

DAVID Y. IGE  
GOVERNOR

JOSH GREEN M.D.  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

ISAAC W. CHOY  
DIRECTOR OF TAXATION

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

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

From: Isaac W. Choy, Director  
Department of Taxation

Date: March 3, 2021  
Time: 9:45 A.M.  
Place: Via Videoconference, Hawaii State Capitol

**Re: S.B. 1147, S.D. 1, Relating to Tobacco Products**

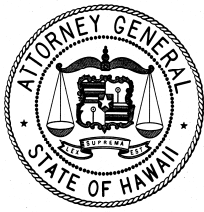
The Department of Taxation (Department) supports S.B. 1147, S.D. 1, an Administration measure, and offers the following comments for your consideration.

S.B. 1147, S.D. 1, makes multiple amendments to chapter 245, Hawaii Revised Statutes (HRS). These amendments will enable improved regulation of the sale of electronic smoking products. S.D. 1 has a defective effective date of January 1, 2050.

The Department appreciates the increased wholesaler/dealer license fees and retail permit fees in sections 245-2 and 245-2.5, HRS, respectively. In most cases, the current fee amount does not cover the cost to the State to issue the license or permit.

The Department prefers this measure over the other measures proposing to impose the tobacco tax on electronic smoking products because the new imposition can be administered as part of the existing tax. The Department is able to administer this bill as currently written, provided a functional effective date of January 1, 2022 or later is inserted.

Thank you for the opportunity to provide comments.



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

---

**ON THE FOLLOWING MEASURE:**

S.B. NO. 1147, S.D. 1, RELATING TO TOBACCO PRODUCTS.

**BEFORE THE:**

SENATE COMMITTEES ON JUDICIARY AND WAYS AND MEANS

**DATE:** Wednesday, March 3, 2021                      **TIME:** 9:45 a.m.

**LOCATION:** State Capitol, Room 211, Via Videoconference

**TESTIFIER(S):**     **WRITTEN TESTIMONY ONLY**  
(For more information, contact Delanie Prescott-Tate,  
Deputy Attorney General, at 586-1203)

---

Chairs Rhoads and Dela Cruz and Members of the Committees:

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

The purposes of this bill are to (1) establish the offense of unlawful shipment of tobacco products; (2) make it unlawful to sell flavored tobacco products, mislabel e-liquid products containing nicotine, and sell tobacco products other than through face-to-face retail exchange; (3) include e-liquid and electronic smoking devices within the definition of "tobacco products" that will subject e-liquid and electronic smoking devices to excise tax; (4) require retailers of e-liquids and electronic smoking devices to obtain a retail tobacco permit; (5) require wholesalers and dealers of e-liquid and electronic smoking devices to obtain a license from the Department of Taxation; (6) raise the fees for obtaining a retail tobacco permit and a wholesaler or dealer tobacco license; and (7) repeal certain provisions of the Hawaii Revised Statutes (HRS) relating to electronic smoking devices.

Section 7 of the bill, at page 18, lines 13 to 14, seeks to amend section 706-643, HRS, to include fines that are proceeds of the Hawaii tobacco prevention and control trust fund established under section 328L-5, HRS, among the fines that the director of finance shall transmit to the respective funds. Section 328L-5(e), HRS, lists the assets of the Hawaii tobacco prevention and control trust fund, and therefore should

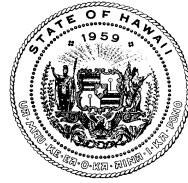
be amended to allow the "fines collected pursuant to section 706-643(2)" to be included as an asset of the Hawaii Tobacco Prevention and Control Trust Fund.

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 Electronic Smoking Device Retailer Registration Unit, created by 28-163, HRS, unnecessary. Additionally, this bill repeals part XII of chapter 28, HRS. See section 8 at page 18, lines 18 to 19. 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. The Department strongly supports the repeal of part XII of chapter 28, HRS.

Finally, the Department recommends one technical amendment. In section 3, at page 14, line 9, the word "uses" should be changed to "used" so the line reads:

". . . cannabis products under chapter 329D, including devices used to . . . ."

We respectfully ask the Committees to pass this bill.



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

**Testimony in SUPPORT of S.B. 1147, S.D. 1  
RELATING TO TOBACCO PRODUCTS**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

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

Hearing Date: 3/3/2021

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 Senate Bill 1147,  
5 Senate Draft 1 (S.B. 1147, S.D. 1) as a comprehensive public health measure to end Hawaii's  
6 youth vaping epidemic. S.B. 1147, S.D. 1 makes it unlawful to sell, offer to sell, or possess with  
7 the intent to sell or offer to sell any flavored tobacco products, excluding menthol. This measure  
8 establishes the offense of unlawful shipment of tobacco products, includes e-liquid and  
9 electronic smoking devices (ESDs) within the definition of tobacco products as used in the  
10 cigarette tax and tobacco tax law, increases the wholesale license fee and retail tobacco permit  
11 fee for persons engaged as wholesalers/dealers or retailers of cigarettes and tobacco products.

12 ESDs, also known as e-cigarettes, have become the most commonly used tobacco product  
13 among youth in Hawaii. High school youth experimentation with ESDs grew from 22% in 2015  
14 to 48% in 2019. In 2015, over one in four (25.5%) high school students reported being current  
15 users, and today it is almost one in three (30.6%).<sup>1</sup>

---

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

1 Hawaii does not regulate ESDs through licensing, permitting, nor taxation. ESDs are not  
2 taxed like other tobacco products and often can be purchased at lower prices than cigarettes.  
3 According to the U.S. Surgeon General, increasing the price of tobacco products is the single  
4 most effective way to reduce consumption.<sup>2</sup> An economic study by the University of Illinois,  
5 reported that increasing the price of ESDs by 10% has been shown to lead to a 10% to 18%  
6 reduction in the demand and consumption of ESDs – a higher price elasticity compared to  
7 combustible cigarettes. Increasing the price of tobacco products has the greatest impact on  
8 youth, who are particularly price sensitive.<sup>3</sup> Further, the imposition of an excise tax equal to  
9 70% of the wholesale price of each e-liquid and ESD will be consistent with the tax on other  
10 tobacco products.

11 The DOH supports the restriction of shipping tobacco products to anyone other than a  
12 licensed wholesaler. Unregulated shipping (or importing) of tobacco products, particularly,  
13 ESDs ordered online, has created a dangerous loophole, by providing an appealing and  
14 accessible option for underage users. In the current unregulated online market, youth easily,  
15 and often, circumvent the age verification process for purchasing tobacco. Minors were  
16 successful in buying ESDs online 93% of the time despite age restrictions according to the  
17 Internet Tobacco Vendors Study (ITV), supported by the National Cancer Institute and the U.S.  
18 Food and Drug Administration (FDA). Another study found that ESDs were often shipped  
19 from internet vendors without instructions or health warnings. Due to the easy access for  
20 minors through online marketing, public health researchers recommend more vigorous policies  
21 to prohibit sales to minors.<sup>4,5</sup>

22 Requiring licensure and retail permitting under the DOTAX would bring ESD and

---

<sup>2</sup> 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].

<sup>3</sup> 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).

<sup>4</sup> Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

<sup>5</sup> Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features*. *Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

1 e-liquid vendors in alignment with the traditional tobacco retailers and would provide accurate  
2 data for compliance surveillance. As of 2020, 31 states, the District of Columbia, the Northern  
3 Mariana Islands, and the U.S. Virgin Islands required retailers to have a license to sell ESDs.<sup>6</sup>  
4 Tobacco licensing is an effective tool for limiting the negative public health consequences of  
5 tobacco use by ensuring that wholesalers and retailers comply with responsible sales practices.  
6 Increasing the licensure and permitting fees, which have remained unchanged since 1995, despite  
7 high tobacco taxes and ever-increasing tobacco industry expenditures in marketing and  
8 advertising, would be a further positive move.

9         Scientific studies document flavors as a major reason that youth use tobacco. According  
10 to the 2013-2014 Population Assessment of Tobacco and Health (PATH) study, 81% of 12- to  
11 17-year old youth who had ever used a tobacco product, initiated tobacco use with a flavored  
12 product. Additionally, 80% of current users had used a flavored product in the last month.<sup>7</sup> In  
13 2019, the large majority of youth who vaped reported using flavored ESDs, with fruit, menthol  
14 or mint, candy, desserts, or other sweets being the most commonly used.<sup>8,9</sup> According to the  
15 same research, mint and menthol went from being among the least popular to becoming among  
16 the most popular flavors for high school students over the past four years.<sup>10</sup> Data from a separate  
17 2019 study revealed that the most popular flavor among 10th and 12th grade Juul users was  
18 mint.<sup>11</sup> These data illustrate that trends among youth users of flavored e-cigarette products  
19 change quickly and therefore must be addressed swiftly.

---

<sup>6</sup> 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>

<sup>7</sup> 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>.

<sup>8</sup> 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](https://www.tobaccofreekids.org/press-releases/2019_11_05_jama)

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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           Menthol flavoring is particularly problematic among youth. Menthol facilitates initiation  
2 and addiction, and also makes it harder to quit smoking. Data demonstrate that youth smokers  
3 are more likely to use menthol cigarettes than any other age group.<sup>12</sup> Longitudinal studies show  
4 that initiation with menthol cigarettes facilitates progression to established cigarette use among  
5 young smokers.<sup>13,14</sup> Further, analysis from the Tobacco Products Scientific Advisory Committee  
6 to the FDA found that the distinct sensory characteristics of menthol may enhance the  
7 addictiveness of menthol cigarettes which appears to be the case among youth.<sup>15</sup>

8           Not only do flavors facilitate youth initiation of tobacco use, which can expose the  
9 developing brain and body to the harmful effects of nicotine, they may put teens at increased risk  
10 for COVID-19 infection. The federal regulation on the sale of flavored e-cigarette products is  
11 insufficient, and State legislation is needed to protect Hawaii’s youth. The DOH supports  
12 S.B. 1147, S.D. 1, with offered amendments to include menthol, as a comprehensive legislative  
13 approach to address the youth vaping epidemic and protect the health of Hawaii’s youth.

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

15   **Offered Amendments:**

16   On page 12, line 1, insert the word “menthol” before the word “mint”.

17   On page 12, lines 3-4, delete the sentence “Flavored tobacco product” does not include tobacco  
18 products that contain a taste or smell of menthol.”

---

<sup>12</sup> 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.

<sup>13</sup> Nonnemaker J, Hersey J, Homs G, Busey A, Allen J, Vallone D. Initiation with menthol cigarettes and youth smoking uptake. *Addiction*. 2013;108(1):171-178.

<sup>14</sup> 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.

<sup>15</sup> *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>



February 27, 2021

To: Chair Rhoads  
Vice Chair Keohokalole  
Senate Committee on Judiciary

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

RE: **STRONG SUPPORT for SB1147 SD1**

Thank you for this opportunity to testify in **SUPPORT** of **SB1147 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.

SB1147 would require licensing and permitting for e-cigarette wholesalers and retailers, apply a tobacco tax of 70% on the wholesale price of electronic smoking devices (ESD), and allow online shipments of ESD only to licensed retailers.

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.<sup>1</sup> Locally, 27% of middle school students and 42% of public high school students acknowledged trying electronic smoking devices in 2017.<sup>2</sup>

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."<sup>3</sup> It is also well known that these smoking devices disproportionately affect disadvantaged and rural communities, placing a large burden on families who are already struggling to thrive due to challenges from other social determinants of health.

Given the many public health concerns tied with ESD use among youth, we urge you to pass SB1147 SD1.

Thank you for this opportunity to testify in **strong support** of **SB1147 SD1**.

Sincerely,

Colby Takeda, MPH, MBA  
Senior Manager

<sup>1</sup> 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

<sup>2</sup> 2017 Hawai'i Youth Risk Behavior Survey.

<sup>3</sup> 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.







Young Progressives Demanding Action  
P.O. Box 11105  
Honolulu, HI 96828

February 28, 2021

**TO: SENATE COMMITTEES ON THE JUDICIARY & WAYS AND MEANS**  
**RE: Testimony in Support of SB1147**

Dear Senators,

Young Progressives Demanding Action (YPDA) stands in **strong support of SB1147**, which would generate some badly-needed revenue while combatting a public health epidemic among our youth: vaping.

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.

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. However, we believe this should include menthol, which is also a popular flavor among youth.

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 percent of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

Requiring face-to-face purchases for consumers is a good policy that will make it harder for youth to obtain these products online.

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

Dedicating some of the revenue from tobacco taxes to fund tobacco & nicotine 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.

Mahalo for the opportunity to testify,

Will Caron  
Board President & Secretary  
[action@ypdahawaii.org](mailto:action@ypdahawaii.org)



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Melodie Aduja	John Miller	Bill South	P.O. Box 23404
Alan Burdick, Vice President	Juliet Begley	Jenny Nomura	Zahava Zaidoff	Honolulu
Dave Nagajji, Treasurer	Stephanie Fitzpatrick	Stephen O'Harrow		Hawaii 96823
Doug Pyle, Secretary	Jan Lubin	Lyn Pyle		

February 28, 2021

TO: Chairs Rhoads & Dela Cruz and members of JDC/WAM Committees

RE: SB 1147 SD1 RELATING TO TOBACCO PRODUCTS.

Support for hearing on March 3

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support Senate Bill 1147 SD1 as it would bring tax parity for all tobacco products, including electronic smoking devices and e-liquids. We support regulatory action on tobacco products in Hawaii to reduce tobacco-related health disparities and end the youth vaping epidemic. We see the need for Hawaii to protect youth from tobacco as urgent. According to the Centers for Disease Control, in 2019 nearly every one in three high schoolers in Hawaii vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average. We hope to see this decline.

Thank you for your favorable consideration.

Sincerely,  
John Bickel, President





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

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

To: Senate Committees on Judiciary and on Ways and Means

Re: **SB1147, SD1 - Relating to tobacco products**

Hawai'i State Capitol, Room 211

March 3, 2021, 9:45 AM

Dear Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and committee members,

**On behalf of Hawai'i Children's Action Network Speaks!, I am writing in support of SB1147 SD1, relating to tobacco products.** This bill would comprehensively regulate e-cigarettes as a tobacco product by ending the sale of flavored tobacco and e-liquids, taxing e-cigarettes and closing the online purchasing loophole as well as direct a portion of the funds from taxes to prevention and cessation programs.

