

STATE OF HAWAII  
DEPARTMENT OF HEALTH

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**WRITTEN TESTIMONY ONLY**

**Testimony in SUPPORT of S.B. 3118, S.D. 1  
RELATING TO TOBACCO PRODUCTS**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date: 2/22/2022

Room Number: Videoconference

1 **Fiscal Implications:** The fiscal impact of a ban on flavored tobacco products in Hawaii would  
2 result in modest reductions in Hawaii's tax revenues while at the same time leading to reductions  
3 in chronic diseases and health care spending, including Medicaid spending in the state.

4 **Department Testimony:** The Department of Health (DOH) supports Senate Bill 3118, Senate  
5 Draft 1 (S.B. 3118, S.D. 1) as both a health equity and social justice issue to protect the next  
6 generation from lifelong addiction to tobacco use. S.B. 3118, S.D. 1 prohibits the sale of  
7 flavored tobacco products (including products derived from nicotine and menthol tobacco  
8 products) and prohibits the mislabeling as nicotine-free any e-liquid products containing  
9 nicotine. The DOH offers amendments to clarify the responsibility for disposal of hazardous  
10 waste and to include all tobacco products in the definition of flavored tobacco products.

11 Banning the sale of flavored tobacco products will reduce youth tobacco use initiation  
12 and encourage current tobacco users to quit. Since 2014, e-cigarettes have been the most  
13 commonly used tobacco product among U.S. youths.<sup>1</sup> Scientific studies report that flavors are  
14 one of the main reasons that youth use tobacco. According to the 2013-2014 Population  
15 Assessment of Tobacco and Health (PATH) study, 81% of 12-17-year-old youths who had ever

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<sup>1</sup> Arrazola RA, Singh T, Corey CG, et al. Tobacco use among middle and high school students—United States, 2011–2014. MMWR Morb Mortal Wkly Rep 2015;64:381–5. PMID:25879896

1 used a tobacco product-initiated tobacco use with a flavored product. Additionally, 80% of  
2 current users had used a flavored product in the last month.<sup>2</sup>

3 The prohibition of all flavored tobacco products should remain in this bill. Exempting  
4 cigarettes, cigars, chewing and smokeless tobacco would create confusion in the marketplace and  
5 could convince users to switch to these available products with flavors rather than quitting.

6 Menthol flavors are too often exempted from tobacco control policies, which is  
7 particularly dangerous as it perpetuates social injustice.<sup>3</sup> Menthol flavoring has been used by the  
8 tobacco industry to appeal to youth, racial minorities, and marginalized populations. The  
9 tobacco industry has targeted minority groups such as the lesbian, gay, bisexual and transgender  
10 (LGBT) community,<sup>4</sup> Asian Americans, Pacific Islanders, and Native Hawaiians,<sup>5</sup> and African  
11 Americans.<sup>6</sup> Menthol use is also high among those with behavioral health conditions<sup>7</sup> and those  
12 who are socioeconomically disadvantaged.<sup>8</sup>

13 The DOH Solid and Hazardous Waste Branch has determined that the inclusion of §342J-  
14 2 (which provides the definition of “hazardous waste”) in this measure does not pertain to cigars,  
15 cigarettes, and chewing or smokeless tobacco whereas waste electronic smoking devices and  
16 e-liquids fall under the listed hazardous waste under Chapter 11-261.1, HAR, because the sole  
17 active ingredient is nicotine, which is acutely toxic. They must be disposed of properly to  
18 protect human health and the environment, and cost of disposal should be borne by the retailer.

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<sup>2</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>3</sup> *The importance of strong local flavored tobacco policies*. (n.d.). Truth Initiative. Retrieved February 1, 2021, from <https://truthinitiative.org/research-resources/emerging-tobacco-products/study-highlights-importance-strong-local-flavored>

<sup>4</sup> Washington, H. (2002). *Burning Love: Big Tobacco Takes Aim at LGBT Youths* / *AJPH* / Vol. 92 Issue 7. American Journal of Public Health. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.7.1086>

<sup>5</sup> Muggli, M. E., Pollay, R. W., Lew, R., & Joseph, A. M. (2002). Targeting of Asian Americans and Pacific Islanders by the tobacco industry: Results from the Minnesota Tobacco Document Depository. *Tobacco Control*, 11(3), 201–209. <https://doi.org/10.1136/tc.11.3.201>

<sup>6</sup> Primack, B. A., Bost, J. E., Land, S. R., & Fine, M. J. (2007). Volume of Tobacco Advertising in African American Markets: Systematic Review and Meta-Analysis. *Public Health Reports*, 122(5), 607–615.

<sup>7</sup> National Survey on Drug Use and health, 2018

<sup>8</sup> National Survey on Drug Use and health, 2018

1           The absence of protective policies for youth and e-cigarettes contributed to the twenty-  
2 two percent increase for high school and thirteen percent increase in use rates by middle school  
3 students. Thirty-one percent of Hawaii’s high school and eighteen percent of Hawaii’s middle  
4 school students used e-cigarettes in the past 30 days (current use), with highest rates on the  
5 neighbor islands.<sup>9,10</sup> The unrestricted promotion of e-cigarettes with countless flavors has  
6 addicted a new generation of young people to nicotine, and increased exposure to harmful  
7 substances and the likelihood of smoking cigarettes in the future.<sup>11</sup>

8           The DOH supports this measure to protect Hawaii’s young people who are  
9 disproportionately using flavored tobacco products, including menthol, with amendments to  
10 clarify the responsibility for disposal of hazardous waste and to include all tobacco products in  
11 the definition of flavored tobacco products. Other states have shown the effectiveness of flavor  
12 tobacco restrictions which were implemented to protect their children and youth.<sup>12</sup> Hawaii’s  
13 keiki deserve the same protection to assure they have healthy futures.

14 **Offered Amendments:**

15           1) Section 2, (4), Page 7, line 11 to line 16, delete reference to hazardous waste as defined  
16           in section 342J-2 and insert clarifying language regarding the retailer’s responsibility for  
17           disposal of electronic smoking devices and e-liquids.  
18 Any flavored tobacco product found in a retailer’s possession that is in violation of this section  
19 shall be considered contraband, promptly seized, subject to immediate forfeiture and destruction  
20 or disposal as hazardous waste as defined in section 342J-2, and shall not be subject to the

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<sup>9</sup> HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, State-level. [http://ibis.hhdw.org/ibisph-view/query/result/yrebs/VaporCurr/VaporCurr\\_HS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrebs/VaporCurr/VaporCurr_HS_ST.html)

<sup>2</sup> HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, Middle Schools, State-level. [http://ibis.hhdw.org/ibisph-view/query/result/yrebs/VaporCurr/VaporCurr\\_MS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrebs/VaporCurr/VaporCurr_MS_ST.html)

<sup>11</sup> US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. pdf icon [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.

<sup>12</sup> Ali FRM, Vallone D, Seaman EL, Cordova J, Diaz MC, Tynan MA, Trivers KF, King BA. Evaluation of Statewide Restrictions on Flavored e-Cigarette Sales in the US From 2014 to 2020. JAMA Netw Open. 2022 Feb 1;5(2): e2147813. doi: 10.1001/jamanetworkopen.2021.47813. PMID: 35142832; PMCID: PMC8832173.

1 procedures set forth in chapter 712A; provided that the cost of proper disposal of electronic  
2 smoking devices and e-liquids as hazardous waste under chapter 11-266.1, Hawaii  
3 Administrative Rules, shall be borne by the retailer.

4 2) Section 2, (7) Page 11, line 1 through line 2, insert the words “cigarette, cigar, or chewing  
5 or smokeless tobacco;”

6 "Tobacco product" includes but is not limited to a cigarette, cigar, pipe tobacco, chewing or  
7 smokeless tobacco, snuff, snus, e-liquid, or an electronic smoking device.

8 3) Section 2, (7) Page 11, line 3 through line 7, delete the words “cigarette, cigar, or  
9 chewing or smokeless tobacco; or”

10 "Tobacco product" does not include a ~~cigarette, cigar, or chewing or smokeless tobacco; or~~  
11 ~~drugs, devices, or combination products approved for sale by the United States Food and Drug~~  
12 ~~Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.~~

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

Date: February 22, 2022

To: The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair  
Members of the Committee on Commerce and Consumer Protection

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

Re: Support for SB3118, Relating to tobacco products

**Hearing: Tuesday, February 22 at 10:00AM; via videoconference**

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Thank you for the opportunity to submit testimony in SUPPORT of SB3118, which would prohibit the sale and distribution of flavored tobacco products and mislabeled e-liquid products.

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 all 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 states that there is an urgent need to protect young people from a lifetime of nicotine addiction and associated health risks.

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products that are mislabeled as nicotine-free entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes.

The banning of flavored tobacco products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products in the State of Hawaii.

Mahalo,

Student Health Advisory Council



American  
Heart  
Association.

## American Heart Association testimony for SB 3118, SD1 “Relating to Flavored Tobacco Products”

February 22, 2022

**Chairman of the Board**  
Jason Fujita

**President**  
Michael Lui, MD

**Board Members**  
Rick Bruno, MD, FACEP  
Greg Christian  
Jackie De Luz  
Brandt Farias  
Mimi Harris  
Glen Kaneshige  
Zia Khan, MD  
Brandon Kurisu  
Michael Rembis, FACHE  
Andrew S. Rosen  
Timothy Slottow  
David Underriner  
Jennifer Walker

*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.

The American Heart Association **supports the intent of SB 3118, “Relating to Flavored Tobacco Products,” but recommends amendments.**

**Anything less than a comprehensive ban on all flavors (including menthol) on all tobacco products (both traditional and electronic) will be ineffective in addressing Hawaii’s alarming youth tobacco epidemic. Experiences in other communities that have exempted certain tobacco products from flavor bans have illustrated that the tobacco companies will simply shift their marketing to those flavored tobacco products exempted from a ban to continue to target our children and hook them as potential replacement customers for those they lose to death from use of their deadly products. When the FDA banned flavors from cigarettes, it exempted menthol cigarette products and failed to address flavors in e-cigarettes. We’re now dealing with the fallout of those incomplete actions.**

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

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

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

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

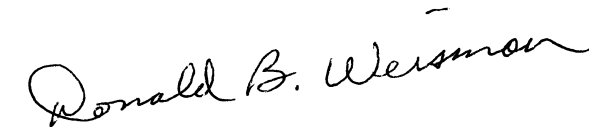
And even though e-cigarettes are often marketed as a less harmful alternative to traditional cigarettes, there's no evidence on the long-term health impact of their use. What is known is that nicotine can have adverse health effects on kids, such as causing addiction to dangerous tobacco products, harming their brain development, and increasing the risk of heart disease. Recent studies have found that e-cigarettes decrease blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.

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

Recently, Massachusetts became the first state to prohibit the sale of all flavored tobacco products—including menthol. We respectfully urge Hawaii legislators to make our state the second to enact such policy to address our extremely high youth use rates.

Mahalo for this opportunity to testify,

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

Don Weisman  
Government Relations/Communications and Marketing Director



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

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

To: Senate Committee on Commerce and Consumer Protection

Re: **SB 3118, SD1 - Relating to Tobacco Products**  
Hawai'i State Capitol, Conference Room 229 & Videoconference  
February 22, 2022, 10:00 AM

Dear Chair Baker, Vice Chair Chang, and committee members,

**On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT with suggested AMENDMENTS to SB 3118 SD1, relating to tobacco products.** This bill would ban the sale of flavored tobacco products and mislabeled e-liquid products.

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

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.

Flavors in tobacco entice keiki to get hooked on nicotine. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019.<sup>3</sup> Ending the sale of all flavored tobacco products, including cigars, cigarettes, and chewing tobacco, will reduce the appeal of these products to our children and youth. We therefore suggest that **this bill be AMENDED to end the sale of ALL flavored tobacco products**, as exemptions may enable youth to switch to other flavored tobacco products instead of quitting.

Hawai'i needs to take action to tackle our growing youth vaping epidemic. Our state was successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs. We can and should reverse the trends in youth e-cigarette use. This bill would be an important start.

Mahalo for the opportunity to provide this testimony. Please pass this bill with our suggested amendment.

Thank you,  
Nicole Woo  
Director of 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/yrbs/index.htm>

<sup>3</sup> [https://www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm)



**SB-3118-SD-1**

Submitted on: 2/18/2022 8:56:00 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erika Vargas	Testifying for Hina Mauka	Support	No

Comments:

I support this bill with amendments. We respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

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



To: The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice-Chair  
Senate Committee on Commerce and Consumer Protection

From: Peggy Mierzwa, Community & Government Relations

Hearing: Tuesday, February 22, 2022

RE: **SB3118 SD1 Relating to Tobacco Products**

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AlohaCare appreciates the opportunity to provide testimony in **support of SB3118**. This measure would prohibit the sale of some flavored tobacco products. The measure excludes flavored cigarettes, cigars and chewing tobacco.

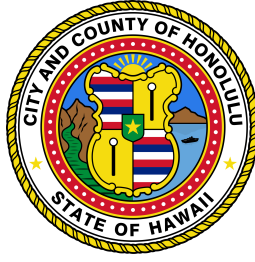
Founded in 1994 by Hawai'i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving 80,000 Medicaid and dual-eligible health plan members on all islands. We are the only health plan in Hawaii that exclusively serves Medicaid beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality health care for all. We believe that health is about supporting whole-person care.

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. According to Hawai'i BRFSS (2008), 78% of Native Hawaiian and Pacific Islander smokers were using menthol cigarettes, and in 2020, 80% of youth who were using e-cigarettes reported using flavored products.

We greatly appreciate the Committee for considering this important measure. Banning the sale of flavored tobacco products with greatly reduce the number of tobacco users in our state. Tobacco consumption results in health problems that creates hundreds of millions in added health care costs for the State and contributes to health disparities and poor health outcomes.

We respectfully ask the Committee to include flavored cigarettes, cigars and chewing tobacco into this measure. If not included, a loophole is created, and provides greater opportunity for youth and others to simply switch to these flavored products.

Mahalo for this opportunity to submit testimony in **support of SB3118 SD1**.



**Honolulu Youth Commission  
Supports SB3118 SD1**

To The Senate Committee of Commerce & Consumer Protection:

The Honolulu Youth Commission remains firm on our stance to help end the use of flavored tobacco products and e-cigarettes among youth per our Resolution 22-002, which can be found on the Honolulu Youth Commission website:

[https://www.honolulu.gov/rep/site/may/may\\_docs/HYC\\_RESOLUTION\\_22-002.pdf](https://www.honolulu.gov/rep/site/may/may_docs/HYC_RESOLUTION_22-002.pdf)

We recognize that there is a youth vaping and e-cigarette epidemic here in Hawai'i. Therefore, a ban on the sale of flavored tobacco products and mislabeled e-liquid products we believe could help mitigate this issue.

As this bill recognizes, youth are heavily impacted by these products, and the health and well-being of our generation are of absolute concern of the Honolulu Youth Commission. Individuals should not profit from the expense of the health and well-being of our youth.

We strongly encourage the members of this committee to vote in support of the bill as it is written.

Mahalo,  
Chair, Bronson Azama  
**Honolulu Youth Commission**



February 19, 2022

To: Chair Baker  
Vice Chair Chang  
Senate Committee on Commerce and Consumer Protection

RE: **STRONG SUPPORT for SB3118 SD1, with amendments**

Thank you for this opportunity to testify in support of SB3118 SD1, which would end the sale of all flavored tobacco products in Hawaii, except for cigarettes, cigars, and chewing tobacco. Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make our state a healthier, happier place to live, work and play. To accomplish that goal, we address ways that we can lower obesity rates, tobacco use, and chronic diseases.

From 2017-2019, e-cigarette 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 acknowledge trying electronic smoking devices in 2017.<sup>2</sup>

Despite the mounting evidence proving the deadly nature of flavored tobacco products, E-cigarette companies continue to use flavors to hook kids. According to the 2019 Youth Tobacco Survey, nearly all (97%) of current youth e-cigarette users use flavored products and 70% of users cited using e-cigarettes “because they come in flavors I like.”<sup>3</sup> The tobacco industry also disproportionately targets minority communities with flavored tobacco and menthol advertising.

