



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 551, H.D. 1, RELATING TO HEALTH.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Friday, February 24, 2023

**TIME:** 3:30 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Chelsea N. Okamoto, Deputy Attorney General

---

Chair Yamashita and Members of the Committee:

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

Hawaii's youth has been disproportionately affected by the nationwide vaping epidemic, and approximately one in three high schoolers in Hawaii have used an e-cigarette in the last 30 days.<sup>1</sup> The United States Centers for Disease Control and Prevention estimates that among current youth e-cigarette users, 84.7 percent use flavored e-cigarettes.<sup>2</sup>

This bill will prohibit retailers from selling flavored tobacco products and mislabeling e-liquid products as nicotine-free, and will establish fines of up to \$1,000 for each offense to be deposited to the credit of the general fund. This bill also authorizes the Department of Health to appoint, commission, or contract inspectors for services and establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position.

The Department supports the Department of Health's administrative enforcement of the ban on the sale and distribution of flavored tobacco products and efforts to

---

<sup>1</sup> Youth Risk Behavior Survey, 2019. <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>

<sup>2</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. MMWR Morb Mortal Wkly Rep 2021;70:1387–1389. DOI: <http://dx.doi.org/10.15585/mmwr.mm7039a4external> icon.

prevent Hawaii's children from being targeted by and addicted to flavored tobacco products.

The Department recommends eliminating the specific reference to "chapter 11-266.1, Hawaii Administrative Rules" (page 9, lines 14-15) and instead revert to the original wording of "pursuant to the rules . . . ." If the Hawaii Administrative Rules change, the citation codified in the statute would also need to be changed. We recommend reverting to the original wording to avoid the necessity of statutory revisions in the future.

We respectfully ask the Committee to pass this bill with the original effective date and with our recommended revision. Thank you for this opportunity to testify.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/24/2023

**Time:** 03:30 PM

**Location:** 308 VIA VIDEOCONFERENCE

**Committee:** House Finance

**Department:** Education

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

**Title of Bill:** HB 0551, HD1 RELATING TO HEALTH.

**Purpose of Bill:** Prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. Authorizes the department of health to appoint, commission, or contract for services of inspectors. Establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position. Appropriates funds. Effective 6/30/3000. (HD1)

**Department's Position:**

The Hawaii State Department of Education (Department) supports HB 551, HD1, which would make it unlawful for a retailer to sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or mislabel as nicotine-free, or sell or market for sale as nicotine-free, any e-liquid product that contains nicotine.

The Department finds youth, in all levels of school, using flavored tobacco products. One example is an elementary-level principal's report on grade 3 and grade 4 students possessing flavored tobacco products. The students, only eight and nine years old, stated that they wanted to "try" these products since they were readily available and saw many adults using them. Another example is a high school principal who confiscated 70 electronic e-cigarettes and liquid "juices" in the first semester of this school year.

Principals' frustration and concerns are validated by the 2019 National Youth Tobacco Survey results which show that 1 in 4 high school and 1 in 8 middle school students (6.2 million total) in the United States used some type of tobacco product in the last 30 days.

E-cigarettes were the most commonly used tobacco product among both middle (10.5%) and high (27.5%) school students for the sixth year in a row. Many students who use tobacco products report using products with flavors such as menthol, alcohol, candy, fruit, chocolate or other sweets.

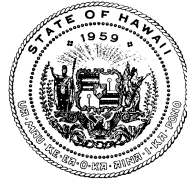
The 2019 Hawaii Youth Risk Behavior Survey data indicate that more youth use e-cigarettes in Hawaii compared to other states. Nearly 1 in 5 (18%) public middle school students and 30.6% of public high school students in Hawaii use e-cigarettes.

By prohibiting sales of flavored tobacco products, distribution and access to youth will be reduced and the products will be less appealing.

Further, the flavored tobacco producers should be held accountable for their marketing. The mislabeling of products containing nicotine as “nicotine-free” encourages usage by youth and perpetuates the misconception that they are safe to use. Exposure to nicotine during periods of significant brain development, such as adolescence, can negatively impact learning, memory and attention, and increase the risk for addiction to other drugs.

Finally, the Department will defer to the Hawaii State Department of Health on the enforcement, inspections, and other services to help curb this health crisis, which impacts students’ academic achievement and their future opportunities as Hawaii community members.

Thank you for the opportunity to provide testimony on HB 0551, HD1.



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

**Testimony in SUPPORT of H.B. 551, H.D. 1  
RELATING TO HEALTH**

REPRESENTATIVE KYLE T. YAMASHITA, CHAIR  
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 24, 2023

Room Number: Conference Room 308  
& 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 House Bill 551, House  
5 Draft 1 (H.B. 551, H.D. 1) as both a health equity and social justice issue to protect the next  
6 generation from lifelong addiction to tobacco use and offers technical amendments for clarity.  
7 H.B. 551, H.D. 1 prohibits the sale of flavored tobacco products and synthetic nicotine products  
8 (including menthol), prohibits the mislabeling as nicotine-free any e-liquid products containing  
9 nicotine, appropriates general funds, requires creation of administrative rules, and establishes  
10 three full-time positions to administer enforcement/inspections related to this measure.

11 The absence of protective policies to act as a preventive buffer between the promotion of  
12 enticing electronic smoking devices (ESDs), also known as e-cigarettes, and youth, contributed  
13 to the ongoing rise in frequent use and unrestricted access to nicotine. Thirty-one percent of  
14 Hawaii's high school and eighteen percent of Hawaii's middle school students reported using  
15 e-cigarettes in the past 30 days with highest rates on the neighbor islands.<sup>1,2</sup> The unrestricted

---

<sup>1</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/yrbs/VaporCurr/VaporCurr\\_HS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/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/yrbs/VaporCurr/VaporCurr\\_MS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_MS_ST.html)

1 promotion of e-cigarettes has addicted a new generation of young people to nicotine, increased  
2 exposure to harmful substances and likelihood for smoking cigarettes in the future.<sup>3</sup> According  
3 to the Federal Trade Commission, the amount of nicotine in disposable ESDs popular with youth  
4 and young adults went up 60% from 2015 to 2018 and that raises serious public health and safety  
5 concerns because of the long-term effects on their brain development.<sup>4</sup> Comprehensive  
6 evidence-based prevention policies are needed that restrict flavored tobacco products and  
7 regulate e-cigarettes.

8 Alluring flavored tobacco products continue to drive the youth vaping epidemic. Nearly  
9 85% of U.S. youth who currently use e-cigarettes use flavors. The most popular flavors continue  
10 to be fruit, followed by candy/dessert/sweets, mint, and menthol. Among users of cartridge or  
11 pod-based e-cigarettes, over half reported using either fruit (58.4%) or menthol (53.9%),  
12 followed by candy/desserts/sweets (30.3%) and mint (27.6%).<sup>5</sup>

13 Menthol flavors are too often exempted from tobacco control policies.<sup>6</sup> Menthol is an  
14 organic compound that has cooling, analgesic, and irritative properties, which can change the  
15 way the brain registers the sensations of taste and pain and when in cigarettes can make harmful  
16 chemicals more easily absorbed in the body.<sup>7,8</sup> Menthol also facilitates absorption by masking  
17 the harshness of, and making it easier to inhale, cigarette smoke. The availability of menthol  
18 cigarettes likely increases experimentation and progression to regular smoking and the

---

<sup>3</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>4</sup> Federal Trade Commission, Bureau of Consumer Protection. Federal Trade Commission E-Cigarette Report for 2015-2018. Issued 2022.

<sup>5</sup> Cooper, M. (2022). Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. *MMWR. Morbidity and Mortality Weekly Report*, 71. <https://doi.org/10.15585/mmwr.mm7140a3>

<sup>6</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>7</sup> U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

<sup>8</sup> U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998

1 availability of menthol increases the likelihood of addiction for youth smokers.<sup>9,10</sup> Exempting  
2 menthol perpetuates social injustice as menthol flavoring has been used by the tobacco industry  
3 to appeal and market to youth, racial minorities, and marginalized populations. The tobacco  
4 industry has targeted minority groups such as the lesbian, gay, bisexual and transgender (LGBT)  
5 community, Asian Americans, Pacific Islanders, Native Hawaiians, and African  
6 Americans.<sup>11,12,13</sup> From 1980 to 2018, menthol cigarettes were found to be responsible for 10.1  
7 million more smokers, 3 million life years lost, and 378,000 premature deaths.<sup>14</sup> Moreover, in  
8 the same time period, African Americans made up fifty percent of all life-years lost to menthol  
9 smoking.<sup>15</sup> Menthol use is also high among those with behavioral health conditions and those  
10 who are socioeconomically disadvantaged.<sup>16</sup>

11 The U.S. Federal Drug Administration (FDA) states that there are no safe tobacco  
12 products including e-cigarettes.<sup>17</sup> This measure is important to prevent more keiki from inhaling  
13 nicotine, propylene glycol (solvent), vegetable glycerin (oils), and flavorants since evidence is  
14 mounting these products are compromising their brain development and contribute to

---

<sup>9</sup> U.S. Food and Drug Administration, Tobacco Products Scientific Advisory Committee. Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations. March 23, 2011. Available at:

[https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco Products Scientific Advisory Committee/UCM269697.pdf](https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco%20Products%20Scientific%20Advisory%20Committee/UCM269697.pdf)

<sup>10</sup> U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013. Available at: <http://purl.fdlp.gov/GPO/gpo39032>

<sup>11</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>12</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>13</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>14</sup> Le TT, Mendez D. An estimation of the harm of menthol cigarettes in the United States from 1980 to 2018. *Tobacco Control*. 2022;31(4):564-568. doi:[10.1136/tobaccocontrol-2020-056256](https://doi.org/10.1136/tobaccocontrol-2020-056256)

<sup>15</sup> Mendez D, Le TTT. Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018. *Tob Control*. Published online September 16, 2021:tobaccocontrol-2021-056748. doi:10.1136/tobaccocontrol-2021-056748

<sup>16</sup> National Survey on Drug Use and health, 2018

<sup>17</sup> U.S. Food and Drug Administration. Tobacco Products. E-Cigarette Problems and Potential Violations. Accessed 2/14/2023: <https://www.fda.gov/tobacco-products/products-ingredients-components/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends#:~:text=There%20are%20no%20safe%20tobacco,Lung%20injuries>

1 illness.<sup>18,19,20,21</sup> The DOH supports H.B. 551, H.D. 1 as a measure to protect Hawaii's next  
2 generation from lifelong addiction to tobacco use by prohibiting the sales, distribution, and  
3 mislabeling of all flavored tobacco and synthetic nicotine products and stands ready to  
4 implement these measures.

5 Thank you for the opportunity to testify.

6 **Offered Amendments:** None

---

<sup>18</sup> Kligerman, S., Raptis, C., Larsen, B., Henry, T. S., Caporale, A., Tazelaar, H., ... & Kanne, J. (2020). Radiologic, pathologic, clinical, and physiologic findings of electronic cigarette or vaping product use-associated lung injury (EVALI): evolving knowledge and remaining questions. *Radiology*, 294(3), 491-505. Accessed 2/14/2023: <https://pubs.rsna.org/doi/pdf/10.1148/radiol.2020192585>.

<sup>19</sup> Song MA, Reisinger SA, Freudenheim JL, et al. Effects of Electronic Cigarette Constituents on the Human Lung: A Pilot Clinical Trial. *Cancer Prevention Research*. 2020;13(2):145-152. doi:10.1158/1940-6207. CAPR-19-0400

<sup>20</sup> Staff, J., Kelly, B. C., Maggs, J. L., & Vuolo, M. (2022). Adolescent electronic cigarette use and tobacco smoking in the Millennium Cohort Study. *Addiction*, 117(2), 484-494. Accessed 2/14/2023: <https://onlinelibrary.wiley.com/doi/10.1111/add.15645>

<sup>21</sup> National Center for Chronic Disease Prevention and Health Promotion (US) Office on Smoking and Health. E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General [Internet]. Atlanta (GA): Centers for Disease Control and Prevention (US); 2016. Chapter 5, E-Cigarette Policy and Practice Implications. Accessed 2/14/2023: [https://www.cdc.gov/tobacco/data\\_statistics/sgr/e-cigarettes/pdfs/2016\\_sgr\\_entire\\_report\\_508.pdf](https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf)





# UNIVERSITY OF HAWAII SYSTEM

## ‘ŌNAEHANA KULANUI O HAWAII

### Legislative Testimony

### Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the  
House Committee on Finance  
Friday, February 24, 2023 at 3:30 p.m.

By

Thomas A. Wills, PhD, Professor  
Pallav Pokhrel, PhD, Co-Director  
Population Sciences in the Pacific Program

And

Naoto T. Ueno MD, PhD, Director  
University of Hawai'i Cancer Center

And

Michael Bruno, PhD, Provost  
University of Hawai'i at Mānoa

#### HB 551 HD1 – RELATING TO HEALTH

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The University of Hawai'i Cancer Center strongly support HB 551 HD1, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free.

We support this bill because of findings from our research on Hawai'i adolescents and young adults conducted over the past 6 years. Recent studies have shown that use of electronic smoking devices is quite prevalent among Hawai'i high school and college students. Even at younger ages, the prevalence among middle school students is over 20% of the school population.

Our research has shown that e-cigarette use is linked to several adverse outcomes. Notably, using e-cigarettes is related to initiation of cigarette smoking among previous nonsmokers, hence is contributing to undesirable outcomes. These findings from Hawai'i have been reported in national and international scientific journals. Moreover, our research has shown that e-cigarette use is related to a higher likelihood of respiratory disease (asthma and COPD) among Hawai'i adolescents and young adults. These findings have been confirmed in a number of independent studies conducted in Asia, Europe, and the US mainland. Thus, there is now evidence that e-cigarette use may be linked to adverse health consequences as well as adverse behavioral consequences such as smoking initiation.

HB 551 HD1 is important because flavors in tobacco products attract young people to becoming e-cigarette users, who then become addicted to nicotine. Research has shown that the majority of youth e-cigarette users (as many as 80% in some studies)

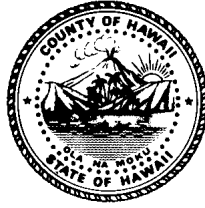
use a flavored tobacco product. Mint, menthol, and fruit-flavored e-cigarettes are some of the most popular flavors with youth. Our research in Hawai'i shows that higher preference for sweet and mint/menthol flavors among young people is associated with increased addiction to e-cigarettes and decreased likelihood of quitting e-cigarette use. The tobacco companies aggressively market e-cigarettes to Hawai'i youth in television, radio, and point-of-sale advertising venues. Without regulation, e-cigarette manufacturers will continue to aggressively market their products to youth and young adults capitalizing on the appeal of popular flavorings to entice new users to tobacco product use.

Because of the adverse consequences that are known to be related to e-cigarette use, we urge the legislature to regulate the sale of flavored tobacco products. Ending the sale of flavored tobacco products will protect our young people and improve the health of the larger Hawai'i population.

Regulating the sale of flavored tobacco products will also promote health equity, because menthol flavors are disproportionately used by Native Hawaiians and Pacific Islanders, who will then suffer disproportionately from the adverse health consequences of use.

We strongly support HB 551 HD1 and ask you to pass this out of committee.

**Jennifer Kagiwada**  
Council Member District 2 South Hilo



Office: (808) 961-8272  
jennifer.kagiwada@hawaiicounty.gov

## HAWAI‘I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai‘i 96720

DATE: February 3, 2023  
TO: House Committee on Labor and Government Operations  
FROM: Jennifer Kagiwada, Council Member  
Council District 2  
SUBJECT: HB 551

Aloha Chair Matayoshi, Vice Chair Garrett, and members of the Committee,

I am writing to you in strong support of HB 551. This is a long overdue and very important bill to help protect the health and safety of our keiki. 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 flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If we are aiming to protect our keiki and reduce the burden of tobacco in our communities, then we must include menthol.

Another important thing to note is that ending the sale of 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 pass HB 551 to help end the sale of flavored tobacco products and mislabeling of e-liquids.

Mahalo,

A handwritten signature in black ink, appearing to read "Jennifer Kagiwada". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jenn Kagiwada



# HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

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

Vonnell Ramos, President  
Cyd Hoffeld, Vice President  
Sione Ford Naeata, Treasurer  
Jefferson Gourley, Secretary

Judith F. Clark, Executive  
Director

## Network Membership

*Bay Clinic*  
*Big Brothers Big Sisters Hawai`i*  
*Big Island Substance Abuse*  
*Council*  
*Bobby Benson Center*  
*Child and Family Service*  
*Coalition for a Drug-Free Hawai`i*  
*Collins Consulting, LLC*  
*Domestic Violence Action Center*  
*EPIC `Ohana, Inc.*  
*Family Programs Hawai`i*  
*Family Support Hawai`i*  
*Friends of the Children's Justice*  
*Center of Maui*  
*Get Ready Hawai`i*  
*Hale Kipa, Inc.*  
*Hale `Opio Kaua`i, Inc.*  
*Hawai`i Children's Action*  
*Network*  
*Hawai`i Health & Harm*  
*Reduction Center*  
*Ho`ola Na Pua*  
*Ho`okele Coalition of Kaua`i*  
*Ka Hale Pomaika`i*  
*Kahi Mohala*  
*Kokua Kalihi Valley*  
*Kaua`i Planning and Action*  
*Alliance*  
*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*  
*PHOCUSED*  
*PFLAG – Kona, Big Island*  
*Planned Parenthood of the*  
*Great Northwest, Hawaii*  
*Alaska, Kentucky, Indiana*  
*Residential Youth Services*  
*& Empowerment (RYSE)*  
*Salvation Army Family*  
*Intervention Services*  
*Sex Abuse Treatment Center*  
*Susannah Wesley Community*  
*Center*  
*The Catalyst Group*

February 23, 2023

To: Representative Mark Nakashima, Chair,  
And members of the Committee on Consumer Protection and  
Commerce

## TESTIMONY IN SUPPORT OF HB 551 HD 1 RELATING TO HEALTH

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 551 HD 1 Relating to Health.