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

Hawai'i needs to take action to tackle our growing youth vaping epidemic. We already know what works to reduce youth tobacco use, as our state was successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs. By applying the same tobacco prevention and control policies to vaping, we can reverse the trends in youth e-cigarette use.

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

That's why this bill and its comprehensive approach to youth tobacco regulations are so important. We don't need to reinvent the wheel – by implementing proven tobacco prevention and control tactics to counter e-cigarette use, we can reverse our state's youth vaping epidemic.

Mahalo for the opportunity to provide this testimony. Please pass SB1147 SD1.

Thank you,

Nicole Woo

Director, Research and Economic Policy

---

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

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



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

February 28, 2021

Honorable Chairs Senators Karl Rhoads and Donovan M Dela Cruz  
Honorable Vice-Chair Senators Jarrett Keohokalole and Gilbert S C Keith-Agaran  
Members of the Committees of Judiciary and Ways & Means

RE: **Strong Support of SB1147 SD1, Relating to Tobacco Products**

Dear Senators Rhoads, Dela Cruz, Keokokalole, Keith-Agaran, and members of the Committees on Judiciary and Ways & Means,

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 SB1147 SD1, which will include electronic smoking devices in the definition of tobacco products and appropriately tax it, as well as restricting delivery sales to licensed tobacco sellers.

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.

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

While we are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain. Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs) at [www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs).

**Electronic smoking devices are the ONLY tobacco product without a tobacco tax.** These devices should be taxed at the rate of other tobacco products, or 70% of the wholesale price.

Dedicating revenue from **tobacco taxes** (including electronic smoking device taxes) to **fund tobacco prevention and control programs** complements and strengthens the effects of policies to reduce smoking rates. Our organization has extensive experience in working with people who suffer a multitude of harm from being unable to breathe—we don't need more suffering, breathless people.

Licensing and permitting tobacco retailers and wholesalers will help with **implementation and enforcement** of current laws and regulations and make it easier to root out those who are not following our laws and regulations.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please vote in favor of SB1147 SD1 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

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Include electronic smoking devices, hike fees

BILL NUMBER: SB 1147, SD1

INTRODUCED BY: Senate Committees on Health and Commerce and Consumer Protection

EXECUTIVE SUMMARY: 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. Establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund.

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of tobacco products.

Adds a new section to chapter 712, HRS, to establish criminal penalties for certain sales of tobacco products or e-liquid. Directs that any fines for violation of that section are to be paid to the Hawaii tobacco prevention and control trust fund (section 328L-5, HRS).

Amends section 245-1, HRS, to define "e-liquid" as any liquid or like substance, which may or may not contain nicotine, that is capable of being used in an electronic smoking device, whether or not packaged in a cartridge or other container. "E-liquid" does not include prescription drugs, devices, or a combination of products approved for sale by the United States Food and Drug Administration as those terms are defined in the Federal Food, Drug, and Cosmetic Act; medical cannabis; or manufactured cannabis products under chapter 329D, including devices used to aerosolize, inhale, or ingest manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a), HRS.

Defines "electronic smoking device" as any electronic product, or part thereof, whether for one-time use or reusable that can be used to deliver nicotine or another substance to a person inhaling from the device including but not limited to electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens, and other similar devices that rely on vaporization or aerosolization, and any cartridge or component part of the device or product. "Electronic smoking device" includes any liquid or gel capable of use in such electronic device that can be used by a person to simulate smoking in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. "Electronic smoking device" does not include: (1) Cigarettes; (2) A product that has

been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose; (3) Prescription drugs; (4) Medical cannabis or manufactured cannabis products under chapter 329D; and (5) Medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a).

Defines “smoke” or “smoking” as inhaling, exhaling, burning, carrying, or possessing any activated, lighted, or heated tobacco product, plant product, or any similar substance intended for human consumption or inhalation, including the use of an electronic smoking device.

Amends the definition of “tobacco products” to be (1) Tobacco in any form, other than cigarettes or little cigars; or (2) Electronic smoking devices. "Tobacco products" includes but is not limited to large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, pipe tobacco, chewing or smokeless tobacco, snuff, snus, e-liquid, electronic smoking devices containing e-liquid, and components or parts containing e-liquid..

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$\_\_\_.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20.00 to \$\_\_\_.

Repeals section 245-17, HRS, relating to delivery sales.

Makes other technical and conforming changes.

EFFECTIVE DATE: 1/1/2050.

STAFF COMMENTS: This used to be an Administration bill sponsored by the Department of Health and identified as HTH-11 (21).

The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it’s working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn’t be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation’s previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii’s weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.



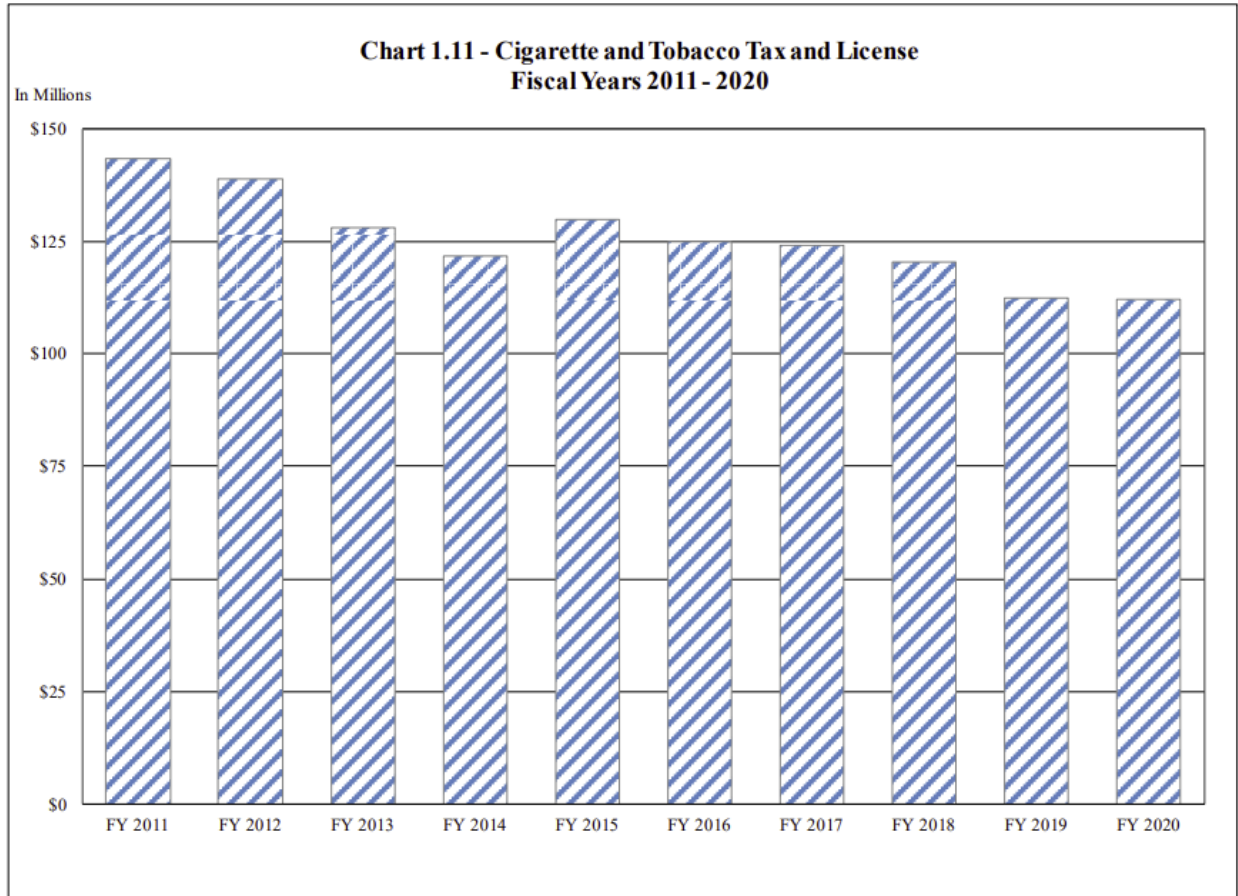
The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes are influencing smokers as tax collections on the sale of cigarettes have fallen. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian reservation outlets while others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases, and hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.



Source: Department of Taxation Annual Report (2019-2020), page 23.

Do we really need an elaborate study to tell ourselves that fiscal reliance on funds from a sin tax is inadvisable or outright dangerous? If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested 2/28/2021

Date: March 1, 2021

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

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

From: Members of the University of Hawaii Student Health Advisory Council

Re: Strong Support for SB1147 Relating to Electronic Smoking Products

Hearing: Wednesday, March 3, 2020, at 9:45 am at Capitol Room 211

---

Thank you for the opportunity to submit testimony in SUPPORT of SB1147 which establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect children from a lifetime of nicotine addiction and associated health risks.

According to the Center for Disease Control and Prevention, Hawaii's middle schoolers rank the highest and high schoolers rank the second-highest in the nation for reported usage of e-cigarettes. This underscores the severity with which e-cigarette use has penetrated our state's middle and high schools.

Under the Food and Drug Administration, electronic smoking devices are classified as a tobacco product, and yet they are the only product with that classification that does not have a tobacco tax. From the many decades of research done on tobacco control policy, it is clear that increasing the price of these products is a proven strategy that discourages access to these products. By prohibiting online sales to retailers, underage youth will have limited access to e-cigarettes. In addition, distributing tobacco taxes towards health education and prevention programs could help youth quit or prevent them from using vape products in the first place.

We, therefore, urge you to support this measure. For the sake of our general public health, Hawaii should not allow e-cigarettes to continue to fly below the State's tobacco tax radar.

Mahalo,  
Student Health Advisory Council

**SB-1147-SD-1**

Submitted on: 3/1/2021 8:26:56 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

STRONGLY SUPPORT COMPREHENSIVE TOBACCO REGULATIONS IN HAWAI'I

[www.WeAreOne.cc](http://www.WeAreOne.cc)



1050 Bishop St. PMB 235 | Honolulu, HI 96813  
P: 808-533-1292 | e: info@hawaiiifood.com

#### Executive Officers

**Joe Carter**, Coca-Cola Bottling of Hawaii, *Chair*  
**Charlie Gustafson**, Tamura Super Market, *Vice Chair*  
**Eddie Asato**, The Pint Size Corp., *Secretary/Treas.*  
**Lauren Zirbel**, HFIA, *Executive Director*  
**John Schlif**, Rainbow Sales and Marketing, *Advisor*  
**Stan Brown**, Acosta Sales & Marketing, *Advisor*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*  
**Beau Oshiro**, C&S Wholesale Grocers, *Advisor*  
**Toby Taniguchi**, KTA Superstores, *Advisor*

---

TO:

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: March 3, 2021  
TIME: 9:45am  
PLACE: Via Videoconference

RE: SB1147 SD1 Relating to Tobacco Products

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA supports portions of this bill that seek to regulate the shipping of electronic smoking devices and e-liquid. During the October 17, 2029 informational briefing on vaping that this Committee held jointly with the Senate Committee on Commerce Consumer Protection and Health experts discussed the fact that almost 90% of underage people who use electronic smoking devices buy them online or get them from their friends. Very few purchase them in stores where they are already subject to age restrictions. Regulating the shipping of these products is a common sense way to keep them out of the hands of young people.

We oppose the section of this bill that seek to increase fees on retail tobacco licenses and permits. This measure would increase the license fee for tobacco by 10,000%, which is excessive and unnecessary.

Hawaii has the second highest tobacco taxes of any state. By attempting to increase license and permit fees, this bill unfairly and misguidedly targets retailers and wholesalers rather than tobacco users.

There is no nexus between license fees and smoking cessation. Retailer license fees exist to pay for the licensing process and enforcement; these fees were not created to fund other programs. Using licensing fees to fund programs for which they were not intended creates a situation where fees are likely to rise unpredictably, this impedes retailers' ability to budget and creates unnecessary financial and administrative burdens. We thank you for the opportunity to testify.



## **SB1147 SD1 Tobacco Shipping and Taxes**

### **COMMITTEE JUDICIARY:**

- Sen. Karl Rhoads, Chair; Sen. Jarrett Keohokalole, Vice Chair

### **COMMITTEE ON WAYS AND MEANS:**

- Sen. Donovan Dela Cruz, Chair; Gilbert Keith-Agaran, Vice Chair
- Wednesday, Mar. 3, 2021: 9:45 : Videoconference

### **HSAC Supports SB1147 SD1:**

*ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

- Raising the tax can help Hawai'i recovery our economy.
- Taxes and the continuing increase in taxes has proven to help people quit or sustain cessation.
- Helps to discourage youth from starting.

We appreciate the opportunity to provide testimony and are available for questions.





Healthy Eating Active Living  
Community Coalition  
of Kauai County

P.O. Box 392  
Kilauea, HI 96754  
(808) 212-4765  
brody1@hawaii.rr.com  
www.getfitkauai.com

**Chair**

Lee Steinmetz  
*Transportation Planner County of  
Kauai*

**Vice Chair**

Marla Silva, Director HHM  
*Ho`ola Lahui Hawaii`*

**Steering Committee Members**

Janet Berreman, MD, MPH, FAAP  
Kauai District Health Officer

Neil J. Clendenin MD, PhD  
*Chair, Lihue Tomorrow  
Committee of LBA  
(Lihue Business Association)*

Howard Gregg  
*Community Member*

Michelle Jenkins, MPH  
*Kauai District Health & Physical  
Education  
Resource Teacher*

Michelle Martinez, MPH  
*Worksite Wellness Evaluator*

Tommy A. Noyes  
*Kauai Path*

Valerie Saki  
*Hawaii Public Health Institute*

Marie Williams, MCRP, AICP  
*County of Kauai Planning Dept.*

**Ex-Officio**

Bev Brody, PT  
*Coalition Director*

March 1, 2021

Honorable Chairs Senators Roz Baker and Jarrett Keohokalole  
Honorable Vice-Chair Senators Stanley Chang and Roz Baker  
Members of the Committees of Commerce and Consumer Protection, and Health

**RE: Strong Support of SB1147, Regulating E-Cigarettes as Tobacco Products**

Dear Senators Baker, Keohokalole and Chang, and members of the Committees on Commerce and Consumer Protection, and Health,

Thank you for the opportunity to testify in writing to voice **strong support for SB1147.**

My name is Bev Brody and I am the Director of Get Fit Kauai, the Healthy Eating Active Living Coalition of Kauai County. Get Fit Kauai strives to eliminate health disparities in our community by providing access to healthy food and increasing the opportunities for physical activity and healthy living.