This bill is necessary to improve health outcomes, reduce preventable chronic conditions, reduce unnecessary healthcare spend, and save lives. Given the strong impact of other tobacco products, we respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

Thank you for this opportunity to testify in strong support of SB3118 SD1.

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<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> 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





# Kaho'omiki

Hawai'i Council on Physical Activity & Nutrition

February 19, 2022

To: Chair Baker  
Vice Chair Chang  
Senate Committee on Health, Human Services, and Homelessness

Re: Strong Support for SB3118

Thank you for your dedication to our community and for this opportunity to provide testimony in strong support of SB3118.

Kaho'omiki, the Hawai'i Council on Physical Activity and Nutrition, is a local nonprofit that supports and encourages lifelong healthy lifestyles and closely works with organizations across the state to better the lives of youth. Annually, we provide programs and events for over 15,000 youth and families across the State of Hawai'i.

The evidence is clear—ESD use by youth is on an upward trend in Hawaii, and overwhelming 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. The CDC notes that “young people who use e-cigarettes may be more likely to smoke cigarettes in the future.” We also know that flavored products target kids and lead to an increased use—in 2018, there was a 78% increase in youth vaping, a majority of which involved flavored products, and even higher increases in Hawaii. We must take a stand against this critical public health epidemic for the benefit of our most vulnerable populations.

We respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

Thank you for this opportunity to testify in strong support of SB3118.

Sincerely,

Colby Takeda, MBA, MPH  
President & Board Chair



To Chair Rosalyn H. Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection.

On behalf of the Coalition for a Tobacco-Free Hawaii's Youth Council along with community supporters we support SB3118 SD1 with amendments that include **all** tobacco products, as was originally stated in the bill.

Today, Hawai'i is facing a youth vaping epidemic. In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. As many know, these products are harmful to youth in particular, containing toxic chemicals like nicotine and formaldehyde that destroy the developing brain. In fact, over 21,000 Hawai'i youth alive today will die from tobacco-related illness if smoking rates don't change.

But beyond numbers, countless students from across the state and nation have chronicled their experiences with e-cigarettes – whether watching their friends fall victim to the predatory marketing of the industry, seeing their school bathrooms cloud with smoke, or even reporting the struggle of recovering from nicotine addiction themselves. Students today are under siege by an industry that profits off of addiction.

The primary driver of the vaping epidemic is through the creation and marketing of flavored products. 81% of youth who ever used tobacco started with a flavored product, while 97% of youth who vape say they use a flavored product. It comes as no surprise – over the past several years, the market for flavored tobacco products has exploded, with over 15,500, mostly candy and fruity flavors. These have done a number in enticing youth into using tobacco. The industry, no less, has taken to weaponizing our local food and cultures as well, with flavors like POG, Mauna Dew, and Hawaiian Sweet Roll lining shelves.

Menthol, in particular, is one of the most popular flavors among teens – using names like Ice, Chill and Freeze to describe the cooling sensation that couples with its minty

taste, menthol makes it easier to start vaping and harder to quit. Menthol, moreover, is the primary product used in predatory marketing against youth and vulnerable communities – **the industry considers Hawai'i a "Menthol State", with 78% of Native Hawaiian and Pacific Islander smokers using menthol cigarettes, perpetuating a legacy of public health disparities and corporate exploitation.**

**Banning the sale of all flavored tobacco products**, however, would work to end this deadly cycle of addiction and manipulation. In doing so, retailers would no longer have the ability to sell products that have been the primary catalyst for addicting a new generation of people.

However, it's not just youth – we have support from more than 100 organizations, many of which have also submitted testimony. Youth have presented to over 20 Oahu neighborhood boards that have passed resolutions in support, along with organizations like the Association of Hawaiian Civic Clubs, the Honolulu Youth Commission, Parents for Public Schools of Hawai'i, and many more. You can see a partial list below.

We strongly urge support of this bill with amendments. It's time to put people over the profits of Big Tobacco. It's time to protect our keiki.



## PARTIAL LIST OF SUPPORTERS TO END THE SALE OF ALL FLAVORED TOBACCO PRODUCTS IN HAWAII

### HEALTH ORGANIZATIONS

'Ohana Health Plan  
Adventist Health – Castle  
Aloha Care  
AMA/HMA Student Chapter at JABSOM

American Academy of Pediatrics – Hawaii Chapter  
American Heart Association  
American Lung Association  
Bay Clinic Inc.  
Blue Zones Project  
Campaign for Tobacco-Free Kids  
Coalition for a Drug-Free Hawaii  
Coalition for a Tobacco-Free Hawai'i a program of Hawai'i Public Health Institute  
Hamakua Kohala Health Centers  
Hawaii – American Nurses Association (Hawaii-ANA)  
Hawaii COPD Coalition  
Hawaii Dental Hygienists' Association  
Hawaii Health and Harm Reduction Center  
Hawai'i Nurses' Association OPEIU Local 50  
Hawaii Public Health Association  
Hui No Ke Ola Pono  
Hui Ola Pono (UH Public Health's Student Organization)  
Kaho'omiki; Hawaii Council of Physical Activity and Nutrition  
Kauai Rural Health Association  
Keiki Injury Prevention Coalition  
Na Lei Wili Area Health Education Center, Inc.  
The Queen's Health Systems  
Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy  
University of Hawaii Student Health Advisory Council  
US COPD Coalition  
Waimānalo Health Center

## **YOUTH AND COMMUNITY ORGANIZATIONS**

After-School All-Stars Hawaii  
American Youth Soccer Organization (AYSO)  
Association of Hawaiian Civic Clubs  
Big Island Interscholastic Federation (BIIF)  
Hale 'Ōpio Kaua'i Inc.  
Hawaii Children's Action Network  
Hawaii Interscholastic Athletic Directors Association  
Hawaii State Teachers Association (HSTA)  
Hawai'i Youth Climate Coalition  
Hawaii Youth Services Network  
Honolulu Youth Commission  
Kanu o ka 'Āina Learning Ohana (KALO)  
Kauai Path Inc.  
LearningBond  
Pacific American Foundation  
Parents for Public Schools of Hawai'i



Partners in Development Foundation  
Residential Youth Services & Empowerment (RYSE)  
The Friends of Kamalani and Lydgate Park  
Waipahu Intermediate Youth For Safety

## **NEIGHBORHOOD BOARDS**

Kuliouou-Kalani Iki Neighborhood Board 02  
Kaimuki Neighborhood Board 04  
Diamond Head Neighborhood Board 05  
Palolo Neighborhood Board 06  
McCully-Moilili Neighborhood Board 08  
Nuuanu/Punchbowl Neighborhood Board 12  
Liliha/Puunui/Alewa Neighborhood Board 14  
Aliamanu-Salt Lake Neighborhood Board 18  
Aiea Neighborhood Board 20  
Pearl City Neighborhood Board 21  
Waipahu Neighborhood Board 22  
Ewa Neighborhood Board 23  
Mililani-Waipio Neighborhood Board 25  
Koolauloa Neighborhood Board 28  
Kahaluu Neighborhood Board 29  
Kaneohe Neighborhood Board 30  
Waimanalo Neighborhood Board 32  
Mililani Mauka- Launani Valley Neighborhood Board 35  
Nanakuli-Mailii Neighborhood Board 36

## **BUSINESSES**

Country Courier, LLC  
Hana Lima Physical Therapy  
Home Remedies Interior Design  
JCS Enterprises Inc.  
Pediatric Therapies Hawaii

## **SCHOOLS**

Damien Memorial School  
Hawaii Association of Independent Schools (HAIS)  
Hawaii Council of Private Schools (HCPS)  
Holy Family Catholic Academy  
Island Pacific Academy  
Maryknoll School  
Maui Preparatory Academy  
Mid-Pacific Institute  
Roots School  
St. Andrew's Schools

## **HEALTH & COMMUNITY LEADERS**

Kathryn Akioka, RRT / TTS  
Joy Barua  
Forrest Batz, PharmD  
Frank Baum, MD  
Deborah Bond-Upson  
Dale Carstensen  
Valerie Chang  
Dyson Chee  
Danelle Cheng  
Bridgitte Daniel  
May Rose Dela Cruz, DrPH  
Andrew Fox, MD  
Shani Gacayan  
Donita Garcia  
Asaka Herman  
Pedro Haro, MPH  
Cyd Hoffeld  
Colleen Inouye, MD  
Lila Johnson  
Leilani Kailiawa  
Lehua Kaulukukui  
Ken Kozuma  
Mark Levin  
Loren Lindborg  
Katherine May, PsychD  
Bryan Mih, MD  
Kristin Mills  
Shelly Ogata

Gregg Pacilio, PT  
Matthew Prellberg  
Jordan Ragasa  
Nathalie Razo  
Keenan Reader  
Crystal Robello  
Kimberly Golis-Robello  
Mary Santa Maria  
Patty Kahanamoku-Teruya  
Chien-Wen Tseng, MD  
John A Hau'oli Tomoso  
Jennifer Valera  
Cecilia Villafuerte  
Linda Weiner, MD  
Matthew Wong

Date: February 19, 2022

To: Rosalyn Baker Chair, Stanley Chang Vice Chair and members of the Senate Committee on Commerce and Consumer Protection

Re: Support for SB3118 SD1

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

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

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

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

Karena Meyermann

Mililani

Date: February 19, 2022

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB3118 SD1

Aloha mai kākou. My name is Joshua Ching and **I support passage of SB3118 SD1 with amendments to include all tobacco products.**

For most of my time throughout high school, I've been surrounded by the effects of the tobacco industry's targeting of students. From puffs of smoke clouding bathroom stalls to my classmates sneaking an inhale from their vape during class, it's a trend that I've seen often, and that has honestly become normalized in my day-to-day. That, above all else, should be the scariest thing – that for many high school students, the prevalence of a new and booming facet of the tobacco industry is just another thing in their everyday.

It didn't start to truly sink in, however, until a few of my closest friends began using e-cigarette products. Most of them were willing to spend upwards of \$30 for an elf bar or a dab pen – money that came out of their own pockets. When I talked to one of them, asking why they chose to vape, they told me that it helps them deal with their anxiety and body dysmorphia, since nicotine suppresses a user's appetite. As I inquired more, they told me that it was the sweet, candy-like flavors that kept them hooked — alongside the many TV shows and other forms of media that glamorized its use in their eyes. It was painful to see the people I cared about most get taken advantage of by the tobacco industry — an industry that weaponized the anxieties of a teenager by specifically marketing to them.

This story, however, isn't unique to just me — it's one that rings true for so many kids across Hawai'i. It comes as no surprise, then, that Hawai'i has one of the highest rates of middle school and high school vaping rates across the nation. Targeted marketing, whether through the use of flavors, ads, or media glorification, is driving up use rates among youth, and won't stop unless we do something about it — and with 21,000 youth slated to die over the next 50 years if use rates don't decline, it's one that we need to take action on now.

**Native Hawaiians, moreover, are disproportionately affected by the tobacco industry's targeting, especially when it comes to tobacco.** This is of

particular importance to me, as a Native Hawaiian who recognizes the history of corporate exploitation, public health disparities, and intergenerational poverty that has affected my lāhui generation after generation. Especially when it comes to **menthol, which is primarily used by marginalized communities like Native Hawaiians, it's imperative that we end its sale to push for social equity.**

We are facing a public health crisis of massive proportions. It's time, now more than ever, to prioritize the health and safety of my generation over boosting the coffers of an industry that profits off of addiction. **End the sale of all flavored tobacco products.**

Rosalyn Baker Chair, Stanley Chang Vice Chair and members of the Senate  
Committee on Commerce and Consumer Protection

Testimony in strong support for SB3118 SD1

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

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

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

Noah Chang  
Honolulu

To: Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

I am writing today in support of SB3118 SD1.

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

The availability and the targeting of these products has caused such great harm to Hawaii youth, and I want to see accountability from Big Tobacco who fuels this harm. Please pass SB3118 SD1 with amendments to include all tobacco products and help protect our youth from being targeting by Big Tobacco.

Sincerely,  
Misa Layne  
Honolulu





Feb. 19, 2022

To: Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

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

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

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

**Please pass SB3118 SD1** with amendments to include all tobacco products, end the sale of all flavored tobacco products to help keep our young people from starting a potentially lifetime of addiction through the use of flavored tobacco products.

Bailee Otto

Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

My name is Jaelyn Natividad and I am writing in support of SB3118 SD1.

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

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

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

To: Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

Testimony in support for SB3118 SD1

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

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

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

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

Please pass SB3118 SD1 and help protect my friends from a destructive future.

Shaneille Ramos  
Keaau, Hawaii

To: Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

My name is Carissa Angelize Esta and I **support SB3118 SD1 with amendments to include all tobacco products.**

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

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

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

With so many flavors out there, including menthol, I feel the availability of flavored products makes it more of a temptation for those starting out or thinking about starting. Please help end the sale of **all** flavored tobacco products and pass SB3118 SD1.

To: Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

My name is Kaya Pettit and I support SB3118 SD1.

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

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

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

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

I am writing today in strong support of SB3118 SD1 with amendments to include all tobacco products.

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

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

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

Ethan Kimura  
Hawaii Kai

Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

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

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

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

I ask that you **support SB3118 SD1 but make amendments to include all tobacco products** and help protect our keiki.

Chanel Matsumoto

Date: February 19, 2022

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Re: Support for SB3118 SD1

My name is DeAngelo Joshua and I urge you to support SB3118 SD1. I come from a family with a history of substance abuse and I would hate to see my little nieces and nephews get affected by the same fate. Currently, the availability of flavored tobacco products is ridiculous and impacts all youth across the state.

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

For the sake of our youth, now and in the future, please pass SB3118 SD1.

DeAngelo Joshua Ola  
Kauai



To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Support for SB3118 SD1

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

Kyllie Sasaki

Hawaii

Feb. 19, 2022

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Flavored tobacco products hook youth. Most young people start vaping using flavored products and become addicted. It is important that menthol flavors are included in the ban because they are what get youth interested in consuming tobacco and e-cigarettes. The vibrant packaging and interesting flavors are what draw most young people in.

I avoid using the school bathroom during recess because of people vaping. Lots of my classmates actively vape or have tried vaping. As a result, they become addicted and their health is affected, mentally and physically.

Please help put an end to this and stop the sale of flavored tobacco products in Hawaii. Support SB3118 SD1 but include all tobacco products.

Lauryn Hashimoto

February 19, 2022

Chair Rosalyn H. Baker

Vice Chair Stanley Chang

Members of the Senate Committee on Commerce and Consumer Protection.

Aloha my name is Kaidyn Yago and I am a sophomore at Kauai Highschool. I support SB3118 SD1. Many of my fellow peers and friends have tried flavored e-cigarettes already in their life. I have even been offered them but have never tried. It has become a constant problem for teens and students in my school.

Please support SB3118 SD1 and help protect Hawaii's youth.

Chair Rosalyn H. Baker, Vice Chair Stanley Chang and  
members of the Senate Committee on Commerce and  
Consumer Protection.

I support SB3118 SD1 with amendments to include all tobacco products because flavored tobacco products affect youth and are used to target certain groups. These products are “attractive” to the youth and cause teens to get addicted at a very young age. Classmates of mine as young as 11 are using e-cigarettes they got online.

When I was 9, my grandfather passed away from lung cancer as a result of smoking. Knowing now that classmates of mine use e-cigarettes and tobacco products breaks my heart because I know this will take a toll on their health in the future.

It is important to include menthol in the ban in both vapes and cigarettes so youth do not switch from one to the other. Tobacco products cause enough deaths as it is, we don't need flavors targeted towards youth, it can cause serious problems for the future.

I hope that you will help my generation and community to be safe from these products and live healthy lives by ending the sale of all flavored tobacco products in Hawaii.