Flavored tobacco is extremely damaging to the health and future of youth both in Hawaii, and the United States. Tobacco companies are using well known and liked flavors, such as watermelon or grape, to draw in youth who are not yet aware of the damage such products can cause. Tobacco products such as this can act as gateways to later addictions, which is not only damaging to health, but to future careers and stability. The nicotine in commonly found flavored vape products, for example, is capable of slowing brain development in people up to their late teens. This is extremely damaging as it is not only taking advantage of a younger age group, but actually damaging their development. Such a setback early in life can have heavy consequences later on in adulthood.

In addition, many schools are battling to keep their students out of the bathroom during class hours. Rather than spend time in class learning, students skip in favor of vaping in restrooms or on the edges of campus. Not only does this affect those who vape, but also any and all students who end up walking through toxic vape clouds while simply trying to use the restroom. The fumes in restrooms can cause lightheadedness, coughing fits, and even eye irritation for nearby students.

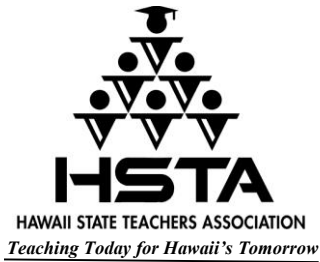
By allowing flavored tobacco products to remain on the shelf, Hawaii is knowingly allowing companies to use familiar flavors to take advantage of the youth, causing damage to them and their peers.

Thank you for this opportunity to testify.

Respectfully submitted,

*Abby Evans*  
Abby Evans  
Legislative Intern

*Judith F. Clark*  
Judith F. Clark, MPH  
Executive Director



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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE

RE: HB 551 HD1 - RELATING TO HEALTH

FRIDAY, FEBRUARY 24, 2023

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Yamashita and Members of the Committee:

The Hawaii State Teachers Association **supports HB 551 HD1**, relating to health. The main focus of this bill that we support bans the sale of flavored tobacco (vaping) products prohibits and the mislabeling of e-liquid products containing nicotine.

**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 2023 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users. **Unfortunately, this FDA flavor ban did not include vaping products. We can change that with this bill as a state and protect our youth.**

**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. We have not improved!!

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.

- 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 flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of 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

**Lastly, thank you for not adding any fines for our youth, as HSTA opposes these fines, as we feel our students are the victims in this case. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed. So please do NOT add any fines or punishment on our youth who are the victims here. We just want to make this stance clear from the start.**

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



AMERICANS FOR DEMOCRATIC ACTION

---

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

---

February 22, 2023

TO: Chair Yamashita and Members of the Finance Committee

RE: HB 551 HD1 relating to Health

Support for Hearing on Feb. 24

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

We support this bill as it would prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. It also authorizes the Department of Health to administer. Flavored tobacco products have become a way to get minors addicted to tobacco. This is a scourge on the health of our community.

Sincerely,

John Bickel, President





**Testimony to the House Committee on Finance  
Friday, February 23, 2023; 3:30 p.m.  
State Capitol, Conference Room 308  
Via Videoconference**

**RE: HOUSE BILL NO. 0551, HOUSE DRAFT 1, RELATING TO HEALTH.**

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 0551, House Draft 1, RELATING TO HEALTH.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

This bill, as received by your Committee, would prohibit the sale or distribution of all flavored tobacco products, including products with menthol, and prohibit the mislabeling of products as nicotine-free. This bill would also appropriate an unspecified amounts of general funds for fiscal years 2023-2024, and 2024-2025, for the establishment of two full-time equivalent (2.0 FTE) program specialist positions to review, process, and initiate inspections, and one full-time equivalent (1.0 FTE) administrative hearings officer to preside over administrative hearings. It would take effect on June 30, 3000.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco harms our citizenry on a generational basis with people experimenting at even earlier ages. Because of this, the HPCA supports efforts that would create disincentives for consumers to use these products.

**Accordingly, the HPCA urges your favorable consideration of this measure.**

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



## American Heart Association testimony for HB 551, HD1 “Relating to Health”

February 24, 2023

### Chairman of the Board

Jason Fujita

### President

Zia Khan, MD

### Board Members

Rick Bruno, MD, FACEP

Greg Christian

Jackie De Luz

Michael Lui, MD

Ben Morgan

Michael Rembis, FACHE

Andrew S. Rosen

Ben Salazar

David Underriner

Jennifer Walker

The American Heart Association supports HB 551, HD1 “Relating to Health.”

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

E-cigarettes are available in thousands of youth-appealing flavors, including fruit, candy, mint and menthol. Menthol flavor remains available in traditional cigarettes despite the FDA banning the use of other flavors in those products. The overwhelming majority of youth tobacco 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.” More than half a million youth tobacco users report using menthol. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products.

Flavored e-cigarettes are driving the youth e-cigarette epidemic. In 2020, 82.9% of current youth e-cigarette users reported the use of flavored e-cigarettes. In 2019, 97% of youth e-cigarette users report using a flavored product in the past month, and 70% cite flavors as a key reason for their use. Though e-cigarettes are the most commonly used tobacco product among middle and high school students, they are also using other flavored tobacco products such as cigars, cigarettes, hookahs and chewing tobacco. The CDC’s 2019 National Youth Tobacco Survey found that nearly 1 in 3 high school students have used a tobacco product in the last 30 days.

E-cigarettes have been falsely marketed as a safe alternative to traditional cigarettes and as a tool to help adult smokers quit. Tobacco companies are targeting youth and addicting a new generation to tobacco and nicotine, reversing the decades-long progress that has been made in reducing youth tobacco use. The long-term health effects of these products are still unknown, and e-cigarettes should not be considered “safe.” What is known is that nicotine can have adverse health effects on kids, such as causing addiction to dangerous tobacco

*Serving Hawaii since 1948*

### Our Mission:

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

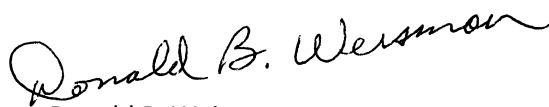
For more information on the AHA’s educational or research programs, visit [www.heart.org](http://www.heart.org) or contact your nearest AHA office.

products, harming their brain development, and increasing the risk of heart disease. Recent studies have found that e-cigarettes decrease blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.

Current FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use, state and local governments need to move forward to address loopholes. Under the FDA's guidance, thousands of e-cigarette flavors 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. **The FDA has also shown to be ineffective at enforcing restrictions on flavored tobacco products that were disallowed through its Premarket Tobacco Approval process. It's also important to note that no flavored tobacco product has been approved by the FDA for use as a tobacco cessation product, despite misstatements made by the tobacco industry. No tobacco product is safe. Local authority and enforcement need to be exercised to address this health emergency.**

Recently, California joined Massachusetts, New Jersey, New York and Rhode Island as states that prohibit the sale of all flavored tobacco products—including menthol. We respectfully urge Hawaii legislators to make our state the next to enact such comprehensive policy to address our extremely high youth use rates.

Respectfully submitted,



Donald B. Weisman

Government Relations/Communications and Marketing Director

**HB-551-HD-1**

Submitted on: 2/22/2023 6:00:57 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Redfeather	Ka Ohana O Na Pua	Support	Written Testimony Only

Comments:

We know that all tobacco products are extremely harmful to people and especially to our children and young adults. We have known that for a long long time. So banning flavored products just makes good common sense. Recently the UH School of Medicine reported on the state of health of the young people in Hawaii. Young people today, as young as 3 years old, are experiencing chronic diseases. We should not encourage the use of tobacco products in any way.

Mahalo for your supportive consideration,

Nancy Redfeather - Director Ka Ohana O Na Pua



## HIPHI Board

Misty Pacheco, DrPH  
Chair  
University of Hawai'i at Hilo

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

Debbie Erskine  
Treasurer  
ARCH-MEPS Consulting LLC, Owner

Keshia Adolpho, LCSW  
Na'au Healing Center

Camonia Graham - Tutt, PhD  
University of Hawai'i - West O'ahu

Carissa Holley, MEd  
Hale Makua Health Services

Dina Shek, JD  
Medical-Legal Partnership  
For Children in Hawai'i

Garret Sugai  
HMSA

Kathleen Roche, MS, RN, CENP  
Kaiser Permanente

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

Titiimaea 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 Collective

Date: February 22, 2023

To: Representative Kyle T. Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair  
Members of the Committee on Finance

Re: Support HB 551 HD1 Relating to Electronic Smoking Devices

Hrg: Friday, February 24, 2023, at 3:30 PM, Conf Rm 308

---

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> is in **Strong Support of HB 551 HD1**, which would end the sale of all menthol and flavored tobacco products in the state and prohibit mislabeling of e-liquid products containing nicotine.

Tobacco use remains a serious threat to public health. Each year, Hawai'i spends \$611 million in health care costs and \$152.3 million in Medicaid costs due to smoking. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product.

81% of Hawai'i youth started with a flavored product,<sup>ii</sup> and by regulating all menthol and other flavored tobacco products, the state can prioritize the health and safety of our communities. A report by the US Food and Drug Administration, issued in 2013, found that menthol cigarettes led to increased smoking initiation among youth and young adults, more significant addiction, and decreased success in quitting smoking. Candy, sweet, and menthol flavored tobacco attracts youth and makes nicotine tolerable. Unregulated menthol and flavored tobacco products severely threaten Hawai'i's established tobacco control policies and do not protect our children.

Flavor tobacco products have such a negative impact on public health that Massachusetts and California have ended the sale of all flavored tobacco products, including menthol. New Jersey, New York, and Rhode Island have ended the sale of flavored e-cigarettes. And nationally, over 360 localities have passed restrictions on the sale of flavored tobacco products, and at least 170 of those communities restrict the sale of menthol cigarettes as well as other flavored tobacco products.<sup>ii</sup>

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

A 2021 analysis<sup>iii</sup> of 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 due to the policy.
- 700 premature smoking-caused deaths avoided.
- Fewer youth initiating smoking with menthol cigarettes.

Thousands of youth will never start smoking because of this policy, thousands of lives will be saved, and the state will save hundreds of millions in healthcare costs.

## **E-cigarette use among youth and young adults has become a public health concern.**

In 2019, 1 in 3 (30.6%) public high school students and more than 1 in 6 (18%) public middle school students in Hawai'i reported that they are regularly vaping<sup>iv</sup> Hawai'i has the third-highest high school e-cigarette rate in the Country. Because Electronic Smoking Devices (ESDs) remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful, particularly to adolescents whose brains are still developing.

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

Unfortunately, e-cigarettes have evaded the laws to which other tobacco products are subject. The lack of a comprehensive approach has led to the rise of e-cigarette use, 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>viii</sup>. The state can reverse the youth vaping epidemic by implementing comprehensive policies and programs, *including ending the sale of flavored tobacco products statewide.*

## **Flavored products are driving youth use.**

Flavors in tobacco products entice youth, and nicotine keeps them addicted. In 2020, 8 in 10 youth who use e-cigarettes reported using a flavored product. Of youth e-cigarette users, 85% use flavored products, and fruit, candy/desserts/other sweets, *mint, and menthol* are reported as the most popular flavors<sup>ix</sup>. Ending the sale of **all** flavored tobacco products will reduce their appeal and protect our children from a lifetime of addiction.

Tobacco companies use menthol as a calculated tactic to hook new consumers. Menthol's cooling properties mask the harshness of tobacco. It is marketed to youth and vulnerable groups. Menthol is one of the most popular flavors of youth in Hawai'i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol cigarettes<sup>x</sup>.

Kids have shifted dramatically to disposable and menthol e-cigarettes, two categories of products left on the market under current federal restrictions. These shifts show that the only way to end this crisis is to eliminate **all** flavored e-cigarettes<sup>xi</sup>.

## **Hawai'i voters want restrictions.**

In a poll<sup>xii</sup> of registered voters, conducted by Ward Research Inc., in December 2022, 75% of respondents said that school aged children vaping or using e-cigarettes is a major problem; 76% support a law prohibiting all flavors, including menthol, of tobacco products, and e-cigarettes; furthermore, 95% believe that the use of e-cigarettes or vaping devices is harmful for Hawai'i's children, teens and families.

## **Comprehensive Regulation**

Ending the sale of all flavored tobacco products is part of a comprehensive approach to regulating tobacco products. Passing and implementing this policy AND policies that will create tax parity, licensing and permitting, and addressing the unlawful shipment of tobacco products is how we can address this public health crisis and protect the next generation from a life-long addiction to nicotine. Comprehensive regulation would NOT apply to any FDA-approved Nicotine Replacement Therapy (NRT) or FDA-approved non-nicotine cessation products. NRTs include over-the-counter and prescription products.<sup>xiii</sup>

Passing HB 551 HD1 along with other effective policies can prevent youth from the use of, and access to, tobacco products - especially e-cigarettes. We appreciate Hawai'i's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction.

Thank you for considering HB 551 HD1 and the other policies that will better protect the health of our communities.

Mahalo,



Peggy Mierzwa  
Policy & Advocacy Director  
Hawai'i Public Health Institute

---

<sup>i</sup> The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) 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.

<sup>ii</sup> <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

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

<sup>iv</sup> 2019 Youth Risk Behavior Surveillance System (YRBS). Available at: [www.cdc.gov/yrbs](http://www.cdc.gov/yrbs).

<sup>v</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>vi</sup> Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: US Department of Health and Human Services, Centers for Disease Control and Prevention, 2020.

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

<sup>ix</sup> <https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes#:~:text=Flavored%20products%20are%20driving%20youth,as%20the%20most%20popular%20flavors>.

---

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

<sup>xi</sup> <https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes#:~:text=Flavored%20products%20are%20driving%20youth,as%20the%20most%20popular%20flavors.>

<sup>xii</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=719 Hawaii registered voters (maximum sampling error +/- 3.6%), conducted between November 4-29, 2022.

<sup>xiii</sup> <https://www.fda.gov/consumers/consumer-updates/want-quit-smoking-fda-approved-and-fda-cleared-cessation-products-can-help>



February 23, 2023

## **HB551, HD1**

**Title: Relating to Health**

**Report Title: Prohibition; Sale; Flavored Tobacco Products; Appropriation**

The **Pioneering Healthier Communities (PHC) Initiative** brings together local, diverse leaders to discuss and support strategies, policies and programs that we can accomplish together to build healthier communities in our island home. The members of PHC Honolulu are involved in supporting efforts that enable children and families to become healthier through schools, afterschool programs, healthcare and more.

*As such, the members of PHC are in **full support** of HB551, HD1*

- **1/3 of Hawaii's high school students and 1/5 middle school students report current use of electronic cigarettes!**
- 8/10 kids start vaping with flavored products, including flavors such as bubble gum, lemon twist, and pink lemonade. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- 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.

Thank you for allowing us to provide this testimony,

May Okihiro

Paula Adams

Ray L'Heureux

Diane Tabangay

Tina Tamai

John Mai

Michael Libertini

Daniel Leung

Evelyn Barut



*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: Representative Yamashita, Chair  
Representative Kitagawa, Vice Chair  
House Committee on Finance

Re: HB551 HD1, relating to health  
3:30 p.m., Feb. 24, 2023

Aloha Chair Yamashita, Vice Chair Kitagawa and committee members:

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to testify in **STRONG SUPPORT** of House Bill 551 HD1, relating to health.

We cannot let the epidemic that is youth vaping continue any longer. **One in three high school students and one in five middle school students report "current use" of e-cigarettes.** This time frame for a youth is critical for brain development, and e-cigarettes can negatively impact it. Nicotine use in adolescence can harm the parts of the brain that control attention, learning, mood, and impulse control.

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

HB551 is a necessary step that cannot wait any longer. We must end the sale of flavored tobacco and the mislabeling of e-liquids as nicotine-free. **Please advance this essential measure.**

Mahalo,

Ke'ōpū Reelitz  
Director of Early Learning and Health Policy



---

Preserving Hookah Culture & Protecting Hookah Tradition across the USA

---

February 24, 2023

The National Hookah Community Association (NHCA) brings together, and serves as the voice of, hookah producers, distributors, sellers, hookah lounge owners, consumers, and community members who support the preservation of hookah's cultural traditions. We are writing to request that as you consider HB 551, a ban on flavored tobacco products, you acknowledge the cultural significance of hookah to minority and immigrant populations as well as the lack of youth access to, and use of, the product. California took a historic step in December by enacting a statewide ban on flavored tobacco products, which exempted hookah, for these reasons. NHCA has worked with California, and with many other state and local governments including Colorado, Columbus, Denver, San Diego, San Jose, Los Angeles, and others, to include exemptions for hookah in recent flavor ban legislation.