This legislation provides the comprehensive strategy we need to reverse the youth e-cigarette epidemic and to continue driving down youth tobacco use by making the sale of flavored tobacco products unlawful. The measure addresses the leading drivers of youth tobacco use and tobacco-related health disparities – the use of sweet flavors that appeal to youth and contribute to their misunderstanding of the health risks of these products, the use of marketing and promotions designed to reach and appeal to kids, and easy access to tobacco products for our islands young people.

We applaud Senator Kouchi for his leadership in introducing this legislation and humbly ask you to pass this bill as is out of committee.

Mahalo,

*BBrodySkerik*

\*\*\*\*\*

**Bev Brody**  
**Get Fit Kauai – Director**

H.E.A.L. (Healthy Eating Active Living)  
Community Coalition of Kauai County  
808-212-4765  
www.getfitkauai.com



American  
Heart  
Association.

## American Heart Association COMMENTS on SB 1147, SD1 “Relating to Tobacco Products”

The American Heart Association **supports the intent** of SB 1147, SD1, but **OPPOSES the tobacco flavor ban if it does not include a ban on menthol in all tobacco products.**

### Chairman of the Board

Glen Kaneshige

### President

Michael Lui, MD

### Board Members

Rick Bruno, MD, FACEP

Jackie De Luz

Brandt Farias

Jason Fujita

Mimi Harris

Zia Khan, MD

Brandon Kurisu

Arnold Martines

Michael Rembis, FACHE

Andrew S. Rosen

Timothy Slottow

Jennifer Walker

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

Other contributors to kids using tobacco products include the easy availability and appeal of menthol cigarettes, flavored cigars and cigarillos, and flavored hookah. To ensure we don’t lose a new generation of kids to nicotine, we must remove all flavored tobacco products from the market. **Kids will gravitate toward any flavors on the market, even if some are removed. Mint and menthol flavored tobacco products are heavily marketed to kids. Nearly two-thirds of high school students who use e-cigarettes use mint or menthol flavors. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products. More than half of all youth and young adult smokers smoke menthol cigarettes.**

Two studies, focused on the meteoric rise in youth use of Juul products and published in November 2019 in the Journal of the American Medical Association, leave no doubt that the youth e-cigarette epidemic is being driven by flavored products, especially mint/menthol. Importantly, these studies, indicate that youth use of mint and menthol e-cigarettes increased after Juul restricted the availability of other flavors, like mango, in November 2018. These findings underscore why if menthol or any other flavors are left on the market, the evidence is clear that kids will move to them and this epidemic will continue.

These studies provide powerful scientific support for the need to clear the market of all flavored tobacco products, including mint and menthol. Only the elimination of all flavored products can reverse this epidemic and stop the tobacco industry from addicting a new generation of kids to their deadly products.

Cigarette smoking is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day. Total economic cost of smoking in the U.S. is more than \$300 billion a year, including nearly \$170 billion in direct medical care for adults. More than \$156 billion in lost productivity due to premature death and exposure to secondhand smoke. In Hawaii alone, it annually claims 1,100 lives each year and \$526 million in healthcare costs are directly attributed to smoking in our state.

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. Hawaii has the highest rate of middle school-aged student use of those

*Serving Hawaii since 1948*

### Our Mission:

“To be a relentless force for a world of longer, healthier lives.”

For more information on the AHA’s educational or research programs, visit [www.heart.org](http://www.heart.org) or contact your nearest AHA office.

products in the nation, and the second highest high school student usage rate. The American Heart Association is working to combat this problem the same way we have battled health problems for nearly a century: We're relying on the science.

Even though there is more work needed to fully understand all the dangers of e-cigarettes, there's plenty of evidence they're harmful for growing minds and bodies.

Here's a look at the latest science about vaping and nicotine, as well what science hasn't uncovered yet.

### **Safety of vaping vs. cigarettes**

One of the most basic things people want to know is whether vaping is better for you than cigarettes. It's easy to jump to the conclusion that vaping is better. After all, there is no mystery about smoking: It can kill you.

The problem is, no one knows if vaping is safe in the long run because e-cigarettes haven't been around long enough to be studied deeply. Some diseases can take years and even decades to develop, including cancer and atherosclerosis (artery blockages that can cause heart attacks and strokes).

Another reason it's difficult to study vaping is that people switch back and forth between smoking, vaping and not using either. We can see short-term effects in animals exposed to one or another, but understanding long-term effects requires long-term studies.

In addition to a lack of sufficient research, some contents of e-cigarettes remain unknown. The Food and Drug Administration – responsible for judging the safety of things Americans put into their bodies – has not yet evaluated these products for safety.

We do know that the lines between the vaping industry and Big Tobacco have blurred. Altria, the maker of Marlboro and Skoal, has invested more than \$12 billion to purchase a stake in Juul, which makes e-cigarettes that are extremely popular with young people. The investment was 35% of Juul's value at the time of the purchase.

Big Tobacco has a history of misrepresenting facts about nicotine and smoking. So vaping-safety claims from industry or research supported by industry should be met with skepticism. For example, there's the claim that vaping produces only water "vapor" or aerosols – which sound far healthier than cigarette smoke. But there is a lot more than water in that aerosol.

The aerosols in some e-cigarettes have been found to contain multiple chemicals known to be toxic. Some aerosols contain heavy metals and other toxic ingredients (like the volatile organic compounds you try to avoid in some house paint).

Some of the flavors designed to make e-cigarettes more attractive to children have been shown to harm lung tissue, heart muscle cells, the lining cells of blood vessels, and the cells we need for blood clotting after injury.

These studies have been done in cells from human volunteers, and in some cases, the functions of these cells have been studied in volunteers after they vape.

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

The idea that vaping is a better way to quit cigarettes than reliable methods using FDA-approved nicotine replacement products isn't backed up by the weight of science.

Of the small number of studies about this, most show no advantage for e-cigarettes over the temporary use of FDA-approved products such as gum, lozenges and patches. The latter products have been proven helpful as part of an overall program for quitting, which should also include counselling and can include medications to reduce cravings.

One study frequently cited by industry and its supporters did show e-cigarettes to be effective in stopping smoking. However, as is often the case with science, that part of the study's results doesn't tell the whole story.

The study, published in *The New England Journal of Medicine*, was conducted in England. That's significant because the e-cigarettes in England are far different from those in the U.S. English products have much lower levels of nicotine, and physicians there actually encourage their use to quit smoking.

Two reports from Public Health England are often referenced for stating "e-cigarettes are less harmful than combustible cigarettes." But those studies did not compare e-cigarette use to zero-nicotine exposure. And, those reports rely on small studies or reviews sponsored by organizations supported by Big Tobacco.

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn't work for many people. They cut back, but they still smoke while vaping and they remain addicted. That's called "dual use" in public health literature. The dangers of cigarettes remain, with the added dangers of vaping.

Unfortunately, dual use is a major problem among young people. Dual use also is something the American Heart Association is working to address through our massive new initiative combatting youth vaping called #QuitLying. Research shows some kids who had never smoked but began their exposure to nicotine by vaping later switched to smoking or did both.

The American Heart Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start any nicotine-containing product.

When discussing the dangers of e-cigarettes, many people think about the tragic outbreak of vaping-related deaths across the country. As an organization we are extremely concerned about this problem, which is still being investigated and has been linked to vaping THC well as using "off-brand" e-cigarette products.

But nicotine remains a major concern about e-cigarettes. They can contain unusually high levels of nicotine. One e-cigarette refill pod can contain as much nicotine as an entire pack of cigarettes and kids are sometimes vaping 2-4 pods a day. And open pod e-cigarette products popular among Hawaii youths can contain even much more nicotine.

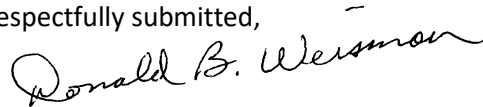
That's especially troubling because many studies in animals show nicotine is a neurotoxin (a poison affecting the nervous system). It can affect brain development from early fetal life through adolescence, permanently changing the ability to think or reason.

The National Academies of Science, Engineering and Medicine and the World Health Organization believe nicotine delivery via e-cigarettes during pregnancy can adversely affect the development of the fetus and can affect immune system and lung function.

E-cigarettes are now the most popularly used tobacco product among Hawaii's youth. According to recent Department of Health data, over 40 percent of Hawaii's youths have tried e-cigarettes, and 30 percent are now regular users. On neighbor island, regular use of e-cigarettes by youths tops 30 percent.

The American Heart Association of Hawaii urges you restore the inclusion of menthol in the proposed flavor ban, and then to support SB 1147, SD2.

Respectfully submitted,



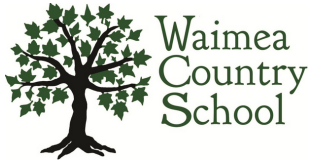
Donald B. Weisman  
Government Relations/Communications Director



Kamehameha Schools®



ST. ANDREW'S SCHOOLS  
THE PRIORY • THE PREP • THE PRESCHOOL



**DAMIEN MEMORIAL SCHOOL**

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

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

Time: 9:45 a.m.

Date: Wednesday, March 3rd

RE: **SUPPORT FOR SB1147, SD1, RELATING TO TOBACCO PRODUCTS**

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!



American Cancer Society  
Cancer Action Network  
2370 Nu'uuanu Avenue  
Honolulu, Hi 96817  
808.432.9139  
[www.fightcancer.org](http://www.fightcancer.org)

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

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

Hearing: March 3, 2021

#### **SB 1147 HD1 – RELATING TO TOBACCO PRODUCTS**

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

Thank you for the opportunity to provide COMMENTS and offer amendments on SB 1147 HD1: Relating to Tobacco Products.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. At this critical moment with focus on protecting respiratory health, we must do everything in our power to keep our communities healthy and safe.

Smoking harms nearly every organ in the body and increases the risk for many types of cancer, heart attack, stroke, COPD, emphysema, chronic bronchitis, and other diseases.<sup>1</sup> People who smoke or who used to smoke are at increased risk for severe illness from COVID-19. Smoking is also a proven risk factor for cancer, chronic obstructive pulmonary disease (COPD) and heart disease, which also put people at increased risk for severe illness from COVID-19. Regardless of any association with COVID-19, the adverse health effects of smoking are well-documented and irrefutable.

Smoking has a monetary cost placed on the State of Hawaii. The annual health care costs in Hawaii directly caused by smoking is \$526 million. Medicaid costs caused by smoking in Hawaii is \$141.7 million annually. Residents' state & federal tax burden from smoking-caused government expenditures is \$835 per household. Smoking-caused productivity losses in Hawaii is \$387.3 million. These amounts do not include health costs caused by exposure to secondhand smoke, smoking-caused fires, smokeless tobacco use, or cigar and pipe smoking. Proportion of cancer deaths in Hawaii attributable to smoking is 24.6%.<sup>2</sup>

<sup>1</sup> Centers for Disease Control and Prevention (CDC). Health Effects of Cigarette Smoking. Updated April 28, 2020.

<sup>2</sup> ACS, State-Specific Smoking-Related Cancer Cases and Deaths, 2017 Updated December 3, 2020



We recommend that the definition of “tobacco products” should be broadened to capture new and emerging products including all electronic smoking devices. This definition is limited to products made of tobacco but should include products that contain nicotine but not tobacco. For example, products that claim not to contain tobacco but do contain nicotine and come in flavors.

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, and would recommend 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.*

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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.<sup>6,7</sup>

---

<sup>3</sup> 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”).

<sup>4</sup> 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

<sup>5</sup> 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

<sup>6</sup> Ambrose et al. Flavored tobacco product use among U.S. youth aged 12-17 years, 2013-2014. JAMA, 2015; 314(17): 1871-3.

<sup>7</sup> 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.

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.<sup>8</sup> 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.

ACS CAN supports tax parity for all tobacco products, including e-cigarettes, and applauds this bill for taxing e-cigarettes at 70% of their wholesale price in line with many other tobacco products in Hawaii. Increasing tobacco taxes is one of the best ways to reduce tobacco use. It is important that tax increases apply to all tobacco products at an equivalent rate to encourage people to quit rather than switch to a cheaper product as well as to prevent youth from starting to use any tobacco product. If all tobacco products are not taxed at an equivalent rate, Hawaii can expect to see diminished positive outcomes for both revenue and public health. To prevent consumers from switching to lower-taxed, lower-cost products, we recommend to increase the tax on cigarettes by at least \$1 per pack and tax all OTP including e-cigarettes at a rate parallel to the new cigarette tax. Right now in Hawaii e-cigarettes are not included in tobacco excise taxes and large cigars are taxed at a lower rate than cigarettes, making them an appealing alternative for price-sensitive consumers including youth.

Youth purchase, use, or possession (PUP) laws are not an effective approach to reducing youth tobacco use and inappropriately shift the blame for underage tobacco use from the tobacco industry and retailers. We support the removal of the youth penalties in section [§245-17] and recommend holding the tobacco industry accountable instead of punishing kids who have fallen victim to their predatory marketing tactics.

Thank you for the opportunity to comment on this matter and for considering our recommended amendments.

---

<sup>8</sup> 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

Aloha Senate Committee on Judiciary and Ways and Means,

Attached is a compilation of testimony for Wednesday, March 3, 2021; 9:45 a.m.; State Capitol, Conference Room 211 in SUPPORT of SB1147 HD1: RELATING TO TOBACCO PRODUCTS for the following individuals:

Jenny Hausler, Citizen - Pearl City, 96782

Uri Martos, Citizen - Lihue, Kauai 96766

Gerico Demesillo, UH Undergraduate in Public Health Studies

Tyler Kamisato, UH Undergraduate in Public Health Studies - Mililani, 96789

Madeline Bush, UH Nursing Student - Hilo, 96720

LokeLani Chong - Hilo, 96720

Frank V. Guillermo - Waipahu, 96797

Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

I strongly support SB1147 HD1: RELATING TO TOBACCO PRODUCTS.

