting menthol and notes that it could create loopholes for the industry to exploit.

We in the midst of a **youth vaping epidemic**. In Hawai'i, one in three high school students and one in five middle school students report "current use" of e-cigarettes (Hawai'i YRBSS, 2019).

- Hawai'i was successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs. By implementing the same tactics, we can **reverse the trends** in youth e-cigarette use.
- **Flavors in tobacco products entice youth**, while the nicotine keeps them hooked for life. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- We are concerned about the exemption of menthol, as it is a **popular flavor among youth and may have equity implications**.
- **E-cigarettes are the only tobacco product without a tobacco tax.** E-cigarettes should be taxed at the rate of other tobacco products, or 70% of the wholesale price.
- Dedicating some of the revenue from **tobacco taxes to fund tobacco prevention and control** programs complements and strengthens the effects of policies to reduce smoking rates.
- Licensing and permitting tobacco retailers and wholesalers will help with **implementation and enforcement** of current laws and regulations.
- Teenagers and young adults who used e-cigarettes were **5x more likely to be diagnosed with COVID-19 than non-users**. Those who had used both e-cigarettes and conventional cigarettes (dual use) were 7x more likely to be diagnosed with the disease.

- Tobacco use is an **equity and social justice issue**. According to the CDC's 2019 Youth Risk Behavior Surveillance System (YRBSS), approximately 31 percent of Hawai'i high school students and 18 percent of Hawai'i middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island (NHPI) youth these numbers climb to 40 percent for high school and 30 percent for middle school.
- Disparities in tobacco use are due to the tobacco industry's **history of marketing menthol cigarettes to youth and vulnerable groups**, such as the African American community. 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.

Tobacco prevention and cessation programs are important to reduce the burden of tobacco in our state, especially on Hawaii's future--young people! Thank you for the opportunity to provide testimony in support with amendments for HB826, HD2, SD1.

Mahalo,



Allie Hall, RN, BSN, MPH, NCTTP
Program Coordinator, Tobacco Control
Tobacco Treatment Specialist



Hawaii Dental Association

To: Senate Committee on Ways and Means
Senate Committee on Judiciary

Time/Date: 10:00 A.M., April 6, 2021

Location: State Capitol Room 211 and Via Teleconference

Re: HB 826 HD2 SD1, Relating to Electronic Smoking Devices

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Keith-Agaran, Vice Chair Keohokalole and members of the committees:

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 826 HD2 SD1**, relating to electronic smoking devices. This bill makes unlawful the sale of flavored tobacco products, mislabeling of e-liquid products containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange. Among other provisions, it establishes a special fund for moneys received from enforcement actions.

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, mucosial lesions, bone damage, tooth loss, jaw bone 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 826 HD2 SD1.

LATE



April 5, 2021

To: Chair Dela Cruz
Vice Chair Keith-Agaran
Senate Committee on Ways Ways and Means

Chair Rhoads
Vice Chair Keohokalole
Senate Committee on Judiciary

RE: **SUPPORT for HB826 HD2 SD1**

Thank you for this opportunity to testify in **SUPPORT** of **HB826 HD2 SD1**. Blue Zones Project was brought to Hawai'i by HMSA to help increase overall well-being of our communities and to make Hawai'i a healthier, happier place to live, work, and play. To accomplish that goal, we work to lower rates of obesity, tobacco use, and chronic disease.

This bill will will comprehensively regulate e-cigarettes as a tobacco product by ending the sale of flavored electronic smoking devices (except menthol), taxing e-cigarettes as tobacco products, and subjecting sellers to licensing/permitting. The bill also expands the Attorney General's Electronic Smoking Device Retailer Registration Unit to include enforcement of federal legislation.

Electronic smoking device (ESD) use by youth is on an upward trend; from 2017-2019, ESD use more than doubled among high school students and tripled among middle school students.¹ Locally, 27% of middle school students and 42% of public high school students acknowledged trying electronic smoking devices in 2017.² Data from local and national sources, including the Centers for Disease Control and Prevention (CDC), cite numerous safety and public health concerns with its use. According to the CDC, "young people who use e-cigarettes may be more likely to smoke cigarettes in the future."³

We would further request removing the menthol exemption from the flavor ban to advance health equity and prevent loopholes.

Thank you for this opportunity to testify in **SUPPORT** of **HB826 HD2 SD1**.

Sincerely,

Colby Takeda, MPH, MBA
Senior Manager

¹ Wang, T. W., et al. (2019). Tobacco Product Use and Associated Factors Among Middle and High School Students. Centers for Disease Control and Prevention. *Surveillance Summaries*, 68(12);1-22

² 2017 Hawai'i Youth Risk Behavior Survey.

³ Dunbar, M. S., Davis, J. P., Rodriguez, A., Tucker, J. S., Seelam, R., & D'Amico, E. J. (2018). Disentangling Within- and Between-Person Effects of Shared Risk Factors on E-cigarette and Cigarette Use Trajectories from Late Adolescence to Young Adulthood. *Nicotine & Tobacco Research*, nty179.





**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
April 6, 2021**

Re: HB 826 HD2 SD1 Relating to Electronic Smoking Devices

Good morning Chair Dela Cruz and Chair Rhoads and members of the Senate Committee on Ways and Means and the Committee on Judiciary. 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 826 HD2** Relating to Electronic Smoking Devices. This measure expands the purposes for which moneys in the tobacco enforcement special fund may be used to include all functions of the department of the attorney general; renames the electronic smoking device retailer registration unit to the electronic smoking device retailer registration and enforcement unit; makes unlawful the sale of flavored tobacco products, mislabeling of e-liquid products containing nicotine, and sale of tobacco products other than through retail sales via in-person exchange; includes e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law; expands the scope of the unit to include enforcement of compliance of electronic smoking devices with the Federal Food, Drug, and Cosmetic Act; establishes a special fund for moneys received from enforcement actions; appropriates funds; and is effective 07/01/2060.

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, we are finding that the retailers are not intentionally selling these products and devices to those under the age of 21. With new technology and printers, some of the fake IDs that the minors present to the sales staff upon check out look like the real state IDs.

The majority of the vape shops on our islands are responsible and have a policy that they will not sell a vape device or cigarettes to anyone 21 years old and under. Retailers often go as far as to not selling to the adult that accompanies the minor into the store if it is revealed that the device or product that they are seeking to purchase is for the minor. Retailers have no control over their products once they are sold and the customer walks out the door with them. It is often the case that an adult family member or friend that purchases the vape devices for the minors and gives the device to the minor away from the retail store.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. Many E-liquids contain NO tobacco or nicotine, and NO smoke is emitted from Electronic Smoking Devices. The New England Journal of Medicine published an article last year that found that e-cigarettes 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.

We also wonder if the state has the funds to expand the personnel needed to do the enforcement at a time when the state is in debt.

Many retailers statewide are already operating on a thin margin and face stiff competition. Taking on a “tobacco tax” and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses’.

The retail industry has been one of the hardest hit during the pandemic. Since the pandemic, those retailers who were deemed non-essential were forced to close their businesses for months due to government orders. Those on Oahu were forced to close their businesses a second time with no income from online sales unless they were fulfilling the orders from home. Retailers have also had to endure an almost 50% rate increase in interisland shipping. Many stores who rely directly on the visitors are not opening until the customer base returns – if they can hold on that long. They have also reduced their staff, taken pay-cuts and more to survive. The 3rd Commercial Lease Rent survey from data collected between December 1 and 31, 2020 revealed:

- One in 10 Hawaii businesses permanently closed over the course of the pandemic, and 67 percent were impacted significantly by government restrictions.
- From April through December 2020, 50 percent of businesses did not pay their rent in full.
- Three in 10 businesses expected to miss three full rent payments between October and December 2020, and more than half expected to miss at least one full rent payment between January and June 2021.
- Tourism accounts for at least one-quarter of the overall revenue of 37 percent of Hawaii businesses.
- 86 percent of businesses saw their annual revenue decrease in 2020, and 82 percent expect a decrease in 2021 as well.

Retailers like many businesses are struggling to survive and keep their employees employed. Many cannot afford an increase in doing business.

We urge you to hold this measure. Mahalo for this opportunity to testify.

HB-826-SD-1

Submitted on: 4/1/2021 6:11:11 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Orozco	Individual	Oppose	No

Comments:

Strongly opposed to the flavor ban and other unfair regulation. Why can't the legislature accept different lifestyles? We can do better by never seeing bills such as hb826 again.

HB-826-SD-1

Submitted on: 4/1/2021 6:17:20 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Miyakado	Individual	Oppose	No

Comments:

I strongly OPPOSE this bill as it penalizes and prohibits law abiding citizens the right to purchase ecig products on the internet.

If you want to solve the problem impose a strick penalty for those under age smokers which requires parents to be held responsible for the actions of their children.

HARSH PUNISHMENT is the only way to deter under age smokers from attempting to purchase such products.

AGAIN you are punishing the law abiding citizens.

Instead of wasting will with this Bill go after the under age drinking and those adults who drink and drive who are killing innocent people on a weeklty basis.

Registered Voter and Community activist.

Sheldon Miyakado

HB-826-SD-1

Submitted on: 4/2/2021 3:50:14 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Nettles	Individual	Oppose	No

Comments:

Please don't ban our flavors. We should have the right to choose.

HB-826-SD-1

Submitted on: 4/3/2021 1:45:59 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Weiner	Individual	Support	No

Comments:

I am writing in support of HB 826, which regulates e-cigarettes as tobacco products and ends the sale of flavored smoking devices.

The explosion of vaping by middle and high schoolers over the past few years has created a situation in which too many children, attracted by the flavors and packaging, have begun on the dangerous path to nicotine addiction. By eliminating the tobacco flavors, the attractiveness of these products is diminished significantly. In addition, by taxing and regulating e-cigarettes like regular tobacco products, they will be less available and more expensive, and excellent disincentive. Finally, I urge you to add back the menthol ban. Many youngsters prefer the menthol flavoring, as do other ethnic groups such as Pacific Islanders. Allowing menthol flavoring is a health equity issue in encouraging economically disadvantaged groups to continue using tobacco products. The less attractive we can make tobacco and e-cigarette use, the healthier our population will be – big savings for everybody in Hawaii.

Linda Weiner, MD

Pediatrics, Kauai

HB-826-SD-1

Submitted on: 4/3/2021 4:29:21 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mio Chee	Individual	Support	No

Comments:

My name is Mio Chee and I live in Ala Moana. I strongly support HB826. I have been noticing that more and more people (especially younger adults and even students who are still in high school) using e-cigarettes since they became widely available here in Hawaii. My two children and I are constantly being exposed to second hand smoke from e-cigarettes at public parks, beaches, events, etc. People casually take their e cig out of their pocket, and start smoking right in front of us. Another example is when I visited Windward Community College, a student was vaping right next to a "No Smoking" sign. This is very common wherever I go. I feel that we need more strict regulations to end this issue. I would also like to ask the menthol exemption from the flavor ban removed to prevent loopholes.

HB-826-SD-1

Submitted on: 4/3/2021 5:11:32 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harald Ebeling	Individual	Support	No

Comments:

Aloha,

I am writing to express my strong support of HB826. Tight regulation of *all* tobacco products, conventional or electronic, using any form of inhalation (including vaping) is way overdue and critically important to halt and end the vaping epidemic. Allowing the promotion and sale of inherently toxic and intentionally addictive products should not even be a subject of consideration.

Mahalo for working toward a healthier future for our keiki and the state of Hawai'i!

Harald Ebeling

HB-826-SD-1

Submitted on: 4/3/2021 5:13:27 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Hernandez	Individual	Oppose	No

Comments:

We have right to choose what we want. Strongly opposing hb826.

Date: April 3, 2021

To: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: **Support for HB826 HD2 SD1**, Relating to Electronic Smoking Devices

Hrg: April 6, 2021 at 10:00 AM in Conference Room 211 & via Videoconference

Aloha Senate Committees on Ways and Means and Judiciary,

As a parent, community member and healthcare professional I am writing in **strong support of HB826 HD2 SD1**.

Hawai'i is in the midst of a youth vaping epidemic. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

With ultra-potent nicotine salt e-liquids available in a multitude of sweet flavors, e-cigs are highly attractive and pose a huge risk of addiction and life-long impaired brain development to our youth.