Neva Leung

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

My name is Caleb and I am writing in support of SB3118 SD1.

Currently, the perception that some youth have about e-cigarettes makes kids want to try vaping. Once they do, like many other types of tobacco products, they become addicted. Flavors play a big role in this. For the past few years in older grade levels, I have been seeing kids that I would never expect to vape. Recently, this problem has spread amongst kids the same age as me.

Some kids believe that smoking e-cigarettes can help relieve stress, especially due to the pandemic and having to adapt to virtual learning. However, e-cigarettes are not a healthy alternative. If we do not regulate them now, e-cigarettes will continue to negatively impact our generation and leave us with terrible health effects later down the line.

Again, I ask you to please support SB3118 SD1.

Caleb Plowman  
Lihue

Date: February 19, 2022

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Re: Support for SB3118 SD1

Dear Senators,

My name is Nigel and I would like to share why I support SB3118 SD1.

I know many students from my high school who are impacted by e-cigarettes. Many who start vaping have become addicted and abuse it. It breaks my heart to see other young people my age deal with addiction, which I know will only get worse. However, this problem is not just found in my school, but practically all schools across Hawaii. I even see on my Tiktok that teens are vaping all the time.

Flavors play a big role in why students try e-cigarettes and other tobacco products, so it's important that all tobacco products and flavors are included. Menthol in particular gets so many students addicted, creating a new generation where nicotine is normalized.

Unless action is taken now, the devastating outcomes that we know go along with tobacco use may be irreversible. It is important that we address e-cigarettes right now and pass this important piece of legislation.

Nigel Agcaoili

Dear Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Support for SB3118 SD1

E-cigarettes should be regulated the same as other tobacco products because they have dangerous chemicals that can be inhaled. They are also as addictive as other tobacco products. The availability of flavored tobacco in general negatively impacts youth or other targeted groups by tricking them into buying more tobacco products. It entices them and lures them in with flavors and hooks them onto using tobacco. Menthol flavors must be included in the ban for both e-cigarettes and other tobacco products because they are the sole reason why so many of our youth start using them in the first place.

My uncle frequently vapes and it affects his household. His house always smells like the thick, sweet, cotton candy vape juice. I think it spreads a message to his kids that it's ok to start vaping. It seems like almost everyone I know vapes because of how easy it is to obtain one.

Youth are the victims of the marketing scams that e-cig companies put out. They are just caught in the act and these companies are putting out more flavors to make more money. The health and well-being of the youth are not being considered. Please support SB3118 SD1.

Jeanine Longboy

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

I support SB3118 SD1 because kids are getting more and more addicted to tobacco products because of the lack of regulations, in particular all of the flavors that are available.

My best friend vapes, he has stopped coming to church and started doing more and more drugs and it's because he has access to purchase these supplies. And he only buys FLAVORED pods.

The ease of purchasing e-cigarettes online means anyone can buy it and anyone can use it. Please help protect Hawaii's keiki and support SB3118 SD1.

Savannah Hubbard



Date: February 19, 2022

Chair Rosalyn H. Baker

Vice Chair Stanley Chang

Members of the Senate Committee on Commerce and Consumer Protection.

RE: **Support SB3118 SD1**

My name is Marissa Matsushige. We need to regulate e-cigarettes and other tobacco products to save the lives of those that are affected by this. Flavored tobacco products can easily hook the youth thus resulting in a higher chance in addiction.

On a daily basis in the school bathroom I notice people vaping. I choose to block out and ignore that aspect of school. I don't appreciate the second hand smoke and other things that affect myself and others that don't participate in smoking, but I have no choice but to be subjected to it.

In my community a lot of people are affected by this and they could potentially be harshly affected by the health risks. Tobacco is easily accessible with many menthol flavors, masking the harsh flavor of the tobacco products thus, making it easier to be addicted.

The companies that make and sell these products should be held accountable for their actions which negatively affect the youth.

To: Chair Baker, Vice Chair Chang and members of the Senate  
Committee on Commerce and Consumer Protection

I support SB3118 SD1 because the availability of flavored tobacco negatively impacts youth by deceiving them with packaging and flavors similar to name brand candies and cereals. By the time they first try vapes, they are hooked, and are forced to continue to profit the tobacco and e-liquid market.

Although I do not have any personal connections to this issue, I realize that it is a massive issue in the community of Hawaii, and although it may sound selfish, I want to protect the rest of the community who remains untouched by this epidemic. There are kids who are just 11 years old and have already started using tobacco and e-liquid products! This needs to be solved, and the only way to is to create hard and fast rules for tobacco companies to follow.

It is important to me that menthol flavors are included in the ban for both e-cigarettes and other tobacco products because they are just as addictive, if not more! They are also targeting youth and Native Hawaiians with menthol, a market that may be unaware of the health consequences. Tobacco and e-liquid companies are specifically targeting them, knowing they will fall for the traps they set. These companies are the ones who need to be punished for hooking our people, all to make a profit.

Thank you for the opportunity to submit testimony.

Eden Thompson

February 19, 2022

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Strong Support for SB3118 SD1 with amendment to include all tobacco products.

Flavored tobacco products are the most effective when it comes to hooking and intriguing the interest for younger groups. For health concerns, it is important to ban menthol flavors in both e-cigarettes and other tobacco products due to the industry using menthol to target younger groups, being unaware of the health risks they are taking.

During my time in high school, many of my peers believed e-cigarettes are a healthy alternative to smoking cigarettes or other tobacco products. Due to their ignorance, many have ended up being treated in the hospital for poor lungs.

Please protect our youth and end the sale of all flavored tobacco in Hawaii

Aron Taguiam

Chair Rosalyn Baker,  
Vice Chair Stanley Chang  
Members of the Senate Committee on Commerce and Consumer  
Protection

I am writing in support of SB3118 SD1

Youth are more likely to fall victim to e-cigarettes and other tobacco products because of their flavors and easy access. Vaping is a problem at my school, and bathrooms are almost always filled with vapor. Second hand smoke is a problem to me and many other students. Bathrooms are hardly usable during breaks. Flavors tempt youth to want to try tobacco products of all types. And it can only take once for some youth to get addicted. A possible life long addiction with many harmful effects on the body

Easy access has made it simple to try, and once you do, get addicted. Not only is their health affected but their financial situation could be at risk too. Given the total cost of a lifelong addiction.

The youth is the victim in this case. More penalties won't have much of an effect on the people who are addicted or people who don't think they will get caught. Also the toll on their bodies is a major penalty by itself. We need to focus on the industry and stop the sale of all flavored tobacco products in Hawaii.

Tanner Hubbard  
Kauai

Dear Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

I am writing to ask for your support for SB3118 SD1

My name is Kirra Carvalho. I believe we need to end the sale of all flavored tobacco products because they have similar negative effects on our bodies. The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes it easy for them to access and try it. When they soon become addicted, they will continue to get more and more. It is important that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because they are just as much a flavor as any other one. It still has the same negative effect and should be banned.

My younger sister, who is a 7th grader, came up to me one day and said she found out so many of her classmates vape. I thought that was crazy because she's so young and I couldn't believe kids her age were vaping.

I support the stance that youth penalties should not be included in flavor ban bills because for these young students it is their time to learn. We want to help them quit and show them the harmful effects of it. Not punish them for falling victim to an industry that targets them.

Date: February 19, 2022

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Support SB3118 SD1

I believe we need to end the sale of all flavored tobacco products since these products are relatively cheap and easily accessible which makes youth more vulnerable. They are highly addictive and can cause many illnesses that youth may not be aware of. Tobacco products cause many of the same health effects and one isn't better than the other. They all end in pain or death.

My best friend is majorly affected by vaping and I wish he could come to terms with his addiction and quit. Banning all flavored tobacco and regulating vapes like other tobacco products would be a big help to him and many others. These kids don't understand the purchase they are making and how detrimental it is to their health. I urge you to support legislation to ban all flavored tobacco.

Maddison Hubbard

To: Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Support HB1750

Students and my peers should not be addicted to tobacco products this young when they still have the rest of their life to live and tobacco products could overtake that life. Flavored tobacco products help get them to try and become addicted when young, it could affect them for the rest of their life.

This is personal for me, my brother is addicted to e-cigarettes. I can tell it affects his exercises, and if flavors were banned and e-cigarettes controls were put in place, there would have been less of a chance he would've gotten addicted in the first place.

Many teenagers now can get a hold of e-cigarettes without an ID or a parent even knowing. E-cigarette companies cater to a younger audience, please control these products like other tobacco products and help protect kids like my brother.

Leia Mokiao-Higashi

Lihue

To: Senator Rosalyn Baker - Chair, Senator Stanley Chang - Vice Chair  
and members of the Senate Committee on Commerce and Consumer  
Protection

Please support SB3118 SD1

Among the many issues of e-cigarettes and other flavored tobacco products, there is one that sticks out: The availability of these flavored products and how it can have a long-lasting impact on youth. Menthol flavors cover the harsh taste of e-cigarettes and other tobacco products alike and causes adolescents to get addicted to the taste of tobacco products.

Unlike other tobacco products, a license isn't required to sell e-cigarettes and almost anyone is eligible to sell these products. This allows youth to get their hands on e-cigarettes, which research has shown to have lasting effects on adolescent brain development, reduces athletic performance, and reduces lung growth. E-cigarettes have the same health concerns as tobacco products and they are as big an issue if not more so than other tobacco products with youth.

The deaths and hospitalization of children who consume e-cigarettes has increased and as long as there is cheap and easy access to e-cigarettes, it will only grow. **Please ban the sale of all flavored tobacco products**

Jacob Trujillo



Feb. 19. 2022

Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

RE: Strong Support for SB3118 SD1

By making flavored tobacco products available, teens are being drawn to and marketed towards which can lead to addiction to tobacco products. As we know, tobacco has major negative health effects including lung, heart, and brain problems. Naturally, youth and other people who aren't educated on the effects of tobacco would be curious to try flavored products, and thereby get hooked.

Although I am not a user of tobacco products, in my freshman year of high school, I had several classmates have allergic reactions to their vapes, as well as a friend faint due to the amount that they were using e-cigarettes. I remember being scared and incredibly concerned for these people, as I talked to them in my day to day life. I knew of the health concerns, but I had never seen them laid out right before my eyes. I knew that I was making the right choice by continuing to not vape, and that I wanted to help others quit.

I can tell that the many flavors and ease of access has created a boom in the amount of people who use e-cigarettes. I see people walking down the street in possession of one, and I've seen several people easily buying them on their cell phones. Banning flavors including menthol flavors is important because if only e-cigarettes and not other flavored tobacco products are banned, then that leaves menthol products available, meaning that targeted audiences will still have access to them and just switch. It seems pointless to only remove a portion of the problem. Please ban the sale of all flavored tobacco products

Kiele Casillas

Kalaheo

Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

Please support SB3118 SD1. The availability of flavored tobacco products negatively impacts youth because it attracts younger kids, the packaging of flavored tobacco products also makes the younger kids have a sense of familiarity when they see names like POG, Bubble Gum or Cotton Candy.

Tobacco or the use of e-cigs have impacted one of those around me. My step brother. He was hit by the popularity wave of e-cigs. Many people in his grade were taken in, he's in high school and has been put under the pressure of owning an e-cig, just to feel the need of fitting in.

With countless flavors, relatively easy access to e-cigarette purchases online combined with the low cost have negatively impacted my community because it is now common to see my peers vaping or having an e-cig.

I think that it is important to protect the youth from harmful substances/products, because youths still have a lot ahead of them. Please support SB3118 SD1, Hawaii's keiki are depending on you.

Mikayla Lumabao

Kalaheo

Aloha, Chair Rosalyn Baker, Vice Chair Stanley Chang and members of the Senate Committee on Commerce and Consumer Protection

I am writing in support of SH1570. Flavored tobacco products get kids hooked on nicotine at a very young age which can lead Hawai'i's youth to have ongoing health problems later in life and can get kids in trouble. Students get addicted to the menthol flavor because it masks the taste of tobacco. Flavored tobacco (including menthol) does the opposite of helping kids get rid of their addictions.

I've seen many of my own friends become addicted to e-cigarettes because of the flavors and advertisements targeted towards kids. When I walk into the bathroom at school, it is very normal to see a group of people passing around an e-cigarette in the stalls because they're addicted. If flavored tobacco was banned, students would not be as interested in these products, which could lead to a lower rate of addiction.

Youth penalties should not be included in bills because in most instances, using e-cigarettes is a form of peer/social pressure that students give into. The kids giving into peer pressure to seem "cool" form an addiction to these nicotine products. Instead of punishing kids for giving into these pressures, end the sale of all flavored tobacco products that attract and hook kids.

Thank you for the opportunity to provide my testimony.

Kailee Oyama  
Lawai



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

February 19, 2022

Honorable Chair Senator Rosalyn Baker  
Honorable Vice-Chair Senator Stanley Chang  
Members of the Health and Consumer Protection Committees

**RE: Strong Support of SB3118, SD1 Relating to Tobacco Products--Flavored Tobacco Products; Sale; Ban**

Dear Senators Baker, Chang and members of the Consumer Protection Committees,

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 SB3118, SD1**, which will end the sale of tobacco and nicotine products, to protect the health of Hawaii's people, especially its vulnerable children.

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers and requiring support from society than they or any of us would like.

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

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. **In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).** Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- We appreciate the committee's attention to the major role flavors play in attracting youth to use tobacco products. ***We respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco.*** Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

- ***Menthol is just as, if not more, harmful than any other flavor in tobacco.*** Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance **health equity** – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. ***In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.***

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).

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

Our state has long needed regulation of electronic smoking devices, which is proliferating due to its low cost and wide availability. This legislation with a ban of flavored nicotine and tobacco products is what is needed to protect our youth.

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 SB3118, 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

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

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

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

February 20, 2022

To: Senator Donovan Dela Cruz, Chair,  
And members of the Committee on Ways and Means

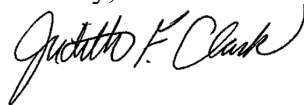
## TESTIMONY IN SUPPORT OF SB 3118 SD 1 RELATING TO TOBACCO PRODUCTS

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, support SB 3118 SD 1 Related to Tobacco Products

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

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director



DATE 20 Feb 2022

To: Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair  
Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB 3118 RELATING TO TOBACCO PRODUCTS

Hrg: 22 Feb 2022, 10:00 AM conference room 229 & Videoconference

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

HPHA strongly supports SB 3118, which intends to prohibit the sale or distribution of flavored tobacco products in Hawai'i, including products with menthol, and prohibit the mislabeling of products as nicotine free. Flavors in tobacco products is especially harmful in youth, who are enticed by the various flavors. Attracting youth to flavored nicotine products leads to nicotine addiction that keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction. Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. With the goal of protecting our keiki and reducing the burden of tobacco in our communities, we must include menthol.

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

**We strongly support SB 3118 and respectfully ask that you pass this measure.** Thank you for the opportunity to provide testimony on this important public health issue affecting members of our community, especially our keiki.

Respectfully submitted,

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

**SB-3118-SD-1**

Submitted on: 2/20/2022 9:29:36 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
"Phil" Augustus Acosta	Testifying for Aloha Harvest	Support	No

Comments:

We are in support of this bill to ban the sale of flavored tobacco. Mahalo.

-Phil Acosta

Executive Director

Aloha Harvest





February 20, 2022

**Committee Members**

Tom Christy  
808 645-1594

Regina Floyd  
702 292-2372

Brian Foster  
808 639-3529

Doug Haigh  
808 635-1120

Larry LaSota  
808 651-0910

Larry Lindsay  
808 634-4559

Scott McCubbins  
816 781-5883

Graeme Merrin  
808 651-7211

Ryan Moen  
808 651-0726

Lelan Nishek  
808 245-7747

Tommy Noyes  
808 639-1018

Doug Shannon  
909 496-1188

Valerie Woods  
808 822-2420

Ron Wiley  
808 245-9527

Tom Worthen  
435 994-0023

**Committee on Commerce and Consumer Protection**

Hawai'i State Senate

***STRONG SUPPORT FOR***  
**SB3118 RELATING TO TOBACCO PRODUCTS**

Aloha Sen. Baker, Sen. Chang, and Committee Members,

This testimony is submitted on behalf of the Friends of Kamalani and Lydgate Park committee, registering our strong support for SB3118 as it was originally drafted.