Tobacco killed my husband last March 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 online and for being cheap to buy.

Please pass SB1147 HD1 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

My name is Uri Martos, and I am writing to express my support for SB1147 HD1: RELATING TO TOBACCO PRODUCTS to help stop our keiki from using tobacco 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 support SB1147 HD1. Thank you for the consideration of my testimony.

Mahalo,  
Uri Martos  
Lihue, Kauai 96766

Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

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, I support bill SB1147 HD1: RELATING TO TOBACCO PRODUCTS. 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.

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

Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

Thank you for the opportunity to submit testimony in STRONG SUPPORT of SB1147 HD1: RELATING TO TOBACCO PRODUCTS. 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. This bill is an imperative next step in tobacco control if SB1147 HD1 were to be enacted into law. I highly encourage the committee to consider passing SB1147 HD1 for the future of our keiki. Thank you again for the opportunity to testify.

Sincerely,  
Tyler Kamisato  
Mililani, 96789



Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

My name is Madeline Bush and I **support** SB1147 HD1: RELATING TO TOBACCO PRODUCTS.

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

Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

I support SB1147 HD1: RELATING TO TOBACCO PRODUCTS.

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. E-cigarettes and tobacco products need to have more strict regulations, so they do not fall into our youth's hands.

Please pass SB1147 HD1 to save many children and adult lives.

Sincerely,

LokeLani Chong  
Hilo, 96720

Testimony to Senate Committee on Judiciary &  
Senate Committee on Ways and Means  
Wednesday, March 3, 2021; 9:45 a.m.  
State Capitol, Conference Room 211

Dear Chair Karl Rhoads, Chair Donovan M. Dela Cruz, Vice Chair Jarrett Keohokalole, Vice Chair Gilbert Keith-Agaran and Joint Committee Members,

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 strongly support SB1147 HD

1: RELATING TO TOBACCO PRODUCTS.

My 11<sup>th</sup> 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 pass SB1147 HD1. Thank you for this opportunity to testify.

Sincerely,

Frank V. Guillermo  
Waipahu, 96797

**SB-1147-SD-1**

Submitted on: 3/1/2021 4:23:27 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

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

Comments:

**We strongly oppose sb1147. The bill has no merit. It's just a an attack on small businesses and our freedom of choice. The bill does not reflect the desires of normal constitutants but instead only a few special interest lobbyists that wrote it. We ask that the committee not to allow sb1147 to go forward. Thank You.**



## HIPHI Board

*Kilikina Mahi, MBA  
Chair  
KM Consulting LLC*

*Michael Robinson, MBA, MA  
Immediate Past Chair  
Hawai'i Pacific Health*

*JoAnn Tsark, MPH  
Secretary  
John A. Burns School of  
Medicine, Native Hawaiian  
Research Office*

*Debbie Erskine  
Treasurer  
Kamehameha Schools*

*Keshia Adolpho, LCSW  
Molokai Community Health  
Center*

*Keawe'aimoku  
Kaholokula, PhD  
John A. Burns School of  
Medicine, Department of  
Native Hawaiian Health*

*Mark Levin, JD  
William S. Richardson School  
of Law*

*Rachel Novotny, PhD, RDN, LD  
University of Hawai'i at  
Mānoa, College of Tropical  
Agriculture and Human  
Resources*

*May Okihiro, MD, MS  
John A. Burns School of  
Medicine, Department of  
Pediatrics*

*Misty Pacheco, DrPH  
University of Hawai'i at Hilo,  
Department of Kinesiology and  
Exercise Sciences*

*Garret Sugai  
Kaiser Permanente*

Date: March 1, 2021

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

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

Re: Strong Support for SB 1147, SD1, Relating to Tobacco Products

Hrg: March 3, 2021 at 9:45 AM via Video Conference

---

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup>, offers testimony in **Strong Support on SB 1147, SD1**, which comprehensively regulates e-cigarettes by:

1. Ending the sale of flavored tobacco products, with the exemption of menthol;
2. Prohibiting mislabeling of e-liquid products containing nicotine;
3. Restricting the shipment of tobacco products to anyone other than a licensee;
4. Including e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law, thus subjecting them to a tobacco tax and requiring licensing and permitting for wholesalers and retailers;
5. Dedicating a portion of the tobacco tax revenue for health education, prevention, and cessation programs relating to risks and dangers of ESD use by youth; and
6. Offering youth tobacco education and cessation programs or community service for the possession or purchase of tobacco products as an alternative to fines.

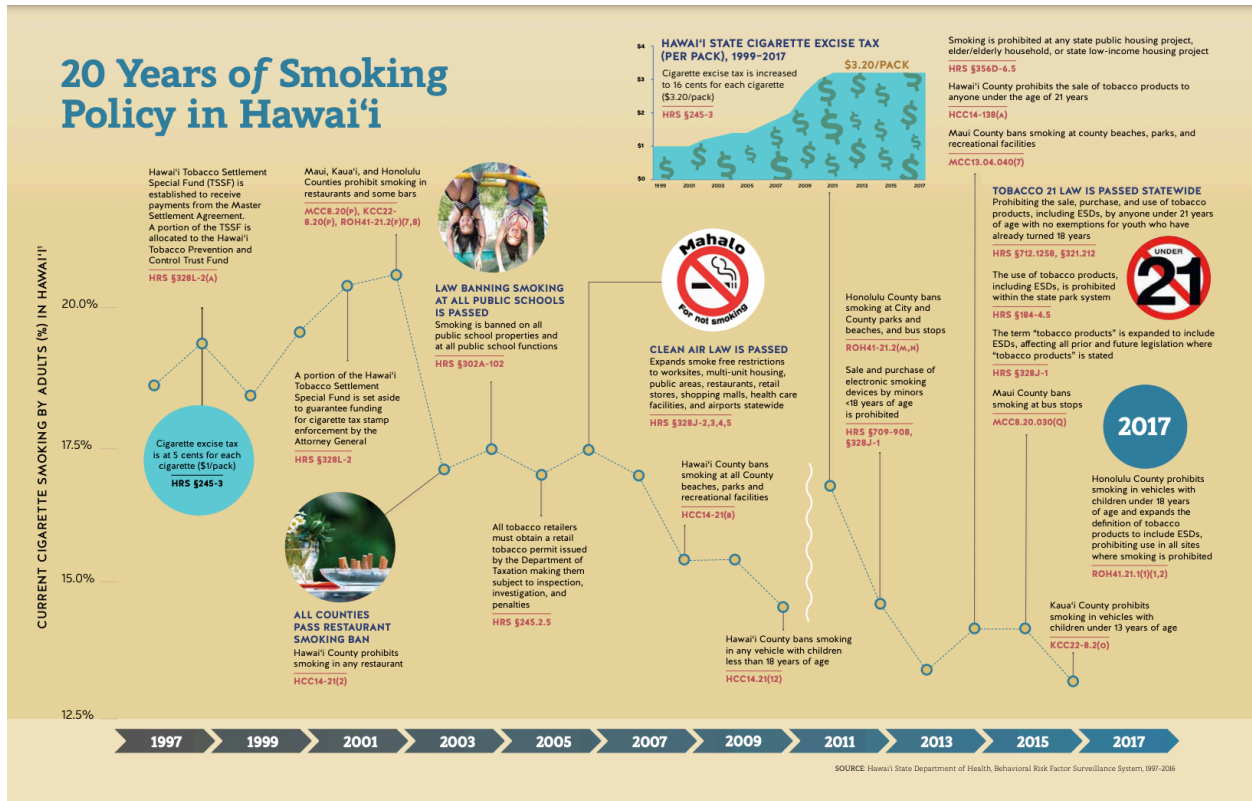
The Coalition appreciates the comprehensive regulations included in this bill, but notes that removing the exemption for menthol-flavored tobacco products will further strengthen this bill.

### **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 costs<sup>ii</sup>, lowered the adult smoking rate to 12.3% (fifth lowest in the nation)<sup>iii</sup>, and reduced smoking prevalence among high school students to 5.3% in 2019<sup>iv</sup>. 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<sup>v</sup>. 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.<sup>vi</sup>

In May 2020, Stanford University published a landmark study<sup>vii</sup> 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<sup>viii</sup>. 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<sup>ix</sup>. 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<sup>x</sup>.”

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<sup>xi</sup>.

**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<sup>xii</sup>.** 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<sup>xiii</sup>. Menthol is also one of the most popular flavors among high school e-cigarette users<sup>xiv</sup>. 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<sup>xv</sup> 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<sup>xvi</sup>.

#### **Hawai’i voters support regulations on e-cigarettes.**

In a poll<sup>xvii</sup> 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.

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 committee to **remove the menthol flavor exemption and pass SB 1147, SD1.**

Mahalo,



Jessica Yamauchi, MA  
Executive Director

---

<sup>i</sup> 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.

<sup>ii</sup> 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

<sup>iii</sup> 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.

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

<sup>v</sup> 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: [www.cdc.gov/yrbs](http://www.cdc.gov/yrbs). Accessed on 02/03/2021.

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

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

<sup>viii</sup> 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>

<sup>ix</sup> Youth Risk Behavior Surveillance System (YRBSS), 2017-2019. Available at: [www.cdc.gov/yrbs](http://www.cdc.gov/yrbs). Accessed on 02/07/2021.

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

<sup>xi</sup> 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](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html)

<sup>xii</sup> 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

<sup>xiii</sup> 2008 Hawaii Behavior Risk Factor Surveillance System (BRFSS).

<sup>xiv</sup> 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>

<sup>xv</sup> 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](https://tobaccocontrol.bmj.com/content/12/suppl_1/i6.citation-tools)

<sup>xvi</sup> 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 1):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.

<sup>xvii</sup> 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.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

March 3, 2021

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

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

FROM: Christy MacPherson, Director, PHOCUSED

SUBJECT: Testimony: Relating to Tobacco Products

Hearing: March 3, 2021 at 9:45 am  
Via videoconference

Chairs, Vice Chairs, and Members of the Joint Senate Committee on Judiciary and Ways and Means,

Thank you for the opportunity to provide testimony **in support** of SB1147, SD1.

PHOCUSED is a nonpartisan project of Hawai'i Appleseed Center for Law and Economic Justice and comprises health and human service organizations and the people they serve across the State of Hawai'i. We have been collaborating on advocacy regarding the impacts of the pandemic and procurement and funding concerns.

Even prior to the pandemic, thousands of Hawai'i's islanders were provided with support and resources from organizations rooted in their communities. Their needs have increased exponentially due to job loss, mental health issues, an increase in domestic violence, and the list goes on. With the threat of budget cuts to the essential services that support them in a myriad of significant ways, bringing revenue into the State of Hawai'i has become increasingly critical.

Increasing the tax on tobacco is a viable way to help replenish our State budget and prevent such budget cuts that ultimately impact all of us, directly or indirectly.

Thank you for the opportunity to submit testimony.

---

PHOCUSED IS A PROJECT OF HAWAII APPLESEED

733 BISHOP STREET, SUITE 1180 • HONOLULU, HI 96813 • (808) 587-7605 • PHOCUSED.ORG



# ALOHACARE

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

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

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

Hrg: March 3, 2021 at 9:45am, Room 211/Zoom

RE: **SB1147 SD1 Relating to Tobacco Products – Strong Support**

---

AlohaCare appreciates the opportunity to provide testimony in **strong support** of **SB1147 SD1**, which will comprehensively regulate e-cigarettes as a tobacco product by ending the sale of flavored tobacco and e-liquids (except menthol), taxing e-cigarettes, closing the online purchasing loophole, and directs a portion of the tax revenue to tobacco prevention and cessation programs.

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 has been experiencing a youth vaping epidemic 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 remove the exemption of menthol from 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

1357 Kapiolani Blvd., Suite 1250, Honolulu, Hawaii 96814  
Call: 973-0712 • Toll-free: 1-877-973-0712 • Fax: 808-973-0726 • [www.AlohaCare.org](http://www.AlohaCare.org)



contributes to health disparities and poor health outcomes. In 2020, AlohaCare spent \$13.9 million treating members that currently use tobacco.

Mahalo for this opportunity to testify in **strong support of SB1147**.



Date: March 1, 2021

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

Re: Comments: SB1147 SD1, Relating to Tobacco Products

Hearing: Wednesday, March 3, 2021 at 9:45am

Dear Members of the Committees on Judiciary and Ways and Means,

The Campaign for Tobacco-Free Kids (CTFK) is providing **COMMENTS on SB1147 SD1** to prohibit the sale or distribution of most flavored tobacco e-cigarette products in the State of Hawai'i. We also 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.<sup>1</sup> 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. 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.**

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. 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.<sup>2</sup> Combating youth vaping IS a crucial part in beating this pandemic and should be included in our public health response.

---

<sup>1</sup> "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>

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



**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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.<sup>6</sup>

---

<sup>3</sup> 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.

<sup>4</sup> 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](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).

<sup>5</sup> Cullen, KA, et al., "e-Cigarette Use Among Youth in the United States, 2019" *JAMA*, published online November 5, 2019.

<sup>6</sup> 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>.



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.”<sup>7</sup>

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>8</sup> 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.”<sup>9</sup> 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.

**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.

---

<sup>7</sup> 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>.

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

<sup>9</sup> 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>.



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.

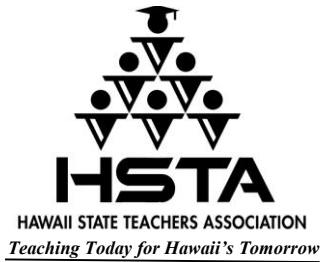
**Thank you for considering a comprehensive policy. It will help to keep our children and others safe.**

Sincerely,

A handwritten signature in black ink that reads "Liza Ryan Gill". The signature is written in a cursive, flowing style.

Liza Ryan Gill,  
Campaign Manager  
Campaign for Tobacco-Free Kids  
[lizaryangill@gmail.com](mailto:lizaryangill@gmail.com)





Corey Rosenlee  
President

Osa Tui, Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

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

RE: SB 1147, SD1 - RELATING TO TOBACCO PRODUCTS

WEDNESDAY, MARCH 3, 2021

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

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

The Hawaii State Teachers Association **supports SB 1147, SD1**, relating to tobacco products. 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. Establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund. Effective 1/1/2050.