Tobacco product use is an equity and social justice issue. Approximately 31% of Hawai'i high school students and 18% of Hawai'i middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island youth these numbers climb to 40% for high school and 30% for middle school students.

Additionally, the **tobacco industry has a long history of marketing menthol-flavored tobacco products to youth** and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Teens and young adults who use e-cigarettes are 5-times more likely to be diagnosed with COVID-19 than non-users. Those who use both e-cigarettes and conventional cigarettes (dual use) are 7-times more likely to be diagnosed with COVID-19.

Hawai'i has been a national leader in reducing cigarette use to record lows through **policy, prevention, education, and cessation** programs. **HB826 HD2 SD1** provides a powerful slate of policies to address the youth vaping epidemic.

(1) Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction. However, I am deeply concerned about menthol being exempted. Menthol is a popular flavor among youth, makes nicotine more

tolerable to new users, enhances nicotine addiction and presents an equity issue. **Please amend this bill to ban all flavors including menthol.**

(2) E-cigarettes are the only tobacco product without a tobacco tax. E-cigarettes should be taxed at the rate of other tobacco products, or 70% of the wholesale price.

(3) Dedicating some of the revenue from tobacco taxes to fund tobacco prevention and control programs complements and strengthens the effects of policies to reduce smoking rates.

(4) Licensing and permitting tobacco retailers and wholesalers will help with implementation and enforcement of current laws and regulations.

It is time for all of us to come together to effectively address and reverse the youth vaping epidemic in Hawai'i.

I **strongly support HB826 HD2 SD1**, respectfully ask you to **amend this bill to ban all flavors including menthol** and pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

HB-826-SD-1

Submitted on: 4/3/2021 10:30:44 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Mih	Individual	Support	No

Comments:

Aloha,

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I ask you to support this bill.

Flavored nicotine products have been shown to be disproportionately used by young people, especially teenagers, as the flavors make it easier to start using tobacco and nicotine. Once young people are addicted to nicotine, it is extremely difficult to quit.

Please hold tobacco and e-cigarette companies responsible for this problem, as they want to shift the blame from their billion-dollar industry onto the young people that they have targeted with their deadly and highly addictive product.

I would also like to request that this bill be amended to include menthol in the flavor ban. Exempting any flavor just creates a loophole for the industry to continue targeting our communities.

A common sense approach includes thorough regulation with taxation, restriction of online sales, banning of all flavors, and comprehensive tobacco retailer licensing policies. These measures have proven more effective in reducing youth initiation of tobacco and nicotine.

Mahalo for your consideration.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

HB-826-SD-1

Submitted on: 4/4/2021 10:22:08 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jake J. Watkins	Individual	Oppose	No

Comments:

Enough already!

HB-826-SD-1

Submitted on: 4/4/2021 12:13:32 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tracie Ann M Tjapkes	Individual	Support	No

Comments:

Add menthol back into the flavor ban to ensure that all flavors of e-cigarettes are included. The Coalition is concerned about the health equity implications of exempting menthol and notes that it could create loopholes for the industry to exploit.

HB-826-SD-1

Submitted on: 4/4/2021 2:33:13 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ingrid Peterson	Individual	Support	No

Comments:

Please support this bill to regulate vaping and also include the menthol flavor in the bill, along with the other flavors, because the menthol flavor is also marketed to youth. Having worked with middle and high public school students for 15 years and up until recently, I've seen first hand how extremely popular vaping has become with these students, especially the high school students. They don't even realize how addictive nicotine e-cigarettes are; they just think vaping is cool and try it and quickly get hooked. It's much harder to catch students using e-cigarettes than regular cigarettes, so the use has exploded at schools. E-cigarettes urgently need to be regulated as other nicotine products are. The money from taxing them can be used for an education campaign warning youth of the dangers of vaping. Such campaigns have been successful in reducing cigarette smoking among our youth.

Mahalo for listening.

Date: April 4, 2021

To: Chairs Senator Dela Cruz, Senator Rhoads, and
Members of the Committees on Ways and Means and Judiciary

Re: Strong Support for HB 826, Relating to Electronic Smoking Devices

I believe that e-cigarettes need to be regulated the same as other tobacco products since they are just as detrimental to a person's health, and in some cases, they are even more addicting. Furthermore, flavors in all tobacco products should be banned since they are purposefully designed to lure kids to increase their profit.

Although my family has stayed away from smoking, this is a problem that I see constantly appearing in my school. A few years ago, the Student Class President along with many of their friends were caught using vaping products on a field trip. In the end, the Student Class President was given another term and they continued using e-cigarettes. When this happens with a student seen as a "problem" kid by teachers, the results are very different. Because of this, I believe that youth penalties will disproportionately impact certain students and we should instead focus on education and helping these students with their addiction. I honestly believe that it is not their fault for being addicted; they need treatment, not punishment. It is the tobacco companies that need to be held responsible for targeting youth and causing my generation to become hooked on their products.

E-cigarettes have become a problem across the entire student body at my school and most other schools. I still witness the effects of the school culture since some of my friends have recently been offered these products by other students. Thankfully, they declined, but I never want to hear that people who are close to me are being influenced to do something that will put them at risk.

Last year, I was elected as the new Class President and I wanted to set a change in my school's culture. Will you help us end the sale of all flavored tobacco products and regulate e-cigarettes the same as other tobacco products to protect my friends and all students in Hawaii and support HB 826?

A handwritten signature in black ink that reads "Noah Chang". The signature is written in a cursive, flowing style.

Noah Chang
Aina Haina, Oahu

Senator Donovan Dela Cruz - Chair, Senator Karl Rhoads - Chair and members of the Committees on Ways and Means and Judiciary.

My name is Mayra Mendoza and I'm a Senior at Konawaena High School on the Big Island. I **strongly support HB 826** and the ban of flavored tobacco in our state because it is affecting so many individuals and they have no idea what it's doing to them.

I'm concerned about the people who use flavored tobacco to be cool, because it is really not and they are doing it because they know people who do it. Also, some people want to use it to stop smoking cigarettes but it might be even worse, and it is not helping them at all. Even people who don't vape are being affected because of second hand smoke and that is what hurts me the most because they are just random people who shouldn't suffer the consequences that other people are causing. I wouldn't want any of my little siblings or my family to be around those environments and that is why I am advocating for this bill.

Additionally, I feel like if e-cigarettes and other tobacco products were to have a tax on it, people would think twice before buying the products that are so harmful to them.

I see vaping constantly and it is getting way out of hand. Bathrooms at my school are getting closed down, and people who are at the wrong place at the wrong time are getting punished for things they didn't even do. Youth users shouldn't be punished for being addicted to tobacco, they should receive the help they need. They should receive education on how bad tobacco is and they should be given the support they need to quit. Punishment is not the way to go because they are all kids who didn't know what they were getting themselves into and the nicotine in tobacco had the powerful effect of getting them addicted to the substance.

So overall, I would like for this comprehensive bill to get passed because it is really important and it would really be an attempt to improve the health of those who use tobacco. Please **support HB 826** and help everyone in our society and cause better habits in our lives.

To: Chair Sen. Dela Cruz, Chair Sen. Rhoads and members of the Ways and Means and Judiciary Committees

I support HB 826 because I believe e-cigarettes are even more dangerous than other tobacco products because they are so attractive to teenagers and have been made to be easily hidden from adults. If anything, e-cigarettes should be regulated more than other tobacco products.

The high nicotine levels found in e-cigarettes is detrimental to brain development, heart and lung health, and our future. The flavors of e-cigarettes are what attracts youth to try them. If the flavors are banned then the vape would not taste as good and, hopefully, younger people will be less attracted to vaping.

The vape companies have made it easy for people in my community to order e-cigarettes without actually being 18 years old. Because of this, the spreading of e-cigarettes has turned into a national epidemic.

Please support HB 826 and regulate e-cigarettes like other tobacco products.

Valerie Wong
Honolulu

To the Senate Ways and Means and Judiciary Committees

I am writing in support of HB826 because many of my friends think e-cigarettes are not that harmful to our bodies compared to traditional cigarettes. While the health impacts of traditional cigarettes are well known, many are unaware of the health risks associated with e-cigarettes, they could be even more harmful to our body.

Flavors, menthol in particular, makes e-cigarettes easier to start using and makes it seem as if they are safe. Also the industry has made e-cigarettes cool looking, easy to hide and easy for those under age to buy.

At UH Manoa where I'm studying I see many students using e-cigarettes, despite the campus being tobacco-free. Most are under 21 and yet have no problem buying them. I don't want to see my friends and classmates addicted to tobacco products. Please support HB826.

Thank you for your time.

Alexander Ham

Dear Sen. Dela Cruz, Sen. Rhoads and Senators of the Ways and Means Committee and Judiciary Committees,

My name is Kayla Okahara-Olsen and I am a high school junior from Hilo. I am writing because I strongly support passing HB826. Besides being in high school, I am also the youngest child of 3. Many of my family, friends, and peers revolve their lives around e-cigarettes. Whether it be walking into a classroom full of clouds or into my own house filled with the fake fruity and sweet smells from e-cigarettes. Growing up, many people continue to try and pressure me. When I said no to "hit it", a lot of people started calling me scared and unpopular. Sometimes the peer pressure got to me and I wanted to try using e-cigs, but I stopped myself because I see my family and friends actually being the ones hurt. I can easily tell that they are addicted to the nicotine from e-cigs and they can't make themselves stop.

Since e-cigarettes have nicotine, which is derived from tobacco, I believe that e-cigarettes should be regulated the same as other tobacco products. Not only that, e-cigarettes also contain many dangerous chemicals and carcinogens. Recent research shows, youth using e-cigarettes has increased to 1 in 3 high school students within the last 30 days. "Sour patch" and "gummi bear" are popular e-cig liquid flavors but I also know a lot of students who had menthol juice, which reduces the irritation and harshness when using e-cigs, making it all more addictive. Expanding the ban of e-cigarette flavors to include the ban of menthol for both e-cigarettes and tobacco products, will lead to a large decrease in vaping within my community and other youth.

However, I don't think it is right that teens have to be penalized for using e-cigs. Why are people my age paying the price when it is vape companies who created the trend and made everyone who doesn't use e-cigs seem not cool? My friends need help, but if you can make our corner store not sell the e-cig products, my friends (and family) won't always have to be fighting their urge to vape everyday. Stopping the cause (e-cigarette and tobacco companies that target people my age) is how to fix the effects, which is the huge amount of youth who are vaping. Please help us by supporting HB826, thank you!

Kayla Okahara-Olsen
April 4, 2021

April 4, 2021

To Chair Dela Cruz, Chair Rhoads, and members of the Ways and Means Committee and Judiciary Committee:

I'd like to start by thanking you for your time. I am Shaneille Ramos, and I am writing from Keaau on the Big Island, in support of HB 828. In my school, when we ask to use the bathroom, we have some teachers who ask "*why didn't you go during lunch or recess.*" But, we did go into the bathroom on our 30-minute lunch break. However, before even getting to a stall we had to leave. What was the reason? There are so many students in the bathrooms vaping and smoking that it is uncomfortable even being in there for a minute. The security and admin are doing their best to try and fix the situation, though sometimes, their best solution is to just close the restroom.

A way to solve this is to completely ban flavors that everyone uses, and I always smell in the bathroom. Flavors have the ability to reduce the harshness, and bitterness of the chemicals when used. It also hides the nicotine in the products which allows the users to be more addicted towards the e-cigarette products. As youth and young customers become addicted to e-cigarettes, they will more than likely make the switch to regular cigarettes, which big tobacco companies need to replace the older (and dead) customers. Though secondhand e-cigarette smoke doesn't affect me right now, it does affect my peers who are special and are using the same bathrooms as me. Now more than ever with the coronavirus and possibly a new strand of it, we have to act on e-cigarette use. E-cigs correlate to lung disease, mental issues, and our overall health. The key factor in regulating e-cigarettes at this time (with e-cigs being more popular around all age groups and being stuck at home with it most of the time) is access. By banning all flavors of e-cig juice, access to the poisonous nicotine is greatly reduced (because students my age won't like the flavor of the chemicals anymore and stop vaping before they get addicted). Also, e-cig products should be taxed like other tobacco products because they both contain nicotine. With the extra cost, the students at my school won't be able to afford their bad habits.