Please amend this bill to restore its original purpose: eliminating the flavors that entice users—especially our youth—to increased consumption, exposing them to associated health risks.

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

Here's why we implore you to amend and advance this bill as originally drafted:

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

Please fulfill your allegiance to the people of Hawai'i and advance SB3118 as originally written and without dilution. It is your responsibility to protect our youths' health, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality of life impairments.

Sincerely,

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

**SB-3118-SD-1**

Submitted on: 2/20/2022 1:13:11 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sharon Manarpaac	Testifying for Volcano E Cigs Hawaii	Oppose	No

Comments:

To Whom it may concern,

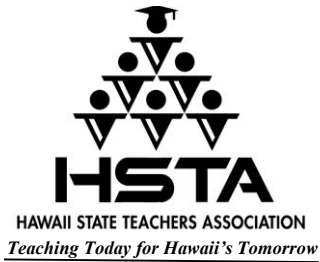
I have been a long time combustible tobacco user, before I stepped foot into the vape industry. The products that I use have significantly changed my life, and improved my health. I am not willing to give that up.

It's unfair that legislative is trying to take away my choice, as an adult to use these products. As a matter of fact, even rip away my livelihood as well as the livelihood of many others. It is not us as corporations or individuals who encourage the use of these products to minors, let alone sell them.

In fact, it is friends or family members of minors, who place these products in their hands.

I am an adult, I love flavoring, & it shouldn't be taken away. My livelihood in this industry should also not be jeopardize because myself & many others have had to work very hard to keep it thriving.

I contribute to society, just like any other ordinary person, & pay for health care on my own. You don't have the right to tell us what we should, & shouldn't use.



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

TESTIMONY BEFORE THE SENATE COMMITTEE ON COMMERCE AND  
CONSUMER PROTECTION

RE: SB 3118, SD1- RELATING TO FLAVORED TOBACCO PRODUCTS

TUESDAY, FEBRUARY 22, 2022

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Baker and Members of the Committee:

The Hawaii State Teachers Association **strongly supports SB 3118, SD1**, relating to flavored tobacco products. This bill bans the sale of flavored tobacco products and mislabeled e-liquid products.

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

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

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as

diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

**In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking.** According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.

**Lastly, HSTA opposes any 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. So please do NOT add any fines or punishment on our youth who are the victims here. We just want to make this stance clear from the start.**

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



Tuesday, February 22, 2022 at 10:00 AM  
Via Video Conference

**Senate Committee on Commerce and Consumer Protection**

To: Senator Rosalyn Baker, Chair  
Senator Stanley Chang, Vice Chair

From: Laura Bonilla  
Executive Director – Pediatric and Women's Services

Re: **SB 3118, SD1 – Testimony In Support  
Relating to Tobacco Products**

---

My name is Laura Bonilla, and I serve as the Executive Director of Pediatric and Women's Services at Kapi'olani Medical Center for Women and Children (Kapi'olani). Kapi'olani is an affiliate of Hawaii Pacific Health. Kapi'olani Medical Center is the state's only maternity, newborn and pediatric specialty hospital. It is also a tertiary care, medical teaching and research facility. Specialty services for patients throughout Hawai'i and the Pacific Region include intensive care for infants and children, 24-hour emergency pediatric care, air transport, maternal-fetal medicine and high-risk perinatal care.

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports SB 3118, SD1 to ban the sale of all flavored tobacco products, including menthol cigarettes.**

At Kapi'olani Medical Center for Women & Children, we often treat pediatric and adult patients who are adversely affected by tobacco products in multiple ways. For the past few years, we have seen an increasing number of teenagers and young children coming in who are screening positive for e-cigarette or vape use.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product up from 7 in 10 in 2019 (National Youth Tobacco Survey) ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol. Ending the sale of all flavored tobacco will advance health

equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol. Hawai'i BRFSS 2008

In the best interest of our local youth, we urge your Committee's passage of SB 3118 to ban flavored tobacco products. If the products cease to be appealing, are made more inaccessible, and more education is provided to our keiki about the health risks of using these products, we may help to avoid the damage caused by the tobacco and vaping industries.

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

**SB-3118-SD-1**

Submitted on: 2/20/2022 8:00:57 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Ching, MD, MPH	Testifying for American Academy of Pediatrics, Hawaii Chapter	Support	No

Comments:

Dear Chair Baker, Vice-Chair Chang, and Members of the Committee on Commerce and Consumer Protection:

The American Academy of Pediatrics, Hawaii Chapter supports SB3118 to ban flavored tobacco products. Flavored tobacco products, especially vaping liquids, may have a wide market but are often targeted toward youth.

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 2019 National Youth Tobacco Survey.

Flavored e-cigarettes have driven the e-cigarette epidemic – 97% of youth e-cigarette users report using a flavored product in the past month and 70% cite flavors as a reason for their use. E-cigarettes entered the U.S. marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among U.S. youth.

Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 13% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Reducing the supply of such flavored tobacco products in our state will reduce nicotine addiction among youth and improve their health across their lifespan. Thank you for this opportunity to testify.

Michael Ching, MD, MPH, FAAP  
President  
American Academy of Pediatrics, Hawaii Chapter

**OPPORTUNITY  
YOUTH  
ACTION HUI**

22 February 2022

Senate Committee on Commerce & Consumer Protection  
Hearing Time: 10:00 a.m.  
Location: Virtual  
Re: SB 3118, SD1 Relating to Tobacco Products

Aloha e Chair Baker, Vice-Chair Chang, and members of the Committee:

We are writing in **strong support** of SB 3118, SD1, relating to Tobacco Products. This bill bans the sale of flavored tobacco products and mislabeled eliquid products.

Eight in ten young people who use tobacco product start with a flavored tobacco product. A major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting Hawai'i youth. We support this measure.

The Opportunity Youth Action Hui is a collaboration of organizations and individual committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs.

We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

**Please support SB 3118, SD1.**





**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 22, 2022**

**Re: SB 3118 SD 1 RELATING TO TOBACCO PRODUCTS.**

Good morning, Chairperson Baker and members of the Senate Committee on Commerce and Consumer Protection. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are in **STRONG OPPOSITION** to SB 3118 SD1 Relating to Tobacco Products. This measure bans the sale of flavored tobacco products and mislabeled e-liquid products. Effective 1/1/2050.

Banning products like tobacco and e-liquids is not the simple answer and will not deter people from purchasing it. Instead, we will see these types of items more desirable and prevalent on the black market.

We also want to make it clear that retailers are not the ones selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not care to see how old someone is.

Many retailers statewide are already operating on a thin margin, face stiff competition and are still in a pandemic recovery mode since many still have large, accumulated debts to pay for their commercial lease rent, utilities, employees pay and benefits to name a few. Retail is one of the hardest hit industries. We see continue to see locally owned stores closing around our neighborhoods due to the affects this pandemic is having on our economy.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. Many E-cigarettes contains **NO** tobacco, and **NO** smoke is emitted when vaporized. The New England Journal of Medicine published an article last year that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

Retailers like many businesses are struggling to survive and keep their employees employed. Many cannot afford an increase in doing business. We hope that you will hold this bill.

Mahalo again for this opportunity to testify.

Testimony of  
Jonathan Ching  
Government Relations Director

Before:  
Senate Committee on Commerce and Consumer Protection  
The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair

February 22, 2022  
10:00 a.m.  
Via Videoconference

**Re: SB 3118, SD1, Relating to Electronic Smoking Devices**

Chair Baker, Vice Chair Chang, and committee members, thank you for this opportunity to provide testimony on SB 3118, SD1, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

**Kaiser Permanente Hawai'i SUPPORTS SB 3118, SD1 and request an AMENDMENT.**

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 265,000 members. Each day, more than 4,400 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Youth in Hawai'i also experience tobacco-related harm at alarming rates. Approximately 400 youth in Hawai'i under the age of 18 become new daily smokers each year, and, unless smoking rates decline, an estimated 21,000 Hawai'i youth under 18 who are alive today will die prematurely from smoking-related disease. In 2019, approximately 48% of high school students and 31% of middle school students in Hawai'i reported having used electronic tobacco products at least once. In the same year, more than a quarter (30.6%) of high school students and 17.7% of middle school students in Hawai'i reported current use of electronic tobacco products. In 2019, approximately one in five (17.8%) of high school students in Hawai'i reported ever smoking cigarettes and 5.3% reported current cigarette use. A 2015 survey also found that an estimated 41,000 high school students in Hawai'i smoked their first cigarette before the age of 13.

The COVID-19 pandemic makes these reforms even more critical. An emerging body of evidence suggests that smokers may be more vulnerable to COVID-19 complications.

To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. Flavored tobacco plays a key role in convincing young people to try these products. As such, Kaiser Permanente Hawai'i supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.

Further, flavored tobacco is extremely prevalent in vaping products, which continues to be on the rise with teens. There are many risks of vaping for teens and young adults, including: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has some known short-term health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping still has negative second-hand smoke effects.

We are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe SB 3118, SD1 is a significant step in restricting access to these dangerous products and is a positive step to preventing another generation of young people from living with a lifetime of addiction.

**We respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.**

We ask the committee to PASS SB 3118, SD1 with the aforementioned amendment. Mahalo for the opportunity to testify on this important measure.

**SB-3118-SD-1**

Submitted on: 2/20/2022 10:29:22 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

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

Comments:

STRONGLY SUPPORT SB 3118

Stop poisoning our keiki.

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

**SB-3118-SD-1**

Submitted on: 2/18/2022 4:10:36 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cynthia Reves	Individual	Support	No

Comments:

I am a high school teacher. Vaping is a big problem on our campus. I urge you to support this bill.

Senator Rosalyn Baker, Chair

Senator Stanley Chang, Vice-Chair

Members of the Committee on Commerce and Consumer Protection

Honorable Senators Baker and Chang and members of the Committee on Commerce and Consumer Protection:

SB 3118 will end the sale of all flavored tobacco products, except for cigarettes, cigars, and chewing tobacco, in Hawai'i. As a graduate of the University of Hawai'i, School of Public Health and a lifelong resident of the State of Hawai'i, I am expressing my SUPPORT of this bill WITH AMENDMENTS.

Hawai'i is in the midst of a youth vaping epidemic, with one in three high school students and one in five middle school students reporting "current use" of e-cigarettes. Hearing my niece and her classmates complain about not being able to use bathrooms on campus because there is so much vaping is gut-wrenching and absolutely unacceptable.

If we are truly trying to support our keiki and citizens of Hawai'i, I'm respectfully requesting that all flavored tobacco products be included in this bill. Cigars, cigarettes and chewing tobacco all come in flavors that entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products and then we would be missing the whole point of reducing the appeal of these products to protect our keiki from a lifetime of addiction.

Again, if our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include all tobacco products.

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

Please support SB 3118. You don't want to "be the one" to leave a legacy of another generation addicted to nicotine.

Shelly Ogata, RN, MPH

**SB-3118-SD-1**

Submitted on: 2/18/2022 6:30:15 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sean Higa	Individual	Oppose	No

Comments:

SB3118 is bad for business and very bad for consumers. Strongly opposed.

**SB-3118-SD-1**

Submitted on: 2/18/2022 10:47:03 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Austin Tucker	Individual	Support	No

Comments:

Aloha members of the Senate Committee on Commerce and Consumer Protection,

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

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

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

Thank you.



Date: February 19, 2022

To: The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair  
Members of the Senate Committee on Commerce and Consumer Protection

Re: **Support for SB 3118 SD1**, Relating to Tobacco Products

Hrg: Tuesday February 22, 2022 at 10:00am Conference Room 229 & Videoconference

Aloha Senate Committee on Commerce and Consumer Protection,

As a parent, community member and healthcare professional I am writing in **strong support of SB 3118 SD1 with amendment**, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

**Hawai'i is in the midst of a youth vaping epidemic** that has been underway for more than 5 years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

**Flavors in tobacco products entice our youth**, while the nicotine alters the development of their brains, keeping them hooked for life. In 2020, 80% of Hawaii youth who currently use e-cigarettes reported using a flavored product, up from 70% in 2019. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

**Ending the sale of all flavored tobacco products, including mint and menthol will advance health equity.** Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Mint and menthol (the chemical in mint that gives a cooling sensation) flavored e-cigarettes are among the most popular flavors with our youth. Menthol masks the harshness of tobacco, making it easier for kids to start and get hooked, and harder to quit.

Please **amend SB 3118 SD1 to include all flavored tobacco products.** Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

I **strongly support SB 3118 SD1 with amendment**, respectfully ask you to amend and pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

Senator Rosalyn Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Committee on Commerce and Consumer Protection

## TESTIMONY IN SUPPORT OF SB 3118, SD1 RELATING TO TOBACCO PRODUCTS

My name is Julian Lipsher, testifying as an individual in support of SB 3118, SD1. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee which is part of the Hawaii Public Health Institute and formerly was with the Hawaii State Department of Health, focusing on tobacco prevention and control and chronic disease prevention.

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

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

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

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

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

Thank you for the opportunity to testify on this measure.



February 19, 2022

To: The Honorable Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair

From: Scott Rasak, VOLCANO Vape Shops  
Chief Operating Officer

RE SB3118 – oppose.

Thank you for the opportunity to submit testimony.

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

While we stand in overwhelming support of the harsh restrictions measures and laws to restrict use of vapor products among youth, the suggestions put fourth for flavor prohibition sales **have not and will not** yield the results that lawmakers are proposing. We stand in opposition to SB3118 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/2019nhdetailables.pdf>)



**Vermont** In 2019, among Vermont high school students that reported current e-cigarette use and were under the age of 18, only 3 percent reported using the internet to get obtain vapor products. Further, 52 percent of Vermont high school students that were current e-cigarette users reported borrowing them and 26 percent reported giving “someone else money to buy them.” (Vermont Department of Health, “2019 Vermont Youth Risk Behavior Survey Statewide Results,” March, 2020, [https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS\\_YRBS\\_statewide\\_report.pdf](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.
  - SB3118 will deny current combustible tobacco smokers vital products needed to help them quit smoking. Furthermore, a flavor ban would no doubt force the closure of over 50+ businesses in Hawaii and immediate loss in employment as well as retail leases and supporting businesses. It’s



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

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





- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet SB3118 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.

- SB3118 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)

- SB3118 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 2457, HD2’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

**SB-3118-SD-1**

Submitted on: 2/19/2022 11:54:15 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Brysen Yuen	Individual	Oppose	No

Comments:

I believe it is the personal choice of adult individuals to use flavored tobacco products. This is not something that should be regulated by the government. Use of tobacco products is legal and an adult pleasure. If the problem is underage use, there should be stricter measures taken to ensure proper sales, not banning the product and making it inaccessible to the legal users.

**SB-3118-SD-1**

Submitted on: 2/19/2022 12:17:24 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Choe	Individual	Oppose	No

Comments:

Vaping has helped me and many people in my circle quit smoking. Patches and gum did not work for us and vaping did. We breath better and can smell/taste things like before we smoked now that those senses have recovered. Please do not ban flavors as it is one of the reasons why switching from smoking to vaping was easy.

**SB-3118-SD-1**

Submitted on: 2/19/2022 12:37:48 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
stone mabrey	Individual	Oppose	No

Comments:

As I have read and as i understand this bill seeks to ban flavored tobacco/nicotine products and to stop the mislabeling of products as tobacco free in an effort to protect the youths of our state, and I feel as though this bill seeks to make tobacco/nicotine products less appealing but misses the root of the problem of minors getting tobacco/nicotine products and that is the adults in there life, be it a parent or grandparent or other legal gaurdian that either don't know what they are buying or have been lied to buy the youth to get them to purchase for them. this bill seeks to punish an entier comuity of people who just want to enjoy flavoered nicotine products instead of trying to fix the actual problem and that is lack of awareness. This bill is a lazy solution to the issue of youths getting hooked on nicotine.