**The Hawaii State Teachers Association supports not only taxing vaping products in the same way that other tobacco products are taxed and regulated, but we also support the ban of flavored vaping products as well. Thank you for including this action in this bill.**

**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.**

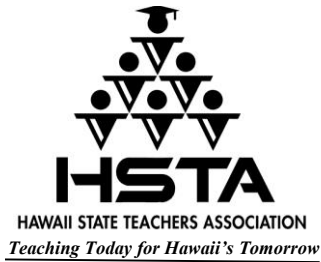
**The use of e-smoking products among youth is at epidemic levels.** According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, **the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.** Furthermore, 1 in 5 high school students reported using e-cigarettes in the past month according to the Surgeon General. **Locally, Hawaii's 2017 Youth Risk Behavior Survey revealed that over 42% of Hawaii high school students have tried using electronic smoking devices and over 25% of Hawaii high school students indicated that they are regular users. Our schools are seeing a rise in cases of e-cig use even in our elementary schools now.**

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.

**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. It is time that regulation of the e-cigarette/vaping industry be on par with the regulation of traditional tobacco products. As such, we should align taxation of electronic smoking device products to that of other tobacco products.** Because taxation of tobacco products is a proven strategy to reduce usage among youth, this bill would help deter children from not only trying e-cigarettes but also from becoming habitual users of these 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 health education, prevention, and nicotine cessation programs extends 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.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: [www.hsta.org](http://www.hsta.org)

Corey Rosenlee  
President

Osa Tui, Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

**We oppose the increase of any fines for youth being added to this bill, as we feel they are the victims in this case. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed.**

Because research shows that increasing the cost of tobacco products, through taxes, decreases the amount used by youth, and that price point does matter, as well as the banning of flavored e-liquids that have also shown to decrease the amount of youth who want to vape, as it clearly shown when flavors were banned from other tobacco products in 2009 by the FDA. We respectfully ask you to **support** this bill.

March 2, 2021

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

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

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

RE: **SB 1147 SD1** - Relating to Tobacco Products  
Hearing Date: March 3, 2021  
Time: 9:45 a.m.

My name is William Goo. I represent the Cigar Association of America, Inc. (CAA).

CAA **opposes SB 1147 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 and the shipment of tobacco products except to a licensee to the extent that it includes cigars. The primary focus of this bill is to address the rising use of electronic smoking devices 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. Therefore, any ban on the sale of flavored tobacco products and the shipment of tobacco products unless to a licensee should exclude cigars.

Thank you for considering this testimony.

**SB-1147-SD-1**

Submitted on: 2/26/2021 5:42:12 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yvonne Geesey	Individual	Support	No

Comments:

support

**SB-1147-SD-1**

Submitted on: 2/26/2021 9:02:44 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Banner Fanene	Individual	Support	No

Comments:

Please Pass. Mahalo!

**SB-1147-SD-1**

Submitted on: 2/26/2021 10:56:38 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Holly t	Individual	Support	No

Comments:

**Aloha my name is Holly Taguma and I am a student from Kauai High School. I am in support of SB1147. Flavored tobacco draws the youth in, and gets them hooked for life. With this bill, cutting flavored tobacco will reduce the number of kids who use flavored tobacco. We must keep our peers safe. Along with that I also ask that you include menthol in the bill. Menthol is still a flavor and should be included. Thank you for reading my testimony.**

**SB-1147-SD-1**

Submitted on: 2/27/2021 10:56:30 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Weiner	Individual	Comments	No

Comments:

I am submitting written testimony in support of amending and passing SB1147 for Comprehensive Tobacco Regulations. As a long-time pediatrician on Kauai, I have been very discouraged by the rise in the use of vaping products among intermediate and high school students. Others of my patients complain that they are unable to use the rest rooms in school due to the widespread vaping done in the bathrooms. This is particularly disheartening after all of the extensive and successful efforts of the past 20 plus years to cut down on teen smoking.

It is well-established that youth are attracted by tasty flavors and clever colorful packaging of e-cigarette products. This is a deliberate strategy by tobacco companies to mislead teens as to the “risk-free” nature of these products. Local tobacco manufacturers have resorted to flavors such as Hawaiian Sweet Rolls, Halawa Guava, and Hawaiian POG, among others. Over 80% of young people who use vaping products begin with flavored liquids and menthol. In addition, another fact well-known to the public health community is that lower income smokers, especially Hawaiians and Pacific Islanders, start with and continue smoking menthol cigarettes. Cigarette companies are well-aware of this phenomenon and target these groups specifically with menthol advertising. In effect, flavored and menthol tobacco products are starter drugs, as nicotine is one of the most addicting substances.

It cannot be stressed enough that vaping products contain much higher nicotine concentrations than cigarettes, yet another strategy to hook vulnerable teens and maintain the nicotine dependence. E-cigarettes are marketed as a “tobacco cessation” product, but in fact are even more highly addictive and toxic than cigarettes and are manufactured to assure more and more need for the addicting nicotine in the vaping liquid. Smokers who believe they have “quit smoking” are only exchanging one poison delivery system for another.

Most crucially, there is a strong link between e-cigarettes use and COVID-19, with a 5 times increase of illness in vapers and 7 times increase among those who both vape and smoke cigarettes. This is in addition to the severe and sometimes deadly lung disease (EVALI). Several cases have already occurred in Hawaii.

In summary, there are no redeeming reasons for allowing flavored and menthol tobacco products, and many to make them illegal. It is time to protect our keiki from deadly



substances and stand up to the tobacco industry. I implore you to amend SB 1147 to tax electronic tobacco products as regular cigarettes and use the tax revenue for tobacco education and cessation efforts.

Linda Weiner, MD

Pediatrics, Kauai

**SB 1147, SD 1**  
**March 3, 2021**

**Committee on Judiciary**  
**Chair Rhoads, Vice Chair Keohokaloe**

**Committee on Ways & Means**  
**Chair Della Cruz, Vice Chair Keith-Agaran**

Good Afternoon,  
Chairs Rhoads, Dela Cruz  
Vice Chairs Keohokaole, Keith-Agaran  
Members

I am Julian Lipsher, a member of the Coalition For a Tobacco Free Hawaii, testifying as a private citizen.

I am testifying in support of SB 1147, SD 1.

Despite two decades of successful efforts in preventing youth smoking and helping adults to quit, the tobacco industry remains an active and influential force in promoting nicotine addiction in our community.

Witness Hawaii's epidemic in youth vaping where high school and middle school students report using e-cigarettes at levels above the national average.

Both the policy and health equity implications of SB 1147, SD 1 are essential for tobacco control and would support the inclusion of:

- \* Ending the sale of flavored tobacco products.
- \* Requiring face-to-face purchasing.
- \* Instituting a 70% tax on the wholesale price of 'Other Tobacco Products'.
- \* Dedicating a portion of the tax revenue toward tobacco prevention & control.
- \* Requiring licensing and permitting for e-cigarette wholesalers and retailers
- \* Considering that the number of youth who are Native Hawaiian and Pacific Islanders e-cigarette users are disproportionately higher than among other population groups.
- \* Acknowledging the tobacco industry's predatory practices of marketing to youth and the most vulnerable groups in our society.

I urge the committees to support the important policy components of this bill and pass SD 1147, SD 1.

Thank you for the opportunity to testify.

Date: February 27, 2021

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

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

Re: **Strong Support for SB1147 SD1**, Relating to Tobacco Products

Hrg: March 3, 2021 at 9:45 AM in Conference Room 211 & Videoconference

Aloha Senate Committees on Judiciary and Ways and Means,

As a parent, community member and healthcare professional I am writing in **strong support of SB1147 SD1**, which 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; establishes the offense of unlawful shipment of tobacco products; includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices; provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund

**Hawai'i is in the midst of a youth vaping epidemic.** 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.

Hawai'i has been a national leader in reducing cigarette use to record lows through **policy, prevention, education, and cessation** programs. By implementing the same strategies we can reverse the trends in youth e-cigarette use.

**SB1147 SD1** includes many of the effective (evidence-based) approaches to reducing tobacco use (regulation, taxation, in-person purchase only) to help address the youth vaping epidemic.

**SB1147 SD1** prohibits the sale of flavored tobacco products, *except menthol*.

I respectfully ask that **SB1147 SD1 be amended** to end the sale of *all* flavored tobacco products, **including menthol**. Menthol increases the tolerability of inhaled nicotine,

enhances and promotes nicotine addiction, making it easier to hook those new to tobacco products. For decades the tobacco industry has targeted vulnerable communities with menthol-flavored cigarettes (<https://www.tobaccofreekids.org/what-we-do/industry-watch/menthol-report>), now the vape industry is using menthol to target our keiki.

It is time for all of us to come together to effectively address and reverse the youth vaping epidemic in Hawai'i using all of the evidence-based tools available.

I **strongly support SB1147 SD1** and respectfully ask you to amend and pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

**SB-1147-SD-1**

Submitted on: 2/27/2021 1:43:12 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Gray	Individual	Support	No

Comments:

I support this bill because as an R.N. I understand the dangers of vaping and the costs associated with the health risks, a lot of which is paid by the taxpayers of this country. I believe that young people do not have the maturity to say no, but if we make it too expensive for them, that is a good thing. The vaping companies should shoulder the cost as well! They should pay a very steep tax rate as well.

Mahalo, Laura Gray R.N.

**SB-1147-SD-1**

Submitted on: 2/27/2021 1:50:33 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Gardner	Individual	Support	No

Comments:

This is a very important and worthwhile tax increase. The number of youngsters, many below the age of 18, are vaping and starting on the road to ill health that will cost them and all of us as well. Tax increases on cigarettes have been proven to reduce the number of smokers. This tax increase will reduce the number of vapors - especially the younger and less affluent ones. This bill needs to be passed without delay.

**SB-1147-SD-1**

Submitted on: 2/27/2021 5:17:59 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica Chang	Individual	Oppose	No

Comments:

.

**SB-1147-SD-1**

Submitted on: 2/27/2021 5:44:22 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments:

Support



**SB-1147-SD-1**

Submitted on: 2/27/2021 6:31:36 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Ng	Individual	Support	No

Comments:

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

My name is Theresa Ng and I strongly support the passage of SB1147.

There are many underage people I know who vape but are under 21. Despite not being the legal age, they loophole around the law by getting their products online. There are a plethora of online sites that sell vape products with no legitimate age verification system. For many of these sites, you just have to press the "I am over 21" button. However, by banning online sales, underage e-cig users will no longer be able to access these harmful products.

In many other states, e-cig products have already been taxed as tobacco products. Many e-cig products contain nicotine, and research has found a large portion are mislabeled to say it is nicotine-free. It is only fair to also levy the tobacco tax on all e-cig products.

In addition, the flavor aspect of e-cigs needs to be addressed as well. Every e-cig user I know started out using artificial flavors. Having once tried e-cigarettes, I can attest that the flavors play an important role in getting addicted. Flavors like menthol and strawberry really do mask the harsh chemicals and tobacco, making it feel like you're just inhaling flavored air. The banning of any and all flavors, including menthol, is necessary to prevent youth from starting the habit in the first place.

All in all, SB1147 is necessary to stop the concerning number of youth who are using e-cigs and getting addicted to it. But menthol e-cig juice, and all flavors in general, need to be banned as well. There needs to be a comprehensive approach that covers all aspects of e-cig popularity to actually stop the vaping epidemic. I strongly urge you to support SB1147 and consider banning all flavors, including menthol. Thank you for your time.

**SB-1147-SD-1**

Submitted on: 2/28/2021 8:43:01 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dyson Chee	Individual	Support	No

Comments:

As an 18-year-old youth living in Ala Moana, thank you for the opportunity to testify in support of SB1147.

**SB-1147-SD-1**

Submitted on: 2/28/2021 9:49:52 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tia pearson	Individual	Support	No

Comments:

Vaping is a serious health matter. Taxes are a proven strategy to reduce youth initiation into tobacco use.

**SB-1147-SD-1**

Submitted on: 2/28/2021 10:41:23 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clayton Silva	Individual	Oppose	No

Comments:

We don't need this bill. The complicated over-regulation doesn't help anyone. Please don't let sb1147 move forward.

**SB-1147-SD-1**

Submitted on: 2/28/2021 10:58:12 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peggy Brandt	Individual	Support	No

Comments:

As a school counselor for middle school students, I see first-hand how difficult it is to reverse an ecigarette addiction once it is begun. Please support prevention efforts so our keiki will not fall for the industry's tricks designed to make money off of those who are seeking self-soothing and have less access to healthier options.

**SB-1147-SD-1**

Submitted on: 2/28/2021 10:58:59 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie Hall Morin	Individual	Support	No

Comments:

I support making vaping harder for our youth to purchase through taxes and any other means.

**SB-1147-SD-1**

Submitted on: 2/28/2021 11:36:08 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brijit Reis	Individual	Support	No

Comments:

As a pediatrician I see the effects of our youth vaping epidemic in children as young as 11 and 12. In Hawai'i, one in three high school students and one in five middle school students report "current use" of e-cigarettes.

In order to combat this alarming trend, Hawai'i must take swift action. We know what works to reduce youth tobacco use – we did it before with cigarettes. Comprehensive policies, as well as investments in tobacco prevention, education, and cessation programs, brought Hawaii's adult and youth smoking rate 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.

**SB-1147-SD-1**

Submitted on: 2/28/2021 2:17:23 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Kim	Individual	Oppose	No

Comments:

Strongly oppose this bill. It will make life harder and be bad for business.



**SB-1147-SD-1**

Submitted on: 2/28/2021 2:53:09 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alex Abe	Individual	Oppose	No

Comments:

I'm Alex and I oppose this bill.

**SB-1147-SD-1**

Submitted on: 2/28/2021 4:05:17 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dallas Nelson	Individual	Oppose	No

Comments:

Over-regulation that's bad for business and bad for our liberties. Vote No on SB1147.  
Thanks, Dallas

**SB-1147-SD-1**

Submitted on: 2/28/2021 4:22:36 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cindy Nettles	Individual	Oppose	No

Comments:

I **oppose** ALL of this bill.