Overall, I strongly believe that both a ban on all flavors and a taxation similar to all other tobacco products will deter the students who vape at my school. I strongly support HB 826 (and encourage you to do so as well)! Especially in these times, we cannot risk more harm to anyone's lungs.

Thank you,
Shaneille Ramos
Keaau, HI 96749

Aislynn Unga
April 4, 2021

Dear Chair Dela Cruz, Chair Rhoads, and members of the Committee on Ways and Means and Committee on Judiciary:

My name is Aislynn and I'm from Kailua. I am in strong support of HB 826. I am keenly aware of how easily accessible e-cigarettes are to me and my peers. I know people that always keep some sort of e-cigarette product on them at all times, and they're constantly using it. They become dependent on it in a way that they're aware of, but don't mind. For them, they believe that they use it because they enjoy it, that it's a choice they make. I believe they may be unaware of the unhealthy dependence and borderline addiction they have with e-cigarette products.

I believe that the current lax regulations on e-cigarettes when compared to other tobacco products is one of its biggest selling points. Those who are trying to get tobacco products without hassle, especially youth, will be more drawn to accessible products like e-cigarettes. Menthol flavoring, in particular, is a huge selling point of tobacco products. I've seen people use it and it makes using e-cigarettes more palatable for beginners. But through banning menthol flavors, we're taking away that idea that tobacco is something 'light' or even 'easy to digest.' Tobacco is a seriously addictive drug that no one should be using. When it comes to online e-cigarette purchases, it is pretty prominent. Many people at school buy their e-cigarette products (flavor pods, devices, etc.) online, along with buying for others as well. Some students even sell their e-cig products online. For many, it not only offers a fast route to e-cigarettes, but a way to profit off the sales of it as well.

But I also believe that youth should not be punished for the fault of big corporations. It has been proven that big tobacco companies target youth as one of the biggest consumers of their products. This can be seen through their advertisement of over 16,000 different flavors of vape. 30.6% of high schoolers and 17.7% of middle schoolers use e-cigarettes JUST in Hawai'i. These companies are profiting off of these sales, while many youth are left with possible addiction and other health-related issues. Big tobacco companies need to take accountability for the repercussions of their sneaky marketing targeted towards youth.

By adding stricter regulations on e-cigarettes, we may disinterest those who used or want to use e-cigarettes but now no longer can easily access those products. I hope that you'll help the youth in Hawaii by passing HB 826! We cannot delay this!

Jaelyn Natividad

April 4, 2021

Aloha,

My name is Jaelyn Natividad and I strongly support HB 826; I hope you will too! I am from the Kalihi area, where many of the teenagers openly smoke here. I believe we need to regulate e-cigarettes and other tobacco products because maintaining and controlling these products will decrease the amount of targets on our youth. Big tobacco companies manufacture e-cigarettes and are marketing towards the youth in Hawaii. E-cigarettes have impacted those around me because they all say it's good and helps them relieve their stress. But I don't think so, I believe they are addicted to the nicotine from e-cigarettes. Rather than trying other methods to relieve stress, like taking a nap, getting fresh air, or going for a walk, they always go back to their e-cigarettes.

To address this It is important to also ban all flavors of e-cigs, **including menthol**. All flavors need to be banned because the fruity and sweet ones appeal to young children especially, while methanol flavors drive the sales of cigarettes and e-cigarettes for older teens and adults (because it cuts the harsh taste of the tobacco/nicotine and chemicals). Online purchases need to be stopped because online sites don't bother to ask and verify any information about age. You just press the "I am over 21" button. This is an easy access and easy target for our youth.

We need to encourage these youth addicted/using e-cigarettes to turn a new leaf and have them share their stories with others who may be struggling with the same problems. Rather than punishing them, we should give resources to recover and outlets to help others. It takes a village to help any community who is struggling with addiction.

In short, **please support HB 826. My Kalihi community especially needs legislation to help push the people here to quit their dangerous habits and change for the better.** Our health, community safety, and community relationships will all benefit from more effective regulation on e-cigarettes (and tobacco products in general). Thank you for your time!

April 4, 2021

To: Senator Dela Cruz, Senator Rhoads, and Members of the Ways and Means Committee and Judiciary Committee.

My name is Emily Brown and I am a **strong supporter of HB826**. I believe this bill should be passed to protect peoples' health. My grandparents deaths were directly linked back to smoking. Even though my grandfather had lung cancer, he still continued to smoke. Many of my relatives use tobacco products despite watching our grandparents die because of it. My little cousins are affected because they are witnessing our family smoke regularly and might grow up doing the same. I want my family to understand that smoking affects them not only individually, but future generations to come.

I believe we need to regulate e-cigarettes the same as tobacco because they contain nicotine and other addictive chemicals. E-cigarettes have more appeal than regular cigarettes through flavors, thus drawing in youth and more. In particular, menthol uses a minty flavor to mask the taste of nicotine, just like all the flavors do. This makes it easier for youth and adults to continue to use these products because they taste better. Also, there are numerous amounts of health risks. Teens who use e-cigarette products are likely to become smokers when they are older, leading to numerous health issues. There are many kids today who are dying and contracting severe health conditions due to e-cigarette and tobacco product use. Menthol also needs to be included in the flavor ban because it can cause seizures, coma, death, skin and eye irritation. It is important for menthol to be included in the ban because menthol doesn't only make nicotine taste better but it is toxic for our bodies too.

My community has been affected by e-cigarettes because many youth use them. I can confidently say that the majority of teens in high school have vaped or tried vaping because I witness it. I am surprised that youth have easy access to e-cigarettes that there are some high schoolers selling products online. The level of access is unbelievable because it is easy for teens to get their hands on products, which can lead to more youth vaping. It is truly a pandemic that is spreading fast.

I believe that youth penalties should not be included in the bill because going to juvenile detention and/or being labeled as a "delinquent" can be life changing. There are other ways to help improve smoking cessation among youth. Some solutions might be using or creating education programs, rehabilitation programs, and a safe way to get kids back on the healthy track.

I strongly believe this bill can help many people in Hawai`i. Please **support HB 826** so that we can lower smoking among youth, reduce health issues, and overall have healthier communities. Thank you,

Emily Brown
Kaneohe, HI

April 4, 2021

Dear Senator Dela Cruz - Chair, Senator Keith-Agaran - Vice Chair and Members of the Committee on Ways and Means. Senator Rhoads - Chair, Senator Keohokalole - Vice Chair and Members of the Committee on Judiciary,

My name is Zoey Duan and I would like to express my support for HB826. I believe e-cigarettes need to be regulated the same as other tobacco products because they are a prevalent problem that has disproportionately affected underaged youths. There is a lack of administrative control and regulation which has allowed countless illegal sales where underaged individuals are purchasing these products. Additionally, e-cigarettes and other tobacco products contain chemicals such as nicotine, as well as flavors that are purposely used to hook young people to use these tobacco and other similar drugs. Menthol is a type of flavor that has been marketed by tobacco industries to target youths, Native Hawaiians, and other minority groups into using their harmful products.

I strongly believe that we need effective methods to help steer youths away from drug abuse, however a youth penalty is not one of those methods. It will only cause negative tensions and stigmatizations between the State and youth which might cause people to be reluctant in complying with regulations.

When I was younger, I lost my grandfather to lung cancer due to his tobacco use. At this time, the dangers of tobacco and nicotine were unbeknownst to me, but as I got older I learned more about its detrimental impacts on the human body and mind. As I continued to educate myself on the topic, I realized that the deadly effects of tobacco did not end with my grandfather. Rather, it has been slowly eating away at millions of people in the U.S. each year. In fact, some of my own friends and acquaintances have fallen prey to the death trap that is tobacco. I try my best to convince them to reconsider their choices, saddened because I knew what the path with tobacco will eventually lead to if nothing is done to stop or prevent it. I know it is extremely difficult to get them and other youth to stop using tobacco products when there is a lack of government regulation. As a result, it makes it easy for many to obtain and abuse these products.

Therefore, I believe it is essential for the lives of my friends and the lives of countless youths in Hawai`i to impose strict regulation and strict enforcement to curb the use of e-cigarettes, menthol, and other addictive tobacco products. In order for change to happen, I ask for your support in passing HB 826! Thank you very much for your time.

Zoey Duan
Liliha, HI

April 4, 2021
Carissa Angelize Esta

To Chair Donovan M Dela Cruz, Chair Karl Rhoads, members of the Ways and Means Committee and Judiciary Committee:

My name is Carissa Angelize Esta and I am a strong supporter of HB826. The usage of e-cigarettes is not safe because they are just as addictive and bad for our bodies like other tobacco products. The availability of flavors make it tempting, especially for youth, to try which could lead to addiction due to nicotine.

I know many young e-cigarette users are probably purchasing more to satisfy their addiction. They can easily obtain e-cigarette products by purchasing it online or from people they know. Personally, I think e-cigarettes should not be sold online at all because even if an age restriction were placed, young people will still find a way to obtain them. This is why regulation must be stricter to prevent young people from using e-cigarette products.

I have family members who started smoking cigarettes at a young age and continue to today. I would have conversations with them and they asked how I would behave in the future. I told them that I will never drink alcohol or do drugs when I get older, however they do not believe that is realistic because they also thought the same way when they were my age. I made a vow to never do drugs or alcohol, and have never tried them. However, I do admit I was tempted to try an e-cigarette because I was curious. I easily overcame this temptation, but there are many youth my age who fail to do the same and give in to their curiosity.

I strongly support this bill and believe that youth should be punished if they are using these products. However, I do not think they should face penalties. I think the only form of punishment they should get is from their own family. I hope young people use less drugs, but having a penalty for it may cause more harm than good.

I hope you **support HB 826** because it can help reduce the amount of young e-cigarette users and improve health. I believe that with your support, we can make this a reality!

Thank you!
Carissa Angelize Esta
Waipahu, HI

Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means
Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

I **strongly support HB 826**. The sale of flavored tobacco should be banned in Hawai'i. My name is Kourtney Kwok and I am a recent graduate from Punahou School. I was always aware of the problem around tobacco, but it wasn't until two years ago that I first realized how troublesome the issue was becoming. When I learned that more than half of my younger cousin's class vaped, I knew this was a serious issue. She was only in middle school and yet kids her age were using drugs. Now, with COVID-19 putting smokers at a higher risk of contracting the virus, this issue is becoming evermore pertinent. I hope to end the youth vaping epidemic because I want to protect the health of kids like my younger siblings and cousins.

Tobacco, whether it's in the form of a cigarette or vaping liquid has significant effects on a child's brain development and overall health. There are hundreds of different carcinogenic and dangerous chemicals found in tobacco products, such as arsenic, formaldehyde, and cadmium. Formaldehyde is used to preserve dead bodies – this shouldn't be what Hawaii's youth is putting inside themselves. Young kids end up using these products mainly because of the various flavors offered, and in fact, 97% of youth who do vape are using flavored e-cigarettes. There are over 15,500 unique flavors; for kids unaware of the harmful effects, this is what can hook them into using this dangerous product. Big Tobacco companies use this to their advantage by marketing flavors in ways that are familiar to children. They use packaging and designs similar to name brand candies, cereals, or local flavors to appeal to a younger audience. For example, there are products named "Hawaiian POG" or "Halawa Guava". These tricky marketing strategies mask the harmful effects of the drug.

By banning the sale of flavored tobacco, it would prevent kids from getting hooked into using these products. The law may state you need to be 21 and over to purchase these items, but those who are underage still manage to get a hold of them. In 2019, one in three of Hawai'i high school students and one in five middle school students reported a "current use" of e-cigarettes. Ending the sale of these addicting and enticing flavors would stop kids from continuing or joining. Education does play a role in prevention, but so does stopping the source as well. Without cool flavors to choose from, many youth would be discouraged from starting in the first place. This is why completely stopping the sale of flavored tobacco is important.