Hookah is a small category in the tobacco space, making up only roughly 0.005% of nicotine product sales. However, hookah is an important cultural practice to many and one that has existed for centuries, originating in the Middle East and India. Today, a broad cross-section of immigrants in the U.S. from around the world enjoy hookah at home and in lounges as a centerpiece for cultural, business, and social gatherings. Hookah is widely used by Middle Eastern, Armenian, Turkish, East African, Indian, Persian, Indonesian, and other minority immigrant citizens. Hookah lounges across the country have come to serve as safe gathering places for many diverse ethnic and religious communities. Despite the importance of this social practice and tradition, NHCA members continue to find that many policymakers are often unfamiliar with hookah, its practice, and its community.

NHCA fully supports efforts to eliminate youth access and usage of tobacco products, including hookah. Hookah is unlikely to be used or consumed by youth for many reasons. Hookah water pipes are expensive, several feet tall, not easily concealed, and the setup for use is a lengthy process. Lounges that offer hookah are restricted to of-age customers, preventing teens from accessing the product. Recent research by the Centers for Disease Control and Prevention (CDC) found that just 1% of middle and high school students used hookah in the past 30 days, ten times less than the number of teens who vape.

Shisha, the product used in hookah, is a combination of tobacco and a sugar substance such as honey or molasses, and the total product is only comprised of approximately 15% tobacco. As has been the practice for hundreds of years, hookah is, by nature, a flavored product. Unfortunately, noble efforts to address the teen vaping epidemic by **banning flavored tobacco also would result in the ban of ALL hookah.**

A ban on hookah would not only eliminate this important cultural practice for many U.S. citizens, but could also shutter many small, independent, and minority owned businesses. Many of these businesses serve as community gathering places for immigrant populations in cities across the country. Many hookah users are part of religious or ethnic populations that already face discrimination. Eliminating this cultural practice would make many feel as though they are misunderstood and targeted as an outsider by lawmakers and regulators.

We ask that you do not target this important cultural practice and shutter minority and immigrant owned businesses. Please grant an exemption for hookah from HB 551.

National Hookah Community Association



Rep. Kyle T. Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
House Committee on Finance

**HOUSE BILL 551, HOUSE DRAFT 1, RELATING TO HEALTH – IN OPPOSITION  
AGENDA #4**

Friday, February 24, 2023 @ 3:30 PM  
Conference Room 308 & Videoconference

Aloha Chair Yamashita, Vice Chair Kitagawa and Members of the Committee,

Aloha Petroleum, Minit Stop, and Par Hawaii support strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we respectfully oppose HB 551, HD 1 and its impact to adult consumers of legal age who are committed to cessation programs which include alternative flavored tobacco and vaping products, including menthol.

We take our role in enforcement seriously through tobacco control measures such as: checking IDs at the point of sale, posting legal age notices in retail stores, placing products in secure areas, and other compliance measures designed to close the on-ramp for youths. Our efforts to prevent the onramp of underage smoking will not cease.

Preemptive efforts at the federal level are ongoing. On February 10, 2023, the U.S. Food and Drug Administration's (FDA) Center for Tobacco Products (CTP) held a public webinar titled "FDA's Rulemaking Process and Planned Tobacco Product Standards to Prohibit Menthol as a Characterizing Flavor in Cigarettes and Flavors in Cigars<sup>1</sup>."

It is the intention of the FDA to advance two tobacco product standards within the next year:

1. Prohibit menthol as a characterizing flavor in cigarettes; and
2. Prohibit all characterizing flavors, except tobacco, in cigars.

Thank you for the opportunity to testify in opposition and ask that the committee allow the FDA to continue to advance their agenda on regulating tobacco products.

---

<sup>1</sup> February 10, 2023 Webinar: FDA's Rulemaking Process and Planned Tobacco Product Standards to Prohibit Menthol as a Characterizing Flavor in Cigarettes and Flavors in Cigars  
<https://www.fda.gov/tobacco-products/ctp-newsroom/webinar-fdas-rulemaking-process-and-planned-tobacco-product-standards-prohibit-menthol>

**Hawaii**  
**House Finance Committee**  
**Testimony: HB 551 Prohibiting Sale of Flavored Tobacco Products**  
**Guy Bentley, Director of Consumer Freedom, Reason Foundation**  
**February 24, 2023**

Chair Yamashita and members of the committee,

Thank you for the opportunity to submit testimony on the proposed ban of flavored tobacco products.

My name is Guy Bentley, and I am 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 this measure to limit tobacco use, especially among youth, is to be applauded. However, the track record of such prohibitions should raise significant concern that the proposed ban would promote further inequalities in the criminal justice system, simply push sales and tax revenue to other jurisdictions, and increase the illicit tobacco trade while failing to improve public health.

**Case Studies: Massachusetts, Canadian Provinces, and the European Union**

Massachusetts' ban on flavored tobacco products went into effect in June 2020. My colleague Jacob Rich, based out of the Center for Evidence-Based Care Research at the Cleveland Clinic, analyzed the ban's impact by comparing cigarette sales in Massachusetts before and after the ban was implemented. He found a net increase in cigarette sales of 7.2 million packs within Massachusetts and its bordering states in the twelve months to June 2021 compared to sales in the twelve months to June 2020.<sup>1</sup>

Massachusetts also saw a 15.6 million pack increase in non-menthol cigarette sales in 2021, likely due to consumers switching products after the flavored tobacco ban's implementation.

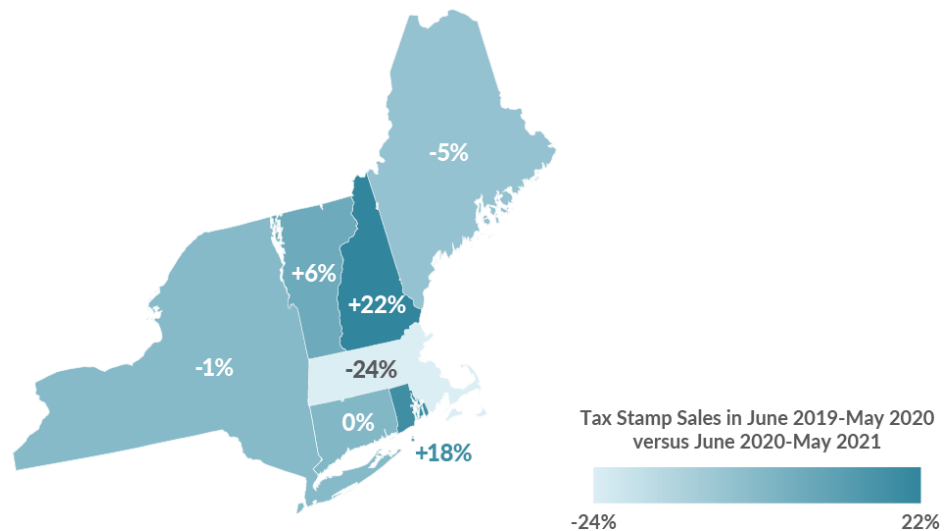
---

<sup>1</sup> Jacob Rich. "Estimates of Cross-Border Menthol Cigarette Sales Following the Comprehensive Tobacco Flavor Ban in Massachusetts." MedRxiv. April 27, 2022.  
<https://www.medrxiv.org/content/10.1101/2022.04.24.22274236v1>

Additionally, with consumers turning to neighboring states and black markets, according to the Tax Foundation, Massachusetts lost \$125 million in tobacco tax revenue in its 2021 fiscal year.<sup>2</sup>

## Tobacco Flavor Bans Move Sales to Neighboring States

Tax Stamp Sales in June 2019-May 2020 versus June 2020-May 2021



Source: Orzechowski & Walker Survey of State Departments of Revenue; Author's calculations.

TAX FOUNDATION

@TaxFoundation

Flavored tobacco bans in other countries have yielded similar unintended results. According to a study published by the *Journal of Law and Economics*, Canadian provinces' menthol prohibition implemented from 2015-17 significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking as they substituted products rather than quit.<sup>3</sup> "Difference-in-differences models using national survey data return no evidence that provincial menthol cigarette bans affected overall smoking rates for youths or adults," wrote the study's authors.

The world's largest experiment in menthol prohibition is the European Union, which includes 27 countries and had a population of 447 million people as of 2020. The EU menthol ban became effective in May 2020. Before the ban, Poland had the largest menthol cigarette market in the

<sup>2</sup> Ulrik Boesen. "Massachusetts Flavored Tobacco Ban: No Impact on New England Sales." Tax Foundation. February 3, 2022.

<https://taxfoundation.org/massachusetts-flavored-tobacco-ban-sales-jama-study/>

<sup>3</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>

EU, making up 28 percent of total menthol sales. An analysis of Poland funded by the Norwegian Cancer Society in partnership with the Polish Ministry of Health found no statistically significant decline in cigarette sales in Poland after the ban.<sup>4</sup> “We find that menthol cigarette sales fell at least 97% after the menthol cigarette ban across Poland and standard cigarette sales replaced them,” write the study’s authors.

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

The Food and Drug Administration (FDA) recognizes there is a “continuum of risk” when it comes to tobacco products, with cigarettes being the most dangerous and alternatives such as e-cigarettes, smokeless tobacco, nicotine pouches, and heated tobacco products being less dangerous.<sup>5</sup> As such, when FDA authorizes a new tobacco product for sale, it must be evaluated as to whether it is “appropriate for the protection of public health,” meaning the product must provide a net benefit to public health.

HB 551 would ban the sale of several products that the FDA has deemed to be net beneficial to public health and authorized for sale. For example, Swedish Match’s General Snus Wintergreen Portion White Large, General Nordic Mint Portion White Large - 12ct, General Mint Portion White Large, and General Dry Mint Portion Original Mini have also obtained Modified Risk Grant Orders from FDA. These orders allow Swedish Match to inform the public about the benefits of switching from cigarettes to these reduced-risk products. According to the FDA, the claim “Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis” is scientifically accurate.<sup>6</sup>

If Hawaii chooses to ban these products, it will ban products that reduce the harm and risk of tobacco-related diseases.

In 2021, the U.S. 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 net beneficial, it will be authorized for sale as appropriate for the protection of public health.

---

<sup>4</sup> Liber, Alex C. and Stoklosa, Michal J. and Levy, David and Sánchez-Romero, Luz María and Cadham, Christopher J. and Pesko, Michael. “A Bite-Style Model to Evaluate Poland’s Menthol Cigarette Ban.” Available at SSRN: <https://ssrn.com/abstract=3946277>

<sup>5</sup> U.S. Food and Drug Administration. “FDA Authorizes Modified Risk Tobacco Products.” May 2020.

<sup>6</sup> U.S. Food and Drug Administration. “Scientific Review of Modified Risk Tobacco Application (MRTPA) Under Section 911 (d) of the FD&C Act - Technical Project Lead.” <https://www.fda.gov/media/131923/download>

If Hawaii passes House Bill 551 into law and bans these products prior to the FDA concluding its review, it would limit consumer access to products the FDA may deem as 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 while half said they would find a way to get their preferred flavor. Of most concern to public health officials and lawmakers should be the finding that close to one in five vapers said if their preferred flavor was banned they would stop vaping and smoke traditional cigarettes instead.<sup>7</sup>

While prohibiting e-cigarette flavors other than tobacco may seem an attractive solution to reduce youth vaping, policymakers should recognize that, according to the 2022 National Youth Tobacco Survey (NYTS) by the Centers for Disease Control and Prevention (CDC), 86 percent of high schoolers are not using e-cigarettes at all and 98 percent are not smoking combustible cigarettes. Data released by the CDC also shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason why young people say they start vaping is curiosity, followed by peer influence or family members. Availability in flavors, such as mint, candy, fruit, or chocolate, comes as a very distant third in the survey.<sup>8</sup>

Research suggests 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 flavored tobacco ban was enacted, San Francisco area youth were twice as likely to smoke compared to young people in similar jurisdictions that had not enacted tobacco flavor bans.<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," found Friedman.

---

<sup>7</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>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)

<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>



According to a 2020 study by Yale School of Public Health researchers, e-cigarette flavors are 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 in helping smokers quit smoking cigarettes.<sup>11</sup> Prohibition of flavored e-cigarettes, which are overwhelmingly the preferred choice for adult vapers, risks worsening public health by driving vapers to smoke while also fueling illicit markets and hurting local economies by forcing the closure of Hawaii vape shops.

The proposed ban on flavored e-cigarettes carries potential negative consequences for the health of Hawaii's citizens. It would also hurt the state's economy.

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

Guy Bentley, Director of Consumer Freedom, Reason Foundation  
[guy.bentley@reason.org](mailto:guy.bentley@reason.org)

---

<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." November 17, 2022.

<https://www.cochrane.org/news/latest-cochrane-review-finds-high-certainty-evidence-nicotine-e-cigarettes-are-more-effective>



February 24, 2023

## Testimony on Hawai'i HB 551 — “An Act Relating to Health”

Dear Chairs and Members of the House Committee on Finance,,

My name is Elizabeth Hicks and I am the US Affairs Analyst of the consumer advocacy group Consumer Choice Center.

Simply put, HB 551 will do more harm than good if passed. Enacting a flavor ban on 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](#) and that adults who use flavored vaping products are [2.3 times more likely](#) to quit smoking cigarettes, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawai'i.

Smoking-related illnesses are very serious and can lead to cancer. After being around second-hand smoke most of my life, this past year I unfortunately received my own cancer diagnosis, undergoing 12 rounds of chemotherapy, 20 sessions of radiation, 9 cycles of immunotherapy and multiple surgeries - and I can assure you that I would not wish this on anyone. Considering this committee is focused on protecting consumers, embracing vaping as a harm reduction tool here in Hawai'i will help ensure that your citizens are less likely to end up in a situation similar to mine.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a less risky alternative to combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ years in age and started vaping as a means to quit smoking combustible cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually through medicaid alone.

Furthermore, while this bill is intended to protect youth from tobacco use, [data from the Journal of the American Medicine Association](#) shows that when flavored vaping products are banned, combustible smoking rates **increase** for youth aged 18 and younger. This unintended consequence would only exacerbate the problem Hawai'i is trying to fix, making this particular bill unviable in achieving its desired outcomes.

Additionally, if a flavor ban is enacted in Hawai'i, then consumers will look towards the illicit market in order to get access to their preferred flavored vaping products. This presents serious concerns for public health in Hawai'i as vapers will be purchasing unregulated products that do not necessarily adhere to regulatory standards. Additionally, the illicit market does not abide by age restrictions therefore making it much easier for youth to acquire these products illegally.





Our goal should be to expand adult's choices to quit combustible tobacco, not to limit them severely.

The fear of our organization if this bill is adopted, is that counties will move quickly to deprive adult consumers of these less risky options, unaware of the severe repercussions and harm that would happen.

Our policies must be fair, just, and based on scientific evidence. I believe this body, composed of diverse legislators from the entire state, can help make that determination for the residents who depend on you to protect their consumer choice. **We would urge you to vote against HB 551.**

Thank you for your consideration & I'm happy to answer any questions you may have.

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





February 23, 2023

To: Members of the Hawaii House Finance Committee  
From: Americans for Tax Reform

Dear Representative,

On behalf of Americans for Tax Reform (ATR), a non-profit organization which advocates in the interests of taxpayers and consumers throughout the United States, I urge you to reject HB 551, misguided legislation which seeks to restrict access to lifesaving reduced risk tobacco alternatives such as electronic cigarettes through banning flavors proven critical to the process of helping adults quit smoking. **The evidence clearly demonstrates that if enacted, this bill would have a disastrous impact upon not only businesses, but public health throughout the State, and lead to a clear increase in tobacco-related mortality.**

ATR further submits that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses, when they can afford it least at this time of high inflation. **It would kill countless jobs and would cost small business owners their livelihoods. HB 551's total economic cost would be devastating.**

Studies have repeatedly shown that flavors, which HB 551 would prohibit, are critical to helping adult smokers make the switch to vaping. Adults who use flavored vapor products are 43% more likely to quit smoking than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health.

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

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

Along with the flavor bans imposed on reduced risk tobacco alternatives, HB 551 extends flavor prohibition to menthol cigarettes and other conventional tobacco products. Like bans

722 12<sup>th</sup> Street N.W.

Fourth Floor

Washington, D.C.

20005

T:(202)785-0266

F:(202)785-0261

[www.ATR.org](http://www.ATR.org)

on flavors in reduced risk tobacco alternatives, these would also come with significant negative consequences for the state, with no evidence whatsoever that they have any effect in reducing smoking rates.