Respectfully,

Cindy Nettles

*from iPhone*

**SB-1147-SD-1**

Submitted on: 2/28/2021 5:16:33 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chad Wheeling	Individual	Oppose	No

Comments:

The bill is no good for business. It's hard enough already dealing with all the excessive rules and regulations not to mention all the money that gets wasted having to deal with it each year. And then COVID virus comes along and trashes people's businesses more. Please remove sb1147 from the agenda and then take it outside and burn it.

**SB-1147-SD-1**

Submitted on: 2/28/2021 6:14:05 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bob Bainum	Individual	Oppose	No

Comments:

The fact this bill exists is a sad day for Hawaii.

**SB-1147-SD-1**

Submitted on: 2/28/2021 6:53:55 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas Winters	Individual	Oppose	No

Comments:

Unfair and needless bill. Strong Opposition.

**SB-1147-SD-1**

Submitted on: 2/28/2021 7:09:07 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
chelsea pang	Individual	Support	No

Comments:

I support because we can gather revenue much needed for schools and social programs devastated by the pandemic by having baking company's join the tax codes of cigarette industry.

**EQUITY IMPLICATIONS**

- 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).

**SB-1147-SD-1**

Submitted on: 2/28/2021 8:18:06 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Mih	Individual	Support	No

Comments:

Dear Senators:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which improves regulations on electronic smoking devices.

Electronic smoking devices are used in a similar manner as cigarettes, yet are not taxed as such. The American Academy of Pediatrics strongly supports regulation and taxation of electronic smoking devices to prevent initiation of use, especially by young people.

Hawaii has one of the highest rates of middle schoolers (18%) and high schoolers (31%) currently using e-cigarettes. For Native Hawaiian and Pacific Island youth the rates are even higher: 30% for middle schoolers and 40% for high schoolers.

Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. Appropriately regulating and taxing these electronic nicotine devices just brings these products in line with laws regarding other tobacco products. This is a common sense solution that is long overdue and which will improve the health of many, especially our keiki and young people.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP



Pediatrician

**SB-1147-SD-1**

Submitted on: 2/28/2021 8:47:25 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carolyn Eaton	Individual	Support	No

Comments:

Aloha, my name is Carolyn Eaton and I am an Oahu voter. I heartily urge passage of the measure to regulate e-cigarettes, just as other tobacco products are regulated. Thank you for your work.

**SB-1147-SD-1**

Submitted on: 2/28/2021 9:23:47 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Manali-Leonardo	Individual	Support	No

Comments:

I am in support of this Bill.

**SB-1147-SD-1**

Submitted on: 2/28/2021 10:20:57 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikkyia Taliaferro	Individual	Support	No

Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, Chair Dela Cruz, Vice Chair Keith-Agaran and committee members,

As a concerned high school student and Hawaii resident, I write **in support of S.B. 1147**, which will comprehensively regulate e-cigarettes as a tobacco product by ending the sale of flavored tobacco and e-liquids, taxing e-cigarettes, closing the online purchasing loophole, and directing a portion of the tax revenue to tobacco prevention and cessation programs.

Being in the midst of a youth vaping epidemic, it is vital for Hawaii to take a comprehensive approach to solve one of our biggest health epidemics. In Hawaii, one in three high school students and one in five middle school students report "current use" of e-cigarettes (Hawai'i YRBSS,2019). This demonstrates a clear lack of legislation preventing industries from targeting youth to make a profit. As a current high school student, I believe it is important now more than ever to prevent industries from continuing to exploit youth. Legislation has already been proven to work in reducing cigarette use to record lows and we can accomplish this same feat and reverse the trends in youth e-cigarette use through prevention, education, cessation programs, and policy.

To further strengthen this measure, I respectfully request the Committee to include menthol flavors in the flavored tobacco and e-liquids ban. The tobacco industry has a history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). The inclusion of menthol is necessary to completely tackle this tobacco epidemic and reduce the appeal of tobacco products to Hawaii youth as well as the Hawaii community.

For the above reasons, I request that the Committee supports this measure.

Thank you for the opportunity to testify.

Sincerely,

Nikkyia Taliaferro



**SB-1147-SD-1**

Submitted on: 3/1/2021 12:26:46 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Logan Lau	Individual	Support	No

Comments:

Hello everyone, my name is Logan Lau, I am a current junior at Kamehameha Schools Kapalama, and for the past two school years now, I have been on the Coalition for a Tobacco Free Hawaii's Youth Council.

First, a comprehensive bill would tax e-cigarettes and vaping devices, and end the online sale of these products. This will prevent minors from attaining them illegally off the internet and raise their price driving demand down. Currently, E-cigarettes are the only tobacco products without a tobacco tax. Moreover, age verification on tobacco retailer websites is insufficient at preventing underage purchases and by restricting online sales to licensed sellers, we will correct this loophole and allow the state to enforce current tobacco laws on minimum age and taxation.

Second, is a ban on flavored tobacco products including menthol, which is responsible for that minty flavor used in many e-liquids that makes it easier for youth to start and harder for them to quit. This is evidenced by the fact that in Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. The consequences of this are that while nicotine and tobacco addiction is deadly for everyone, Native Hawaiians die at higher rates of lung cancer than other groups.

The time to act is now, and with comprehensive bills in both the house and the senate along with studies indicating youth who use e-cigarettes are 5x more likely to be diagnosed with COVID-19 than nonusers and those who use both e-cigarettes and conventional cigarettes (dual use) were 7x more likely to be diagnosed our current public health crisis is growing exponentially.

If this bill is passed, we hope to see a significant decrease in the number of teens using e-cigarettes which will hopefully spell the end of the youth vaping epidemic.

For far too long, BIG tobacco has used illusive marketing strategies which target younger generations like my own. Appealing flavors are driving up youth tobacco use in our state and with thousands of kid-friendly flavors on the market and little regulation, the industry has no incentive to stop selling them. These flavors ultimately entice younger generations and get them hooked on nicotine. That said, it's no wonder that 95% of smokers start before the age of 21.

To make matters worse, BIG tobacco focuses their marketing efforts in low-income areas that are economically vulnerable. This, in and of itself, is a social justice issue. And because of this, tobacco use and tobacco-related illnesses have been affecting Hawaii's communities disproportionately. Strategic targeting and aggressive marketing by the tobacco industry, which for years has labeled Hawai'i as "the menthol State", is a major factor in Hawaii's youth e-cigarette use, increasing for both high school and even middle school students. In 2019 alone, the percentage of frequent high school e-cigarette users doubled. When compared to all ethnic populations, e-cigarette use is the highest among Native Hawaiian and Pacific Islander youth (like myself) and the targeted marketing by these tobacco empires is the cause of this.

In closing, I'd like to share a personal story of a high school student that gets addicted to vaping, via flavored tobacco products. This soon grows into a much larger nicotine addiction which leads into the use of other drugs. Nicotine rewires the brain making users more likely to use and become addicted to other drugs and this is exactly what happened. The nicotine addiction soon turns into a harder drug addiction and while this student graduates and goes on to USC, within a matter of months they are expelled and sent back home because of their drug use. The story doesn't end there, they now have a prison record and live on the streets. This someone was a very close family friend of mine. Which is why I am here today to ensure that this never happens to anyone else. Thank you.

**SB-1147-SD-1**

Submitted on: 3/1/2021 7:37:49 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet Berreman	Individual	Support	No

Comments:

Electronic nicotine delivery systems are as addictive as conventional tobacco products. Hawaii youth are vaping at unprecedented rates. These products must be regulated in the same manner as other tobacco products if we are to stem the tide of new generations addicted to nicotine.



**SB-1147-SD-1**

Submitted on: 3/1/2021 7:54:21 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathryn Braun	Individual	Support	No

**Comments:**

Please support SB 1147, which will apply comprehensive regulations on e-cigarettes. The bill aims to end the sale of flavored tobacco and e-liquids, tax e-cigarettes, close the online purchasing loophole, and dedicate a portion of the revenue from taxes to tobacco prevention and cessation programs.

I am a professor of public health and social work, testifying as an individual. Research suggests that 33% of high school students and 20% of middle school students are using e-cigarettes.

E-cigarettes are pathways to tobacco addiction. Tobacco addiction leads to chronic disease in users and the people around them. In fact, 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

Flavors should be banned, as they are made by tobacco companies expressly to attract children to tobacco addiction.

Requiring fact-to-face purchases makes it harder for youth to obtain these products from online sources. Licensing and permitting tobacco retailers and wholesalers will help with implementation and enforcement of current laws and regulations.

Finally, 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 would complement and strengthen the effects of policies to reduce tobacco addiction in Hawai'i.

**SB-1147-SD-1**

Submitted on: 3/1/2021 8:30:46 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shay Chan Hodges	Individual	Support	No

Comments:

I support SB1147:

- 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.
- Requiring face-to-face purchases for consumers makes it harder for youth to obtain these products online.
- 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,

Shay Chan Hodges

Maui, Hawaii

**SB-1147-SD-1**

Submitted on: 3/1/2021 8:38:22 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew Fox	Individual	Support	No

Comments:

Hawaii needs comprehensive regulation of the e-cigarette market to ramp down the epidemic of youth vaping. Among the issues are the ongoing sale of flavored tobacco products (targeted specifically at the youth market!), the unregulated online sale of tobacco products, and requiring sellers to contribute to the tobacco prevention and cessation programs. Please support this bill!

**SB-1147-SD-1**

Submitted on: 3/1/2021 10:47:11 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Rooney	Individual	Support	No

Comments:

Please create greater parity between tobacco and vaping products. Thank you

**SB-1147-SD-1**

Submitted on: 3/1/2021 10:54:11 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah G. Nehmad	Individual	Support	No

Comments:

SB1147 is way overdue. Vaping among teenagers is epidemic in hawaii and taxing it will help curb the epidemic. It's a no-brainer.

Deborah Nehmad

**SB-1147-SD-1**

Submitted on: 3/1/2021 10:57:01 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole and members,

So glad to see this bill in the Governor's Package and that it is still moving. This measure is overdue as the lives of our Keiki continue to be put at risk by the drug pushers of the Tobacco industry. Please pass.

I hope to this enacted into law this year. It would be great cause for celebration in these very difficult times.

Mahalo, Ann S. Freed, Mililani

**SB-1147-SD-1**

Submitted on: 3/1/2021 11:02:14 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Kingdon	Individual	Support	No

Comments:

If it was not so insidious and disturbing, it would be impressive how quickly and effectively tobacco companies pivoted once public health, policy makers, and social norms got the upper hand on smoking. It is time for public health and policy makers to 'catch up' and restrict the ability of these companies to market their harmful wares to youth and others caught up in cycles of addiction.

Thank you for your consideration.

David Kingdon, MPH

**SB-1147-SD-1**

Submitted on: 3/1/2021 11:18:44 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin ODonnell	Individual	Support	No

Comments:

Aloha,

Stop allowing e-cigarette companies to target our youth! I am writing in support of this bill for the following reasons:

- 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**.
- Requiring face-to-face purchases for consumers makes it **harder for youth to obtain these products online**.
- **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).

**SB-1147-SD-1**

Submitted on: 3/1/2021 11:24:15 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
janice palma-glennie	Individual	Support	No

Comments:

Aloha,

As our state reels with the effects of the pandemic, this bill would add a tobacco tax to e-cigarette products to curb the youth vaping epidemic.

Please support SB1147 SD1.

sincerely,

janice palma-glennie

**SB-1147-SD-1**

Submitted on: 3/1/2021 1:02:31 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
mary santa maria	Individual	Support	No

Comments:

Dear Senators,

I strongly support the passage of this bill. Treating electronic smoking devices as cigarettes and other tobacco products puts them on parity. We have a youth vaping epidemic in Hawaii, and this bill will do something towards curbing that epidemic. 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! And use of vaping devices puts them at greater risk of severe consequences if they become infected with Covid 19. Additionally it should be noted that 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).

Please pass this bill,

Sincerely,

Mary Santa Maria

Maui

**SB-1147-SD-1**

Submitted on: 3/1/2021 1:49:27 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joanne Amberg	Individual	Support	No

Comments:

To whom it may concern,

Our ohanas need a comprehensive approach to stop the increasing use of vaping products among our teens. I am a health care provider at a FQHC. I have been shocked by the numbers of teens using vaping products, and the amount of vaping they are doing daily. These appear be be highly addictive, and the teens are unaware of the dangers of their use. E cigs are too available and unregulated. Our kids are targets for their use.

Please support this bill and protect our young people. Their health both short and long term depend on it.

Mahalo for considering this testimony.

Joanne Amberg, APRN, CNM, MSN, MPH

**SB-1147-SD-1**

Submitted on: 3/1/2021 2:00:25 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle K.	Individual	Support	No

Comments:

**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**. 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.

To: Hawaii State Legislature – Ways and Means & Judiciary Committees  
Hearing: Date/Time: Wednesday, 03-03-2021 9:45 am  
Place: Hawaii State Capitol, Room 211  
Re: Judith Ann Armstrong is in strong support of SB1147 SD1 Relating to Tobacco Products

Aloha Chair Yamane and Members of the Committee,

I am writing in support of SB1147 SD1, which seeks to comprehensively regulate e-cigarettes as a tobacco product by ending the sale of flavored tobacco and e-liquids (except menthol), taxing e-cigarettes, closing the online purchasing loophole, and directs a portion of the tax revenue to tobacco prevention and cessation programs.

We are experiencing 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.

These flavored products are targeted to youth and the nicotine keeps them hooked for life. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect the young people from lifetime addiction.

E-cigarettes are the only tobacco product without a tobacco tax, they should be taxed at the same rate as other tobacco products and the revenue should be used to fund tobacco prevention and control programs to further aid in reducing smoking rates among the keiki.

I strongly urge our legislators to support this important measure.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,  
Judith Ann Armstrong  
1717 Ala Wai Blvd  
Apt 3006  
Honolulu, HI 96815

Date: March 1, 2021

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

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

From: Members of the University of Hawaii Student Health Advisory Council

Re: Strong Support for SB 1147 Relating to Electronic Smoking Advisory Council

Hearing: Wednesday, March 3, 2021, at 9:45am at Capitol Room 211

---

Thank you for the opportunity to submit testimony in SUPPORT of SB1147 which establishes the offense of unlawful shipment of tobacco products. Includes e-liquid and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults. Being a part of the Student Health Advisory Council and currently, an undergraduate student at the University of Hawaii at Mānoa brings to my concern about this trending product.