**SB-3118-SD-1**

Submitted on: 2/19/2022 12:43:16 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lauren Simpson-Gomez	Individual	Support	No

Comments:

I am respectfully requesting that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco all come in flavors that attract youth and cover-up the serious health effects of tobacco. Exemptions to laws create loopholes that cause youth to switch to other flavored tobacco products instead of quitting. Menthol is just as, if not more, harmful than any other flavor in tobacco. Its ability to mask the harshness of tobacco makes it easier to start becoming addicted and even harder to quit. Our aim is to protect our keiki and reduce the burden of tobacco in our communities. To achieve this goal, that must include menthol. Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth. I support this bill and you should too.

**SB-3118-SD-1**

Submitted on: 2/19/2022 12:45:29 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kathryn Braun	Individual	Support	No

Comments:

I am a professor of Public Health, testifying as an individual in support of this bill with amendments. I respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

I have a personal interest in this bill as well as a professional interest. My husband has Chronic Obstructive Pulmonary Disease, caused by smoking cigarettes from age 14 to age 34. When he started at age 14, he had no idea that he was causing damage to his lungs. Now, he is a high utilizer of our healthcare system.

In Hawai‘i, one in three high school students and one in five middle school students report “current use” of e-cigarettes. About 80% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.

With flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum, the industry is clearly targeting our children. It’s well-documented that menthol flavors are particularly enticing to teens who haven’t previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit.

We are in the midst of a youth vaping epidemic. Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of addiction and subsequent disease, which is costly to families and to the state. Please vote to support this bill with amendments.

**SB-3118-SD-1**

Submitted on: 2/19/2022 1:16:52 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lopaka Poaha	Individual	Oppose	No

Comments:

aloha lopaka poaha here

i am here today to oppose against this bill.. an i undrstand what this bill is stating. but to my knowledge an experience growing up here in hawaii ive seen youths an underage children going straight to hard drugs, prison, an or dead from deciding to use alcohol or harder drugs on the streets.. an in my eyes an many to come, can say that these e-cigs arent as bad as the government has propetuated it to be. an to be honest i feel that the younger youths will fina something else to smoke regardless your folks dicitons on banding ecigs or disposables.. an say if you do band it an the youth decides to do harder drugs like cristal meth or crack cocain an or any harmful drugs an or dies from the use of drugs.. i hope you folks cant take the resposability an fault for those childrens life along side of theyre parents. because here in hawaii youths will always go behind theyre parents back an do wat they want.. they will lie sneak or hide just to do watever makes them feel better.. so basicly its like locking a dog up on a chain for years an then once they get loose they run away.. so please think about banding these harmfules devices. cuz we all know that all you people in the goverment have children nieces or nephews that uses these devices aswell who know maybe even you are using it too.. so dont be a hypocrite an say one thing an then go an do the opposite...

ps just for info i used cristal meth when i was 14yrs old and it wasnt cigs an or vaping that cause me to use it... it was the friends that i had that i hung around with,that made me decide to use it... i stopped the use of cristal meth at 15yrs old an went back to school cleanned up my act cought up with my grades an graduated with my class..i am 38yrs old now with a whole new out look on life an i share my drug use as a testomony to many people so.. weather you think an feel that passing this bill or any other bill like it will make the community an or youths lives a better place... i suggest you rethink your thoughts.. much appreciation for your understanding have a blessed one aloha

you may have to read twice to understand wat im really tryn to say... bottom line is i dont think  
ejuices or ecigs are a gate way to harder drugs... alocohol is



**SB-3118-SD-1**

Submitted on: 2/19/2022 2:06:52 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha Board

Please oppose Bill SB3118 Vape saved me from traditional cigarettes please don't punish law abiding adults but instead punish under age as you would for alcohol thanks

**SB-3118-SD-1**

Submitted on: 2/19/2022 3:04:32 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Hoku	Individual	Oppose	No

Comments:

I as well as many other that I know, have used and are using flavored nicotine and Vape products to quit smoking harmful cigarettes & smoking tobacco. I oppose this bill to ban flavored nicotine & vape products.

**SB-3118-SD-1**

Submitted on: 2/19/2022 3:18:35 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
ellen benton	Individual	Oppose	No

Comments:

I strongly oppose this bill.

**SB-3118-SD-1**

Submitted on: 2/19/2022 3:30:35 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dallas Nelson	Individual	Oppose	No

Comments:

Dear CPN Committee,

I don't want a legislature that ruins the things in life I enjoy, and my choice of flavors is one of them.

**SENATE BILL 3118 IS GARBAGE AND BELONGS IN THE TRASH!!**

**SB-3118-SD-1**

Submitted on: 2/19/2022 3:36:26 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
HANALEI BENN	Individual	Oppose	No

Comments:

Instead of focusing on unnecessary thing like flavor band why don't we focus on getting our children out of masks while in school. All 8 hours they have to wear it for 5 days a week yet we have events where no one follow the rule yet or children our forced to big having a choice to breath.

**SB-3118-SD-1**

Submitted on: 2/19/2022 4:05:56 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
ASHLEY MATTOS	Individual	Oppose	No

Comments:

Banning flavored products will affect so many people. I OPPOSE this bill because any adult should have the option to smoke what flavors they want.

**SB-3118-SD-1**

Submitted on: 2/19/2022 4:07:34 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cheyenne DeVera	Individual	Oppose	No

Comments:

I oppose this bill.

**SB-3118-SD-1**

Submitted on: 2/19/2022 4:08:16 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
mary santa maria	Individual	Support	No

Comments:

Dear Senate Committee on Commerce and Consumer Protection

SB3118 would end the sale of flavored tobacco products in Hawai‘i except for cigarettes, cigars, and chewing tobacco. **I encourage you to pass this bill with amendments** that would include cigars, cigarettes, and chewing tobacco that come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

Mahalo

Mary Santa Maria, MS, MPH

Public Health Educator



**SB-3118-SD-1**

Submitted on: 2/19/2022 4:41:52 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Zoe Quarles	Individual	Oppose	No

Comments:

Adults should be free to purchase what they want this will effect jobs and people that are trying to quit smoking tobacco.

**SB-3118-SD-1**

Submitted on: 2/19/2022 5:32:58 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerraine Hignite	Individual	Support	No

Comments:

I am in support of SB3118 SD 1.

**SB-3118-SD-1**

Submitted on: 2/19/2022 5:48:06 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Logan Lau	Individual	Support	No

Comments:

To whom it may concern,  
6108

[logan.lau@imua.ksbe.edu](mailto:logan.lau@imua.ksbe.edu) | (808)206-

Hello, my name is Logan Lau, and I am a current senior at Kamehameha Schools Kapalama and will be attending Stanford University in the Fall. I stand in strong support of SB3118.

I believe a ban on flavored tobacco products including menthol is crucial in order to keep our keiki (my peers) safe for generations to come. Menthol, specifically, 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 are deadly for everyone, Native Hawaiians (like myself) die at higher rates of lung cancer than other groups. Moreover, with the explosion of the youth vaping epidemic in Hawaii coupled with the recent spikes in COVID-19 cases, the time to act is now.

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 its marketing efforts on 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.

If this bill is passed, I 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 and will protect my peers who are already facing a global pandemic.

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 to 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 addiction. But 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. Thus, I am writing this today to ensure that this never happens to anyone else.

Thank you.

**SB-3118-SD-1**

Submitted on: 2/19/2022 6:46:44 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Naomi Muronaka	Individual	Oppose	No

Comments:

I oppose this bill

**SB-3118-SD-1**

Submitted on: 2/19/2022 10:23:09 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Bryan Mih	Individual	Support	No

Comments:

Aloha,

As a pediatrician and medical director of the Kapi’olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products.

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

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

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill, with one important amendment. Please ban ALL flavored tobacco and nicotine products, including cigars, cigarettes, and chewing tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**SB-3118-SD-1**

Submitted on: 2/20/2022 8:04:12 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
John A. H. Tomoso	Individual	Support	No

Comments:

02-20-22

RE: SB3118 SD1

I continue to be in strong support of this Bill, banning the sale of flavored tobacco products and mislabeled e-liquid products. As I have previously testified, I am concerned, very concerned, how these products are accessed by and affect the health of children and our overall public health as a State.

Mahalo

John A. H. Tomoso+, MSW, ACSW

51 Ku'ula Street, Kahului, HI 96732-2906

808-280-1749, john.a.h.tomoso@gmail.com

CC: CTFH-Maui



**SB-3118-SD-1**

Submitted on: 2/20/2022 9:34:22 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Eric Heaukulani	Individual	Oppose	No

Comments:

I oppose this measure!

**SB-3118-SD-1**

Submitted on: 2/20/2022 12:56:29 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Tammy Heu-Maginnis	Individual	Support	No

Comments:

I hereby support the SB3118 SD1!

Sincerely,

Tammy Heu-Maginnis

**SB-3118-SD-1**

Submitted on: 2/20/2022 12:01:09 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jenny Chan	Individual	Oppose	No

Comments:

This bill is unfair to vape people.

**SB-3118-SD-1**

Submitted on: 2/20/2022 1:07:25 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Eric Chun	Individual	Oppose	No

Comments:

I am a vaper myself and have been for since i was legally able to smoke. Having there be a flavor ban does not stop those who smoke it will deter underage smoking but that will not stop those who ahve already gotten into vaping. Flavors for smoking allow the person to enjoy there nicotine not just get addicted to nicontine but to allow that person to enjoy smoking. Being able to enjoy ones smoing habit allows them to get their stress relief with nicotine.

**SB-3118-SD-1**

Submitted on: 2/20/2022 1:07:30 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Adam Snyder	Individual	Oppose	No

Comments:

I think this bill is ridiculous. If you start banning flavored age restricted products what is next? Do we now ban all flavored alcoholic beverages? This sets a terrible precedence.

Mahalo,

Adam Snyder

**SB-3118-SD-1**

Submitted on: 2/20/2022 1:12:36 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
david soska	Individual	Oppose	No

Comments:

Aloha. I oppose this bill pertaining to flavored tobacco products.

As a former smoker, I have used flavored vapes (and nicotine gums) to help reduce the nicotine intake until it was zero mg of nicotine. This process was over a few months and eventually successful. I have not smoked or used any nicotine products for 3 years now.

Without a flavored substitute, I would have just kept smoking my MENTHOL cigarette products as health conditions worsened.

We should look at this from a tool to quit perspective and not just a hammer legislation.

Education today has made everyone aware that tobacco products are bad.

People will still import, carry, whatever (illegally) and then there is a new cost of fighting yet a new crime, which in the end, will surely cost tax payers more than the quoted \$500mil.

We ban tobacco and fight to legalize marijuana? Makes no sense.

Mahalo, David Soska.

**SB-3118-SD-1**

Submitted on: 2/20/2022 1:39:45 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mark Patton	Individual	Oppose	No

Comments:

It appears our state legislatures are reaching outside of their responsibility. By attempting to remove my rights and regulate my existence, where are my rights to choose? I understand smoking or vaping is not an acceptable practice; however, it is right to choose. The attempt to regulate or remove something is far worse. I do not need the state determination of my fate, nor should they choose how others' fate shall be. If SB-3118 passes, subsequently, I would propose the removal of legalized use of medical or recreational use of marijuana and alcohol or the riding in the back of vehicles? It is clear under SB-3118, the state says it's a financial burden on society; isn't that society's responsibility to self-regulate and not the states? Isn't that burden covered under the mandatory insurance coverage we all must have? How is this a factor? How about regulating were to use, oh, we have already.

The state's workforce expenditures should tackle the homeless issue, face the pandemic use of illicit drugs, or hold people accountable under existing laws. Our law enforcement is Keystone Cops, and they are the # 1 lawbreakers in the state. No turn signals, tailgating, or running through red lights, to name a few of the daily sightings I witness. All of which do not affect SB-3118. Focus on the now, before there is no future.

**SB-3118-SD-1**

Submitted on: 2/20/2022 1:52:19 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James Zech	Individual	Oppose	No

Comments:

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

Thanks.



**SB-3118-SD-1**

Submitted on: 2/20/2022 1:56:56 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cat Souza	Individual	Oppose	No

Comments:

Senate Committee on Health

Senator Jarrett Keohokalole, Chair

Senator Rosalyn H. Baker, Vice Chair

I write to you as a former cigarette smoker. I have been smoking a least a pack a day for the past 30 years. Since transitioning to vaping, I have not smoked any cigarettes. One of the reasons that I have been able to remain cigarette free is that I have options that I enjoy. I worry that with the proposed ban, I may return to cigarettes.

We need to take a look at history and see what happens when a product is banned. The prohibition of alcohol and the laws against marijuana both provide excellent examples. Thus far, flavored products have been able to be obtained legally and so they are manufactured and sold by regulated businesses. That means ensuring the product goes through rigid quality control, that the market is professionally run, and that those selling them don't sell to kids. It also means a lot of tax revenue. Many small businesses will be affected by this proposed ban.

If flavored products becomes illegal however, none of this will apply. As we saw with alcohol and marijuana, when a popular product is banned, that just means the market will be run by criminal organizations who can make huge profits in this space to finance all of their other activities. They will grow stronger and more dangerous.

If the goal is to prevent younger people from vaping, I would like to offer the following suggestion. Perhaps an additional age restriction for flavored products might be a better solution. My understanding is that drivers under the age of 25, cannot rent a car. Why not do the same for the flavored products?

Thank you for this opportunity to testify,

Respectfully submitted,

Cat Souza



**SB-3118-SD-1**

Submitted on: 2/20/2022 2:09:53 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael EKM Olderr	Individual	Support	No

Comments:

Dear Committee members,

Please do not let the big Tobacco companies regain their foothold in American society. Tobacco products and e-cig devices are dangerously coming back to become the norm, and we cannot let that happen. Flavored Tobacco and other E-cigs flavors are just ploys to trick consumers into getting back into smoking and to spread lung cancer to the next generations. Let the old poison wither and die and never return, and passing this bill will help that.

Please approve this bill

**SB-3118-SD-1**

Submitted on: 2/20/2022 2:30:55 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Roman Rivera	Individual	Oppose	No

Comments:

This bill is unlawful and discriminates against certain products. Vaping products have not only helped me quit more harmful nicotine products, but the specific various flavor options has an added selection for me. It's no different than any 21+ product such as alcohol and other nicotine products such as cigarettes and chewing tobacco. All have different flavors and all are sold at any authorized establishment.

**SB-3118-SD-1**

Submitted on: 2/20/2022 4:55:13 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
melissa noble brown	Individual	Oppose	No

## Comments:

My husband and I OPPOSE this bill. This is further overreach by our government. This is also unnecessary as there are already rules regarding minors. My husband and I are property owners, highly paid and pay lots to taxes here. We are tired of the State's overreach. This is just another shameful example of this. Flavored tobacco products have helped me stop smoking cigarettes and it is much healthier for you. Stop trying to regulate every little thing. If these types of laws/rules keep getting passed when we retire next year we will sell our property and take our tax money out of this state. We are tired of these unnecessary laws being passed!

**SB-3118-SD-1**

Submitted on: 2/20/2022 4:20:30 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cortney Midla	Individual	Support	No

Comments:

I support SB3118. I live across the street from Princess Ke'elikōlani Middle School and see vulnerable young students vaping and smoking. It is heartbreaking. This important bill will make it less attractive for young people to start vaping and smoking, as mint, fruit, and other flavors make easier to start this harmful habit.

Thank you for hearing this important bill.