Understandably, there is a portion of adults that use flavored e-cigarettes to quit smoking. Banning flavored products would hinge on the variety of resources they have to help them quit, but it won't prevent them from quitting. There are still nicotine gum, patches, and lozenges, and even prescription medications available. Moreover, the risk on youth greatly outweighs the inconvenience on adults. A 2017 study by

Dartmouth-Hitchcock Norris Cotton Cancer Center found that for every adult that uses e-cigarettes to help them quit smoking, 81 youth that vape will become a smoker. Is this a risk that Hawai'i wants to be taking?

Whichever side of the argument you fall on, at the very least this action should be taken. Yes, this decision will affect businesses and adults who choose to use tobacco, but it will also save the lives of children in our community. Placing this bill into law will prevent kids from ever getting the opportunity to try using tobacco and protects them from a lifetime of nicotine addiction. Even more so, with the risk of COVID-19, it would prevent our keiki from becoming susceptible to this disease. While it is inevitable for there to be economic repercussions, I believe it is a necessary sacrifice we should all be making. When it comes to the health of those around us, especially of those in the next generation, it is an issue we should take seriously. By enforcing this bill, we can be one step closer to ending this epidemic.

Sincerely,

Kourtney Kwok

Patricia Foronda
April 4, 2021

End the Youth Vaping Epidemic! Support HB 826

My name is Patricia Foronda, and I am a current sophomore attending Damien Memorial School. I have always been surrounded by the complications that tobacco causes, ranging from experiences regarding my classmates to my close friends and family members. It was only recently that I realized how distressing the problem was, and how many of my acquaintances suffered under its unnoticeable consequences.

Tobacco, especially in vaping products, causes irreversible effects on an adolescent's brain development and overall bodily functions. Containing flavors such as Cotton Candy, Gummy Bear, and Lemon Lime Drop, it is no doubt that vaping corporations are targeting our nation's youth, regardless of having knowledge of the dangerous repercussions tobacco inflicts.

Restricting the sale of vape flavors that appeal to children is imperative in preventing them from a lifetime of addiction and organ failure. Additionally, despite companies gaining noticeably less profit from the cut of these products, it is a prime sacrifice that we need to be making. As a teenager who has seen how harmful vaping can be, I believe that through the enforcement of this bill, our society may be one step closer to terminating this epidemic. I implore you to support **HB 826** to protect youth and your loved ones from an irreparable tobacco addiction.

Dear Chair Dela Cruz and Chair Rhoads, and committee members of the Ways and Means and Judiciary Committees,

I support HB826 because I believe e-cigarettes are just as dangerous as other tobacco products, if not, worse. The flavors make them more appealing to underage users and I have heard many people say they can easily just order them online with no problem. Doing a quick google search for “juice 30mg” will pull up loads of websites where the age verification is just a pop-up up saying “you must be 21 years or older to continue”. I even know of people who are of age but hook up underage kids with e-cigarettes, which is disgusting.

My friend who uses e-cigarettes now has terrible stamina and we can no longer go surfing together because she gets tired so easily. My friend’s friend got in a car crash when he was “redripping” his vape device while driving on the freeway. My friend’s friend who is younger than us even let his little brother (who is only in middle school) use his e-cigarette and he is now addicted as well.

Please help protect our keiki by supporting HB826! There are too many people affected to not take action. Thank you for your time.

Sincerely,
Lauren Kam
Pearl City

April 4, 2021

April 4, 2021

I am writing in support of HB826. I believe that we need to regulate e-cigarette use the same way as tobacco products because it'll have lasting effects for young bodies that are still developing, such as middle school and high school students. Although, I've heard that it's being used to help cope with the pandemic, it still will leave lasting health issues in the future, especially for people who need their physical bodies at their best for careers like athletics. It could affect their dreams and aspirations while only getting temporary relief.

Flavors in particular are one of the many reasons I believe that e-cigarettes are very appealing to kids. Hearing that they can follow this trend, they might use it because they want to look "cool" and blow smoke that smells like cotton candy, green apple, strawberries, and more. If there were no flavors and e-cigarettes only tasted like tobacco, then I think kids wouldn't want to vape or use e-cigarettes as much because it's distasteful.

I know many kids that use e-cigarettes. Personally, I've learned to not associate myself with people who have unhealthy habits, for the sake of myself and to keep me away from temptation. Also, e-cigarette products are very accessible because I know that in Kalihi, there are most likely "plugs" or people who are able to sell vape/e-cigarette products. Due to this, I believe there should be stricter regulations on purchasing and selling of tobacco products like e-cigarettes.

I believe there should not be youth penalties because in the end as many have heard the saying, "curiosity killed the cat". I believe that oftentimes people get into those e-cigarette habits because they want temporary relief when they are experiencing struggles. As a solution, if we provide more open resources for students and kids, then maybe it could result in lower e-cigarette use, in addition to banning flavors and having stricter regulations.

I hope you can help this bill pass so that we can keep people from the harms of e-cigarettes and tobacco products. Please help by supporting HB826!

Sincerely,

Elizabeth Lacambra
Kalihi

My name is Hayden Mandaquit and I am a supporter of **HB826** because flavored products hook many kids and young adults, who don't know what they're getting themselves into, to a lifelong addiction. I say “lifelong” because that want or need will only grow and quitting can feel impossible because the thought or need to smoke/vape will never really go away. It will always be there and the only way to help the many lives who are tormented because they want to quit but somehow can't is by banning e-cigarettes and menthol flavors.

One of my neighbors got into drugs and smoking which led him down many bad paths that he deeply regrets. He used to steal from his family, and even to the point where they had to lock their doors at night because they thought he might do something that could hurt them. This then placed him in jail and made it extremely hard for him to find a job afterwards. He struggles trying to turn his life around but that will always be a part of him.

Also, one of my middle school friends almost got addicted which is scary because she is totally against smoking. This shows how intimidating and tempting these products can be to not just me or my friends, but anyone.

There are days where I see kids, who are probably in their first year of middle school, walk up and down my street with a flavored e-cigarette product passing it to each other. I also see regular people on the side of the street smoking a cigarette with several packs next to him, which then goes to say how easy it can be for someone to get their hands on a e-cigarette.

Hawaii has the highest rate of middle and high school users in the U.S. which is shocking how these young adults who are not 21 yet still get their hands on flavored menthol and e-cigarettes. Hawaii is not the highest rate of young adults in only a few states, but the highest in the entire country. It is unbelievable and devastating knowing many kids are jeopardizing their health and life to an extremely addictive product and many think it has no impact on their health.

This bill should be supported so we can decrease the number of people addicted to e-cigarette products. **Please help make Hawaii a healthier state by providing your support for HB826!**

Thank you,
Hayden Mandaquit
Waipahu, HI

April 4, 2021

I am writing in strong support of HB 826. E-cigarettes and tobacco products are marketed in a way that makes them desirable to youth. Before they are able to make informed decisions, they are targeted as consumers by the industry.

The flavors change the way people perceive vaping. They make the act of vaping more enjoyable. If it tasted of tobacco, less people would be inclined to vape. I've lost count of the amount of peers I've seen vape. Many of them are vaping in school and even during class. More and more of my peers are smoking and vaping. Friends of mine who have sworn they'd never vape, have done it. They vape because it's easy to get your hands on, but they more than likely never would have if it cost more and was more difficult to get and knew the health risks.

So many young people are vaping without any actual knowledge of what it is doing to their bodies. They do it because of targeted marketing, peer pressure and fear of not being accepted. Once they try it they are hooked by the high levels of nicotine in these products.

Please support HB 826 and help keep youth from starting to vape and helping those that are addicted.

Arie Queja
Kapolei

To: Chair Donovan M. Dela Cruz - Ways and Means Committee
Members of the Ways and Means Committee

Chair Karl Rhoads - Judiciary Committee
Members of the Judiciary Committee

Re: Support for HB 826

From: Haley Herrera

It took years to figure out how cigarettes kill. E-cigarettes are new and affecting young people at alarming rates. We may not have the data yet to tie e-cigarettes to cancer but what we do know is bad enough, we need to end the Youth Vaping Epidemic now!

The Tobacco Industry has long used flavors to appeal to its audience and e-cigarettes are no different. My papa died from cigarettes which makes this very personal for me and I don't want to see any more of my peers get tricked into using tobacco products like he did.

Almost everyone I know vapes, in part because of how cheap and easy they are to get. HB 826 would increase the cost by taxing e-cigarettes like other tobacco products as well as close the online option which makes it so easy for my peers to buy. Along with eliminating flavors these are steps needed to address this epidemic.

My name is Ciara Mae and **I support HB 826** because I believe that we need to regulate e-cigarettes the same as other tobacco products. They are all harmful towards our body and also towards other people. Smoking and vaping not only affects you but the people around you due to second-hand smoke.

It is also important that **menthol** flavors be included in the ban for both e-cigarettes and other tobacco products because this is a reason why some people start to use tobacco and get addicted. Many people will think menthol will not be harmful because it tastes like candy or it smells good.

There are many stories as to why people around me vape or smoke. For example, starting from intermediate and even to now, many of my peers vape because it is like a "trend" or to be "cool". The tobacco industry targets us with messages to create this. Another example is that many of my peers vape because they wanted to try it out and follow the bandwagon, they see influencers on social media and want to be like them and now they got addicted from the high nicotine levels. They are dependent on it and they are feeling more stressed because the nicotine gets to them and they can't stop.

There should be more attention on the amount of people smoking and vaping, not only does it affect their health but a simple "habit" could lead to something far worse in the future. It may seem like it has no effect now but it slowly attacks your body, therefore these companies shouldn't be targeting children or anyone at all because it is not beneficial in any way, shape, or form.

The easy access to e-cigarettes has impacted my community by giving children, teenagers, and young adults an easy opportunity to buy it. There are some people who aren't aware and educated on the effects of vaping. I believe that youth penalties should not be included. Instead of punishing youth that have been targeted and are now addicted, we should help them, educate them and focus on the real problem which is the companies selling these products.

Ciara Mae Francisco
Waipahu

Chair Dela Cruz, Chair Rhoads, and members of the Ways and Means Committee,
and Judiciary Committee:

I support HB 826 because we need to regulate e-cigarettes like all other tobacco products because they all cause harm to the body.

My dad caught cancer from chewing tobacco and had to go through multiple operations in his mouth to help with it. Thankfully he is now cancer free.

My mom smoked American Spirit cigarettes most of her life, and like many people thought their claims of being natural, additive free and organic meant it was healthier and safer. When my dad got sick it was a wake up call to quit. She tried vaping with menthol flavors to quit but that didn't work. Thankfully though, she was able to quit on her own.

It is important to me that flavors, including menthol, are banned in all tobacco products. Menthol makes it easier to start and harder to quit. By ending the sale of flavored products we can prevent kids from falling victim to the tobacco industry the way my dad and mom did and keep them from ever starting down the path to addiction and possibly cancer.

We need to end this and punish the companies that target kids and not the youth that fall victim to them.

Please support HB 826.

Ocean Lancaster
Wahiawa

In support of HB 826

Flavors of e-cigarettes make it desirable for younger children and teens to try. This can start a nicotine addiction. My friend's younger sister and her friends in elementary school have already started vaping. How did they get access to it? Through one of their peers' older siblings who is also under 18. There needs to be a restriction on who can buy. It is so terrible that people underage can easily buy these dangerous products, just by going online.

E-cigarettes contain dangerous chemicals that can unknowingly harm users. This is also a new form of smoking that has not been thoroughly studied enough and may have long-term negative effects. But we do know some short-term effects already. Practically everyone now is smoking and many have gotten what is called "popcorn lungs". We don't need anymore people with obliterated bronchioles.

Therefore I strongly urge you, Chair Dela Cruz, Chair Rhoads, and members of the Ways and Means and Judiciary Committees, to support HB 826 Thank you for your time.

Sincerely,

Sara Cheng

Honolulu, HI 96821

To: Chair Donovan M. Dela Cruz - Ways and Means Committee
Members of the Ways and Means Committee
Chair Karl Rhoads - Judiciary Committee
Members of the Judiciary Committee

Re: Support for HB 826

My name is Kristin Lau and I am a university student. I strongly support HB 826. I believe we should regulate e-cigarettes the same as other tobacco products because *both* products are highly damaging to the health of the youth and adults in Hawai'i.