As an undergraduate student from the University of Hawai‘i at Mānoa, we see a constant trend of underage users of vape products, electronic smoking devices, and other related tobacco products. We have seen a very obvious nicotine addiction starting among college students, which only negatively affects their health. After watching friends and peers experience stress from academics, social pressure, and other health issues, they look for a way to relax. The use of smoking, tobacco, or e-cigarettes is very accessible to young adults, even some not of age, which needs to be prevented. These products are not remedies for young adults and teens, they only tax on their health. Being in support of SB1147 would mean taking the effort to start the process of eliminating smoking/tobacco product use.

Relating to Tobacco products brings a concern to the community surrounding the University of Hawaii at Mānoa. The constant usage of tobacco products used on and off-campus has been raising concerns that should take action for the future of Hawai‘i. Increasing the retail sales

prices and having better regulation on purchasing these products can decrease the unhealthy practices of young adults.

Mahalo,  
Student Health Advisory Council



**SB-1147-SD-1**

Submitted on: 3/1/2021 3:29:22 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Koga	Individual	Support	No

Comments:

I am in strong support of SB 1147 that proposes comprehensive regulations to address the youth vaping epidemic. Hawaii's teen vaping rates are among the highest in the nation. E-cigarettes are not only dangerous to their health but extremely addictive. As an educator, mother and grandparent, I am deeply concerned about recent Hawaii data that reveals that one in three high school students are regular users of e-cigarettes and one in two are experimenting with vaping. The popularity of e-cigarettes is a serious and disturbing trend.

We need urgent action to address this public health crisis and protect Hawaii youth from the harms of e-cigarette use and addiction. This bill will regulate e-cigarettes by ending sales of flavored tobacco and e-liquids (except menthol), taxing e-cigarettes, restricting online sales to prevent youth from obtaining vaping products on the internet, and dedicating a portion of tobacco tax revenue to tobacco prevention and cessation programs.

It is especially important during the COVID-19 pandemic to deter youth from vaping and encourage e-cigarette cessation to prevent harm to their lungs. Smoking and vaping are linked to greater risks for susceptibility to COVID-19. A Stanford University study stated that teens and young adults who used e-cigarettes were five times more likely to be diagnosed with COVID-19 than non-users.

Please take action to pass this important measure that can reverse the youth vaping epidemic and protect our children from a lifetime of addiction to these deadly products. Thank you for the opportunity to provide testimony in support of SB 1147.

**SB-1147-SD-1**

Submitted on: 3/1/2021 3:34:15 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzanne Fields	Individual	Support	No

Comments:

We are 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.

In order to combat this alarming trend, Hawai'i must take swift action. We know what works to reduce youth tobacco use – we did it before with cigarettes. Comprehensive policies, as well as investments in tobacco prevention, education, and cessation programs, brought Hawaii's adult and youth smoking rate 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.

Do the right thing and support this legislation.

**SB-1147-SD-1**

Submitted on: 3/1/2021 3:58:39 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ingrid Peterson	Individual	Support	No

Comments:

We are in the midst of a vaping epidemic among students in high school and even younger. I know this well from having recently retired from working in high school for many years. Vaping and other electronic tobacco products are noting appealing to youth than cigarettes and their use is much easier to conceal. Many young people don't even realize they can become addicted quickly to the nicotine contained in these products. They are sold in trendy, modern devices and often flavored to appeal to youth. Please support the measures in this bill that will work to help stem this epidemic. Mahalo. (From a resident since 1963 who has always voted since I turned 18.)

**SB-1147-SD-1**

Submitted on: 3/1/2021 4:27:42 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Stevens	Individual	Oppose	No

Comments:

No more taxes or regs. I'm still opposed to sb1147.

**SB-1147-SD-1**

Submitted on: 3/1/2021 5:00:47 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

The bill will cause even more hardship for small business.

**SB-1147-SD-1**

Submitted on: 3/1/2021 5:48:49 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Fitzpatrick	Individual	Support	No

Comments:

Aloha Kakou,

I stongly support this bill because not only will it bring in an estimated \$60 million in order to fund vital services and close our budget deficits, but it will make the purchase of e-cigarets and tobacco products more expensive. This has been shown to keep our keiki and students from being able to illegally purchase these products. It makes it harder for youth to get harmful e-cigarette products.

Please pass this and help us fund our schools and very important social services.

Mahalo,  
Fitz

**SB-1147-SD-1**

Submitted on: 3/1/2021 5:50:49 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Nelson	Individual	Support	No

Comments:

I encourage you to support this bill which taxes e-cigarette products to help curb the youth vaping epidemic.

Thank you.

Elizabeth Nelson

Kaneohe

**SB-1147-SD-1**

Submitted on: 3/1/2021 6:05:13 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Higa	Individual	Oppose	No

Comments:

Stop taking away our rights and raising our taxes.

I like these products and I vote.



**SB-1147-SD-1**

Submitted on: 3/1/2021 6:25:07 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
L.M. Holmes	Individual	Support	No

Comments:

It's important to recognize the health risks vaping poses, especially to teens, and to take measures to reduce its use.

Date: March 3, 2021

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

Re: Strong Support for SB 1147, Relating to the Youth Vaping Epidemic

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 SB 1147?

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

My name is Mayra Mendoza and I'm a Senior at Konawaena High School on the Big Island. I **strongly support SB 1147** 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 SB 1147** and help everyone in our society and cause better habits in our lives.

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

I support SB 1147 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 SB 1147 and regulate e-cigarettes like other tobacco products.

Valerie Wong  
Honolulu

To the Senate Judiciary Committee and Ways and Means Committee,

I am writing in support of SB1147 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 SB1147.

Thank you for your time.

Alexander Ham

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

My name is Kayla Okahara-Olsen and I am a high school junior from Hilo. I am writing because I strongly support passing SB1147. 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 SB1147, thank you!

Kayla Okahara-Olsen

March 3, 2021

March 3, 2021

To Chair Rhoads, Chair Dela Cruz, and members of the Judiciary Committee and Ways and Means 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 SB 1147. 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 SB 1147 (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  
March 3, 2021

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

My name is Aislynn and I'm from Kailua. I am in strong support of SB 1147. 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 SB 1147! We cannot delay this!



Jaelyn Natividad

March 3, 2021

Aloha,

My name is Jaelyn Natividad and I strongly support SB 1147; 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 SB 1147. 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!

March 3, 2021

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

My name is Emily Brown and I am a strong supporter of SB1147. 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 **SB 1147** so that we can to lower smoking among youth, reduce health issues, and overall have healthier communities.

Thank you,  
Emily Brown  
Kaneohe, HI

March 3, 2021

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

My name is Zoey Duan and I would like to express my support for SB1147. 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 SB 1147! Thank you very much for your time.

Zoey Duan  
Liliha, HI

March 3, 2021  
Carissa Angelize Esta

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

My name is Carissa Angelize Esta and I am a strong supporter of SB1147. 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 **SB 1147** 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 Rhoads, Chair  
Senator Keohokalole, Vice Chair  
Members of the Committee on Judiciary  
Senator Dela Cruz, Chair  
Senator Keith-Agaran, Vice Chair  
Members of the Committee on Ways and Means

I **strongly support SB 1147**. 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  
March 3, 2021

## End the Youth Vaping Epidemic! Support SB 1147

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 **SB 1147** to protect youth and your loved ones from an irreparable tobacco addiction.



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

I support SB1147 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 [SB1147](#)!** There are too many people affected to not take action. Thank you for your time.

Sincerely,  
Lauren Kam  
Pearl City  
March 3, 2021

March 3, 2021

I am writing in support of SB1147. 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 SB1147!

Sincerely,

Elizabeth Lacambra  
Kalihi

My name is Hayden Mandaquit and I am a supporter of **SB1147** 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 SB1147!**

Thank you,  
Hayden Mandaquit  
Waipahu, HI

March 3, 2021

March 3, 2021

I am writing in strong support of SB1147. 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 SB1147 and help keep youth from starting to vape and helping those that are addicted.

Arie Queja  
Kapolei

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

Re: Support for SB 1147

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. SB 1147 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 SB 1147** 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 Rhoads, Chair Dela Cruz, and members of the Judiciary Committee and Ways and Means Committee,

I support SB 1147 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 SB 1147.

Ocean Lancaster  
Wahiawa

## **In support of SB1147**

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 Rhoads, Chair Dela Cruz, and members of the Judiciary and Ways and Means Committee, to support SB1147. Thank you for your time.

Sincerely,

Sara Cheng

Honolulu, HI 96821



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

Re: Support for SB 1147

My name is Kristin Lau and I am a university student. I strongly support SB 1147. 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 SB 1147 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 SB 1147!

Kristin Lau  
Manoa, Hawaii

March 3, 2021

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

I am in very strong support of SB 1147 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 SB 1147, not only for the youth's health, but also their future.

Thank you,  
Miriam Martinez  
Captain Cook, Hawaii

I am writing in support of SB 1147.

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 SB 1147.

Toetu'ua Leota  
Ewa Beach

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

Re: Support for SB 1147

Date: March 3, 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 Rhoads, Chair Dela Cruz, and members of the Judiciary Committee and Ways and Means Committee,

**I support SB 1147** 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 SB 1147.

Keanna Lau  
Honolulu

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

Re: Support for SB 1147

Date: March 3, 2021

My name is Madison Makishima and I support SB 1147.

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 SB 1147 and regulate e-cigarettes.

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

I want the Youth Vaping Epidemic to end and Support SB 1147.

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 SB1147.

Nichole Bondocoy  
Ewa Beach

March 3, 2021

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

My name is Aubrey Ahana and I am a strong supporter of SB 1147. 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 SB 1147!

Thank you,  
Aubrey Ahana

Wailuku

March 3, 2021

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

My name is Jun Sung Pyo and I support SB 1147. 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 SB 1147 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 SB 1147!

Sincerely,

Jun Sung Pyo  
Hilo, HI

March 3, 2021

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

Aloha! My name is Lawrah Ashley Cabaya and I support SB 1147. 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 SB 1147!

Mahalo,  
Lawrah Ashley Cabaya  
Waipahu, HI

March 3, 2021

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

I am Ethan Kimura and I am a high school student. I am writing to support SB 1147. 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 SB 1147!

Sincerely,

Ethan Kimura  
Hawai`i Kai

March 3, 2021

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

**I am writing in support of SB1147 and request that menthol be added back to the definition of flavored tobacco..**

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 SB1147.

Chanel Matsumoto  
Ewa Beach

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

From: Haley Baccay, Wahiawa

Re: Support for SB 1147

Date: March 3, 2021

I support SB 1147 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 SB 1147 and put menthol back in the flavor ban.



**SB-1147-SD-1**

Submitted on: 3/1/2021 10:47:57 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristen Young	Individual	Support	No

Comments:

I support SB1147. I am currently the youth director at Central Union Church and it concerns me that we are 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.

The facts are available. We should do what we can to end this unhealthy trend. I believe accessibility plays a part in the widespread use of e-cigarettes. Just as was done with tobacco use and products, we can take action toward reducing e-cigarette use among youth by passing this important bill.

Thank you for your consideration.

**SB-1147-SD-1**

Submitted on: 3/1/2021 11:27:26 PM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara J. Service	Individual	Support	No

Comments:

Please do everything you can to discourage the use of tobacco products, especially among our youth.

Mahalo for allowing me to provide testimony.

Barbara J. Service MSW (ret.)

47 years tobacco-free

Date: March 03, 2021

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

Re: Support for SB 1147

Hello! My name is Rojelle Bohol and I am a university student. I am writing in support of SB 1147.

I see many people in my community smoke and use e-cigarette products. I am very concerned because I noticed more young 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 now. I am afraid he will start smoking or begin using 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 adverse health outcomes. This topic is important 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. Despite the adverse effects, people continue to use these products for various reasons. There needs to be something done!

We should be focusing our efforts on preventing smoking and e-cigarette use, especially among youths, so fewer are addicted and/or stop using it in the future. One solution is by implementing stricter regulations on the sale of tobacco and e-cigarette products, including e-liquids, and applying a tobacco tax on e-cigarettes so underaged people will have a more difficult time obtaining these products. Revenues gained from the tax can be used to implement prevention strategies, such as health education about the dangers of e-cigarette use. Also, it ensures that licensed retailers are selling these products rather than allowing anyone to buy these products online and sell them to youth. Additionally, flavors must be included in this bill to reduce the appeal among youth. Flavors make young people especially curious about their products because they may seem more appealing. As a result, youths might want to start smoking due to the availability of these flavors. Menthol is an example of a flavor located in some tobacco products. This flavor makes tobacco products seem more appealing due to their minty flavor. Despite its appeal, tobacco products still contain nicotine, which is addictive! If a ban on the sale of all flavored tobacco products, including menthol, is included in this bill, then it can help prevent tobacco use.

This issue is a concern for all people regardless of age. Many are being affected by these products and it's time to stop it. To prevent tobacco and e-cigarette related disparities from affecting people in Hawai'i, we need to do something now! I strongly support SB 1147 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 SB 1147 for this to become a reality!

Mahalo,  
Rojelle Bohol

Kaimuki, HI

**SB-1147-SD-1**

Submitted on: 3/2/2021 1:24:13 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Ching	Individual	Support	No

Comments:

Aloha kākou,

My name is Joshua Ching, and I'm a junior at Kamehameha Schools Kapalama. I stand in strong support of SB1147, with a recommendation for an amendment to include a ban on menthol e-cigarette products.

It would be an understatement to say that Hawai'i today is facing a public health and social justice crisis when confronted with the issue of vaping. In the middle of a global pandemic, our state maintains some of the highest high school and middle school vaping rates across the country – and with studies confirming the increased likelihood for the contraction of COVID-19 if a teenager previously used an e-cigarette, there is a greater impetus for action. But it's not just about the plight of respiratory preconditions and the need for responsible epidemic management – it's about health equity as well. For years, the tobacco industry has targeted Native Hawaiians and Pacific Islanders, using their power and influence to pervade communities of color to create a deadly and lucrative market. Alongside this, they use sly advertisements, marketing their products to children. Injustice is playing out right before our eyes.