Additionally, real world evidence from Massachusetts demonstrates that such bans are counterproductive and come at significant cost. Since Massachusetts implemented a ban on all flavored tobacco products in the middle of 2020, cross-border purchases and the creation of a booming black market have more than made up for a decline in sales in the Commonwealth. **This policy failure is costing Massachusetts more than \$10 million each [month](#) in excise tax revenue.**

While Hawaii may not have to worry about cross-border sales, criminal smugglers will bring illicit tobacco to Hawaii to meet the demand of the black market. These smugglers known to often be part of international crime syndicates. **These networks, who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a “[threat to national security](#)”.** **HB 551 would encourage illicit smuggling of tobacco into Hawaii, making the state a less safe place to live and work.**

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

Prohibitions on menthol-flavored cigarettes will disproportionately impact minority populations and communities of color. Banning menthol cigarettes will also significantly increase the policing of minority communities and lead to a rise in negative interactions between law enforcement and people of color. This proposal prioritizes criminalization over harm reduction and public health and will ensure that people of color will disproportionately suffer from the enforcement of HB 551.

Civil liberty organizations such as the American Civil Liberties Union (ACLU), the Law Enforcement Action Partnership, and the Drug Policy Alliance are all [opposed](#) to bans on menthol and other flavored tobacco products for these same reasons. Further, law enforcement officials [overwhelmingly](#) oppose bans on menthol cigarettes because it will spur smuggling, counterfeit cigarettes, and increase organized crime.

HB 551’s ban on flavored tobacco includes flavored cigars. **There is zero evidence that flavored cigars impact youth smoking habits and therefore no justification for their prohibition under HB 551.** A report from the Population Assessment of Tobacco and Health (PATH), a long-term study of tobacco use published by FDA and the National Institute for Health, [found](#) that youth past-month usage of flavored cigars is approximately 0.3%. HB 551 would drive cigar businesses, including cigar lounges, out of business in Hawaii, costing jobs and livelihoods, with no benefit to public health.

### **About E-Cigarettes and Vapor Products:**

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

**Benefits of E-Cigarettes and Vapor Products:**

- **Vapor products have been [proven to be at least 95% safer](#) than combustible cigarettes.** A comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.
- E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. According to one [study](#), someone who smoke and is attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. **Due to increased access to vaping, the U.S. adult smoking [rate](#) has plummeted to 13.7% as of 2018.**
- An [analysis](#) by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- A study from Value in Health Journal [found](#) that legislative actions banning flavored electronic cigarettes are **directly correlated** with increased traditional cigarette sales
- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) people quit smoking. **HB 551 will have a tremendously negative impact on public health and would fail to decrease socioeconomic disparities by reducing adult access to products shown to improve public health.**

- Large-scale [analysis](#) from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if most cigarette smokers switched to vaping. **This would amount to more than 28,000 lives saved in Hawaii.**

For the reasons outlined above, in the interests of public health, protecting the Hawaii economy, and fighting back against the spread of smuggling cartels, we call upon you to **accept the science and vote against HB 551**. Tens of thousands of lives quite literally depend upon it.

Sincerely,

Tim Andrews  
*Director of Consumer Issues*  
Americans for Tax Reform



February 23, 2023

To: Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair  
Members of the Committee  
House Committee on Finance

Re: Testimony in Support of HB551 HD1, Relating to Health

Hrg: 24 Feb 2023, 3:30PM, House Conference room 308 via 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. Therefore, as stewards of public health, HPHA is also advocating for equity in all policies.

**We strongly support HB551 HD1, which prohibits the sale of flavored tobacco.** The youth vaping epidemic presents a significant public health risk. In Hawai'i, one in three high school students and one in five middle school students report current use of e-cigarettes. Flavored tobacco products are a significant driver of the vaping epidemic as 8 in 10 children start vaping with a flavored tobacco product. A major way to address vaping among youth is to prohibit the sale of the flavored tobacco products that entices youth to first try tobacco products.

Additionally, this bill addresses the sale of menthol in e-cigarettes and cigarettes. Menthol also promotes tobacco use as it has a cooling and numbing effect and can reduce throat irritation from smoking. This makes menthol flavors more appealing to youth who may initiate smoking. Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Ending the sale of flavored tobacco will also advance health equity as the tobacco industry has a history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Island smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

**We strongly support HB551 HD1 to prohibit the sale of flavored tobacco and the mislabelling of e-liquids as nicotine free.** This bill would help address the youth vaping epidemic and make tobacco products less attractive to children. Hawai'i can be a leader in addressing this epidemic and join the five other states that have enacted policies to end the sale of flavored tobacco products to some extent. Flavored tobacco products pose a significant public health threat, especially to our keiki. Thank you for the opportunity to provide testimony on this important public health issue affecting youth in our communities.

Respectfully submitted,

Holly Kessler  
Executive Director



COMMITTEE ON FINANCE  
Rep. Kyle T. Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair

Friday, February 24, 2023, 3:30 PM - Room 308

### Testimony in Support of House Bill 551, House Draft 1 Relating to Health

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

**The American Lung Association calls on Hawai‘i officials to support HB 551, HD 1 and restrict the sales of flavored tobacco products to protect youth. Tobacco use remains Hawai‘i’s and the nation’s leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.**

**It is imperative that the bill restricts all flavors of tobacco, with no exceptions, including menthol for the following reasons:**

- 1. Menthol keeps the most vulnerable addicted.** Overwhelming scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage<sup>1</sup>. Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations.
- 2. Menthol is a barrier for quitting tobacco.** In a letter to the Food and Drug Administration dated January 22, 2021, the Hawai‘i State Attorney General stated that menthol tobacco products “remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market.”
- 3. Menthol is preferred by young people because it masks harsh flavors of tobacco.** Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine<sup>2</sup>.

<sup>1</sup> Kuiper NM, et al. Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015. *Nicotine Tob Res.* 2018;20(6):698–706.

<sup>2</sup> Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O’Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA.* 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

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

### **E-Cigs are Not Cessation Devices and Do Not Reduce Harm**

Despite what e-cigarette companies want you to believe, switching to vaping (e-cigarettes) is not quitting smoking. E-cigarettes are still tobacco products, and FDA has not approved any e-cigarette as a quit smoking device. In fact, the FDA must crack down on the unproven health claims made by the e-cigarette industry because it's confusing people who want to quit smoking.

The Food and Drug Administration has not found any e-cigarette to be safe and effective in helping smokers quit. The fact is, e-cigarettes are tobacco products too. Though we still have a lot to learn about the health consequences of vaping, we are very troubled by what we've seen so far. E-cigarettes still produce a number of dangerous chemicals including acetaldehyde, acrolein, and formaldehyde<sup>4</sup>. As we've recently seen on the news, the inhalation of harmful chemicals can cause irreversible lung damage, lung diseases—and even death.

A recent study from the University of North Carolina found that even in small doses, inhaling the two primary ingredients found in e-cigarettes—propylene glycol and vegetable glycerin—is likely to expose users to a high level of toxins and that the more ingredients a user is inhaling, the greater the toxicity.<sup>5</sup>

Both the U.S. Surgeon General and the National Academies of Science, Engineering and Medicine have warned about the risks of inhaling secondhand e-cigarette emissions, which are created when an e-cigarette user exhales the chemical cocktail created by e-cigarettes. In 2016, the Surgeon General concluded that secondhand emissions contain, "nicotine; ultrafine particles; flavorings such as diacetyl, a chemical linked to serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead."<sup>6</sup>

The American Lung Association in Hawai'i urges legislators to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of House Bill 551, House Draft 1.



Pedro Haro  
Executive Director  
American Lung Association in Hawai'i  
pedro.haro@lung.org

<sup>3</sup> American Lung Association. *State of Tobacco Control – Hawai'i*. 2022

<sup>4</sup> Ogunwale, Mumiye A et al. (2017) Aldehyde Detection in Electronic Cigarette Aerosols. *ACS omega* 2(3): 1207-1214. doi: 10.1021/acsomega.6b00489].

<sup>5</sup> Sassano MF, Davis ES, Keating JE, Zorn BT, Kochar TK, Wolfgang MC, et al. (2018) Evaluation of e-liquid toxicity using an open-source high-throughput screening assay.

<sup>6</sup> 2016 Surgeon General's Report: E-Cigarette Use Among Youth and Young Adults: <https://www.cdc.gov/tobacco/sgr/e-cigarettes/index.htm>



February 24, 2023

3:30 p.m.

Via Videoconference

Conference Room 308

COMMITTEE ON FINANCE

To: Rep. Kyle T. Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair

My name is Lisa Dau, RN, and I am the Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPC), which is a non-profit agency with a mission to decrease childhood injuries. KIPC **SUPPORTS of HB551 HD1**, Relating to Tobacco Products, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

Tobacco flavors entice young people, but nicotine keeps them hooked for life. In 2020, eight out of ten young people who use e-cigarettes reported using a flavored product, up from seven out of ten in 2019. (According to the National Youth Tobacco Survey). Stopping the sale of flavored tobacco products reduces their appeal and protects our children from a lifetime of addiction. Menthol is as dangerous as, if not more dangerous than, any other tobacco flavor. Menthol is well-known for masking the harshness of tobacco, making it easier to begin and more difficult to stop. Menthol must be included if we are to protect our keiki and reduce the burden of tobacco in our communities.

Because the tobacco industry has a history of marketing menthol cigarettes to adolescents and people of color, eliminating the sale of all flavored tobacco will improve health equality. In Hawai'i, 78 percent of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among teenagers.

KIPC **supports of HB551 HD1**, which will ban flavored tobacco products in the best interests of our local kids.

Thank you,  
Lisa Dau, RN, MBA, BSN  
Injury Prevention Coordinator



TO: The Honorable Kyle Yamashita, Chair  
The Honorable Lisa Kitagawa, Vice Chair  
House Committee on Finance

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

RE: **HB 551 HD1 – RELATING TO HEALTH  
In Support**

DATE: Friday, February 24, 2023; Agenda #4  
3:30 p.m.; conference room 308 & videoconference

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

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

**The Hawaii Association of Independent Schools (HAIS) strongly supports HB 551 HD1.**

HAIS is a membership organization that currently represents as members 100 of Hawaii's independent and private K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 114 private K-12 schools in the State.

Approximately 33,000 students attend Hawaii's independent, private and parochial schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic plaguing Hawaii. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support HB 551 HD1 because, in creating effective regulations for the sale of e-cigarettes and flavored tobacco products to persons under the age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students and help to protect the current and future generations of Hawaii's citizens.

Thank you for the opportunity to submit testimony in support.

# Opportunity Youth Action Hawai'i

February 24, 2023

House Committee on Finance

Hearing Time: 3:30 PM

Location: State Capitol, Conference Room 308

Re: HB551, HD1 Relating to Health

Aloha Chair Yamashita, Vice Chair Kitagawa and members of the Committee:

We are writing in **strong** support of HB551 HD1 relating to health.

This bill will prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free; authorize the department of health to appoint, commission, or contract for services of inspectors; establish two full-time equivalent program specialist positions and one full-time equivalent hearing officer position; and appropriate funds.

Research conducted by the Center for Disease Control (CDC) shows that flavored tobacco products are widely considered as “starter” products, and people who use them are more likely to become addicted than someone trying non-flavored tobacco products for the first time. The usually sweet flavoring masks the harshness of the tobacco, which makes them more addictive and harder to quit. According to the CDC, flavored tobacco is more addictive than regular tobacco products

Furthermore, youth and young adults used flavored tobacco products more than any other age group. More than four out of five young adults ages 18 to 24 who have ever used tobacco reported that their first product was flavored (truth initiative). Flavored tobacco can be considered a gateway substance and should be regulated as such.

This issue should be addressed as soon as possible to safeguard the well being of Hawaii's youth by preventing their exposure to the harmful and addictive qualities of flavored tobacco products, and to promote public health within the state.

With the appropriation of funds for inspectors, program specialist positions, and a hearings officer position, the Department of Health will have the necessary resources to enforce a ban on flavored tobacco products, and conduct inspections of retailers.

Mahalo for the opportunity to testify.



**TO: Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance**

**FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)**

**DATE/LOCATION: February 24, 2023; 3:30am, Conference Room 308**

**RE: TESTIMONY IN SUPPORT OF HB 551 HD1– RELATING TO HEALTH**

**PACT supports HB 551 HD1**, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free.

Founded in 1968, Parents And Children Together (PACT) is a statewide community-based organization providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address, and successfully resolve challenges through 20 programs. Among our services are early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

PACT's mission is to work together with Hawaii's children, individuals, and families to create safe and promising futures. Allowing the tobacco/e-cig industry to prey on youth does not empower youth to choose the futures they want for themselves. Currently, flavors in tobacco and e-cig products attract youth to try them and the nicotine in these products creates an addiction. Our high school youth vaping rate at over 30% is double that of the national average and it is estimated that 21,000 premature deaths from smoking will happen in the future to children alive now. (<https://www.tobaccofreekids.org/problem/toll-us/hawaii>).

Menthol flavored tobacco products must be included in this flavor ban because it is prevalent and preferred by young people. Menthol flavor masks the harsh flavor of tobacco, making it easier to continue smoking. Additionally, menthol tobacco use disproportionately impacts our Native Hawaiian and Pacific Islander communities with 78% of NHPI smokers using menthol cigarettes. (Hawai'i BRFSS 2008).

We urge you to listen to the many voices of youth weighing in on this issue and requesting your help in ending this public health crisis. By implementing this preventive health policy you will save the state millions in healthcare costs as well as lives.

Thank you for the opportunity to testify, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.



Hearing on 2-24-23

**Testimony in Strong Opposition to House Bill 551**

Dear House FIN Committee,

The Hawaii Smokers Alliance STRONGLY OPPOSES HB 551) relating to the ridiculous prohibition of flavors for vaping and tobacco products on retailers, constituents, and visitors that enjoy these products.

The pernicious House Bill 551 is strongly opposed for the following reasons:

1. This flavor ban will place local retailers at a massive disadvantage when they now have to compete with online, smuggled, or person to person transactions. The vape products have a much higher value to volume ratio than most traditional tobacco products making them highly prone to smuggling, mailing, or in person transport from the mainland. Making the flavored products not available in stores will close many a retailers' door.
2. This bill is undoubtedly a companion bill to the unknown tax increase (HB537-HD-1). The anti-smoking lobbyists had to split it up because a prior unsuccessful bill covered too many topics at once. Combined with the flavor ban and this tax increase, local vape retailers as well as more of our rapidly disappearing civil liberties are doomed.
3. In addition HB551 will also be immediately countered by simply adding flavoring not intended for vaping into the product. This flavoring will not have been tested for compatibility and could certainly cause health risks that otherwise would not occur.
4. Simply put, this bill WILL NOT WORK because of the ease of subverting it. The only people that will "win" are anti-smoking lobbyists that get a performance bonus for passing HB551.
5. Additionally, the major of users of these products are Democrats. We simply can't understand **why the majority party would attack its' own voters** with a bill such as this and turn people away from their own party or to more reasonable Democrats wanting to gain office in the primaries.

Respectfully request that this divisive and shameful bill which is doomed to fail not leave the FIN committee. Thank you for your time.

Sincerely,

Michael Zehner, Co-chair of the Hawaii Smokers Alliance.

808-952-0275. [Hawaiiismokersalliance.net](http://Hawaiiismokersalliance.net)





To: Rep. Kyle T. Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Committee on Finance

RE: Support: HB 551: HD1: Relating to Health

Hrg: February 24, 2022 at 3:30pm

---

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to strongly support HB 551 HD 1: to end to the sale of flavored tobacco products in the Hawai'i to reduce tobacco use, particularly among youth. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually, including 1,400 in Hawai'i.

**Prohibiting the sale of all flavored tobacco products in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction.** Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Eight out of ten youth who have ever used a tobacco product started with a *flavored* product.**<sup>1</sup>

Although tobacco companies claim to be responding to adult tobacco users' demand for variety, it's clear that flavored tobacco products play a key role in enticing new users, particularly kids, to

a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use.

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that **eight out of ten of kids who have ever used tobacco products started with a flavored product.**<sup>2</sup> Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Nationally, e-cigarettes have been the most commonly used tobacco product among youth since 2014. Today, youth e-cigarette use remains a serious public health concern, with over 2.5 million youth, including 14.1% of US high schoolers, reporting current e-cigarette use in 2022, according to the National Youth Tobacco Survey (NYTS).<sup>3</sup> According to the 2019 Hawai'i Youth Risk Behavior Survey, 30.1% of Hawai'i high school students and 17.7% of middle school students are current e-cigarette users.<sup>4</sup>

Kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. According to the 2022 NYTS, 46% of high school e-cigarette users reported vaping on 20 or more days/month, and 30.1% reported daily use.<sup>5</sup> This youth addiction crisis has been fueled by the growth of high nicotine e-cigarettes—many contain as much or more nicotine as a pack of twenty cigarettes. Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.<sup>6</sup> The Surgeon General concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>7</sup>

Youth e-cigarette users are also at risk of smoking cigarettes. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”<sup>8</sup> More recent research confirms this finding.<sup>9</sup> Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted all menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely available in every imaginable flavor, including flavors that uniquely appeal to Hawai'i's children – like luau punch and lychee ice. New data show that the market share of these products has grown substantially and that youth quickly migrated to the flavored products that were exempt

from the FDA's policy. In 2022, 55.3% of US youth e-cigarette users reported using disposable e-cigarettes and 26.6% of users of flavored e-cigarettes reported using menthol e-cigarettes.<sup>10</sup>

While the FDA recently announced that it had denied marketing applications for certain flavored e-cigarettes, many of the flavored products most popular among kids, like Juul, are still on the market. Every day these products remain on the market, our kids remain in jeopardy. Because of the delays and gaps in the FDA's actions, it is critical that states and cities step up their efforts to eliminate ALL flavored e-cigarettes, as well as other flavored tobacco products. The evidence is also clear that as long as any flavored e-cigarettes – including menthol-flavored products – are on the market, kids will shift to them and we will not end this public health crisis. Hawai'i must close the gaps left by the FDA and protect our kids from these dangerous and addictive products.