Cortney Midla

**SB-3118-SD-1**

Submitted on: 2/20/2022 5:25:13 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Linda Weiner	Individual	Support	No

Comments:

TESTIMONY SB3118 SD1

I am a long-time Kauai pediatrician, and I am writing in that role to support SB 3118, banning flavored liquids and tobacco products. We are in the midst of a vaping epidemic in Hawaii with startling statistics - 1/3 of high school students and 1/5 of middle school students are regular vapers. Flavored tobacco products, especially vaping liquids, are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, seductive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. This is a recipe for ever-increasing medical costs to treat the medical consequences of tobacco addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids and menthol cigarettes to children is to prohibit the sale of flavored tobacco products in the first place.

Menthol is a flavor that was originally introduced to mask the harsh taste of nicotine. Therefore menthol cigarettes and e-cigarettes are also starter drugs, and preferred by certain socioeconomic groups. At present 78% of native Hawaiian and Pacific Islanders who use tobacco products smoke menthol cigarettes. By banning menthol, the appeal of smoking and e-cigarettes would be much reduced. Therefore, I strongly recommend that all flavored tobacco products, including menthol cigarettes and chewibg tobacco, among others, be included in this bill.

There is a clear-cut way to greatly reduce flavored tobacco use by our most precious resource - our keiki. That is to eliminate access to flavored vaping liquids and menthol via legislation. There is absolutely no reason to abdicate that responsibility. We owe it to our children.

Linda Weiner, MD

Kauai Pediatrician

**SB-3118-SD-1**

Submitted on: 2/20/2022 10:13:50 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James Toyomura	Individual	Oppose	No

Comments:

Ecigarettes have kept me off of smoking cigarettes, banning the sale of flavored juices will only encourage people who quit smoking to likely revert back.





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

**Date:** 02/22/2022

**Time:** 10:00 AM

**Location:** CR 229 & Videoconference

**Committee:** Senate Commerce and  
Consumer Protection

**Department:** Education

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

**Title of Bill:** SB 3118, SD1 RELATING TO TOBACCO PRODUCTS.

**Purpose of Bill:** Bans the sale of flavored tobacco products and mislabeled e-liquid products. Effective 1/1/2050. (SD1)

**Department's Position:**

The Hawaii State Department of Education (Department) is in support of this measure. The Department is committed to ensuring that our students are educated, healthy, and lifelong learners who contribute positively to our community and global society. Therefore, it is vital that students are educated in safe, positive, inclusive, and caring learning environments.

Principals across the state support this bill as they see the impact that tobacco products and vaping has on their students and their communities at large. In 2019, the Hawaii Youth Risk Behavior Survey results indicated that 30.6% of high school students used an electronic vapor product and 5.3% of high school students smoked cigarettes in the past 30 days.

The Department continues to work in partnership with the Hawaii Department of Health (DOH) to educate youth to make positive health decisions. To raise awareness about the risks and dangers of tobacco products and electronic smoking devices, the two Departments focus on the following:

- Providing health education to develop students skills that support healthy behaviors;
- Collaborating with DOH on the collection of Youth Risk Behavior Survey data on Hawaii's youth and usage of tobacco and electronic smoking devices;
- Promoting public awareness through parent letters and flyers of Section 712-1258,

Hawaii Revised Statutes, which makes it unlawful for anyone under the age of 21 years of age to be sold, purchase, use, or possess tobacco and electronic smoking devices; and

- Monitoring students for compliance or violation of Title 8, Chapter 19, Hawaii Administrative Rules, Student, Misconduct, Discipline, School Searches, and Seizures, Reporting of Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedures and Investigation of Discrimination, Harassment (including Sexual Harassment), Bullying and/or Retaliation, as it relates to using of tobacco products and electronic smoking devices.

Thank you for the opportunity to provide testimony in support of SB 3118, SD1.



**February 21, 2022**

**RE: SB 3118, Relating to Tobacco Products**

Chair Baker, Vice Chair Chang, and Honorable Members of the Committee on Commerce and Consumer Protection,

Thank you for the opportunity to write on behalf of our more than 800 members in Hawai'i expressing our concerns and extreme opposition to SB 3118, which would prohibit sales of low-risk nicotine products in flavors other than tobacco. This proposal is a hasty reaction to an emotionally fueled issue that is only being made worse by well-meaning, but misguided attempts to eradicate nicotine use.

The proposal to ban the sale of vapor products sold in flavors other than tobacco will deny people who smoke access to the most popular low-risk smoking replacement product in generations. Focusing solely on a particular feature of vapor products ignores other aspects of these products that people find enjoyable--a key factor in helping people who smoke make the switch and dramatically improve their health. Moreover, we believe it is a mistake to focus on the issue of flavors to the exclusion of underlying factors affecting youth use. Socioeconomic status, trauma, peer pressure, stress, depression, and a natural inclination toward taking risks all motivate young people to experiment with potentially harmful behaviors and coping strategies. None of these factors are addressed by SB 3118 or any other measures that deal strictly with access to substances like nicotine and other drugs.

The leading indicator of whether or not a young person will smoke is if they live with a parent who smokes. Hawai'i can do more to promote healthy behaviors among young people by encouraging parents who smoke to switch completely to a low-risk smoke-free alternative. In order to achieve a rapid and enduring transition to safer nicotine products, people who smoke must have access to products they enjoy. This necessitates the availability of a diverse range of flavored smoke-free products. For these and the following reasons CASAA is urging the Committee Commerce and Consumer Protection to reject SB 3118.

## **SB 3118 will deprive people who smoke access to life saving products**

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

It is very disappointing that some of the comments the committee will hear on this legislation callously dismiss the experiences of millions of people who quit smoking<sup>1</sup>, or are on their way to living smoke-free by switching to a safer nicotine product like vaping. You are being asked to disbelieve the experiences of surgical patients who will have better outcomes after switching to vaping,<sup>2</sup> parents and grandparents who will be around longer for their children, and young adults who are quitting before lasting damage is done, or who will never take up smoking because vaping is a better, safer alternative to combustible cigarettes.<sup>3</sup>

You are right to be skeptical of claims that vaping is unhelpful because just as we all know someone who has died early due to smoking, we are also increasingly more likely to know someone who quit by switching. Enjoyable, flavored products are being linked to positive outcomes in both people trying to quit<sup>4</sup> <sup>5</sup> and those who quit by accident.<sup>6</sup>

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

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

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

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

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

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

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

<sup>5</sup> Eva C. Rest, Kristin N. Brikmanis, Robin J. Mermelstein, Preferred flavors and tobacco use patterns in adult dual users of cigarettes and ENDS, *Addictive Behaviors*, Volume 125, 2022, 107168, ISSN 0306-4603, <https://doi.org/10.1016/j.addbeh.2021.107168>.  
(<https://www.sciencedirect.com/science/article/pii/S0306460321003531>)

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

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

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

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

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

For the foregoing reasons we respectfully urge the Committee to OPPOSE SB 3118. This legislation will place unnecessary barriers in front of people who would otherwise be improving their health.

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

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

## Recommendations

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

Thank you for considering our comments.

Sincerely,



Alex Clark

CEO

The Consumer Advocates for Smoke-free Alternatives Association

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



February 22, 2022

## Testimony on Hawaii's SB 3118 - "Relating to Tobacco Products"

Dear Chairs and Members of the Commerce and Consumer Protection Senate Committee,

My name is Elizabeth Hicks, I'm the US Affairs Analyst at the global consumer advocacy group known as the Consumer Choice Center, and I want to thank this committee for their time.

Simply put, SB 3118 will do more harm than good if passed. Enacting a flavor ban for vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that studies have shown vaping to be 95% less harmful than smoking, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawaii.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a healthier alternative than combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ in age and started vaping as a means to quit smoking cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which already cost Hawaiian taxpayers over \$141 million last year.

Furthermore, if a flavor ban is enacted in Hawaii, then consumers will likely look towards the black market in order to get access to their preferred flavored vaping products. This presents serious concerns for Hawaiian public health as vapers will be purchasing unregulated products that could be extremely dangerous to their wellbeing.

In addition to endangering public health, pushing consumers to the black market through a flavor ban will also be to the detriment of many vape shops throughout the state as many of their products will no longer be able to be sold to consumers. After already suffering through the economic hardships of the pandemic, this bill could effectively kill many of these small businesses that are already struggling to stay afloat.

Although this bill may be well-intentioned, the proposed flavor ban is simply misguided. If this committee wishes to protect public health, small businesses, and consumer choice within Hawaii then I strongly encourage you to reject this bill.

Thank you for your time and consideration.

Elizabeth Hicks  
US Affairs Analyst  
Consumer Choice Center  
[elizabeth@consumerchoicecenter.org](mailto:elizabeth@consumerchoicecenter.org)





**HIPHI Board**

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Medical-Legal Partnership  
For Children in Hawai'i

Garret Sugai  
MDX Hawai'i

Titimaeva Ta'ase, JD  
State of Hawai'i, Deputy Public Defender

**HIPHI Initiatives**

Coalition for a  
Tobacco-Free Hawai'i

Community Health  
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free  
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 20, 2022

To: Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Senate Committee on Commerce and Consumer  
Protection

Re: Strong Support, With Amendments, for SB 3118 S.D. 1, Relating to  
Tobacco Products

Hrg: February 22, 2022 at 10:00 AM via Videoconference

The Coalition for a Tobacco-Free Hawai'i (CTFH), a program of the Hawai'i  
Public Health Institute<sup>1</sup>, offers testimony in **strong support of and offers  
amendments to, SB 3118, S.D. 1**, which ends the sale of certain flavored  
tobacco products in Hawai'i.

**CTFH requests amendments to further strengthen the measure and  
protect public health.**

1) **Pg. 11, lines 3-4:** We appreciate the committee's attention to the major  
role flavors play in attracting youth to use tobacco products. CTFH  
respectfully requests that all flavored tobacco products be included in  
this bill. The Coalition is concerned that allowing flavors in other  
tobacco products like cigarettes, cigars, and chewing tobacco may  
create loopholes that cause youth to switch to other flavored tobacco  
products instead of quitting.



**Source: Campaign for Tobacco-Free Kids.** Example of flavored, cheap tobacco  
products that would be exempted from SB 3118, S.D. 1.



In addition, in April 2021 the **FDA has announced its intent to ban flavored cigars and menthol cigarettes** (the only allowable flavor in cigarettes) based on strong evidence that this would reduce addiction and youth experimentation, improve quitting, and address health disparities<sup>ii</sup>. This will likely take several years to be fully implemented, so Hawai'i can and should act on the evidence available today instead of waiting for federal regulations.

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

A 2021 analysis<sup>iii</sup> on the impact of ending the sale of flavored tobacco products in Hawai'i conservatively estimates that it would result in:

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

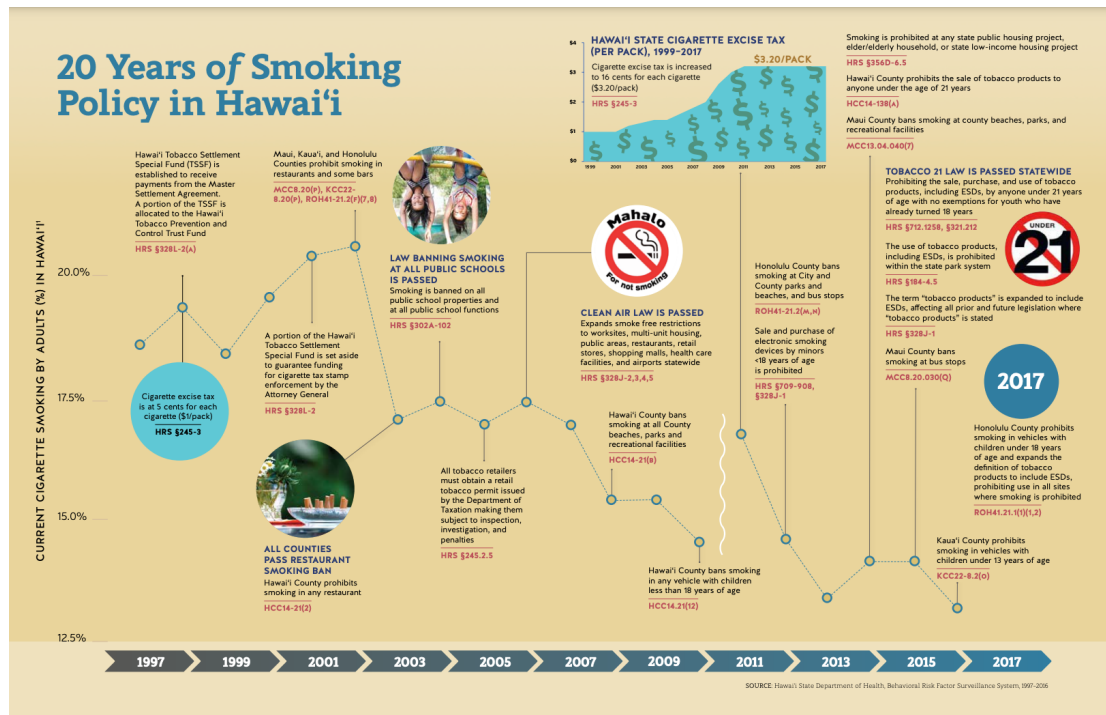
These estimates are conservative, as they do not include the thousands of youth that will never start smoking as a result of this policy. Not only would this save the state millions more in healthcare cost savings, but save thousands of lives.

As of January 2022, at least seven states and 335 localities in the U.S. have passed restrictions on the sale of flavored tobacco<sup>iv,v</sup>. Emerging data from the first states and localities that passed flavored tobacco bans suggests that they are effective at reducing tobacco sales<sup>vi</sup>. While some tobacco users will switch to unflavored or tobacco-flavored products, the increase in those categories is not enough to offset the decline in flavored tobacco product sales. The reduction in tobacco sales in other jurisdictions with flavor ban policies reinforces the estimated health and economic benefits of ending the sale of flavored tobacco in Hawai'i.

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

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

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



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

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

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

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

Even the FDA has acknowledged the impact flavors have on the disparities we see in tobacco use. In April 2021, the FDA committed to ending the sale of menthol cigarettes and all flavors in cigars. While this is great news, this will likely take several years due to industry interference and lawsuits -- and Hawai'i cannot afford to wait. The evidence supports that our state can (and should) take swift action to remove these flavored tobacco products for the protection of public health.

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

In May 2020, Stanford University published a landmark study<sup>xi</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 52,759 high school students enrolled in Hawai'i public schools<sup>xii</sup>. Using the most recent YRBS data, that translates to more than 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. Further, not only have e-cigarettes been linked to an increase risk of contracting COVID-19, but a recent study **once they are infected, youth who use e-cigarettes are more likely to experience COVID-19 symptoms.**<sup>xiii</sup>

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 pass legislation 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 doubled from 2017 to 2019<sup>xiv</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>xv</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>xvi</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>xvii</sup>**. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

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

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

Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to protect our youth from a lifetime of addiction. We respectfully urge the committee to **pass SB 3118, S.D.1, with the amendment discussed above.**

Mahalo,



Amanda Fernandes, JD  
Policy and Advocacy Director

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

<sup>iii</sup> Chaloupka, F. J. Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawaii, University of Illinois at Chicago, 2021.

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

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

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

<sup>vii</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>viii</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, 2020.

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

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- <sup>xi</sup> <https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html>
- <sup>xii</sup> Hawai'i State Department of Education. "Department announces 2021-22 enrollment figures for public and charter schools." Retrieved from <https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/2021-22-enrollment-figures-for-public-and-charter-schools.aspx>
- <sup>xiii</sup> McFadden et. al., Symptoms COVID 19 Positive Vapers Compared to COVID 19 Positive Non-vapers (January 2022). Retrieved from <https://journals.sagepub.com/doi/full/10.1177/21501319211062672>.
- <sup>xiv</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>xv</sup> Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>
- <sup>xvi</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>xvii</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>xviii</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 - October 26, 2021.

**Hawaii Senate Commerce and Consumer Protection Committee**  
**Testimony: SB 3118**  
**Guy Bentley, Director of Consumer Freedom, Reason Foundation**  
**February 22, 2022**

Chair Baker, members of the committee, thank you for allowing me the opportunity to submit testimony on SB 3118.