Banning flavored tobacco products, increasing regulation on e-cigarette sellers, creating tax parity, and diverting funds towards tobacco prevention programs all form the core tenants of the solution to this widespread problem in dire need of address. However, the inclusion of a ban on menthol e-cigarette products in this bill is necessary as well. Mint flavoring is one of the most popular e-cigarette flavors on the market – if we ban flavored tobacco products and exempt menthol, we effectively incentivize a shift towards it. Menthol matters – and its inclusion is necessary to combat the youth vaping epidemic.

When we return to school, I hope that clouds of nicotine and formaldehyde no longer fill our bathrooms. I hope that my peers and some of my closest friends are no longer the targets of tobacco companies – who willingly trade generations of addicts for the unfettered collection of profits. I hope that the Native Hawaiian community, a community in which I belong, is no longer disproportionately impacted by e-cigarette and menthol use. Hawai'i has reached its deadly culmination – and decisive action is necessary to dissipate it.

The vaping epidemic isn't just about public health, or social justice, or industry accountability – it's about doing what's right for the future leaders of tomorrow. Addiction and the adverse side-effects of e-cigarette and cigarette use is a burden that we shouldn't leave for my generation – it would be a shame to impede our future from the start.

I urge you to vote in support of SB1147 and add the banning of menthol e-cigarette products into its language.

Mahalo

**SB-1147-SD-1**

Submitted on: 3/2/2021 7:45:30 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samantha Richardson Gomes	Individual	Support	No

Comments:

I support any legislation that will better regulate electronic smoking devices. In my professional experience in Hawaii's school system I have been sent to urgent care twice due to student's vaping inside of enclosed classrooms. I was told that my symptoms mirrored drug exposure via second hand vapor. Because e-cigarettes easily administer drugs such as nicotine, marijuana, cocaine, heroin etc, this medical suggestion is not far off. In fact police have even confiscated mods from schools containing such drug residue. Vaping and exposure to second hand vapor is a huge public health concern, especially during this time of Covid 19. Thank you for taking measures to better regulate the use of e-cigarettes. I hope to see more legislation like this.

**SB-1147-SD-1**

Submitted on: 3/2/2021 7:50:13 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Kim	Individual	Support	No

Comments:

I support this bill. Working with adolescents on a daily basis, I see the ill-effects of vaping on youth. Nicotine is highly addictive. 91% of adults who smoke/vape started as teens. This vaping epidemic will result in years of poor health for youth who are unable to quit. Comprehensive policies, as well as investments in tobacco prevention, education, and cessation programs, brought Hawaii's adult and youth smoking rate 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. This is a MUST-DO for the sake of Hawaii's youth.**



March 2, 2020

To:

Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

From: Scott Rasak, VOLCANO Vape Shops  
Chief Operating Officer

RE SB1147 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 80 full-time workers to support sales of our products not only here in Hawaii, but to most USA states as well as over 30 International countries.

While we stand in overwhelming support of the harsh restrictions measures and laws to restrict use of vapor products among youth, the suggestions put fourth for flavor prohibition and restricting online sales **have not and will not** yield the results that lawmakers are proposing. We stand in opposition to SB1147 for the following:

### **Effects of Flavor Bans**

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

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product.

Unfortunately, these measures have failed to lower youth tobacco and vapor product use.

Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette. (Centers for Disease Control and Prevention, “San Francisco, CA 2017 Results,” *High School Youth Risk Behavior Survey*, 2017, <https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=SF>)

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

Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019. An April 2020 study in *Addictive Behavior Reports* examined the impact of San





Francisco’s flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years. (Yong Yang et al., “The Impact of a Comprehensive Tobacco Product Flavor Ban in San Francisco Among Young Adults,” *Addictive Behavior Reports*, April 1, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/#!po=0.961538>.) Although the ban did have an effect in decreasing vaping rates, the authors noted “a significant increase in cigarette smoking” among participants aged 18 to 24 years old.

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

### **Youths Are Not Relying On Internet for E-Cigarette Products**

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

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

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

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

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



**Vermont** In 2019, among Vermont high school students that reported current e-cigarette use and were under the age of 18, only 3 percent reported using the internet to get obtain vapor products. Further, 52 percent of Vermont high school students that were current e-cigarette users reported borrowing them and 26 percent reported giving “someone else money to buy them.” (Vermont Department of Health, “2019 Vermont Youth Risk Behavior Survey Statewide Results,” March, 2020, [https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS\\_YRBS\\_statewide\\_report.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS_YRBS_statewide_report.pdf))

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

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

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

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

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

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

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

Given African Americans’ preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences.



A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market. (National Research Council, “Understanding the U.S. Illicit Tobacco Market: Characteristics, Policy Context and Lessons from International Experiences,” *The National Academies Press*, 2015, <https://www.nap.edu/download/19016>)

The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, “having a higher share of non-white households was associated with a lower probability of finding a local tax stamp” and “neighborhoods with higher proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes.”

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

### **Conclusion & Policy Recommendations:**

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

- To address youth use of age-restricted products, as well as adult use of deadly combustible cigarettes, Hawaii must allocate additional funding from revenue generated from existing excise taxes and settlement payments.
  - Hawaii’s education and health departments must work with tobacco and vapor product retailers to ensure there are no sales of age-restricted products to minors. Any solution to address such strategies must include all actors – not only proponents of draconian prohibitionist policies.
  - Lawmakers’ must face the reality of a larger illicit market in the wake of a ban on flavored tobacco and vapor products – prohibition does not automatically translate into reduced use, just different markets.
- 
- Most recently, the FDA has issued updated guidance on vapor products which limit a flavor restriction to prefilled pods such as the Juul device which has been proven in the recent CDC Youth Tobacco Risk Survey to be the #1 brand choice for youth usage. This is a measured approach to an issue The FDA purposefully left the “open tank” market off their guidance for flavor restrictions because they want to keep the adult users and industry participants insulated from a blanket ban that would send adults back to cigarettes and put 15,000 small businesses out of business & 100,000 people out of work nationally.
  - HB 1147, will deny current combustible tobacco smokers vital products needed to help them quit smoking. Furthermore, a flavor ban would no doubt force the closure of over 50+ businesses in Hawaii and immediate loss in employment as well as retail leases and supporting businesses. It’s



the small independent vape shops which play a vital role in helping adults make a successful transition off tobacco cigarettes, not convenience stores.

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





- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet HB 1147, deceptively refers to vapor products as “Electronic Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.

- HB 1147, states in its justification that the bill and its regulations are needed to curb youth usage. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use ecigarettes are doing so to replace the use of traditional tobacco.

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

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

- o [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)

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

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

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

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

- o [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

- HB 1147, States in its justification that the use of licensing and permit fees will help “protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit”. We fail to see how requiring retailers to obtain a permit will translate to ‘protecting the public’. Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.

- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95%



less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.

o [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/Ecigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)

- HB 1147, 's justification states that without taxing vapor products, “smokers may be tempted to purchase less expensive products such as e-liquid”. This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes. An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.
- Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state. We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

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



Testimony of Kimo Haynes,  
President of the Hawaii Petroleum Marketers Association

**SENATE BILL 1147 SD1, RELATING TO TOBACCO PRODUCTS**

SENATE COMMITTEE ON JUDICIARY

The Honorable Karl Rhoads, Chair

The Honorable Jarrett Keohokalole, Vice Chair

SENATE COMMITTEE ON WAYS AND MEANS

The Honorable Donovan M. Dela Cruz, Chair

The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 3, 2021 at 9:45 a.m.

Chair Karl Rhoads and Vice Chair Jarrett Keohokalole, and members of the Committee on Judiciary, Chair Dela Cruz and Vice Chair Keith-Agaran, and members of the Committee on Ways and Means:

I am Kimo Haynes, president of the Hawaii Petroleum Marketers Association (“HPMA”). HPMA is a non-profit trade association comprised of members who directly market liquid fuel products and operate convenience stores across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and convenience store items such as tobacco products.

Senate Bill 1147 SD1 seeks to, among other things, increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products from \$20 to an unspecified amount.

**HPMA comments on SB1147 SD1.**

HPMA takes no position on most of the changes proposed in SB1147 SD , but would like to offer comments on the proposed increase in the retail tobacco permit fee. As you all know, most local businesses are struggling to stay afloat during this global pandemic. Many local businesses cannot sustain the continued operating losses and are shutting down permanently.

This is simply not the time to increase our cost of doing business in Hawaii by increasing our retail tobacco permit fee. Local retailers will suffer as a result of this proposed increase. Hawaii already has one of the highest tobacco taxes of any state. Attempting to increase retail tobacco permit fees will increase prices to consumers, and will continue to drive away our loyal customers and encourage mail order or gray market purchases, from exempt Indian reservation outlets as well as from sources outside the country.

Please also keep in mind that the retail tobacco permit fees were created to help pay for the permitting process, administration and enforcement, and were not meant to fund other programs.

Thank you for allowing HPMA the opportunity to submit comments to this bill.

**LATE**

Box 959-633  
Kihei – Maui - Hawaii 96753  
Tel 808- 283-0521  
Fax 801-858-6992  
Email [frobin47@gmail.com](mailto:frobin47@gmail.com)  
To: Hawaii State Legislature



**Re: S.B. 1147 OPPOSE**

Dear Legislators

I am the President of Hawaiian Royal Trading Company, DBA Hula Girl Cigars, Volcano Cigars and the Maui Cigar Company. Our most popular item is the Kona Coffee Flavored Cigar. We are the largest cigar dealer in the State of Hawaii. In past years we have grown tobacco in Kula, Maui; and also import, distribute, wholesale, and retail cigars since 1997. A total of 24 years in business here in Hawaii.

We have offices in Kihei and a warehouse in Kapolei and town.

**We do not target the youth market**

We manufacture all sizes, flavors and shapes of cigars; they retail from \$2.00 to over \$50.00. We make over 20 different flavors including the world famous Hula Girl Kona Coffee Flavored cigar. Our Macadamia nut flavored cigars are a popular visitor industry gift. We currently ship these cigars to all 50 states and many foreign countries. We do not target the youth market with our Hawaiian Flavored cigars; our customers are adult smokers who want a chance to enjoy a new and unusual taste, much the same as flavored coffees. The average age of our retail customer is 42.

Our customers do and did include Duty Free International, ABC stores, Blind Vendors, Longs, Wal-Mart and hundreds of small and large gift and tobacco shops throughout the Islands.

At our previous farm locations in Maui we grew tobacco that was dried, aged and exported for use in cigars that are hand rolled in the Philippines and shipped back to the US or direct to our foreign customers.

We offer assistance to any farmer who wants to grow tobacco. We have found great interest in Hawaiian tobacco and in 2015 increased by three times the number of seedlings. Last year there were 8 billion cigars sold in the US.

**I do not support the S.B. 1147**

This bill lumps our flavored souvenir style cigars with vaping. These are two different types of smoking. Our cigars are usually purchased as a gift item to take back home for friends and family where they are traditionally enjoyed in a relaxing atmosphere. This tradition has existed since our country was founded in 1620 at Jamestown.

**We do not support vaping**

Vaping is a much different product and purchased by a totally different customer than a cigar. A cigar smoker is not a cigarette or vape user. We don't use chemicals in our products, just natural tobacco and natural flavors. I can speak from my own experience that after my first cigar 50 years ago I gave up cigarettes. I enjoy a good cigar once a week after dinner in a relaxing social situation. I've never tried vaping. We are responsible business people who sell adult products to adults.

**S.B. 1147 would put us out of business**

Our cigars are available at resort shops throughout the Islands and not generally available at small local gas stations or stores. Our marketing efforts are focused on the tourist customer. We do not design our product or flavors for the youth market anywhere. Over the years we have sold millions of cigars and I have never heard from any of our retail customers any attempt by a minor to purchase our products.



I attend many international trade show to promote Hawaiian tobacco and have never met anyone who has experienced a problem with youth purchases with cigars.

Thank you for this opportunity to offer testimony.

A handwritten signature in black ink, appearing to read 'FR' followed by a long horizontal flourish.

Fred Robinson  
President  
Hawaiian Royal Trading Company

**LATE**

**SB-1147-SD-1**

Submitted on: 3/2/2021 10:29:08 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clarke Morihara	Individual	Support	No

Comments:

I support this bill because flavored tobacco products are targeting and putting our children's health and well being at risk by exposing them to nicotine and risky addictive behaviors at a young age under the guise of flavored tobacco products.

**LATE**

**SB-1147-SD-1**

Submitted on: 3/3/2021 12:35:51 AM

Testimony for JDC on 3/3/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Edwards	Individual	Support	No

Comments:

**Senators Rhoads and Dela Cruz, Chair**

**Senators Keohokalole and Keith-Agaran, Vice-Chair**

**Dear Chairs, Vice-Chairs, and esteemed members of the committee,**

**My name is Christopher Edwards. I am writing today in support of SB1147.**

Taxing e-cigarettes, closing the online purchasing loophole, and directing a portion of the tax revenue to tobacco prevention and cessation programs are of utmost importance for saving lives and slowing the market penetration of e-cigarettes. **E-cigarettes are the only tobacco product without a tobacco tax.**

People in our community are vaping e-liquids a lot. This addiction and recreational use is damaging our neighbors' bodies. **As the market grows and matures, so too will the death count, the bodily damage, and the personal and familial misery, along much the same trajectory as cigarette smoking.**

**Our state should not incentive vaping, a deadly growth market with lower user acquisition pricing.** E-cigarettes should be heavily taxed and categorized alongside other tobacco products. This bill ensures new costs for this dangerous product.

Our community will thank us for taking these steps now. Nicotine is an addictive substance, an insecticide, and it harms people by worsening a multitude of leading causes of death including, cancer and heart disease. Nicotine inhalation has been a health scourge on Earth for hundreds of years. **These e-liquid and e-cigarette products must be taxed and disincentivized for new users and children.**

**Thank you for the opportunity to testify in support of this bill,**

Christopher Edwards

Honolulu, HI 96822