### **Menthol Cigarettes and Flavored Cigars Increase Youth Smoking and Exacerbate Health Disparities**

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As the only flavored cigarette left on the market, it's also no surprise that menthol cigarettes are popular among youth. About half of youth who have ever tried smoking started with menthol-flavored cigarettes.<sup>11</sup> The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

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

According to the 2019 Hawaii Youth Risk Behavior Survey, an 59% of Hawaii's high school cigarette smokers and 38% of middle school cigarette smokers used menthol cigarettes.

In addition, cheap, flavored cigars – sold in hundreds of flavors like cherry dynamite, tropical twist and chocolate – have flooded the market in recent years and fueled the popularity of these products with kids. The 2022 National Youth Tobacco Survey shows that cigars are the second most popular tobacco product (after e-cigarettes) among all high school students and are especially popular among Black high school students.<sup>12</sup>

### ***Tobacco companies have a long history of targeting communities with menthol marketing.***

Tobacco industry marketing, often targeted at minority communities, has been instrumental in

increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and Black Americans.<sup>13</sup> Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. Nationwide, as a result of this targeting, 85% of Black smokers smoke menthol cigarettes, compared to 29% of White smokers.<sup>14</sup> Nationally, menthol is also disproportionately high among Asian and Hispanic smokers, LGBTQ+ smokers, smokers with mental health problems, socioeconomically disadvantaged populations, and pregnant women.<sup>15</sup>

There is also evidence that the industry has targeted the Hawaiian population. In the 1980s, a marketing group strategized how to reach native Hawaiians with Kool cigarettes, a popular menthol brand. The agency recommended that Kool employ “ethnic advertising” in Hawai’i, recommending the use of models that were “fun, happy-go-lucky young people in their 20s...[who have] full social calendars and spend a lot of time outdoors at the beach... people who display what islanders call the aloha spirit.”<sup>16</sup> An assessment of tobacco advertising in Hawai’i found that Kool, a popular menthol brand, was the most heavily advertised brand across Hawai’i in the early 2000s.<sup>17</sup> The 2020 Behavioral Risk Factor Surveillance System shows that prevalence is high among ethnic groups that comprise a significant proportion of Hawaii’s population, with 79% of Filipino smokers, 78% of Native Hawaiian smokers, and 69% of

***Action to prohibit menthol cigarettes is long overdue.*** In 2011, TPSAC concluded that “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”<sup>18</sup> Over a decade after TPSAC issues its report—in April 2022—the FDA issued proposed rulemaking to prohibit menthol cigarettes and flavored cigars. However, until any FDA action is finalized, states and cities should continue their growing efforts to end the sale of menthol cigarettes and other flavored tobacco products. It will take time for the FDA to finalize and implement the necessary regulations to prohibit menthol cigarettes and flavored cigars, and tobacco industry lawsuits could cause more delays. States and cities have an obligation to protect the health of their citizens and must act now to stop tobacco companies from targeting kids and other groups with menthol cigarettes and other flavored products. We can’t afford more delay in taking action to protect kids and save lives.

**The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result.** Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the

tobacco industry's aggressive efforts to hook children to a deadly, addictive product. This issue is about protecting our kids, saving lives, and advancing health equity.

**This is an Effective Policy: See Flavored Tobacco Sales Restrictions: Promising Evidence for Reducing Youth Access and Tobacco Use (Attached)**

These are proven effective policies. Available data indicate that strong laws can be easily implemented and can help reduce youth access to and use of tobacco by removing from store shelves the products that are most attractive to youth and the products that youth use most often.

In 2017, the San Francisco Board of Supervisors enacted the first comprehensive ban on all flavored tobacco products, which was upheld by city voters in June 2018. The San Francisco Department of Public Health's outreach and retailer education efforts extended through the fall of 2018. Between January and December 2019, compliance was 80%, compared to 18% in December 2018.<sup>19</sup> Sales data show that flavored tobacco product sales decreased by 96% in San Francisco after implementation of the city law in early 2019. Total tobacco sales also significantly decreased over the same period, suggesting consumers did not broadly switch to unflavored tobacco products. The study concluded, "A reduction in total tobacco sales in SF suggests there was not a one-to-one substitution of tobacco/unflavored products for flavored products."<sup>20</sup>

**E-cigarettes are not a cessation device: Electronic Cigarettes: An Overview of Key Issues (Attached).**

Some e-cigarette users report that they believe that e-cigarettes will help them quit or reduce the number of cigarettes they smoke;<sup>21</sup> however, leading public health authorities have found that there is not enough evidence to conclude whether e-cigarettes are an effective smoking cessation device.<sup>22</sup> For example, the 2020 Surgeon General's Report on Smoking Cessation concluded that "there is presently inadequate evidence to conclude that e-cigarettes, in general, increase smoking cessation." The Surgeon General also cautions that because e-cigarettes are not a single product, but "a continually changing and heterogeneous group of products" that "are used in a variety of ways," it is difficult to make broad generalizations about the efficacy of e-cigarettes for smoking cessation based upon any one study or any one product.<sup>23</sup> The U.S. Preventive Services Task Force (USPSTF), which makes recommendations about the effectiveness of specific preventive care services after a thorough assessment of the science, concluded that "the current evidence is insufficient to assess the balance of benefits and harms of electronic cigarettes (e-cigarettes) for tobacco cessation in adults... The USPSTF recommends that clinicians direct patients who use tobacco to other tobacco cessation interventions with proven effectiveness and established safety."<sup>24</sup> A 2021 World Health Organization

**Net benefit to the state: Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawaii (Attached)**

Despite concerns over revenue loss, this policy is projected to benefit the state in the long term due to a reduction in long term health care costs in the amount of \$48 billion. This more than makes up for any potential tax declines that might be associated with this policy, and will be a boon to the state.

**The time to act is now.** We have waited long enough for FDA to act. Every day that we delay, more youth begin a potentially deadly addiction that can be stopped. There is broad public support for these policies, and while we wait for others to take action, we allow an industry to continue to sink it's teeth into our youth further.

**Thank you for considering a strong and comprehensive policy without exemptions. This ordinance will save lives in Hawai'i.**

Sincerely,

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

Lindsey Freitas, MPA

Director, Hawai'i

Campaign for Tobacco-Free Kids

[LFreitas@tobaccofreekids.org](mailto:LFreitas@tobaccofreekids.org)

## Appendix

### A1: Examples of Flavored Tobacco Products



### A2: Flavored Tobacco Products That Specifically Target Hawai'i's Kids







---

<sup>18</sup> Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011

<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.

<sup>19</sup> Vyas, P, et al, "Compliance with San Francisco's flavoured tobacco sales prohibition," *Tobacco Control*, published online April 16, 2020.

<sup>20</sup> Gammon, DG, et al., "Implementation of a comprehensive flavoured tobacco product sales restriction and retail tobacco sales," *Tobacco Control*, published online June 4, 2021.

<sup>21</sup> Grana, R, et al., "E-Cigarettes: A Scientific Review," *Circulation* 129(19):1972-86, 2014,

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4018182/pdf/cir-129-1972.pdf>

<sup>22</sup> King, BA, et al., "Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010-2011," *Nicotine & Tobacco Research*, 15(9):1623-7, 2013. See also, Fiore, MC, et al., *Treating Tobacco Use and Dependence: 2008 Update, U.S. Public Health Service Clinical Practice Guideline*, May 2008, [http://www.surgeongeneral.gov/tobacco/treating\\_tobacco\\_use08.pdf](http://www.surgeongeneral.gov/tobacco/treating_tobacco_use08.pdf).

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

<sup>23</sup> HHS, Office of the Surgeon General, "Smoking Cessation: A Report of the Surgeon General," 2020

<https://www.hhs.gov/sites/default/files/2020-cessation-sgr-full-report.pdf>.

<sup>24</sup> United States Preventive Services Task Force, "Interventions for Tobacco Smoking Cessation in Adults, Including Pregnant Persons, Final Recommendation Statement," 2021, <https://www.uspreventiveservicestaskforce.org/uspstf/recommendation/tobacco-use-in-adults-and-pregnant-women-counseling-and-interventions>.

**HB-551-HD-1**

Submitted on: 2/23/2023 12:20:16 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donita Garcia	Hawaii Health & Harm Reduction Center	Support	Written Testimony Only

Comments: 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 flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol. Ending the sale of 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: Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair  
Committee on Finance

RE: Support: HB 551 HD1: Relating to Health

Hrg: February 24, 2022 at 3:30pm

---

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to submit this letter in support of a **comprehensive** ban on the sale of flavored tobacco products in the state of Hawai'i to reduce tobacco use, particularly among youth. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see cities and counties continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually, including 1,400 in Hawai'i. **As you discuss policy options, we stand with dozens of other national health organizations to urge you to end the sale of all flavored tobacco products including *candy-flavored e-cigarettes, sweet-flavored cigarillos, menthol cigarettes, and hookah products.***

**Prohibiting the sale of all flavored tobacco products in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction.** Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and

sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Eight out of ten youth who have ever used a tobacco product started with a *flavored* product.**<sup>1</sup>

### **Flavored Tobacco Products Are Pervasive**

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.<sup>2</sup> Menthol cigarettes comprised 37 percent of the market in 2020.<sup>3</sup>

The Tobacco Control Act's prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars. These products are available in a wide assortment of flavors – like mango, blue razz, pink punch and mint for e-cigarettes and chocolate, watermelon, and cherry dynamite for cigars. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors from a Ben and Jerry's ice cream store.

Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."<sup>4</sup> The 2021 National Youth Tobacco Survey found that 70.3% of middle and high school students—17.77 million youth—had been exposed to e-cigarette advertisements from at least one source.<sup>5</sup>

---

<sup>1</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>2</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

<sup>3</sup> U.S. Federal Trade Commission (FTC), Cigarette Report for 2020, 2021, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2020-smokeless-tobacco-report-2020/p114508fy20cigarettereport.pdf> [data for top 4 manufacturers only].

<sup>4</sup> HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

<sup>5</sup> Gentzke, A, et al., "Tobacco Product Use and Associated Factors Among Middle and High School Students—National Youth Tobacco Survey, United States, 2021," *MMWR* 71(5): 1-29, March 10, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

Sales of cigars (i.e., large cigars, cigarillos, and small cigars) have more than doubled between 2000 and 2020, and much of the growth is attributable to smaller types of cigars, many of which are flavored and inexpensive.<sup>6</sup> Nielsen convenience store market scanner data showed that over half (53.3%) of cigar sales in 2020 were for flavored cigars. Among flavored cigars sold in these stores in 2020, the most popular flavors were sweet or candy (30.6%) and fruit (29.5%).<sup>7</sup> Earlier data show the number of unique cigar flavor names more than doubling from 108 to 250 over the same time period.<sup>8</sup> The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.<sup>9</sup> These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth. Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.<sup>10</sup>

Although tobacco companies claim to be responding to adult tobacco users' demand for variety, it's clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use.

### **Flavored Tobacco Products Are Popular Among Youth**

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that **eight out of ten of kids who have ever used tobacco products started with a flavored product.**<sup>11</sup> Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Nationally, e-cigarettes have been the most commonly used tobacco product among youth since 2014. Today, youth e-cigarette use remains a serious public health concern, with over 2.5 million youth, including 14.1% of US high schoolers, reporting current e-cigarette use in 2022, according to the National Youth Tobacco Survey (NYTS).<sup>12</sup> According to the 2019 Hawai'i Youth

---

<sup>6</sup> U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB), Tobacco Statistics.

<sup>7</sup> Delnevo, CD, et al. "Cigar Sales in Convenience Stores in the US, 2009-2020," *JAMA* 326(23):2429-2432.

<sup>8</sup> Delnevo, CD, Giovenco, DP, & Miller, EJ, "Changes in the Mass-merchandise Cigar Market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1):S8-S16, 2017.

<sup>9</sup> SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015, [https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT\\_C&results\\_received=true](https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true).

<sup>10</sup> National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, [http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9\\_complete.pdf](http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf). Chang, CM, et al., "Systematic review of cigar smoking and all cause and smoking related mortality," *BMC Public Health*, 2015.

<sup>11</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>12</sup> Cooper, M et al., "E-Cigarette Use Among Middle and High School Students—United States, 2022," *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

Risk Behavior Survey, 30.1% of Hawai'i high school students and 17.7% of middle school students are current e-cigarette users.<sup>13</sup>

Kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. According to the 2022 NYTS, 46% of high school e-cigarette users reported vaping on 20 or more days/month, and 30.1% reported daily use.<sup>14</sup> This youth addiction crisis has been fueled by the growth of high nicotine e-cigarettes—many contain as much or more nicotine as a pack of twenty cigarettes. Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.<sup>15</sup> The Surgeon General concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>16</sup>

Youth e-cigarette users are also at risk of smoking cigarettes. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”<sup>17</sup> More recent research confirms this finding.<sup>18</sup> Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted all menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely available in every imaginable flavor, including flavors that uniquely appeal to Hawai'i's children – like luau punch and lychee ice. New data show that the market share of these products has grown substantially and that youth quickly migrated to the flavored products that were exempt from the FDA's policy. In 2022, 55.3% of US youth e-cigarette users reported using disposable e-cigarettes and 26.6% of users of flavored e-cigarettes reported using menthol e-cigarettes.<sup>19</sup>

---

<sup>13</sup> Centers for Disease Control and Prevention (CDC). 2019 High School Youth Risk Behavior Survey Data. Available at <http://nccd.cdc.gov/youthonline/>.

<sup>14</sup> Cooper, M et al., “E-Cigarette Use Among Middle and High School Students—United States, 2022,” *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

<sup>15</sup> HHS, *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*, CDC, Office of Smoking and Health (OSH), 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>. See also: CDC Office on Smoking and Health, “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults,” March 2019. Accessed August 9, 2019.

<sup>16</sup> HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

<sup>17</sup> National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

<sup>18</sup> Berry, KM, et al., “Association of Electronic Cigarette Use with Subsequent Initiation of Tobacco Cigarettes in US Youths,” *JAMA Network Open*, 2(2), published online February 1, 2019; Pierce, JP, et al., “Use of E-Cigarettes and Other Tobacco Products and Progression to Daily Cigarette Smoking,” *Pediatrics*, 147(2), published online January 11, 2021.

<sup>19</sup> Cooper, M et al., “E-Cigarette Use Among Middle and High School Students—United States, 2022,” *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

While the FDA recently announced that it had denied marketing applications for certain flavored e-cigarettes, many of the flavored products most popular among kids, like Juul, are still on the market. Every day these products remain on the market, our kids remain in jeopardy. Because of the delays and gaps in the FDA's actions, it is critical that states and cities step up their efforts to eliminate ALL flavored e-cigarettes, as well as other flavored tobacco products. The evidence is also clear that as long as any flavored e-cigarettes – including menthol-flavored products – are on the market, kids will shift to them and we will not end this public health crisis. Hawai'i must close the gaps left by the FDA and protect our kids from these dangerous and addictive products.

### **Menthol Cigarettes and Flavored Cigars Increase Youth Smoking and Exacerbate Health Disparities**

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As the only flavored cigarette left on the market, it's also no surprise that menthol cigarettes are popular among youth. About half of youth who have ever tried smoking started with menthol-flavored cigarettes.<sup>20</sup> The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

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

According to the 2019 Hawaii Youth Risk Behavior Survey, an 59% of Hawaii's high school cigarette smokers and 38% of middle school cigarette smokers used menthol cigarettes.

In addition, cheap, flavored cigars – sold in hundreds of flavors like cherry dynamite, tropical twist and chocolate – have flooded the market in recent years and fueled the popularity of these products with kids. The 2022 National Youth Tobacco Survey shows that cigars are the second most popular tobacco product (after e-cigarettes) among all high school students and are especially popular among Black high school students.<sup>21</sup>

---

<sup>20</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>21</sup> Park-Lee E, et al. "Tobacco Product Use Among Middle and High School Students — United States, 2022." *MMWR* 71(45):1429–1435, November 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7145a1-H.pdf>.

***Tobacco companies have a long history of targeting communities with menthol marketing.***

Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and Black Americans.<sup>22</sup> Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. Nationwide, as a result of this targeting, 85% of Black smokers smoke menthol cigarettes, compared to 29% of White smokers.<sup>23</sup> Nationally, menthol is also disproportionately high among Asian and Hispanic smokers, LGBTQ+ smokers, smokers with mental health problems, socioeconomically disadvantaged populations, and pregnant women.<sup>24</sup>

There is also evidence that the industry has targeted the Hawaiian population. In the 1980s, a marketing group strategized how to reach native Hawaiians with Kool cigarettes, a popular menthol brand. The agency recommended that Kool employ “ethnic advertising” in Hawai’i, recommending the use of models that were “fun, happy-go-lucky young people in their 20s...[who have] full social calendars and spend a lot of time outdoors at the beach... people who display what islanders call the aloha spirit.”<sup>25</sup> An assessment of tobacco advertising in Hawai’i found that Kool, a popular menthol brand, was the most heavily advertised brand across Hawai’i in the early 2000s.<sup>26</sup> The 2020 Behavioral Risk Factor Surveillance System shows that prevalence is high among ethnic groups that comprise a significant proportion of Hawaii’s population, with 79% of Filipino smokers, 78% of Native Hawaiian smokers, and 69% of Japanese smokers usually smoking menthol cigarettes.