I believe banning the use of menthol flavors will quickly eliminate the use of e-cigarettes and other tobacco products because many of the youth look to menthol flavors to continue their addiction to vaping. I have heard some people say that they use menthol flavored e-cigarettes to quit smoking conventional cigarettes, but research has shown that menthol flavors do not actually help you cease using cigarettes. In fact, the rate one successfully quits smoking is actually slower than if you didn't use menthol flavored tobacco products at all. Taking those flavors away from those who smoke cigarettes whether e-cigarettes or other products, will potentially help all communities of Hawai'i to improve their health physically and mentally.

As a student interested in Public Health and protecting the future of Hawaii's youth, supporting HB 826 is extremely important! This is one small step that we must take to ensure Hawaii is no longer targeted by Big Tobacco as the "Menthol State."

Thank you for your time and consideration, and again I ask you to please support HB 826!

Kristin Lau
Manoa, Hawaii

April 4, 2021

Chair Dela Cruz, Chair Rhoads, and members of the Ways and Means Committee and Judiciary Committee:

I am in very strong support of HB 826 because e-cigarettes have impacted my peers at schools. I know so many people that use them when they should not have access to them. They vape in the bathroom which is disrupting their education and many are also being expelled for long periods of time which is a disciplinary act but also terrible because they are missing weeks and even months of education.

E-cigarettes are impacting the youth and the nicotine products inside of them are extremely addictive more than regular cigarettes. Many teens try to stop but they are addicts and it is hard to get help especially when they're parents don't know. Therefore I believe there needs to be a ban on flavors, so youth don't even get addicted (because with no flavors, the e-cigarettes are not as appealing). I also believe that menthol flavors should also be included in the ban for both e-cigarettes and other tobacco products because it is also a harmful chemical being added to these products and it is also resulting in addiction (as it takes away the harsh flavor of tobacco and other chemicals).

Like I mentioned earlier, the consequences that youth face (because they are being targeted by Big Tobacco companies) is the disruption of important school education. Putting penalties will only further disrupt youth's education to a greater extent. They are missing weeks and months of education and that is concerning in the long run; they should not be forced to pay hundreds of dollars on top of that. They might not be able to graduate and decide to drop-out and end up believing that they have failed in life.

Therefore, I ask that you also strongly support HB 826, not only for the youth's health, but also their future.

Thank you,
Miriam Martinez
Captain Cook, Hawaii

I am writing in **support of HB 826**.

E-cigarettes are really popular among the people in my age group and it's easily accessible to people my age. It needs to be more restricted and less accessible, so those people who are underage won't be able to get their hands on e-cigarettes products.

Even when I was in middle school a lot of my friends started using e-cigarettes for fun at parties or during times they would hang out with their friends. Now, most of them are addicted to it with low grades and no life goals. Some of them are even high school dropouts with a low-paying job that they can barely survive on.

Flavors are what makes many people want to try e-cigarettes. It's a smart marketing trick used by big tobacco companies that negatively affects their audience. Menthol flavors can be more addictive to those who partake of e-cigarette products.

I think e-cigarettes need to be regulated like other tobacco products and we need to end the sale of all flavored tobacco products, including menthol. Please support HB 826.

Toetu'ua Leota
Ewa Beach

To: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means
Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

Re: Support for HB 826

Date: April 4, 2021

From: Stephanie Hicks

We need to regulate e-cigarettes the same as other tobacco products because we already know that they cause serious health issues. Unlike regular tobacco, we do not know the long-term effects of e-cigarette usage, since it has only been around for a fraction of the time tobacco has. Also, It is important that menthol flavors be included in the ban for both e-cigarettes and tobacco products because the flavors are oftentimes what attracts the younger generations and gets them to start vaping. Many children report starting by using menthol products and switch to harsher products, like cigars and cigarettes, afterward. Additionally, menthol flavors increase lung cell damage, even without nicotine, at any age.

Growing up, my mom, dad, and both grandparents were smokers. My earliest childhood memories involve my parents and/or grandparents smoking cigarettes or cigars. Now, my grandparents both have COPD, and have recently been diagnosed with lung cancer. This came as a shock to me and my family, as my grandparents are only in their early seventies. Because of this, I have become more conscious about what goes on around me. As I walk through the halls of my school, I see countless people who vape, or even smoke. I've had friends who have been hospitalized for collapsed lungs. Perfectly healthy athletes with one thing in common: they vaped. It is really sad to think about how my grandparents may never get to see me graduate college, or get married, and now I wonder if my high

school friends will either.

The easy access to e-cigarette purchases online has impacted my community greatly. Every time I go to school, I see someone vaping, or buying an e-liquid or an e-cigarette device off of someone. Eventually, once the user is addicted, they no longer have to buy it from their classmates; they can go online and buy it. I believe that this is an unhealthy cycle. Someone buys a device/liquid off of someone else, the buyer becomes addicted, goes online to buy more devices/liquids, and sells them to other people, often younger. This cycle is unfair, and will not stop until e-cigarettes are less accessible.

I believe that there should be no youth penalties included in the bill. Addiction is a disease, and it is never the victim's fault. Plus, many big tobacco/e-cigarette companies have admitted that they target children with their advertisements. In fact, as more money was spent on advertising, more children began to vape and smoke. Because of this, I do not believe there should be any penalties involved, since they were ultimately targeted by corporations to begin with. If punishments are involved, I believe that children will be less likely to come forward and get the support they need.

Chair Dela Cruz, Chair Rhoads, and members of the Ways and Means Committee
Judiciary Committee,

I support HB 826 because my uncle was addicted to cigarettes for most of his life, and not surprisingly he had lung cancer and passed away a few months after the diagnosis.

I feel e-cigarettes are as harmful to health as other tobacco products, and can cause death. Youth and children are not aware of this and think they are not the same. The tobacco industry uses flavors like menthol because it makes initiating the use of e-cigarettes and other tobacco products easier among the young age group making it easier to get addicted and harder to quit. Because of this I believe menthol should be included in any flavor ban.

Another concern is that online purchase makes it easy for anyone to buy e-cigarette including kids. During the stay home order, Amazon boxes are all over my neighbors' doors. It should not be that easy for kids to buy as many e-cigarettes as they want.

More tobacco usage means more chronic illness, which also means a heavier health care burden. We don't want to see cancer and other diseases impacting younger generations. Please support HB 826.

Keanna Lau
Honolulu

To: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

Re: Support for HB 826

Date: April 4, 2021

My name is Madison Makishima and I support HB826.

We need to regulate e-cigarettes the same as other tobacco products because they are ultimately harmful to the body's immune system and long term e-cigarettes use will cause similar effects to smoking.

My friends who smoke e-cigarettes don't know how truly bad vaping is for their health or that even second hand smoke from vaping can harm others. They have been misled by the industry and made to believe they are safe, as e-cigarettes have been marketed as safer than regular cigarettes.

Young kids and teens can easily access e-cigarettes online but don't penalize the ones that are addicted, it's not their fault, the penalties should be on the companies that make these dangerous products and market them to kids.

This issue is important to me because I have a grandma who currently suffers from long term effects of smoking cigarettes and I've seen what happened to her in the process of trying to recover. I don't want to see my friends go through the same thing.

Please support HB 826 and regulate e-cigarettes.

Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee

I want the Youth Vaping Epidemic to end and I support HB 826.

I believe that tobacco products should be regulated like other tobacco products. E-cigarettes can be found in the hands of children as young as middle schoolers. E-cigarettes may seem healthier solutions for adults seeking to quit smoking but are harmful in the hands of keiki. Nicotine and tobacco are highly addictive chemicals that should not be in a child's developing body.

E-cigarettes are the only tobacco product without a tobacco tax creating an incentive to buy e-cigarettes. In addition to the many flavors that e-cigarettes come in, it is aimed towards children. Menthol and other flavors are the things that hook kids the most onto vaping. It is highly unlikely that an adult would buy very sweet flavors like "Cotton Candy." Such incentives of e-cigarettes are targeted to a younger audience that does not know any better.

Although it is the children who get hooked, youth penalties should not be included in a comprehensive bill. It is not the fault of the children that e-cigarettes are easily accessible and addictive. It is the fault of the tobacco industry who targets impressionable children to buy their products. The tobacco industry should be penalized and not the children.

I have my own experience of how tobacco has affected my family. My grandfather started drinking and smoking at a young age. He had a tobacco addiction well into his adult life, unknowing of the many life-threatening effects it has. In 1999, My grandfather had a stroke that left him almost paralyzed. He was just 58 years old. He was given 6 months to live, but surpassed it and lived for 14 more years. In those 14 years, he lost the ability to walk, talk, eat, and live life. He was also diagnosed with chronic obstructive pulmonary disease (COPD), which is known to be caused by smoking. As I grew up, I never created a

connection with him. He was going in and out of hospitals. He was either sitting in a wheelchair or laying in his bed. He had to be fed but towards the last years of his life, he was fed through a feeding tube. I knew he wasn't going to get any better. He passed away on April 30, 2014, at the age of 72, in the then St. Francis Hospice in Ewa Beach. I was 9 years old. Now at 16 years old, I regret not appreciating him when he was alive. No child should see their grandparent struggling to live. Every child has the right to love their grandparent. Children should not be a victim of tobacco in any shape or form. This is why I want to help end this problem.

Tobacco and E-cigarettes wreak havoc on this generation and especially on the children. They do not know how it will affect them in the future. Children should not be seen as a statistic or a valued customer. Please help put a stop to this by supporting HB 826.

Nichole Bondocoy
Ewa Beach

April 4, 2021

Chair Dela Cruz, Chair Rhoads, and members of the Committee on Ways and Means, and Committee on Judiciary.

My name is Aubrey Ahana and I am a strong supporter of HB 826. E-cigarettes are clearly killing people whether it be from an exploding battery or people getting diagnosed with diseases that could kill them. I'm highly against the increase of drugs and alcohol because it is truly destroying lives, not just for those that are using the substances, but for those who know people at risk of dying due to these substances.

Tobacco companies make different flavors so more people would buy their products. Even though menthol flavors don't seem like much, they still have the exact same amount of nicotine that every other flavor has. Just because it tastes different, it doesn't mean the nicotine or chemical in general is less.

Many people I know who use e-cigarettes get it from family members or mainly from people they know. At my last school, kids got e-cigarette products from upperclassmen. I know this because a couple friends of mine got their e-cigarette products from upperclassmen, or shared their vapes with each other. Others would buy vapes from other sources too. We must have stricter regulations so youth will have a harder time accessing these products.

I do not think youth should be penalized. Youth have no idea what they're getting themselves into and not every single kid knows what they're doing. People have high expectations for kids and teens thinking that they're adults and that they have their entire life planned out. However, teens aren't as aware as adults are because they are still developing. Adults know practically most things because they've done something in their past that caused them to learn from their mistakes. Teens haven't made or realized the mistakes they've made and are still learning. This is why youth should not be penalized. Adults have probably done something similar to what teens are doing now, and were given no consequences. What needs to be done is to educate people so they are more aware and hopefully in the future teens will probably realize they made some mistakes and will try to prevent the same things from transpiring for younger generations.

Please support HB 826!

Thank you,
Aubrey Ahana

Wailuku

April 4, 2021

To: Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee

My name is Jun Sung Pyo and I support HB 826. The reason why e-cigarettes need to be regulated is because there are many people that vape, especially in schools. People can get really sick and can even die from it. For example, teens and young adults who used e-cigarettes were five times more likely to be diagnosed with COVID-19 than people who didn't use them. Also, I think HB 826 should include menthol flavoring because it is available in products like Juul, and can attract more people to use vaping products.

In school, I had a friend who is a year older than me, was shy and never vaped. When we entered high school, we both got other friends. I was very surprised that he started to vape with his new group of friends because I never expected that.

Since people can get these products easily, I think it really impacts a lot of people going to school. I would estimate that about 60% of people at my school do vape. We need to put stricter regulations on these products so that we can help keep people healthier from the negative health effects.

I hope you support HB 826!