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

The intention behind SB 3118 to limit tobacco use, especially among youth, is to be applauded. However, the evidence on the success of such prohibitions should raise significant concern that the ban will promote further inequalities in the criminal justice system, push sales and tax revenue to other states, increase the illicit tobacco trade, and fail to improve public health in Hawaii.

**Case Studies: Massachusetts and Canadian Provinces**

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

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

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

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

### **Public Health and Disparate Impacts**

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

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

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

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

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

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

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

## **Food and Drug Administration Review and Tobacco Harm Reduction**

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

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

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

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

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

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

<sup>8</sup> Wang TW, Gentzke AS, Creamer MR, et al. “Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019.” *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. [https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6\\_down](https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down)



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

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

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

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

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

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

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

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

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

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

**SB-3118-SD-1**

Submitted on: 2/21/2022 7:30:19 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dillon Rellez	Individual	Oppose	No

Comments:

There are more important epidemics that the government should be focusing on. Banning e-cigarette options will only make it harder for people to quit their addictions. If the goal is to be stricter then the focus should be turned to those breaking the laws by purchasing for underage kids instead of the shops implementing the rules protecting the kids.

**SB-3118-SD-1**

Submitted on: 2/21/2022 8:19:35 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Asia Maning	Individual	Oppose	No

Comments:

I'm opposed

**SB-3118-SD-1**

Submitted on: 2/21/2022 7:18:35 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lisa Decoito	Individual	Oppose	No

Comments:

I am an adult smoker and I should be able to choose what flavor of e-cigarette or cigarette (Menthol) that I would like to purchase. I as well as others should not have this right taken away from us.

I think if this is done locally, it will only open up unregulated black markets.



American Cancer Society  
Cancer Action Network  
2370 Nu'uuanu Avenue  
Honolulu, HI 96817  
808.460.6109  
[www.fightcancer.org](http://www.fightcancer.org)

Senate Committee on Commerce and Consumer Protection  
Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair

Hearing: February 22, 2022

**ACS CAN OPPOSES SB 3118 SD1 – RELATING TO TOBACCO PRODUCTS**

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

Thank you for the opportunity to respectfully **OPPOSE** SB 3118 SD1 as it is written in its current version and we ask this committee to **revert to the original language in SB 3118** to ban the sale of all flavored tobacco products and mislabeled e-liquid 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. We support any and all efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit. We are very concerned about the various definitions in SB 3118 SD1 which may lead to unintended consequences leading to exemptions benefitting the tobacco industry and harming the people of Hawaii. Also, only limiting the flavor ban to electronic smoking devices may cause youth to switch to other flavored tobacco products instead of quitting.

We are very concerned of the definition of “Tobacco product” on page 10 and the exclusions of “Tobacco product” found on page 11 line 3: *“Tobacco product” does not include a cigarette, cigar, or chewing or smokeless tobacco; or drugs, devices, or combination 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.* The exclusions in this definition makes all statutes pertaining to

tobacco product regulation very confusing. For the purpose of ending the sale of flavored tobacco products, ACS CAN recommends adopting the following comprehensive definition of tobacco products:

*“Tobacco Product” means: (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes. “Tobacco product” does not mean 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.*

Again, we thank the committee for recognizing the rise of youth use of electronic smoking devices, but lung cancer remains the leading cause of cancer deaths in Hawaii with an estimated 1,400 adults dying from smoking every year.<sup>i</sup> There are 21,000 keiki who are alive now that will die prematurely due to smoking-related disease.<sup>ii</sup> Tobacco use remains the leading preventable cause of death nationwide. Flavor ban should be comprehensive of all tobacco products to prevent the youth from switching from one product to another.

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>iii</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>iv</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>v</sup> Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.<sup>vi,vii</sup>

Recognizing the danger that flavors in cigarettes have 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>viii</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 also recommends adopting the following comprehensive definition of electronic smoking devices:

*Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance 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 the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. 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.*

ACS CAN recommends adopting the following comprehensive definition of flavored tobacco product: *“Flavored Tobacco Product” means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.*

ACS CAN also recommends deleting the separate definitions for “e-liquid,” which would create a new category to be regulated differently.

Thank you for the opportunity to respectfully **OPPOSE SB 3118 SD1** as it is written in its current version and we ask this committee to **revert to the original language in SB 3118** to support the ban the sale of all flavored tobacco products and mislabeled e-liquid products.

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<sup>i</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 21, 2022. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

<sup>ii</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 21, 2022. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

<sup>iii</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>iv</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>v</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>vi</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>vii</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.

<sup>viii</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



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

February 22, 2022  
10:00 a.m.

Conference Room 229 Via Videoconference

To: The Honorable Chair Rosalyn H. Baker  
The Honorable Vice Chair Stanley Chang  
Senate Committee on Commerce and Consumer Protection

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

Re: SB3118 SD1, Relating to Tobacco Products; **In Support**

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'Ohana Health Plan offers our **support** of SB3118 SD1, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

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

The flavors in tobacco products are enticing and addicting our keiki, while the nicotine keeps them hooked for life. According to a 2020 National Youth Tobacco Survey, eight in 10 youth who currently use e-cigarettes reported using a flavored product, up from seven in 10 in 2019. The high rates of frequent and daily e-cigarette use suggest a strong dependence on nicotine. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect Hawaii's youth from a lifetime of addiction.

Thank you for allowing us to provide testimony and we urge you to pass SB3118 SD1.





## Board of Directors

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Hawaii Petroleum, LLC

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

## SENATE BILL 3118, SD 1 – RELATING TO TOBACCO PRODUCTS COMMENTS, REQUEST AMENDMENTS

Senate Committee on Commerce and Consumer Protection

The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair

Tuesday, February 22, 2022 at 10:00 a.m.  
Conference Room 229 & Videoconference

Aloha Chair Baker, Vice Chair Chang and Members of the Committee:

HPMA supports strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we oppose provisions in SB 3118, SD 1 that prohibit the sale, distribution and marketing of all flavored tobacco products to persons of legal age.

We are also concerned that granting individual counties the ability to pass ordinances that are stricter than State law may result in varying restrictions from county to county that make compliance for retailers difficult. Having a uniform statewide law is preferred.

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

1. **Delete** (6) on page 8, lines 1 – 7; and
2. Page 10, lines 6 – 7 **amend** “Flavored tobacco product” means any tobacco product that contains a constituent that imparts a characterizing flavor, **except for menthol or mentholated products and all smokeless tobacco products that are flavored.**

Smokeless tobacco products include snuff and chewing tobacco, most of which are flavored beyond menthol and are labeled and marketed toward a narrow set of adult users.

Thank you for the opportunity to submit written testimony and we ask for your favorable consideration of our requested amendments.



## **Testimony in Support of SB 3118 SD1**

### **RE: Relating to Flavored Tobacco Products**

Hawaii Dental Hygienists' Association

February 21, 2022

Dear Chair Baker, Vice Chair Chang and Respected Members of the Committee on Commerce and Consumer Protection:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports Senate Bill 3118 SD1** which proposes to amend Chapter 712, HRS by prohibiting the sale or distribution of flavored tobacco products, as well as the mislabeling and selling such products as nicotine-free.

We congratulate the Legislature for introducing a measure that seeks to address the health dangers caused by flavored tobacco products in Hawaii. The marketing of flavored tobacco products, clearly targets sales to Hawaii's youth as an initiation into the use of other nicotine products. In contrast to the positive decline in combustible tobacco smoking, use of electronic smoking devices (ESDs), also known as vaping or e-cigarettes, has increased dramatically over the last decade, making ESDs and flavored tobacco products the most common tobacco product used among youth.

HDHA believes that the nicotine in tobacco is clearly addictive and has been proven to be especially harmful to the oral health of those using it. Current research shows a direct correlation between smoking and periodontal disease. It has been shown to significantly increase the risk of tooth loss over time and decrease the ability for oral soft tissue to heal.

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports SB3118 SD1** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Mahalo for your time and consideration.

**SB-3118-SD-1**

Submitted on: 2/21/2022 9:08:52 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Harcarik	Individual	Oppose	No

Comments:

Vaping is the only this that has helped me quit smoking cigarettes and I has increased my stamina greatly improving my overall quality of life. Vaping has also been able to keep me sober and away from drugs and alcohol. Flavored vape has been a massive attribution to my life. This is not something that can be outweighed in any other way.

**SB-3118-SD-1**

Submitted on: 2/21/2022 9:24:26 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Crystal Germano	Individual	Support	No

Comments:

Aloha,

It is no surprise that we are in the midst of a vaping epidemic amongst youth. In my neighborhood, I have observed several youth, especially teenagers vaping in various places. It seems normal to them and like it is part of their everyday lifestyle now. Many teens know about vaping and know how to access it easily. Prohibiting the sale of flavors would contribute toward a healthier Hawai'i and interest the youth less in the flavor enticing products. Mahalo for your considering our community concerns in this important matter.

Sincerely,

Crystal Germano



February 22, 2022

10:00 AM, Via Videoconference

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Testimony in SUPPORT of SB3118 Relating to Tobacco Products

To: Senator Rosalyn Baker, Chair

Senator Stanley Chang, Vice Chair

My name is Lisa Dau, RN, and I am the Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPC), which is a non-profit agency with a mission to decrease childhood injuries. KIPC **SUPPORTS** of SB3118, Relating to Tobacco Products, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

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

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

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

We support SB3118, which will ban flavored tobacco products in the best interests of our local kids. If the goods lose their attractiveness, become more difficult to obtain, and our children are better educated about the health concerns of using these products, we may be able to mitigate the harm produced by the tobacco and vaping companies.

Mahalo,

Lisa Dau, RN, MBA, BSN

Injury Prevention Coordinator

Keiki Injury Prevention Coalition



American Vaping Association | [www.vaping.org](http://www.vaping.org)

95 Saint Botolph St, Suite #1, Boston, MA 02116  
(609) 947 - 8059

February 21, 2021

**RE: SB3118 SD1, banning flavored tobacco and vaping products**

Chairs Baker and Chang and members of the Committee on Commerce and Consumer Protection:

On behalf of the American Vaping Association, a nonprofit organization that advocates for tobacco harm reduction policies to improve public health, I am writing to urge the committee to reject Senate Bill 3118 SD 1. While we support sensible regulations to keep adult products out of the hands of youth, prohibitionist policies targeted at products that are popular with adults are not justified and will backfire. Furthermore, by ignoring the differences in harm caused by combustible and non-combustible products, the Hawaii Legislature is sending the wrong message to Hawaii's nearly 130,000 adult smokers.

The prohibition of flavored tobacco and nicotine products has failed to achieve its goals in the only other state to enact such a draconian policy, Massachusetts. As presented in other testimony before the committee, the evidence from Massachusetts shows that demand for menthol cigarettes and other flavored tobacco and nicotine products continued to exist following prohibition. In the case of Massachusetts residents, they responded by crossing state borders or purchasing from others who began trafficking in banned products. Without borders for its citizens to cross, elected officials in Hawaii should expect significant increases in trafficking and street sales.

Furthermore, the 'emergency' that elected officials are using to justify this wide-ranging flavor ban as it applies to vaping – unacceptable increases in youth usage that occurred between 2017 and 2019 – no longer exists. **The National Youth Tobacco Survey documented a decline of approximately 60% in high school vaping from 2019 to 2021.** Tobacco 21, in combination with targeted regulatory and judicial efforts at large companies that engaged in inappropriate marketing, has worked. That does not mean that policymakers should give up on addressing youth access concerns, but the facts of today do warrant a much closer look at whether new prohibitions are justified.

The effect of a flavor ban will be the shuttering of Hawaii's vape industry, as most adults who successfully switch to vaping products use flavors. For instance, in 2020, researchers from the Yale School of Public Health published a study of 17,929 people between the ages of 12 to 54 years old. The study found that: (1) adults using flavors were more than twice as likely to quit smoking successfully as those using tobacco-flavored products; and (2) young people who used flavored vaping products were not more likely to subsequently smoke than those

using tobacco-flavored product.<sup>1</sup> A second study by Yale researchers concluded that banning flavors in vaping products would result in increases in cigarette smoking.<sup>2</sup>

Hawaii's vape businesses and vapers want to be a part of the solution. However, punishing adults by making it harder for them to quit smoking is not the answer. Hawaii should vigorously enforce its numerous existing laws on vaping products, but new prohibitions are not the answer.

Again, we urge you to reject this bill.

Sincerely,

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

Gregory Conley, J.D., M.B.A.

President, American Vaping Association

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<sup>1</sup> Friedman AS, Xu S. "Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation." *JAMA Netw Open*. 2020;3(6):e203826. doi:10.1001/jamanetworkopen.2020.3826

<sup>2</sup> John Buckell, Joachim Marti, and Jody L. Sindelar, "Should Flavors Be Banned in E-Cigarettes? Evidence on Adult Smokers and Recent Quitters from a Discrete Choice Experiment." National Bureau of Economic Research. September 2017. <http://www.nber.org/papers/w23865.pdf>.

**SB-3118-SD-1**

Submitted on: 2/21/2022 9:54:23 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kathleen Koga	Individual	Support	No

Comments:

Aloha Members of the Senate Committee on Commerce and Consumer Protection,

As a public health educator, concerned Hawaii resident and most of all the grandparent of two teenagers, I am in strong support of SB 3118 that would end the sale of flavored tobacco products in Hawaii. It is important to take immediate action to address the public health crisis of the vaping epidemic among Hawaii's youth.

As a concerned grandparent, I recently asked my teenage grandson about vaping at his middle school. He confirmed my greatest fears that this serious problem exists in my community. At his middle school all the upper floor restrooms are locked to prevent students from vaping in the bathrooms and to allow school personnel better oversight of students entering the restrooms. Sadly, this does not deter these teens from vaping these harmful and addictive tobacco products.

The research is solid, we do not need more shocking statistics about use of e-cigarettes by Hawaii's youth or the detrimental effects of vaping on their health and well-being. We must urgently address this issue that directly affects the health of our precious keiki.

I respectfully request that all flavored tobacco products be included in this bill. Exemptions for other flavored tobacco products will create loopholes that will allow youth to switch to these options instead of quitting. Please pass this important bill to end the youth vaping epidemic in Hawaii.

Thank you for your consideration and the opportunity to provide testimony in strong support of SB 3118.



**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 12:05:14 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Doris Segal Matsunaga	Testifying for Save Medicaid Hawaii	Support	No

Comments:

Save Medicaid Hawaii supports this bill



**LATE**

## **SB3118 SD1 Ban Flavored E-Cigarettes**

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

Tuesday, Feb. 22, 2022: 10:00 am: Videoconference

### **HSAC Supports SB3118 SD1:**

*GOOD MORNING 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 for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

### **Flavored tobacco targets youth and 95% of smokers start before legal age for smoking:**

- Vaping increased 900% among high school students from 2011 to 2015.<sup>1</sup>
- The Surgeon General's report details the harmful effects of e-cigarettes and gives a call for from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping our patients safe from tobacco products.<sup>2</sup>
- Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.
- The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns to make the products more appealing to young people, as referred in the Surgeon General's report.
- The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.
- Banning the sale of flavored tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern.

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

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<sup>1</sup> American Academy of Pediatrics: 2016 <https://www.aap.org/en/news-room/aap-voices/protecting-children-from-the-dangers-of-e-cigarettes/> Site is linked to federal agency: National Institute of Drug Abuse

<sup>2</sup> Surgeon General's Advisory on E-cigarettes Use Among Youth: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 10:05:38 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Vin Kim	Individual	Oppose	No

Comments:

I oppose this bill.

**SB-3118-SD-1**

Submitted on: 2/21/2022 11:29:59 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
24hourvapes	Testifying for 24hourvapes	Oppose	No

Comments:

I have 2 locations and if this bill passes i would have to close my shops and the employees won't have a job.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 2:43:32 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robert Anderson	Testifying for Black Lava Vape	Oppose	No

Comments:

I oppose

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 6:17:38 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	No

Comments:

The Hawaii Smokers Alliance is strongly opposed to SB3118.