***Menthol cigarettes are a major reason why Black Americans suffer disproportionately from tobacco use.*** The tobacco industry’s “investment” in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.<sup>27</sup> Tobacco use is the number one cause of preventable death among

---

<sup>22</sup> TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

<sup>23</sup> Delnevo, CD, et al., “Banning Menthol Cigarettes: A Social Justice Issue Long Overdue,” *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.

<sup>24</sup> Delnevo, CD, et al., “Banning Menthol Cigarettes: A Social Justice Issue Long Overdue,” *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.

<sup>25</sup> Anderson, SJ, “Marketing of menthol and consumer perceptions: a review of tobacco industry documents,” *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.

<sup>26</sup> Glanz, K, et al., “Operation Storefront Hawaii: Tobacco Advertising and Promotion in Hawaii Stores,” *Journal of Health Communication*, 11(7): 699-707, 2006.

<sup>27</sup> FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.



Black Americans, claiming 45,000 Black lives every year.<sup>28</sup> Tobacco use is a major contributor to three of the leading causes of death among Black Americans - heart disease, cancer and stroke.<sup>29</sup> The higher rates of some tobacco-caused diseases among Black Americans result, in part, from their greater use of menthol cigarettes, which are associated with reduced cessation.<sup>30</sup> Researchers estimate that among the Black community, 157,000 smoking-related premature deaths and 1.5 million excess life-years between the years 1980 and 2018 can be attributed to menthol cigarettes.<sup>31</sup>

**Action to prohibit menthol cigarettes is long overdue.** In 2011, TPSAC concluded that “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”<sup>32</sup> Over a decade after TPSAC issues its report—in April 2022—the FDA issued proposed rulemaking to prohibit menthol cigarettes and flavored cigars. However, until any FDA action is finalized, states and cities should continue their growing efforts to end the sale of menthol cigarettes and other flavored tobacco products. It will take time for the FDA to finalize and implement the necessary regulations to prohibit menthol cigarettes and flavored cigars, and tobacco industry lawsuits could cause more delays. States and cities have an obligation to protect the health of their citizens and must act now to stop tobacco companies from targeting kids and other groups with menthol cigarettes and other flavored products. We can’t afford more delay in taking action to protect kids and save lives.

**The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result.** Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the

---

<sup>28</sup>American Cancer Society, “Cancer Facts & Figures for African Americans, 2016-2018,” 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>; American Heart Association, “African Americans and Cardiovascular Diseases: Statistical Fact Sheet, 2012 Update,”

[http://www.heart.org/idc/groups/heart-public/@wcm/@sop/@smd/documents/downloadable/ucm\\_319568.pdf](http://www.heart.org/idc/groups/heart-public/@wcm/@sop/@smd/documents/downloadable/ucm_319568.pdf). HHS, “Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General,” 1998, [http://www.cdc.gov/tobacco/data\\_statistics/sgr/1998/complete\\_report/pdfs/complete\\_report.pdf](http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf)

<sup>29</sup> HHS, “Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General,” 1998; CDC, National Vital Statistics Report, Vol. 68, No. 9. Table 10, 2019 [https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68\\_09-508.pdf](https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf).

<sup>30</sup> HHS, “Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General,” 1998; HHS, *Reducing the Health Consequences of Smoking: 25 Years of Progress: A Report of the Surgeon General*, 2014. See also Alexander, LA, et al., “Why we must continue to investigate menthol’s role in the African American smoking paradox,” *Nicotine & Tobacco Research*, 18(S1): S91-S101, 2016.

<sup>31</sup> Mendez, D and Lee, TT, “Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018,” *Tobacco Control*, published online September 16, 2021.

<sup>32</sup> Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.

tobacco industry's aggressive efforts to hook children to a deadly, addictive product. This issue is about protecting our kids, saving lives, and advancing health equity.

**Thank you for considering a strong and comprehensive policy without exemptions. This ordinance will save lives in Hawai'i.**

Sincerely,

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

Lindsey Freitas, MPA

Director, Hawai'i

Campaign for Tobacco-Free Kids

[LFreitas@tobaccofreekids.org](mailto:LFreitas@tobaccofreekids.org)

## Appendix

### A1: Examples of Flavored Tobacco Products



### A2: Flavored Tobacco Products That Specifically Target Hawai'i's Kids



### A3: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org



#### COMMITTEE ON FINANCE

Rep. Kyle T. Yamashita, Chair

Rep. Lisa Kitagawa, Vice Chair

Members Rep. Micah P.K. Aiu, Rep. Rachele F. Lamosao, Rep. Cory M. Chun, Rep. Dee Morikawa, Rep. Elle Cochran, Rep. Scott Y. Nishimoto, Rep. Andrew Takuya Garrett, Rep. Mahina Poepoe, Rep. Kirstin Kahaloa, Rep. Jenna Takenouchi, Rep. Darius K. Kila, Rep. David Alcos III, Rep. Bertrand Kobayashi and Rep. Gene Ward

The Coalition for a Tobacco-Free Hawaii's (CTFH) Youth Council **strongly supports HB 551 HD1**. The CTFH Youth Council is a nationally-recognized group of youth leaders fighting for the health of our own generation against the powerful influences of Big Tobacco. The Youth Council consists of students from middle, high school, and college across all of the counties.

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 negatively impact 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. That's **1,400 people every year that die from a tobacco related illness**.

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, Fruit Punch, and Rainbow Candy** lining shelves.

Menthol, in particular, is one of the most popular flavors among teens – using names like Ice, Chill and Freeze to describe the cooling sensation that couples with its minty taste, menthol makes it easier to start vaping and harder to quit. Menthol, moreover, is the primary product used in predatory marketing against youth and vulnerable communities – the industry considers Hawai'i a “Menthol State”, with **78% of Native Hawaiian and Pacific Islander smokers using menthol cigarettes**, perpetuating a legacy of public health disparities and corporate exploitation.

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

It's not just youth – A 2022 Ward Research poll of registered voters found that the vast majority of **Hawaii voters agree** with our stance with **71% supporting a ban on all flavored tobacco products, including menthol**. We also have support from more than 100 organizations, many of which have also submitted testimony. Youth have presented to over 24 Oahu neighborhood boards that have passed resolutions in support, along with organizations like the American Academy of Pediatrics – Hawaii Chapter, 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. In fact the only people that seem to be opposed to the bill are the addicted and those that profit from their addiction.

Many in opposition to HB551, claim flavored e-cigarettes are safe and have helped them quit smoking. Yet a quick sample of company disclaimers that make flavors used in e-cigarettes seem to indicate otherwise. (Red highlights were added)



Product Disclaimer

**This product may be harmful to your health. Use at your own risk.**

All use of our raw flavoring concentrates requires further processing by a manufacturer into a final product for consumption.

Flavorah is food grade flavoring made from generally recognized as Safe Compounds (GRAS). This GRAS designation is only applied to ingestion and **does not apply to inhalation**. In no event shall our company be liable for any direct, indirect, punitive, incidental, special consequential damages, to property or life, whatsoever arising out of or connected with the use or misuse of our products.

**The FDA has not approved Flavorah or any flavoring for inhalation. Vaping flavorings is inherently dangerous and may be harmful to your health. Do not attempt it.** We do not claim or warrant, and forbid all claims or warranties that Flavorah is healthier than other flavorings. This product is a raw material that requires further processing for use. “

<https://www.flavorah.com/about/terms-and-conditions/>

**LORANN**  
QUALITY—A FAMILY TRADITION SINCE 1962

“**LorAnn Oils cannot make any claims as to the safety of the use of flavoring substances in e-cigarettes** based solely on the fact that these flavoring ingredients have been declared safe for use in food and beverage according to their intended use. ...

...LorAnn Oils does not advertise or promote its flavors for use in e-cigarettes. LorAnn has not tested its flavors for any purpose other than their use as an ingredient to be used in the preparation of foods to be consumed such as candy, cakes, cookies, and ice cream. **Those using the flavors in e-cigarettes are doing so at their own risk** and without warranty, either expressed or implied, from LorAnn Oils, Inc. or its suppliers.”

<https://www.lorannoils.com/e-cigarette-inquiries>



“You agree to use products **at your own risk**.

Electronic cigarettes have NOT been evaluated by the FDA to treat or diagnose any disease or condition. They are **not intended for use in smoking cessation** or for any therapeutic use.

Some of our E-Liquid blends contain Propylene Glycol (PG) has been **associated with irritants and allergic reactions**. CONSULT YOUR physician before using any product with Propylene Glycol. We do offer a substitute that is Vegetable Glycerin (VG). For more information, contact us.

ECBlend makes NO CLAIMS regarding the effectiveness of our products for ANY use. ECBlend products are intended to be used ONLY by consenting, informed ADULTS OVER THE AGE OF 18 who want to use these products for personal enjoyment.

**Nicotine is EXTREMELY addictive.**

Electronic cigarettes have NOT been evaluated for use in quitting smoking.

Nicotine is highly addictive and habit-forming. Keep out of reach of children. Some of our products contain **Nicotine, a chemical known in some states to cause birth defects or other reproductive harm.**

HEALTH NOTICE: This product is intended for use by persons 18 or older, and not by children, women who are pregnant or breastfeeding, or persons with or at risk of heart disease, high blood pressure, diabetes, or taking medicine for depression or asthma. If you have a demonstrated allergy or sensitivity to nicotine or any combination of inhalants.

Consult your physician before using any nicotine product. This product is sold purely for recreational purposes - **it is not a smoking cessation product and has not been tested as such.**

**You may experience certain symptoms after using this product.** Some of the side effects of nicotine may include **irregular heartbeat, changes in blood pressure, inflammation of blood vessels, chest pain, and depression, shortness of breath, sweating, dizziness, dry mouth, throat irritation, rash, swelling, nose bleed, diarrhea, headache, and dry mouth.**

Consult your physician prior to using this product. Nicotine is quickly absorbed with skin contact. Keep away from skin, eyes, mouth, and any other area of the body. In the event that you become in contact with nicotine, wash the affected area with soap and water for at least 15 minutes, and immediately contact your local Poison Control Center.

Keep away from children and pets. **Small parts and or e-juice may be ingested and may lead to suffocation, injury, poisoning, and/or death.** Please recycle or dispose according to local law. Propylene Glycol is poisonous to aquatic animals. Not for use by woman who are nursing, pregnant, or are planning to get pregnant. **Vaping and exposure to vaping may potentially cause the emergence, contraction, contribution to, aggravation or exacerbation of various forms of adverse health effects including but not limited to cancer, heart disease, arteriosclerosis, cancer, carcinoma, liver disease, respiratory disease or illness, cancerous or precancerous abnormal condition or conditions, disorder, sickness, ailment, unhealthiness, symptoms, diseases, illness or malady of the human body.”**

<https://www.ecblendflavors.com/terms-and-conditions>

<https://www.ecblendflavors.com/warnings-nicotine-and-e-liquid/>

We urge you to end the sale of all flavored tobacco products and put people over profits.

Thank you for the opportunity to submit testimony.



## **PARTIAL LIST OF SUPPORTERS**

### 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 Commision  
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

#### BUSINESSES

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

#### 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  
Makiki- Tantalua Neighborhood Board 10  
Ala Moana/Kakaako Neighborhood Board 11  
Nuuanu/Punchbowl Neighborhood Board 12  
Downtown-Chinatown Neighborhood Board 13  
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  
North Shore Neighborhood Board 27  
Koolauloa Neighborhood Board 28  
Kahaluu Neighborhood Board 29  
Kaneohe Neighborhood Board 30  
Kailua Neighborhood Board 31  
Waimanalo Neighborhood Board 32  
Mililani Mauka- Launani Valley Neighborhood Board 35  
Nanakuli-Mailii Neighborhood Board 36

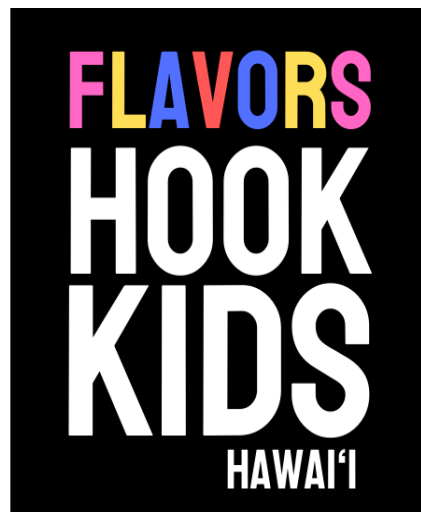
### SCHOOLS

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



February 23, 2023

TO: Kyle T. Yamashita, Chair  
Lisa Kitagawa, Vice Chair  
Members of the House Committee on Finance

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

RE: **HB 551 HD1** - Relating to Health  
Hearing Date: February 24, 2023  
Time: 3:30 pm

My name is William Goo. I represent the Cigar Association of America, Inc. ("CAA"). CAA **opposes HB 551 HD 1** which seeks to ban the sale of flavored tobacco products including cigars.

CAA is the leading national trade organization representing the interests of cigar manufacturers, importers, distributors, and major suppliers of the industry. CAA was founded in 1937 as a non-profit trade organization. Today, its member companies come from all sectors of the industry, from major manufacturers of handmade premium cigars to the largest producers of machine-made cigars. CAA members manufacture a significant share of the large, premium, little, and filtered cigars sold in the United States. Its members also include internet retailers of cigars, as well as leaf, and other suppliers to the cigar industry. CAA is a key stakeholder in any discussion of regulation of cigars, as changes in laws and/or regulations significantly affect its members' ability to conduct business.

CAA submits that there is no legal, factual, or scientific basis to prohibit the sale of flavored cigars and pipe tobacco and doing so would be detrimental to Hawaii businesses and deprive adult cigar consumers of their right to a legal product.

The proposed flavor ban seeks the same sweeping action of banning flavors and removing adult consumers' ability to choose across nearly all categories of tobacco products – but such draconian measures are simply not justified for cigars or pipe tobacco, as there is no youth epidemic of use or access to these products. CAA estimates that flavored cigars represent up to 47% of the cigar market, and nearly all pipe tobacco can be considered flavored simply based on the process that is used to manufacture the product. Passage of the proposed flavor ban would deeply harm Hawaii businesses selling these products and would be a flawed decision.

The proposed flavor ban as to cigars and pipe tobacco is not supported by scientific data. Surveys conducted or funded by government agencies all show that youth usage of cigars, including flavored cigars, is at historic lows, and youth usage of pipe tobacco is nearly unmeasurable. In fact, youth usage of cigars, including flavored cigars, is at an all-time low both in Hawaii and nationwide. In Hawaii, the most recent survey data available from 2019 showed that high school usage of all cigars was 2.8%.<sup>1</sup> While updated data is not available for Hawaii, nationwide there have been steep declines in youth usage of cigars since 2019. Nationwide, the National Youth Tobacco Survey tells us that in 2022, youth usage of cigars was at 1.9% and in 2021, youth usage of flavored cigars was at 0.6%.<sup>2</sup> This is compared to the 20.4% of Hawaii's youth who currently use alcohol<sup>3</sup> and the 17.2% who currently use marijuana.<sup>4</sup>

Evidence from other localities demonstrates that if a flavor ban is enacted consumers will purchase products from a black market, and also that flavor bans can increase youth cigarette smoking rates. A study done after a flavor ban was instituted in San Francisco, CA found that "Difference-in-differences analyses found that San Francisco's flavor ban was associated with more than doubled odds of recent smoking among underage high school students relative to concurrent changes in other districts (adjusted odds ratio, 2.24 [95% CI, 1.42-3.53]; P = .001."<sup>5</sup>

The proposed flavor ban does nothing but restrict the choices of adult tobacco consumers, damage Hawaii businesses, and encourage unregulated black-market sales. Flavored cigars and pipe tobacco are sold through licensed businesses that are vigilant at age verifying purchase of such products. Imposing a prohibition on the legal sale of these products will do nothing but drive adult consumers to purchase these products through an untaxed black-market. Regarding the unregulated black market, the Tax Foundation has done an extensive study of the cigarettes consumed across the country and the rate at

---

<sup>1</sup>Hawaii Youth Tobacco Survey [https://hhdw.org/report/query/result/yts/CurrCigar/HS\\_ST.html](https://hhdw.org/report/query/result/yts/CurrCigar/HS_ST.html)

<sup>2</sup>Park-Lee E, Ren C, Cooper M, Cornelius M, Jamal A, Cullen K.A. Tobacco Product Use Among Middle and High School Students — United States, 2022. MMWR Morb Mortal Wkly Rep 2022;71:1429-1435. DOI: <http://dx.doi.org/10.15585/mmwr.mm7145a1>; See Consilium Sciences, "Evaluation of Flavored Cigar Products as they Relate to Questions of Public Health – Supplement to October 2020 Report" (2022), Appendix Tables 1 and 3. (on file with author and available in CAA's publicly filed comments to FDA's Proposed Product Standard on Characterizing Flavors in Cigars).