Sincerely,

Jun Sung Pyo
Hilo, HI

April 4, 2021

To: Chair Donovan Dela Cruz, Chair Karl Rhoads, and members of the Ways and Means Committee and Judiciary Committees

Aloha! My name is Lawrah Ashley Cabaya and I support HB 826. I believe that we need to regulate e-cigarettes the same as other tobacco products because e-cigarettes are just as bad as other tobacco products on the market. It is extremely crucial to eliminate e-cigarettes from the market because it is a heavily exploited product that is unhealthy and can cause a series of bad effects on the user. I think menthol flavors should be included in the ban for both e-cigarettes and other tobacco products because menthol flavors are the driving force to get consumers into buying these harmful products. Menthol flavors act as a blanket to mask the harmful chemicals consumers intake. Also, menthol flavors persuade users to purchase more tobacco products due to the “good taste” that these products provide. As a result, they intake more chemicals into their body, which can negatively affect them overall.

An electronic cigarette is an electronic device that stimulates tobacco smoking. E-cigarettes are exploited to many youth and unfortunately, many fall victim to using these tobacco products. One victim I would like to talk about is my boyfriend. Before meeting my boyfriend, he said he used e-cigarettes heavily during his middle school years. He’d vape during lunch, went to the bathroom to vape during class, and asked others if he could “take a hit”. Due to vaping, he developed bronchitis and his body could no longer endure activities he used to do. He then fell into a bad state of mind. Due to the events he had experienced because of vaping, he took the brave decision to quit. After quitting, he felt much healthier and became much happier. Hearing my boyfriend's story made me pity those who use e-cigarettes and feel sorrow for those who had experienced the same situation he had. Middle school is the prime years of when your body experiences puberty and the body is still developing. The intake of harmful chemicals from tobacco products at a young age could cause serious side effects to the user and disrupt the body’s growth and development. After learning about how so many youth are easily exploited to tobacco products and put themselves in vulnerable positions, it has inspired me to help the cause of banning menthol flavors and other tobacco products off of the market. I think it is extremely important to prevent youth falling victim to using tobacco products and developing concerning health problems rather than to spend money on alleviating the health problems that could have been prevented if the right steps were taken earlier.

Easy access to purchasing e-cigarettes online has impacted my community in an extremely negative way. I see many youths (5th, 8th, 10th graders and more) vaping. No one, especially at a young age, deserves to be using tobacco products with acknowledgment of serious health conditions developing if you do use tobacco products. The use of tobacco products does not only hurt the user, but the environment around them too. People who use tobacco products around

others are causing other individuals to inhale toxic chemicals. Also, when people do not dispose of their products correctly, it causes chemicals to be dispersed into soil or being burnt in waste lands. The availability of e-cigarettes caused an increase in users and waste, both very harmful for the community.

I think youth penalties should not be included in the bill because youth are individuals who are still learning and growing. Many individuals who use tobacco products are aware of the effects it has but might not truly understand how bad they can be. It would be unfair for youth to receive penalties especially when they are young human beings who are still learning

Please help make Hawai`i healthier by supporting HB 826!

Mahalo,
Lawrah Ashley Cabaya
Waipahu, HI

April 4, 2021

To: Chair Dela Cruz, Chair Rhoads, and members of the Committee on Ways and Means, and Committee on the Judiciary

I am Ethan Kimura and I am a high school student. I am writing to support HB 826. At school, I hear many students talking about smoking e-cigarettes. I used to just stay away from these people and took no action. However, I think that was a wrong thing to do, and action needs to be taken! This carelessness has blinded many people to the oncoming plague of addiction and depression caused by the handling of e-cigarettes. This along with the innocence of young children will negatively affect youth in Hawaii!

E-cigarette companies are producing flavors like blue-razz cotton candy, fruity pebbles, and more that are taking advantage of overly trustfull children and committing a horrendous crime to humanity. This strategy has worked disgustingly well as 80 percent of tobacco smoking youth first started out by using a flavored product. We must stop selling flavored tobacco products so youth are less inclined to try tobacco products and keep them from getting addicted.

Luckily, we have a solution, creating a bill that would restrict the use of flavored cigarettes which would otherwise ensnare the children of Hawaii to a very depressing and painful life. It is our duty to not just Hawaii but to the future generation to pass this bill and save lives.

Please support HB 826!

Sincerely,

Ethan Kimura
Hawai`i Kai

April 4, 2021

Chair Dela Cruz, Vice Chair Keith-Agaran, members of the Committee on Ways and Means

Chair Rhoads, Vice Chair Keohokalole, members of the Committee on Judiciary

I am writing in support of HB 826

I believe we need to regulate e-cigarettes the same as other tobacco products because of the many harmful effects and chemicals they have. If e-cigarettes provide just as many or even more harms than other tobacco products than it should be just as regulated.

It is important to me that menthol flavors be included in the ban for e-cigarettes and other tobacco products because I believe and have seen it first hand how flavors can be a huge reason why teenagers are attracted to such products. If a ban were in place I think the use of these products would decrease and as a community we can take a big step to ensuring the safety of teenagers and others.

My neighbor, a close friend, and someone who I grew up with, ended up in the hospital due to the frequent use of e-cigarettes. Thankfully he made it out of the hospital alive and then changed his style of life by hanging around new people and properly taking care of himself. His use of e-cigarette not only impacted his life but also the ones around him. His parents and loved ones spent lots of time with him in the hospital hoping everything would be okay.

Many teenagers in my community, like my friend, have easy access to flavored e-cigarettes or had their own. This helped grow the vaping epidemic in my community. Many of my classmates went to the hospital, others were short of breath due to the use of these products. This is the fault of the companies that market e-cigarettes, not the youth that fall victim. A comprehensive bill would restrict or limit such companies from impacting youth. Which is why I support HB 826.

Chanel Matsumoto
Ewa Beach

To: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means
Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

From: Haley Baccay, Wahiawa

Re: Support for HB 826

Date: April 4, 2021

I support HB 826 because I believe e-cigarettes are just as dangerous as other tobacco products and should be regulated like cigarettes. Menthol should be included in the flavor ban because it's used to target youth and others.

My grandmother smokes cigarettes and can't quit, even though she knows it can kill her.

Please support HB 826 .

Dear Chair Dela Cruz, Chair Rhoads, and members of the Ways and Means and Judiciary Committees,

My name is Gavin Ushiro and I am writing to ask you to support HB826. I believe we need to regulate e-cigarettes the same as other tobacco products because it affects a teenager's mental health. Virtually all e-cigarettes have nicotine in them, which research has shown reduces mood stability. The withdrawal symptoms also grow in strength with use, making it harder for someone can quit. Additionally, there are well-known consequences such as lung and respiratory issues, present currently in a lot of people who do smoke and vape. A personal anecdote is my great grandfather smoked a lot of cigars from a young age until he was very elderly. Smoking gave him emphysema and heart issues in his final years. He passed away 20 years ago on his 87th birthday.

It is also important to address menthol flavoring in the flavor ban portion of the bill. Menthol flavorings, like all flavors, have very dangerous chemicals in it. These chemicals are what draws in and hooks youth in. However, youth should not be chastised for their use, as it is tobacco companies targeting them. Things like youth penalties should not be included because a lot of people deserve a second chance and they should learn from their poor choices made from vaping and convince people who want to vape, not too.

Please support HB826 so we can prevent future stories like my great grandfather. Thank you for your time.

Gavin Ushiro
Lihue

April 4, 2021

To: Chair Sen. Dela Cruz, Chair Sen. Rhoads, Members of the Ways and Means Committee, and Members of the Judiciary Committee

I am in strong support of HB 826. My name is Zariah Bukoski from Koloa, Kauai. We need real regulation for e-cigarettes here. It is awful that companies and businesses are trying to get to little kids by making all these flavors. Flavors are a huge problem because e-cigarettes become pleasant to kids. Menthol specifically needs to be addressed because it is the #1 seller that the kids like to use because it tastes good. My community has been really impacted, as everyone I know has tried vaping or does currently vape.

Personally some of my relatives and both my parents smoke. My mom sits outside and smokes while she drinks but my dad smokes throughout the day when he gets stressed or mad. It is hard for them to quit and the youth today should not end up in similar situations. We have to help youth who are struggling, not punish them. This is the only way to prevent youth from struggling with e-cigarettes and tobacco for their whole life.

Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee:

I am in support of **HB 826**.

E-cigarettes should be subject to the same basic requirements as cigarettes and other tobacco products. For example, e-cigarette manufacturers should be required to register with the FDA, provide ingredient information and obtain approval for new products (which many e-cigarette products have not).

Therefore, menthol flavored e-cigarettes need to be banned. All flavored tobacco products in general can cover up that it still has nicotine in it, at least to an unsuspecting user like a youth, because it has a nice taste. This is not even mentioning the specific carcinogenic chemicals (like pulegone) used to create menthol flavors which really should be banned for any use. In fact, due to the addition of chemical flavors, menthol flavoring itself could be worse for your health than non menthol flavors.

My grandpa and my dad have been in the past very addicted to tobacco. My dad would smoke a lot. My grandpa has been doing it his whole life and his lungs are totally destroyed forever so there is no going back from it. Because of them, I am very passionate about controlling tobacco, especially for our youth. On that note, I think it's very easy to purchase e-cigarettes as most teens can just go online for it. This ultimately impacts our community by having more teens with health problems and causing many to die from tobacco.

Angela Martin

Kalaheo

96741

To: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means
Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

From: Mikayla Pacheco-Villanueva, Lihue

Re: Support for HB 826

Date: April 4, 2021

My name is Mikayla Pacheco-Villanueva. I am writing in support of HB 826.

I believe that we need to regulate e-cigarettes the same as other tobacco products because just the same as tobacco products, e-cigarettes are just as harmful to the human body.

It is important to me that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because flavors are used to target mostly the youth. The youth should be protected at all costs from these flavor products and should be given the full freedom to live their lives. E-cigarettes have impacted those around me by changing their health and their life on how they turn out. For example, my cousin has been involved with e-cigarettes and cigarettes. Before she used these products, she used to be clean and healthy with a positive mind.

The relatively easy access to purchase e-cigarette online impacted my community by giving those under the age of 18 an easier time to get access to these products. As a result, it has affected their health.

I believe that youth penalties should not be included in the bill because youths should not have access to these products in the first place. They should be able to live their lives with freedom and most importantly, with health. If e-cigarettes are regulated the same as other tobacco products then youths will have less access to them.

Please support HB 826.

Sincerely,
Mikayla Pacheco-Villanueva

April 4, 2021

Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee,

My name is Tematahira Perreira and I strongly support HB 826.

We need to regulate e-cigarettes the same as other tobacco products because they are just as unhealthy. Both e-cigarettes and tobacco products cause lung problems and many other health issues. Flavored e-cigarette and tobacco products should be banned because they entice children.

Flavors like unicorn poop, candy king strawberry, and more are all very appealing to children which make e-cigarette products appealing too. However, these products should not be attractive to them. If we end the sale of flavored tobacco products then there will be less appeal to e-cigarette products and we will be protecting youths.

The easy access to e-cigarettes online has caused many children to be able to buy e-cigarettes and get addicted to them. I have personally seen this happen many times in middle school.

Please support HB 826.

Sincerely,
Tematahira Perreira
Kalaheo

April 4, 2021

To: Chair Donovan M. Dela Cruz - Ways and Means Committee
Members of the Ways and Means Committee
Chair Karl Rhoads - Judiciary Committee
Members of the Judiciary Committee

Re: Support for HB 826

I am writing in support of HB 826.

Young kids, teenagers, and adults are becoming addicted to e-cigarette products, which can cause death over time.

Menthol favors and sugary flavors need to be banned because they attract kids and teens that are new to vaping. Once they start using these products then they can become addicted in the future.

When I was young my mom used to smoke cigarettes outside at night in order to help her sleep. Luckily, she quit smoking once she started to cough up the tar residue in her lungs.

E-cigarette products are easy to access because there are young people using these products in my community. I see teens around my age and even younger using vape products in order to be "cool" and to do tricks with the smoke.

However, it is not the child's fault for being drawn in by the product. It is the seller's fault for advertising these products to young kids. Therefore, I do not think youths should be penalized.

I hope you will support HB 826!

Sincerely,
Corrie Desierto-Vasquez
Koloa

April 4, 2021

To: Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee,

Hello! My name is Kelsen-Jay Sam Fong. I am writing in support of HB 826.