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

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

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

Thank You for Your Consideration

Michael Zehner, co-chair of Hawaii Smokers Alliance

[hawaiiismokersalliance.net](http://hawaiiismokersalliance.net)



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www.abcstores.com

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Fax: (808) 591-2039  
E-mail: mail@abcstores.com

**LATE**

**Testimony 2/22/22**

**Re: SB3118 Relating to Tobacco Products**

Good Morning Chairperson Baker and members of the Senate Committee on Commerce and Consumer Protection. I am Curtis Higashiyama Government Affairs Manager and I appreciate this opportunity to testify.

ABC Stores are in **Strong Opposition** to SB3118 SD1 Relating to Tobacco Products. This measure bans the sales of flavored tobacco products and mislabeled e-liquid products. Effective 1/1/2050.

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

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

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

We hope that you will hold this bill.

Mahalo for the opportunity to testify.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 10:16:07 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Erin N.	Individual	Oppose	No

Comments:

Dear Chair and Committee Members:

I am very strongly opposed to all of the vaping bills that are in committees this year as vaping is extremely important to me as It has allowed me to not smoke deadly cigarettes. If you were in mine and millions of others' shoes you would understand why being able to afford to vape and how important this is for us. Since I started vaping over two years ago I have cut the nicotine in my e-liquid from 24mg to zero nicotine, but still being able to obtain the hand to mouth ritual that was embedded in me when I smoked for 45yrs. You don't have the opportunity to go to zero nicotine with cigarettes. I feel you need to separate vaping from tobacco and put vaping as a completely separate category of its own. There is no reputable data currently on vaping causing deaths.

Cigarettes contain over 4000 chemicals, 43 known carcinogens, and 400 toxins. Science states that it is not the nicotine that kills, it is the tar that sticks to your lungs. Vaping has been proven to be at least 95% less harmful than cigarettes and many new reputable, peer-reviewed scientific studies prove this and these scientists have no agenda as to how the outcome will be.

For the millions of Americans who find it difficult to quit smoking or are unwilling to forgo nicotine, the answer should not be "quit or die." Instead, policymakers would improve both public health and job creation by embracing a message of harm reduction paired with a respect for consumer choice. I will end by saying, I hope the voice of your community matters and you take their concerns seriously about this issue.

Mahalo,

A community member.



**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 10:26:41 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Travis Idol	Individual	Support	No

Comments:

I support the intention of this bill to ban the sale of certain flavored tobacco products, especially vaping liquids. However, I sincerely request this bill be amended to ban ALL flavored tobacco products. It is well-established that flavored tobacco products appeal to new and underage users, and even with bans or restrictions on advertising, they are still marketed to these potential customers. Flavorings are routinely used to brand tobacco products and connect them with places and lifestyles that, frankly, want nothing to do with tobacco product associations. Again, this marketing is designed to attract younger and underage users who are seeking to establish a personal identity and connect with people, places, and products & services that give them a positive sense of self-worth. Tobacco products should not be a part of that identity and sense of self-worth.

I have read the argument that vaping products, in particular, help smokers transition away from "more harmful" tobacco products; thus, we should not restrict them too heavily. This may be a sincere argument with some evidence to support it, but "self-medicating" is not a public health strategy, and these potential benefits do not outweigh the risks and harms to our youth.

I urge you to support this bill and work to amend it to ban all flavored tobacco products in Hawaii.

**LATE**

Senator Rosalyn Baker (Chair of CPN), Senator Stanley Chang (Vice-Chair of CPN), and CPN Committee members:

I understand you will be the key members of the Conference that will be deliberating over Senate Bill 3118 (SB 3118). I am reaching out to you today to OPPOSE and vote NO on SB 3118. I wanted to take a quick moment of your time and share some journal and article highlights regarding the unintended regulatory effects on “electronic smoking devices” to assist in the due diligence and research required when making a regulatory decision such as SB 3118.

"Estimates suggest that the e-cigarette tax increased adult smoking and reduced smoking cessation in Minnesota..." [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3503054](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3503054)

"...our findings suggest a possible unintended effect of e-cigarette MSLA laws-rising cigarette use in the short term while youth are restricted from purchasing e-cigarettes."  
<https://vivo.weill.cornell.edu/display/pubid30648308>

"These results suggest that the Massachusetts flavor ban and tax did not reduce e-cigarette consumption in the Greater Boston area, and that messaging questioning the safety of e-cigarettes led to an increase in combustible cigarette use." <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-021-00498-0>

"San Francisco’s ban on flavored tobacco product sales was associated with increased smoking among minor high school students relative to other school districts."  
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

"Young adult e-cigarette users indicate low support for e-cigarette sales restrictions (both for flavored products and complete restrictions). Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%). Those most likely to report positive impact of such policies being implemented were less frequent users, never-smokers, and those with greater e-cigarette-related health concerns. This research should be considered in future tobacco control initiatives."  
<https://pubmed.ncbi.nlm.nih.gov/34331447/>

"San Francisco's Flavored Vape Ban Linked to More Teen Smoking, Study Finds"  
<https://gizmodo.com/san-franciscos-flavored-vape-ban-linked-to-more-teen-sm-1846968389>

"Vape Flavor Bans Will Lead More Teens to Smoke, Suggests Another Study"  
<https://filtermag.org/vaping-flavor-teens-smoking/>

Please feel free to let me know if you would some other articles or journals to further your research when making these types of regulatory decisions. In summary, OPPOSE and vote NO on SB 3118.

Thank you for your time and support!  
Your supporter and constituent,  
//signed-jgm//  
Johnathon G. Myers

**LATE**

Senator Rosalyn Baker (Chair of CPN), Senator Stanley Chang (Vice-Chair of CPN), and CPN Committee members:

I understand you will be the key members of the Conference that will be deliberating over Senate Bill 3118 (SB 3118). I am reaching out to you today to OPPOSE and vote NO on SB 3118. I wanted to take a quick moment of your time and share some journal and article highlights regarding the unintended regulatory effects on “electronic smoking devices” to assist in the due diligence and research required when making a regulatory decision such as SB 3118.

"Estimates suggest that the e-cigarette tax increased adult smoking and reduced smoking cessation in Minnesota..." [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3503054](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3503054)

"...our findings suggest a possible unintended effect of e-cigarette MLSA laws-rising cigarette use in the short term while youth are restricted from purchasing e-cigarettes."  
<https://vivo.weill.cornell.edu/display/pubid30648308>

"These results suggest that the Massachusetts flavor ban and tax did not reduce e-cigarette consumption in the Greater Boston area, and that messaging questioning the safety of e-cigarettes led to an increase in combustible cigarette use." <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-021-00498-0>

"San Francisco’s ban on flavored tobacco product sales was associated with increased smoking among minor high school students relative to other school districts."  
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

"Young adult e-cigarette users indicate low support for e-cigarette sales restrictions (both for flavored products and complete restrictions). Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%). Those most likely to report positive impact of such policies being implemented were less frequent users, never-smokers, and those with greater e-cigarette-related health concerns. This research should be considered in future tobacco control initiatives."  
<https://pubmed.ncbi.nlm.nih.gov/34331447/>

"San Francisco's Flavored Vape Ban Linked to More Teen Smoking, Study Finds"  
<https://gizmodo.com/san-franciscos-flavored-vape-ban-linked-to-more-teen-sm-1846968389>

"Vape Flavor Bans Will Lead More Teens to Smoke, Suggests Another Study"  
<https://filtermag.org/vaping-flavor-teens-smoking/>

Please feel free to let me know if you would some other articles or journals to further your research when making these types of regulatory decisions. In summary, OPPOSE and vote NO on SB 3118.

Thank you for your time and support!  
Your supporter and constituent,  
//signed-dabm//  
Darlene A.B. Myers

CLIFFORD CHANG, MPH

**RESIDENCE**

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Email: <cliffordchangconsulting@yahoo.com>

Date: February 21, 2022  
To: Senator Rosalyn Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Committee on Commerce and Consumer Protection



Re: Support **with Amendments** for SB 3118 SD1 Relating to Tobacco Products  
Hrg: Tuesday, February 22, 2022; 10:00 am; Conference Room 229 and Videoconference

My name is Clifford Chang, testifying today both as the principal in my public health consulting business, Clifford Chang Consulting, and as a private individual with over 40 years of public health experience. I have been professionally involved in tobacco prevention and control for almost ten years and have continued my direct involvement on a voluntary basis for over fifteen years.

i  
I am testifying in support, **with amendments, for SB 3118, SD1**, which bans the sale of flavored tobacco products and mislabeled e-liquid products. I respectfully urge this committee to restore this bill's coverage so that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting. As described below, my friend Davina, dead of tobacco use, began smoking long long before the advent of e-cigarettes as a result of the use of menthol-flavored cigarettes. While perhaps most of today's youth may begin using tobacco via an e-cigarette, there will continue to be many that start by using flavored cigarettes, cigars and chewing tobacco, and may die as as result.

In March 2021, the wife of my best friend from high school died after a long, over 10 year struggle against lung cancer caused by smoking that also metastasized to her brain. Davina was only 62 years of age, leaving behind her husband of 35 years, Paul, their two daughters, and her first granddaughter who was born just one month ago. Davina was able see and hold her granddaughter just once before passing away.

Davina started smoking while in high school around the age of 15, beginning with menthol-flavored cigarettes. She tried to quit repeatedly throughout her life, cut way too short because of the insidious, addictive nicotine in tobacco. Davina was one of the strongest people I know, and despite this she ended up smoking for over the 50 years. It took her multiple attempts to quit, the pull of the nicotine addiction outweighing her resolve. With professional cessation treatment assistance she was finally able to quit, but not before she developed a malignant carcinoma in her lung which also metastasized to her brain. She underwent multiple surgeries, including a lobectomy and lung removal, numerous bouts of chemotherapy, and numerous clinical trials, before her body succumbed to fluid accumulation in the pleural space of her remaining lung. With the assistance of hospice and palliative care, Davina was able to pass away peacefully and without pain.

As evidenced by Davina, flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our youth from a lifetime of addiction.

I applaud the committee's attention to the major role flavors play in attracting youth to use tobacco products. Given the experience of Davina and so many thousands like her, I urge the committee to restore that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. Given the Legislature's aim to protect our youth and reduce the burden of tobacco in our communities, menthol must be included.

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

Thank you for this opportunity to testify.

Aloha,

A handwritten signature in black ink, appearing to read 'Clifford Chang', with a stylized flourish at the end.

Clifford Chang, MPH

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 11:14:10 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Shanella Mancia	Individual	Oppose	No

Comments:

As a long time vaper, vaping is better than smoking cigarettes. I am against cigarettes. Their main ingredient is tar and 7000 other unlisted chemicals. E-liquid's main ingredient is vegetable glycerin among flavors. Flavors are NOT aimed toward children. Adults are allowed to have variety of choice as well. There are some strict retailers that don't even allow anyone under the age 21 to enter their business & do not sell to those who buy for minors.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 1:20:02 PM  
Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Teddy Kim	Individual	Oppose	No

Comments:

I oppose this bill.

**LATE**

To: Hawaii State Legislature – Committee on Committee and Consumer Protection  
Hearing: Date/Time: Tuesday, 2-22-2022 10:00am  
Place: Hawaii State Capitol, Room 229 & Videoconference  
Re: Judith Ann Armstrong is in support of SB3118 (RELATING TO TOBACCO PRODUCTS)

Aloha Chair Senator Rosalyn H. Baker and Vice Chair Senator Stanley Chang and esteemed members of the Committee,

I am writing in strong support of SB3118 which seeks to Bans the sale of flavored tobacco products and mislabeled e-liquid products.

I appreciate the committee's attention to the major role flavors play in attracting youth to use tobacco products. We respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

I appreciate the committee's attention to the major role flavors play in attracting youth to use tobacco products. We respectfully request that all flavored tobacco products be included in this bill. Cigars, cigarettes, and chewing tobacco still come in flavors that can entice youth and mask the harshness of tobacco. Exemptions create loopholes that may cause youth to switch to other flavored tobacco products instead of quitting.

I respectfully request the committee support SB3118.

Sincerely,  
Judith Ann Armstrong  
jaapfg@twc.com  
Honolulu, HI 96815



**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 6:29:08 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jeff Stevens	Individual	Oppose	No

Comments:

No more taxes or regs.

I'm strongly opposed to sb3118

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 6:56:21 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jessica Chang	Individual	Oppose	No

Comments:

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**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 7:41:51 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cindy Nettles	Individual	Oppose	No

Comments:

I oppose this bill.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 11:25:01 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
francis luu	Individual	Oppose	No

Comments:

I oppose this bill because i stop smoking for the flavors and i don't want to go back to smoking cigarettes.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/21/2022 11:47:41 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
TIMOTHY OISHI	Individual	Oppose	No

Comments:

Aloha, I am coming to you as an ex-smoker who used e-cigarettes successfully to get away from using combustible cigarettes. **I STRONGLY OPPOSE SB3118 SD1** for this very reason and can see the benefit for the community when this tool is used correctly.

- Combustible cigarettes are **KNOWN TO KILL** users.
- Flavors succeed in helping smokers stay off combustible cigarettes and the banning of flavors will just force current users to go back to them.
- Demand for flavors will force people to look to the black market or DIY. Both these effects will be do more damage not only to current vapers but also to children that this bill is meant to protect.
- Over 90% of e-cig manufacturers have nothing to do with big tobacco and the whole industry has been fueled by wanting to get away from big tobacco.

The total ban of flavors including menthol will not only have a negative affect on the population because it will be hurting the current users but will also make the black-market demand stronger and harder to stop in the future. Minors that are getting hold of E-cigs are doing so through the black market and banned flavors will just flood the black market with more goods available for them to purchase. Bans will only hurt legal users and will do nothing about the problem of minors getting a hold of them.

Again, **I STRONGLY OPPOSE SB3118 SD1** and hope the committee will take this testimony into consideration when making their decision. Please talk to local people that are in the E-Cig community because these will be the people that are going to be immediately impacted by your decision. After hearing both sides of the issue I feel that you will be able to make a better decision that will be beneficial for everyone.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/22/2022 7:38:52 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sabrina Spencer	Individual	Oppose	No

Comments:

Enough of this already. We don't need any more unfair discrimination.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/22/2022 8:48:04 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jeffrey Masui	Individual	Oppose	No

Comments:

E-liquids and other vape related products have been more beneficial towards quitting smoking cigarettes for me and other individuals. Credible businesses such as Vapekings supply reputable products that have met proper FDA guidelines. And are very punctual about checking identification to ensure minors are not purchasing their products.

Even though this bill has good intent in regards of peoples health concerns. As American citizens that is also our decision of what we choose to purchase. There aren't any laws against restricting Mcdonald's or other fast food menu's regarding people's health. That decision ultimately is chosen by the buyer, even if they're well aware that fast food isn't healthy. Same should be said about Vape products, that is purely the individual's choice and taking their own decision.

**LATE**

**SB-3118-SD-1**

Submitted on: 2/22/2022 9:12:59 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kristin Mills	Individual	Support	No

Comments:

I am in strong support of SB3118. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

As a parent and public health educator for the State Health Department, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids' ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it's very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet and minty e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 8 out of 10 youth who ever used tobacco products started with a flavored product, and more than half of youth tobacco users use menthol cigarettes.

I ask the committee to please support SB 3118 and prohibit the sale of flavored tobacco and synthetic nicotine devices, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco and synthetic nicotine devices (including menthol, mint, and wintergreen) have the greatest appeal to youth and we must end the sale of these products.

Sincerely, Kristin Mills, M.S., M.A.



**SB-3118-SD-1**

Submitted on: 2/22/2022 10:02:19 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michelle K.	Individual	Support	No

Comments:

STRONG SUPPORT by banning e-cigarettes now. We know e-cigarettes promote unhealthy addiction among our youth. Their flavors disguise the harmful ingredients used to make the product. Please support this bill in order to protect our keiki so they don't suffer from a lifetime of poor health. Thank you for the consideration!