<sup>3</sup>[https://hhdw.org/report/query/result/yrbs/CurAlcoholUse/CurAlcoholUse\\_HS\\_ST.html](https://hhdw.org/report/query/result/yrbs/CurAlcoholUse/CurAlcoholUse_HS_ST.html)

<sup>4</sup>[https://hhdw.org/report/query/result/yrbs/DrugUseMarj30/DrugUseMarj30\\_HS\\_ST.html](https://hhdw.org/report/query/result/yrbs/DrugUseMarj30/DrugUseMarj30_HS_ST.html)

<sup>5</sup>Abigail Friedman, *A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California*, *JAMA Pediatrics* 175:8; 863-865 (2021).

which the products are smuggled from elsewhere.<sup>6</sup> While Hawaii was not part of the study, it does illustrate the large extent of the black market for these products. While Hawaii is in a unique situation from other states, data has shown that a flavor ban does not actually change behavior, it just changes where consumers purchase their products. CAA has seen this exact situation in Massachusetts due to the flavor ban imposed there in 2020. The data shows that the flavor ban has done little to alter consumer consumption behavior – other than to force Massachusetts consumers to purchase flavored tobacco products in other states.<sup>7</sup> The Tax Foundation stated this upon analyzing the impact of the Massachusetts flavor ban:

The end result of the ban, in fact, is that Massachusetts is stuck with the societal costs associated with consumption, while the revenue from taxing flavored tobacco products is being raised in neighboring states. In fact, the flavor ban has been far from successful, as sales in both New Hampshire and Rhode Island experienced double-digit growth – almost making up for the entire decrease in Massachusetts.<sup>8</sup>

**In fiscal year 2021- 2022, Hawaii cigar excise tax revenues were in excess of \$1 million.<sup>9</sup> Should these products be prohibited almost half of this revenue would be lost, as well as the additional loss of sales tax revenue collected on the sale of these products.**

In summary, the primary focus of this bill is to address the rising use of flavored tobacco products by youth in Hawaii especially with respect to electronic smoking devices. Cigars are the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should therefore exclude cigars.

Thank you for considering this testimony.

---

<sup>6</sup>Hoffer, A. Cigarette Taxes and Cigarette Smuggling by State, 2020, Tax Foundation (Dec. 6, 2022) [https://taxfoundation.org/cigarette-taxes-cigarette-smuggling-2022/#:%7E:text=New%20York%20has%20the%20highest,and%20Minnesota%20\(34.8%20percent\)](https://taxfoundation.org/cigarette-taxes-cigarette-smuggling-2022/#:%7E:text=New%20York%20has%20the%20highest,and%20Minnesota%20(34.8%20percent))

<sup>7</sup>Bosen, U. Massachusetts Flavored Tobacco Ban: No Impact on New England Sales. Tax Foundation (Feb. 3, 2022) <https://taxfoundation.org/massachusetts-flavored-tobacco-ban-sales-jama-study/>

<sup>8</sup>*Id.*

<sup>9</sup><https://files.hawaii.gov/tax/stats/monthly/202112tob.pdf>



## Hawaii Dental Association

Committee: House Committee on Finance  
Time/Date: 3:30 p.m., February 24, 2023  
Location: State Capitol and via Videoconference  
Re: HB 551, HD1, Relating to Health

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee!

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 551, HD1**, relating to health. This bill prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. It authorizes the Department of Health to appoint, commission, or contract for services of inspectors.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. Tobacco use is causally associated with higher rates of tooth decay, receding gums, periodontal disease, mucosal lesions, bone damage, tooth loss, jawbone loss and more. That is why the Hawaii Dental Association, like the American Dental Association, is working with dentists, educators, public health officials, lawmakers, and the public to prevent and, hopefully, eliminate the use of all tobacco products. HDA supports regulatory and legislative action to ban the sale and distribution of all e-cigarette and vaping products, with the exception of those approved by the FDA for tobacco cessation purposes and made available by prescription only. We will continue to support legislation aimed at enhancing and promoting oral health.

HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

Mahalo for the opportunity to testify in support of HB 551, HD1.



Date: February 24, 2023

To: Rep. Kyle T. Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Members of the Committee on Finance

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

Re: Support for HB551, Relating to Health

Hearing: Wednesday, February 24 at 3:30PM Via Videoconference

---

Thank you for the opportunity to submit testimony in SUPPORT of HB 551 which would prohibit the sale and distribution of flavored tobacco products including menthol.

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 Volcano 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 entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Menthol should also be banned as it masks the harmfulness of tobacco and is one of the very popular flavors among youth. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes. Banning the sale of flavored and menthol tobacco products will help with the health issues disproportionately affecting those in lower socioeconomic status and people of color.

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 including menthol in the State of Hawaii.

Mahalo,

Student Health Advisory Council

**Testimony before the Hawaii House Committee on Finance  
Regarding Banning the Sale of Flavored Tobacco and Vapor Products**

**Lindsey Stroud, Director, Consumer Center**

**Taxpayers Protection Alliance**

**February 24, 2023**

Chairman Yamashita, Vice-Chairwoman Kitagawa, and Members of the Committee:

Thank you for your time today to discuss banning flavors tobacco and vapor products in Hawaii. My name is Lindsey Stroud and I'm Director of the Consumer Center at the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government's effects on the economy. TPA's Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

While addressing youth use of age-restricted products is laudable, lawmakers must refrain from prohibitionist bans on both products that adults responsibly consume as well as products that may help adults quit smoking. Youth use of traditional tobacco products has reached record lows, while youth vaping has halved in recent years. Bans will force adult consumers to seek out illicit products from clandestine sources, which may cause more harm.

**Key Points**

- Youth vaping has decreased by 53 percent between 2019 and 2022, while youth use of traditional tobacco products is at record lows.
- In 2022, among middle and high school students that had used a tobacco or vape product on at least one occasion in the 30 days prior, 9.4 percent reported using e-cigarettes, 1.9 percent had used cigars, 1.6 percent has used combustible cigarettes and 1.3 percent had used smokeless tobacco products.
- According to the Center for Disease Control and Prevention's Youth Risk Behavior Survey, vaping among U.S. high school students decreased by 45 percent, from 32.7 percent in 2019 to 18 percent in 2021.
- Youth are not using e-cigarettes because of flavors.
- In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported "other."
- Nationally, in 2021, among middle and high school students that were currently using e-cigarettes, 43.4 percent had used them because of feelings of anxiety, stress and/or depression, compared to 13.2 percent who had cited using them because of flavors.

**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 1101, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

- In 2021, 10.1 percent of Hawaii adults were currently smoking cigarettes. More than one-fifth (21.2 percent) of adults who earned \$25,000 were currently smoking in 2021, compared to only 7.3 percent of adults earning \$50,000 or more.
- In 2021, 7.3 percent of Hawaii adults were currently using e-cigarettes, which was a 55.3 percent increase from 2017.
- In three of four states with current flavored tobacco and vape bans, smoking rates among young adults increased, while nationally, they decreased on average by nearly 20 percent.
- The illicit market is thriving on internet marketplaces from New York City to California.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2007 and 2018, smoking rates among Hawaii adults aged 18 to 24 years old declined by 39.6 percent. Since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.
- Hawaii (and the nation's) youth are facing a growing mental health crisis and are self-medicating with nicotine, and illicit products, including counterfeit pills.
- According to the *2022 Kids Count Data Book* from the Annie E. Casey Foundation, the percentage of Hawaii youth aged three to 17 years old that had ever been diagnosed with anxiety or depression by a medical profession increased by 22 percent from 4.8 percent in 2016 to 5.9 percent in 2020.
- The 2021 Youth Risk Behavior Survey found that 42 percent of American high school students that felt sad or hopeless for “almost every day for [two] or more weeks in a row that they stopped doing some usual activities,” which was a 14.1 percent increase from 2019, as well as being the highest rate recorded
- According to the Centers for Disease Control and Prevention (CDC), drug overdose deaths among youth aged 14 to 18 years old increased by 94 percent between 2019 and 2021, and additional 20 percent between 2020 and 2021. Meanwhile, youth vaping decreased by 62 percent between 2019 and 2021.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

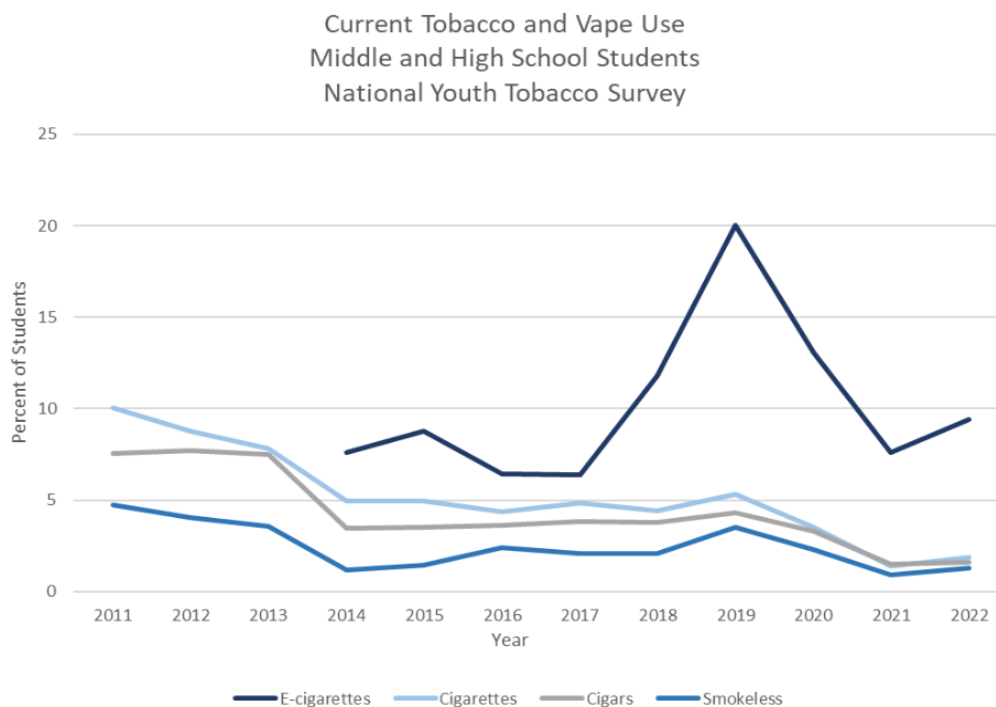
### **Youth Tobacco and Vapor Product Use**

Despite headlines, youth use of traditional tobacco products is at record lows, while youth e-cigarette use peaked in 2019 and has steadily declined in the years since.

In 2022, according to the National Youth Tobacco Survey (NYTS), among middle and high school students that had reported current tobacco product use (defined as having used the product on at least one occasion in the 30 days prior), 1.9 percent had used cigars, 1.6 percent had used combustible cigarettes and 1.3 percent had used smokeless tobacco products.<sup>1</sup> These are some of

the lowest levels recorded. In fact, in the 10 years between 2012 and 2022, current cigar use declined by 75.3 percent, cigarette use by 81.7 percent and smokeless tobacco use by 67.9 percent. These declines have come all the while flavored tobacco and vapor products remain available for sale.

Regarding vaping use (according to the NYTS), vaping seems to have peaked in 2019 when 20 percent of middle and high school students had used an e-cigarette in the 30 days prior to the survey. In 2022, only 9.4 percent of U.S. youth were currently vaping, a 53 percent decrease from 2019's levels.



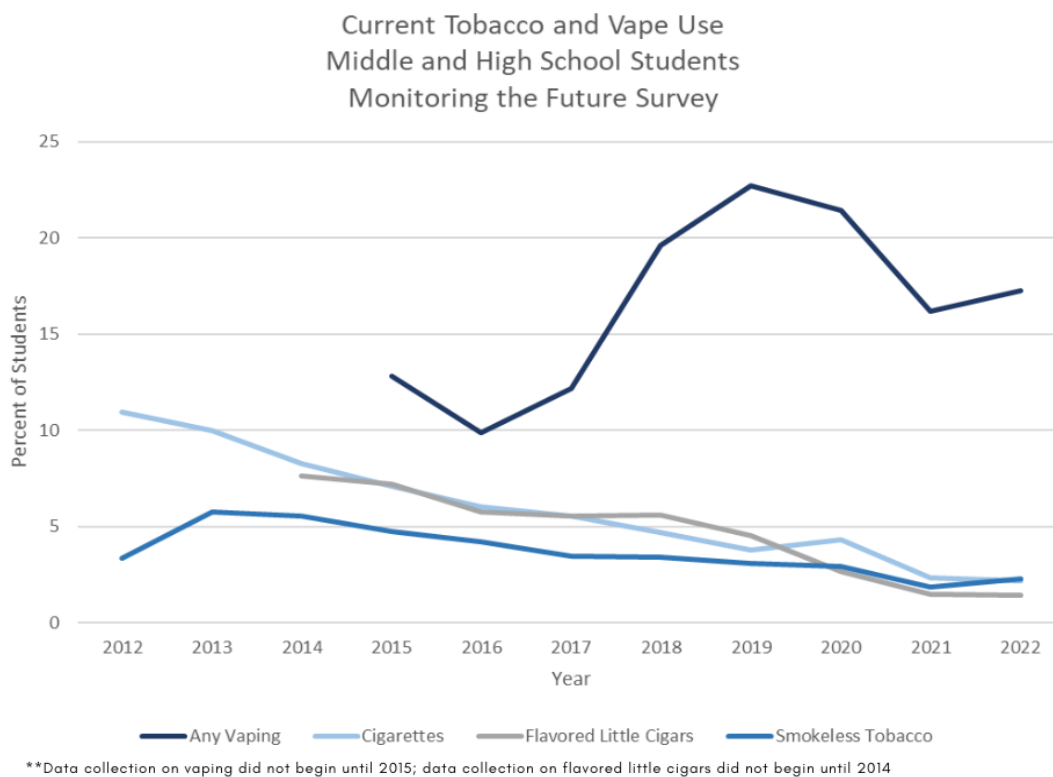
\*\*Data collection on e-cigarette use did not begin until 2014

Other national survey data has found significant declines in youth use of tobacco and vapor products. In 2022, according to the Monitoring the Future Survey (MTFS), among middle and high school students, 2.3 percent reported currently using smokeless tobacco, 2.2 percent reported current combustible cigarette use, and 1.4 percent reported using flavored little cigars.<sup>2</sup> Again, these are some of the lowest levels recorded. In 2012, more than one in ten U.S. youth (11 percent) reported current cigarette use. In ten years, smoking rates among U.S. youth declined by 78.7 percent. During the same period smokeless tobacco use among youth decreased by 59.6 percent. Between 2014 and 2022, the percent of youth reporting current use of flavored cigars declined by 81.2 percent.

Similar to the NYTS, the MTFS also found that youth vaping peaked in 2019, when 22.7 percent of U.S. youth reported “any vaping” – i.e., using a vapor product to vape either nicotine or other substances. Between 2019 and 2022, the percent of youths reporting any vaping decreased by 23.9 percent.

The CDC continues to delay publishing state-specific data from the 2021 Youth Risk Behavior Survey (YRBS). However, nationally, only 18 percent of high school students reported using vapor products in the 30 days prior to the survey in 2021.<sup>3</sup> This is a 45 percent decrease from 2019 when 32.7 percent of high schoolers reported current vapor product use.

As the YRBS is an aggregate of all state data, Hawaii lawmakers should refrain from prohibitionist policies to address outdated figures on youth vapor product use in the state.



### Youth Are Not Using E-Cigarettes Because of Flavors

National and state surveys consistently find that youth are not overwhelmingly using e-cigarettes because of flavors.

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”<sup>4</sup>

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.<sup>5</sup>

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”<sup>6</sup> Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”<sup>7</sup> Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”<sup>8</sup>

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”<sup>9</sup>

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.<sup>10</sup>

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.<sup>11</sup>

This state data is representative of even more recent national survey data. According to the 2021 NYTS, among middle and high school students that reported current e-cigarette use, 43.4 percent cited using them because they were “feeling anxious, stressed, or depressed,” compared to only 13.2 percent who cited using them because they were available in flavors.<sup>12</sup>

Among students that reported having ever tried an e-cigarette, 57.8 percent cited using them because a friend uses them, compared to 13.5 percent who cited the availability of flavors.

<b>Reasons for first e-cigarette use</b>			
National Youth Tobacco Survey, United States, 2021			
		<b>Among ever e-cigarette users</b>	<b>Among current e-cigarette users</b>
A friend [used/uses] them		57.8	28.3
I [was/am] curious about them		47.6	10.3
I [was/am] feeling anxious, stressed, or depressed		25.1	43.4
To get a high or buzz from nicotine		23.3	42.8
A friend family member [used/uses] them		18.6	8.7
I [could/can] use them to do tricks		16.5	20
They [were/are] available in flavors, such as menthol, mint, candy, fruit, or chocolate		13.5	13.2
I [could/can] use them unnoticed at home or at school		10.8	13
They are less harmful than other forms of tobacco such as cigarettes		8.3	10.3
They [were/are] easier to get than other tobacco products, such as cigarettes		4.8	6
I've seen people on TV, online, or in movies use them		4.5	2.9
To try to quit using other tobacco product, such as cigarettes		2.5	4.6
They cost less than other tobacco products, such as cigarettes		2.2	4.7
Some other reason		10.6	19.5

If lawmakers want to address youth vaping, they must understand why youths are vaping.