I believe we need to regulate e-cigarettes the same as other tobacco products because it has caused millions of deaths and in the future to come. These products cause popcorn lung because it contains many harmful substances that can affect our bodies.

Menthol flavors should be included in the ban for both e-cigarettes and other tobacco products because it brings people of young ages to like using them because of flavors, like cotton candy, even though it will cause a lot of after-effects to their body.

How has the relatively easy access to e-cigarette purchase online impacted your community?

E-cigarettes should be regulated the same as other tobacco products because it is easy to access online. Kids like because kids like to buy off amazon through bypassing the age system.

I do not believe youths should be penalized. Youths should get medical and mental health help instead because penalties can lead them down a dark path.

Thank you for your time. I hope you support HB 826!

Sincerely,
Kelsen-Jay Sam Fong

Lihue

April 4, 2021

Dear Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee,

I am Ramani Pitts and I strongly support HB 826. I believe that e cigarettes products need to be regulated because they contain so much more nicotine and chemicals than other tobacco products that are being regulated.

Flavors for e-cigarettes need to be banned because youth are attracted to them. There are also e-cigarette liquid bottles made to look like their childhood candies. Due to these bottles, about 50% of poison control calls were from kids that were as young as 6 who overdosed on nicotine because they thought the vape juice was candy.

My grandpa died of lung cancer; he was only 60 years old at the time. He would smoke all day every time I would come to visit him. In 2017, he went to the hospital because he had been having pains in his chest. The doctor then informed him that he had stage 4 lung cancer and there was nothing they could do.

Since e-cigarette products are easily accessible online, it has impacted my community in different ways. Youths are able to buy the products, use them, and may become addicted at a young age.

I believe that youth penalties should not be given to youths because it is not their fault for being exposed to e-cigarettes. It is the company's fault as they said themselves they are targeting young children.

Please support HB 826!

Thank you,
Ramani Pitts

Lihue

April 4, 2021

Chair Dela Cruz, Chair Rhoads and members of the Ways and Means Committee and Judiciary Committee,

I am Erika Gandia. I strongly support HB 826.

I think it is important to regulate e-cigarette products the same as other tobacco products because it is harmful, especially to the younger generations. Menthol flavors should be included in the ban for both e-cigarettes and other tobacco products to prevent attracting younger audiences. Rather, the products should only be targeted for adults.

Many relatives of mine use vape products and my younger cousins see them using it. I think it is scary because my younger cousins might think it is okay to do that when they reach their age, without knowing the side effects or health risks.

These products are very easy to obtain. People can access these products from a person or buy it online. Almost everyone around my community has already tried an e-cigarette device.

I do not think youth penalties should be included in the bill. We should teach the younger generation about these products more, not punish them.

Please support HB 826 and include menthol in the flavor ban.

Thank you,
Erika Gandia

Lihue

April 4, 2021

To: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means
Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

Re: Support for HB 826

My name is Mahriana Gayagas. I am writing in support of HB 826. We need to regulate e-cigarette products the same as other tobacco products because it is still harmful for the human body and is worse than cigarettes. We must include menthol flavors in the flavor ban for e-cigarettes and other tobacco products because it is a flavor that attracts users.

E- cigarettes have impacted many people around me. For example, my dad started off using his e-cigarette once in a while. However, now he needs to have it on him all the time and has an addiction to it. Also, in my community many teens and children have a nicotine addiction from these products.

Please support HB 826!

Thank you,
Mahriana Gayagas

Lihue

April 4, 2021

Dear Chair Dela Cruz, Chair Rhoads, and committee members of the Ways and Means and Judiciary Committees,

My name is Linkin Claytor from Kauai and I am in full support of HB 826.

It is more important than ever to ban flavors now. 97% of youth who vape use flavors. When kids see cool flavors like "Blue Slushie" and "Buttermilk Pie" with the falsely labeled "no nicotine" labels, they buy it thinking there is no harm done. Eventually, they get hooked because there is still nicotine in the product!

Both of my parents have had cancer and they did not choose to get it. They lived healthy lives and it just came up. The fact that us kids have a choice on whether or not we get cancer from vaping blows my mind because cancer is very scary. The flavors and "no nicotine" labels just entice more of us to try it only to get trapped. Shouldn't we be able to outlive our parents?

Please support HB 826 and protect our youths' futures.

April 4, 2021

To: Senator Dela Cruz, Chair
Senator Rhoads, Chair
Members of the WAM and Judiciary Committees

Re: Support for HB826

My name is Edyn Nakaahiki. I am writing in support of HB 826. We need to regulate e-cigarette products the same as other tobacco products because it is still harmful for the human body and is worse than cigarettes. Additionally, companies are actually targeting kids. There are at least 15,500 e-cigarette juice flavors which are easily targeting children underage potentially killing them from the inside. E-cigarette juice and vapes have become more and more easily accessible for kids underage and because of the increase in the attractive flavors an increase of children underage vaping have increased dramatically which then has led to an expansion of health problems in kids. Children's minds are not fully developed and our minds do not have the discipline to do what is right all of the time so you will have the students and kids who do vape and there are a lot of them and they will be at risk with health and legal problems and that is because of the childish flavors that are attracting the kids to do so. It is not so attractive to adults but it is to the younger group of adults and kids. We must also include menthol flavors in the flavor ban for e-cigarettes and other tobacco products because it is a flavor that attracts youth, especially in Hawaii (the Menthol State).

You have the power to stop this and protect so many children's health. Please support HB 826!

Thank you,
Edyn Nakaahiki

Koloa, Hawaii

To Chair Dela Cruz, Chair Rhoads, and committee members of the Ways and Means and Judiciary Committees:

My name is Rasil and I am writing in strong support of HB 826. Vape Companies are using sweet flavoring to lure kids and teenagers. This has shown to cause respiratory problems and in some cases, even death. I support this bill because we need to ban all flavored vaping products from being on the store shelves and online. If we do this, it can stop teenagers from vaping and protect their lungs. I hope you will support HB 826, and thank you for your time.

Rasil Manandhar

April 4, 2021

Wailua

April 4, 2021

Dear Chair Sen. Dela Cruz, Chair Sen. Rhoads, members of the Ways and Means Committee, and members of the Judiciary Committee,

My name is Aubrey Bechard and I am writing in support of HB 826.

There are over 15,000 vape juice flavors that are targeted at kids. Tobacco companies create candy and fruit flavors, with bright colors that attract kids. 8 in 10 youth who use tobacco actually start with a flavored product. If we don't ban the sale of flavored tobacco products, then how can we protect kids from a lifelong addiction to nicotine?

I attend Kauai High School and I see lots of fellow students vape with flavored e-cigarettes.

Please help save my peers, my friends, and protect my family.

Koloa, Hawaii

April 4, 2021

To: Senator Dela Cruz, Chair
Senator Rhoads, Chair
Members of the Ways and Means and Judiciary Committees

Re: Support for HB826

My name is Luis Munoz from Kauai. I fully support HB 826. The majority of vape users are 24 years or younger. This is due to the flavors that are added in vape products such as strawberry shortcake, watermelon blast, bubble gum, and more. We need urgent action to stop this marketing that is made to attract young people, from elementary to high school, and even college students. Nicotine is very harmful to young people, affecting the still-developing brains. This bill is the one way we stop this; through banning all flavored tobacco products from being sold, we can protect ourselves from the dangers of nicotine.

I count on you to pass HB 826.

April 4, 2021

To: Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means
Senator Rhoads, Chair
Senator Keohokalole, Vice Chair
Members of the Committee on Judiciary

Re: Support for HB 826

I am writing in very strong support of HB 826. I believe it is time we start actually regulating e-cigarettes. These products contain nicotine and menthol that leads to a plethora of health problems. All these companies claim “oh you’ll be fine trust me”; they are lying straight to our face. E-cigarettes can cause anywhere from damaging your brain to respiratory symptoms. Everyday people are using e-cigarettes and smoking, and everyday they are hurting their bodies. Your job is to protect your people. So protect all of us before it’s too late!

Thank you for your time, and again, I urge you to support HB 826!

Mailani Yamamoto

Lihue

HB-826-SD-1

Submitted on: 4/4/2021 4:35:49 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Castro	Individual	Support	No

Comments:

We need this bill. I see the effects first hand of high schoolers vaping and those who sneak around trying to get away with vaping. We are setting our kids up to fail by not regulating e-cigs for what it is as a tobacco product thats only made more enticing through the kid-targeted flavors made available by these corporations. These products need to be regulated and made even harder for kids to get their hands on. They don't realize the long term dangerous effects they are subjecting themselves to, and we need our legislature involved to stop Big Tobacco from profitting off of the lives of our keiki.

Ecigs should also be hit with the tobacco tax. They contain the same addictive drug, nicotine, and should be classified and taxed accordingly.

HB-826-SD-1

Submitted on: 4/4/2021 4:59:44 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Ng	Individual	Support	No

Comments:

Dear Sen. Dela Cruz, Sen. Rhoads, and Senators of the Ways and Means Committee and Judiciary Committee,

My name is Theresa Ng and I strongly support the passage of HB826.

HB826 is a necessary step forward to finally get control over youth vaping.

However, menthol flavors need to be included in the ban. Leaving this popular flavor out will only create another loophole, requiring even more legislation after to close it. Considering that Hawaii is already known as the "Menthol State", e-cigarette/tobacco companies will definitely take advantage of this convenient exclusion.

I strongly urge you to please add menthol into the flavor ban and pass HB826. Thank you for your time.

To:

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Mahalo for this opportunity to submit testimony in support of HB826. I am also very concerned about the exemption of menthol, as it is a popular flavor among youth. Please remove the menthol exemption from the flavor ban to advance health equity and prevent loopholes. Additionally, 78% of Native Hawaiian and Pacific Islander smokers in Hawaii use menthol cigarettes.

E-cigarettes are the only tobacco product without a tobacco tax. E-cigarettes should be taxed at the rate of other tobacco products, or 70% of the wholesale price.

Dedicating some of the revenue from tobacco taxes to fund tobacco prevention and control programs complements and strengthens the effects of policies to reduce smoking rates.

Licensing and permitting tobacco retailers and wholesalers will help with implementation and enforcement of current laws and regulations.

Teenagers and young adults who used e-cigarettes were 5x more likely to be diagnosed with COVID-19 than non-users. Those who had used both e-cigarettes and conventional cigarettes (dual use) were 7x more likely to be diagnosed with the disease.

Mahalo,

Helen Barrow

HB-826-SD-1

Submitted on: 4/4/2021 5:34:51 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	No

Comments:

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HB-826-SD-1

Submitted on: 4/4/2021 7:07:17 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi C. Liu	Individual	Oppose	No

Comments:

If you don't like the flavors then stop buying them. We don't need law for that.

HB-826-SD-1

Submitted on: 4/4/2021 8:44:52 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Holly t	Individual	Support	No

Comments:

Aloha my name is Holly Taguma and I am a student at Kauai High School. I am in support of HB826. Electronic smoking devices and the vaping epidemic has been a huge problem. It needs to be solved. With this bill it will help solve both of these problems. However I ask that you include menthol in the bill because 64 percent of high school students who vape use menthol. This is an issue that needs to be resolved. To conclude, I am in strong support of HB826. Thank you for reading my testimony.

HB-826-SD-1

Submitted on: 4/4/2021 8:46:03 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Eaton	Individual	Support	No

Comments:

Aloha, my name is Carolyn Eaton, and I am an Oahu voter. I write in strong support of HB 826, and would support an amendment to remove the exemption for menthol from the flavor ban.

There is no question that vaping is tobacco use and that its use has become rampant among Hawaii's youth. It's essential to begin regulating sale of all flavored tobacco products and taxing sales to get a handle on youth vaping, clearly a public health issue. Thank you for considering my views.

HB-826-SD-1

Submitted on: 4/5/2021 8:05:57 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Swartz	Individual	Support	No

Comments:

I've heard from some e-cig vendors that ALL their products don't have nicotine, but I was clearly looking at a product that had it! A lot of e-cig products have nicotine and our youth are vaping them!

HB-826-SD-1

Submitted on: 4/5/2021 8:37:24 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Woodward	Individual	Support	No

Comments:

As a middle school counselor, I see way too many students vaping and am horrified that e cigs and flavored tobacco continue to be sold to underage. Please stop the sale of all flavors of tobacco products, including menthol.

HB-826-SD-1

Submitted on: 4/5/2021 9:25:22 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shani Gacayan	Individual	Support	No

Comments:

Aloha kakou, my name is Kai Gacayan and I am a mother of 4, my oldest 13 years old where his generation of students are greatly being exposed to vaping. I STRONGLY SUPPORT HB826, HDS, SD1 WITH AMMENDMENTS as I feel menthol should also be apart of all flavors of e-cigarettes not allowed as it still will be harmful to and a lot of vaping companies may use menthol flavors to entice teens and young adults. Mahalo for your time and consideration, it is of great importance that we make these changes now for our children and generations to come.

HB-826-SD-1

Submitted on: 4/5/2021 10:08:01 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelly Ogata	Individual	Support	No

Comments:

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Please support HB 826. Comprehensive policies, as well as investments in tobacco prevention, education, and cessation programs, brought Hawaii's adult and youth smoking rates to record lows. We don't need to reinvent the wheel---by applying the same tobacco prevention and control policies to e-cigarettes, we can reverse the youth vaping epidemic.

Please also take note to end the sale of ALL flavors of tobacco products, including menthol.

Mahalo,

Shelly Ogata, RN, MPH

HB-826-SD-1

Submitted on: 4/5/2021 10:24:35 AM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Koga	Individual	Support	No

Comments:

I support HB 826 that will comprehensively regulate e-cigarettes as tobacco products by ending the sale of flavored electronic smoking devices (except menthol), taxing e-cigarettes as tobacco products, requiring licensing/permitting for e-cigarette sellers and expanding the Attorney General's Electronic Smoking Device Retailer Registration Unit for federal legislative enforcement.

I respectfully request that the committee amend this bill to add menthol back into the flavor ban. The menthol exemption raises serious concerns about health equity implications and creates loopholes that the tobacco industry can exploit. In Hawaii, menthol and mint flavors are the most popular flavor among youth; and 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

The tobacco industry continues to target youth with their slick and devious marketing tactics and Hawaii youth have been lured into believing that these addictive and dangerous vapor products are harmless. Hawaii is now experiencing an alarming youth vaping epidemic. The state must take immediate action to prevent further harm from these tobacco products and reverse this dangerous trend in e-cigarette use.

I respectfully request that the Ways and Means and Judiciary committee members pass HB 826 with an amendment to remove the menthol exemption from the flavor ban. Please protect the health of Hawaii's youth by making this your top priority. Thank you for your consideration and the opportunity to testify.

Date: April 5, 2021

To: Chair Dela Cruz, Chair Rhoads, and members of the Committee on Ways and Means and Committee on Judiciary

Re: Support for HB 826

LATE

Hello! My name is Rojelle Bohol and I strongly support HB 826.

Each policy is important to end the youth vaping epidemic. Smoking and e-cigarette use can negatively affect health, whether it is from direct use or secondhand smoke. Tobacco and e-cigarette products are used both by adults and youths. Tobacco companies try to get more people to use their products through marketing and providing flavors. Flavors make young people especially curious about their products because they might seem more appealing. As a result, youths might want to start smoking due to the availability of these flavors. However appealing they may seem, e-cigarette products still contain nicotine, which is addictive! Something needs to be done!

Many people in my community smoke and use e-cigarette products. I am concerned because I noticed more younger people are using these products. Some of my friends who did not smoke in high school do today because of the increasing popularity of e-cigarettes and flavors. Also, I have a younger brother who is in high school and I am afraid he will start smoking or begin to use e-cigarettes since many people his age are beginning to or already use them.

Everyone should be concerned because e-cigarettes contain harmful chemicals that lead to negative health outcomes. This topic is especially important today because studies show that teens and young adults who used e-cigarettes were five times more likely to be diagnosed with COVID-19 than non-users. Additionally, we are in the midst of a youth vaping epidemic. Research shows that one in three high school students and one in five middle school students report “current use” of e-cigarettes in Hawai‘i (Hawai‘i YRBSS, 2019). Despite the adverse effects, people continue to use these products for various reasons. We can prevent this by ending the sale of all flavored tobacco products, including menthol, so they are unappealing and attract less youth. I ask that menthol be added back to the flavor ban so all flavors are included. Also, we need to have stricter regulations on the sale of tobacco and e-cigarette products and apply a tobacco tax on e-cigarettes so underaged people will have a more difficult time obtaining these products. Revenue from the tax can be used in prevention strategies and help people recover from addiction as well as help reduce smoking and tobacco use among adults and youth.

This issue is a concern for all people because tobacco use is an equity and social justice issue. Approximately 31% of Hawai‘i’s high school students and 18% of Hawai‘i middle schoolers are current e-cigarette users. Among Native Hawaiian and Pacific Islander youths, percentages rise up to 40% for high schoolers and 30% for middle schoolers. In order to prevent tobacco and e-cigarette related disparities from affecting people in Hawai‘i, we need to do something now!

I strongly support HB 826 because I want my community and all communities in Hawai‘i to become healthier. The implementation of this bill will bring us a step closer to doing that. Please support HB 826!

Mahalo,
Rojelle Bohol

Kaimuki, HI

HB-826-SD-1

Submitted on: 4/5/2021 12:33:54 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Grattan	Individual	Support	No

Comments:

I write in support of HB826, to comprehensively regulate e-cigarettes, with all the regulations that effectively helped reduce tobacco smoking, exposure to second- and third-hand smoke, and tobacco-related disease. Please vote for HB826 HD2 SD1.

LATE

HB-826-SD-1

Submitted on: 4/5/2021 3:41:28 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Santiago	Individual	Oppose	No

Comments:

This bill will harm locally vape businesses. It also takes away my rights as someone who vapes!

LATE

HB-826-SD-1

Submitted on: 4/5/2021 3:56:45 PM
Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

HB826 HD2 SD1 won't help anybody. Please don't pass it.

HB-826-SD-1

Submitted on: 4/5/2021 4:00:56 PM

Testimony for WAM on 4/6/2021 10:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Tam	Individual	Support	No

Comments:

I write in strong support of HB826 HD2 SD1 and hope your committee will decide to support its intent to apply the full force of effective tobacco legislation to regulating e-cigarettes (electronic nicotine-delivery systems, ENDS) as well.

The tobacco industry now controls virtually 100% of ENDS and is investing \$26 million *each year* in Hawaii alone. Their major target: our children and youth. The industry has already enticed a third of our youngsters to try their products, which are phenomenally addictive in the forms and concentrations that the tobacco industry has designed. E-cigs can lead to a lifetime of addiction to both electronic and tobacco sources of nicotine, reversing years of successful tobacco reduction that our families and public health communities have won against a very wily and wealthy Goliath. Please allow our families, organizations, and public health agencies to apply the basic and effective resources we've developed to fight smoked tobacco products, to also combat the marketing, youth-targeted flavorings (including menthol!) that the tobacco industry is now using to push their new products.

Vote for HB826 HD2 SD1.

HB-826-SD-1

Submitted on: 4/5/2021 5:28:32 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
April Pacheco	Individual	Oppose	No

Comments:

Our civil liberties come first.

HB-826-SD-1

Submitted on: 4/5/2021 5:37:24 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Denny Diez	Individual	Oppose	No

Comments:

Wow. If the purpose of HB826 was to bash voters who like to vape, you succeeded.

LATE

Dear Hawai'i State Legislature,

I am writing to testify to strongly support the passing of Bill HB 826. This is a very important issue for our community that needs swift action to address. It has been reported by high school students in Hawai'i that one in three use e-cigarettes, and one in five middle school students. This is a large portion of our youth that are becoming hooked on the e-cigarettes, which include nicotine, addictive substances, harmful chemicals, and can be a costly habit. Implementing tactics now to control the use of e-cigarettes in our youth is very important. Previous success in reducing cigarette use in Hawai'i's youth is due to setting policy around cigarettes, providing prevention, education, and cessation programs to support reversing this trend. It is very important to address the emerging issue of "e-cigarette" use among our youth and prevent this from growing in our community. This is now possible with the passage of HB826 which will provide strong regulations for e-cigarettes including the ban of flavored products, and stricter purchasing laws.

As of now, e-cigarettes are the only tobacco product without a tobacco tax, this bill will change this by taxing the product the same rate as other tobacco products. The bill also will ban flavored products, which have been proven to be enticing and promote the use among youth as well as adults. This bill also ensures that revenue from the tobacco taxes will fund tobacco and e-cigarette prevention and control programs. All parts of this comprehensive bill will work towards fighting against the youth vaping epidemic. This is also important as an equity and social justice issue. Our community needs strong measures in place to support the efforts in reducing youth tobacco and e-cigarette use.

Thank you for your consideration! With Aloha,
Melody Halzel

HB-826-SD-1

Submitted on: 4/6/2021 12:37:54 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Vin Kim	Individual	Oppose	No

Comments:

I oppose this bill

HB-826-SD-1

Submitted on: 4/6/2021 1:04:48 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Teddy Kim	Individual	Oppose	No

Comments:

I oppose this bill.

To whom it may concern,

LATE

I am opposing the current bill (HB826 HD2) that will destroy the vaping industry here in Hawaii and put hundreds of people out of jobs. Our goal for public health is to have people quit smoking traditional tobacco cigarette which is the #1 cause of cancer here in America.

Yet our own Government demonize this new technology which has helped millions of Americans make the switch and drastically improving their health. If this bill were to pass, the industry will be dead, business will go out and people will go back to smoking traditional tobacco cigarettes.

The government already has in place a strict guideline vape shops must follow, or heavy fines will be applied or even jail time. Yet they are somehow made the enemy of public health. Meanwhile flavored alcohol can be advertised online/TV Commercials/Super Bowl and sold in supermarkets.

I implore you to take your time and review these bills that could possibly destroy something that in my opinion, a PUBLIC HEALTH MIRACLE. Especially at a time when the PANDEMIC is still killing thousands of people and putting thousands of others out of jobs.

Vinh Tran,

Resident of Honolulu, Hawaii.

LATE

HB-826-SD-1

Submitted on: 4/6/2021 1:10:07 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jinna Kim	Individual	Oppose	No

Comments:

Hello,

I would like to oppose this Bill. Small business are already struggling with the pandemic and this will make all business shut down when they are trying to make honest income. We already have regulations that we take seriously when selling products. Raising the age to 21 and checking ID. Even online we are taking action in having the recommended program to check legal age. How is that flavored alcohol is allowed which causes more impairment then vaping. There are far more research on how vaping is less harming then actual cigarettes.

HB-826-SD-1

Submitted on: 4/6/2021 1:29:42 PM

Testimony for WAM on 4/6/2021 10:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha,

Please Oppose bill HB598. We do not need a Tax Increase for Vaping I feel if the State put forward a Strict Possession Law for Under Age for Tobacco or Vape products that will hinder under age use. Do not punish law abiding Adults for an under age epidemic.

Thanks

HB-826-SD-1

Submitted on: 4/6/2021 1:34:22 PM

Testimony for WAM on 4/6/2021 10:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Jonah K Manuel	Individual	Oppose	No

Comments:

Aloha,

Please Oppose bill HB826. We do not need a Tax Increase for Vaping I feel if the State put forward a Strict Possession Law for Under Age for Tobacco or Vape products that will hinder under age use. Do not punish law abiding Adults for an under age epidemic.

Thanks

LATE

HB-826-SD-1

Submitted on: 4/6/2021 1:35:29 PM
Testimony for WAM on 4/6/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tania faris	Individual	Oppose	No

Comments:

Aloha,

Please Oppose bill HB826. We do not need a Tax Increase for Vaping I feel if the State put forward a Strict Possession Law for Under Age for Tobacco or Vape products that will hinder under age use. Do not punish law abiding Adults for an under age epidemic.

Thanks

HB-826-SD-1

Submitted on: 4/6/2021 1:36:28 PM

Testimony for WAM on 4/6/2021 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Randi D	Individual	Oppose	No

Comments:

Aloha,

Please Oppose bill HB826. We do not need a Tax Increase for Vaping I feel if the State put forward a Strict Possession Law for Under Age for Tobacco or Vape products that will hinder under age use. Do not punish law abiding Adults for an under age epidemic.

Thanks