### **Flavor Bans Do Not Address Growing Mental Health Crisis Among Youth**

While lawmakers have turned their attention towards youth vaping, they have seemingly ignored a growing mental health crisis among Hawaiian and American youth.

For example, according to the *2022 Kids Count Data Book* from the Annie E. Casey Foundation, the percentage of Hawaii youth aged three to 17 years old that had ever been diagnosed with anxiety or depression by a medical profession increased by 22 percent from 4.8 percent in 2016 to 5.9 percent in 2020.<sup>13</sup>

According to a summary report of the results from the 2021 Youth Risk Behavior Survey found that 42 percent of American high school students that felt sad or hopeless for “almost every day for [two] or more weeks in a row that they stopped doing some usual activities,” which was a 14.1 percent increase from 2019, as well as being the highest rate recorded.<sup>14</sup>

Again, youth cited using e-cigarettes because of self-medicating their feelings of anxiety, depression and/or stress, yet, according to the 2021, while feelings of hopelessness increased,

youth vaping decreased by 45 percent.

### **Adult Tobacco and Vape Use**

In 2021, 10.1 percent of adults in Hawaii were currently using cigarettes.<sup>15</sup> Smoking rates were highest among 45- to 64-year-old adults, with 12.1 percent reporting current use.

Among all adults earning \$25,000 annually or less in 2021, more than one fifth (21.2 percent) reported currently smoking, compared to only 7.3 percent of adults who earned \$50,000 or more per year.

In Hawaii, Native Hawaiian and/or Pacific Islander adults reported smoking at a greater percentage of their identified race at 17.5 percent. This is compared to 15.6 percent of Hispanic adults, 13.2 percent of Multiracial adults, 7.8 percent of White adults, and 6.8 percent of Asian adults.

Yet, Asian adults made up a significantly larger percentage of Hawaii's total adult smoking population. In 2021, Asian adults accounted for 27.7 percent of the state's current smoking population, compared to Native Hawaiian and/or Pacific Islander adults, who made up 18.6 percent of the current adult smoking population. White adults accounted for 18.9 percent of the state's current adult smoking population, Multiracial, non-Hispanic adults accounted for 20.2 percent, and Hispanic adults made up 14.5 percent of Hawaii's adult smoking population in 2021.

The CDC provides data on adult e-cigarette use for only 2016, 2017, and 2021.

In 2021, among all Hawaii adults, 7.3 percent were currently using e-cigarettes. This is a 55.3 percent increase from 2017 when 4.7 percent of Hawaiian adults were current e-cigarette users.

In 2021, among all Hawaii adults, 24.5 percent of 18- to 24-year-olds, 11.2 percent of 25–44-year-olds, 2.4 percent of 55–64-year-olds, and 0.7 percent of adults aged 65 years or older were currently using e-cigarettes.

Among adults earning \$15,000 or less, 7.9 percent reported current e-cigarette use, compared to 4.8 percent who reported earning \$50,000 or more.

In Hawaii, 10.7 percent of Multiracial, non-Hispanic adults, 10.5 percent of Native Hawaiian and/or Pacific Islander adults, 10.2 percent of Hispanic adults, 7.4 percent of Black adults, 6.1 percent of White adults, and 5.1 percent of Asian adults were currently using e-cigarettes in 2021.

### **Effects of Current Flavor Bans**

As of January 2023, five states have active statewide bans on the sale of flavored vapor products, including two states which have also banned the sale of flavored traditional tobacco products.

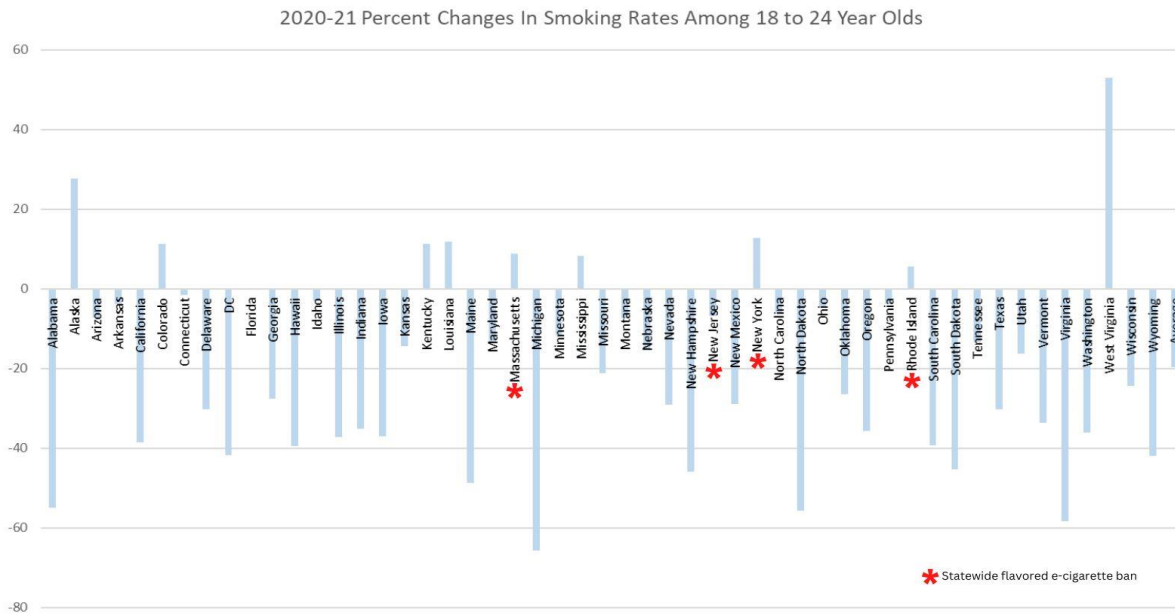
Opponents claim that prohibition will work to reduce smoking and thus liberate resources for

**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 1101, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**



# TAXPAYERS PROTECTION ALLIANCE

states due to reduced health care costs attributed to smoking. Yet, evidence from existing states find flavor bans correlate with increases in young adult smoking, all the while states lose revenue and neighboring ones profit.<sup>16</sup>



In 2021, 14.4 percent of American adults were currently smoking. This is a 7.1 percent decrease from 2020's 15.5 percent. Among young adults (aged 18 to 24 years old), a miniscule 7.4 percent were current smokers.

Among all states (minus Florida), smoking rates among adults aged 18 to 24 years old decreased by 19.7 percent on average between 2020 and 2021. Only nine states saw young adult smoking rates increase during the same period. Alarming, three of those states are home to flavored e-cigarette bans and lawmakers should avoid pushing prohibitionist flavor policies forward.

In Massachusetts, 7.4 percent of 18- to 24-year-olds were current smokers in 2021. This is an 8.8 percent increase from 2020's 6.8 percent. In New York, young adult smoking rates increased by 12.7 percent from 5.5 percent in 2020 to 6.2 percent in 2021. In Rhode Island, between 2020 and 2021, smoking rates among young adults aged 18 to 24 years old increased by 5.7 percent.

Of the then-four states with active flavored e-cigarette bans, only New Jersey saw a reduction (6.8 percent) in young adult smoking rates. This is significantly lower than the average rate of reduction among all U.S. young adults.

Flavored tobacco bans have also failed to meaningfully reduce smoking rates while significantly reducing cigarette tax revenue and transferring it to other states.

The Massachusetts flavored tobacco and vape ban went into effect in 2020. Between 2020 and 2021 state excise tax revenue decreased by 22.3 percent, representing a loss of over \$106

**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 1101, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

million. Meanwhile, smoking rates among all adults only decreased by 4.5 percent (11.1 percent of adults in 2020 to 10.6 percent in 2021).

Neighboring New Hampshire saw an 11.5 percent reduction in adult smoking rates between 2020 and 2021, yet cigarette excise tax revenues increased by 14.4 percent during the same period.

Given the poor effects of flavored tobacco bans on young adult smoking and the failed experiment in Massachusetts, lawmakers should refrain from restricting the sales of flavored tobacco and vapor products.

### **In Thriving Illicit Market, Unregulated Products Harm Users**

Flavored tobacco and vape product bans only punish responsible retailers while incentivizing clandestine actors to engage in new illicit marketplaces. Unregulated tobacco and vapor products pose a risk to all consumers, both youth and adults alike. Nonetheless, consumers have indicated they would seek out illicit products should their product of choice be banned, and there are already rogue sellers using online marketplaces to sell these unregulated products.

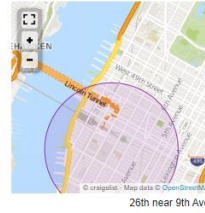
One study examining a possible menthol ban found that at least 25 percent would “find a way to buy a menthol brand.”<sup>17</sup> An experiment which examined current e-cigarette users under a hypothetical flavor ban found that banning “vaping products from the marketplace may shift preference towards purchasing vaping products in the illegal marketplace.”<sup>18</sup> An international survey of vapers from Canada, the United Kingdom and the United States found that over one-fourth (28.3 percent) “would find a way to get their banned flavor(s).”<sup>19</sup>

There is already a booming marketplace online. The examples are relatively easy to find. A Craigslist ad in New York City offers for sale a variety of flavored e-liquid products, from peach to cotton candy.<sup>20</sup> The seller informs the potential customer to “[i]nteract with [them] the same way [one] would a sales person.” Alarming, this seller is not interested in providing potential customers with information regarding the products that they may be consuming, noting that any questions about their “cost, date purchased, where purchased, why selling is no one’s concern.” In California, which recently enacted a ban on flavored tobacco and vapor products, “menthol man” is offering to deliver menthol cigarettes for \$15 a pack.<sup>21</sup>

# TAXPAYERS PROTECTION ALLIANCE

reply favorite hide flag share Posted 12 days ago

## Atmos No Nicotine E-liquid 12ml - \$5 (Chelsea)



condition: new

more ads by this user



Made in USA. Multiple flavors: Peach, Island Rum, Orange Mint, Cotton Candy, Cherry, Blueberry, Watermelon, Menthol, Apple, Pina Colada, Grape, Mocha Latte, Candy Cane, Blueberry Frost, Maple, Mango, 2 Lean.  
\$10 Each or the complete lot of 18 for \$150

Sold as is with no expressed or implied warranty & all sales final!  
PRICE IS FIRM & NON NEGOTIABLE. SERIOUS BUYERS only, NO SPECULATORS.  
ALL PERTINENT INFO IN ADVERTISEMENT.

Interact with me the same way you would a sales person @ Macy's, Bloomingdale's, Target, Kmart, or a street vendor. Personal Questions of my cost, date purchased, where purchased, why selling is no one's concern. If you see the advertisement, it is still available. Don't waste my time inquiring if it is still available!

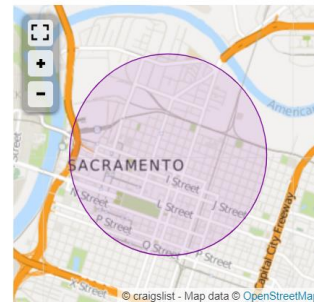
NO DELIVERY Available, Only Pick Up @ 26th Street & 9th Ave., Manhattan. Call [show contact info](#) Only, All text email messages will not be acknowledged!

reply favorite hide flag share Posted 15 days ago

## menthol man delivery service (Sacramento)

I have all sorts of marbrol menthol, 15 a pack will deliver for purchases over 10 packs will trade for items of value also have puff bars disposable vapes.

- do NOT contact me with unsolicited services or offers



delivery available

There is also an even larger international market of counterfeit vapor products, with officials in numerous countries attempting to stem their flow.

In January 2021, the FDA worked with other federal agencies and seized 42 shipments of counterfeit disposable vapor products from China.<sup>22</sup> In March 2021, Customs and Border Protection officers in Chicago seized \$1.5 million in counterfeit vapes.<sup>23</sup>

In 2022, officials in Australia, China, Singapore and the United Kingdom have all reported massive seizures of counterfeit vapor products.<sup>24 25 26 27</sup> The illicit products are so prevalent that a vapor product company has been actively working with government officials in China and has successfully shut down more than 20 factories manufacturing counterfeit vapes.<sup>28</sup>

## Tobacco Monies

**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 1101, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

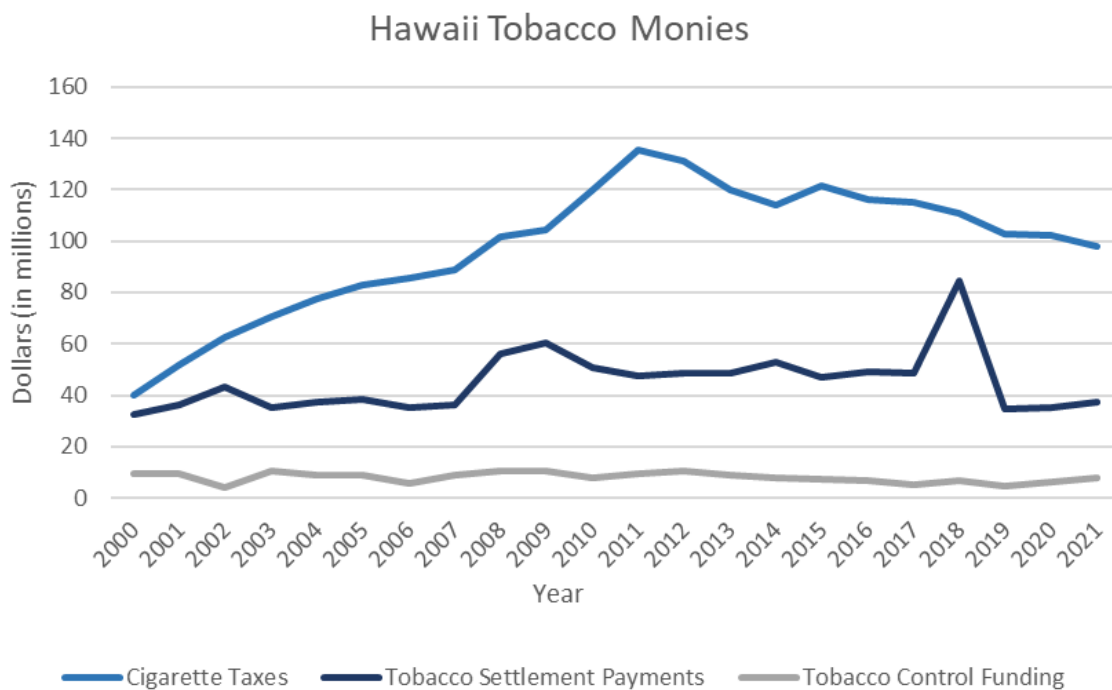
# TAXPAYERS PROTECTION ALLIANCE

Each year, states receive millions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2021, the Aloha State collected nearly \$98.1 million in state excise tax revenue from combustible cigarettes.<sup>29</sup> This was a 4.2 percent decline from 2020's \$102.4 million. Between 2001 and 2021, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$37.5 million in settlement payments in 2021, a 6.2 percent increase from 2020's \$35.3 million.<sup>30</sup> Since 2000, the Aloha State collected nearly \$997 million in tobacco settlement payments.

While Hawaii collected an estimated \$135.6 million in tobacco-related monies in 2021, the state allocated only \$7.9 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 23.4 percent increase in funding from 2020 levels.<sup>31</sup> This amounts to 8.1 percent of taxes and 21.1 percent of settlement payments. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



## Conclusion

Lawmakers must refrain from prohibitionist policies that will only drive adult consumers to an underground market, exposing users to possibly harmful, unregulated products. Given the significant reductions in youth use of e-cigarettes, as well as the record lows in use of traditional tobacco products, bans on the sales of flavored tobacco and vapor products are not necessary. Rather, policymakers should use more of the already-existing monies derived from cigarettes to prevent youth use and help adults quit.

---

<sup>1</sup> Eunice Park-Lee, *et al.*, “Tobacco Product Use Among Middle and High School Students — United States, 2022,” *Morbidity & Mortality Weekly Report*, Centers for Disease Control and Prevention, November 11, 2022, [https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s\\_cid=mm7145a1\\_w](https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s_cid=mm7145a1_w).

<sup>2</sup> University of Michigan, “1975-2022 Data for In-School Surveys of 8th, 10th, and 12th Grade Students,” *Monitoring the Future*, 2022, <https://monitoringthefuture.org/results/data-products/tables-and-figures/>.

<sup>3</sup> Centers for Disease Control and Prevention, “Youth Risk Behavior Survey Data Summary & Trends Report,” February 13, 2023, [https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS\\_Data-Summary-Trends\\_Report2023\\_508.pdf](https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf).

<sup>4</sup> Lance Ching, Ph.D., *et al.*, “Data Highlights from the 2017 Hawai’i Youth Tobacco Survey,” Hawai’i State Department of Health, June 29, 2018, [http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS\\_2017\\_Report.pdf](http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf).

<sup>5</sup> Connecticut Department of Public Health, “Connecticut High School Survey Codebook,” *2019 Youth Risk Behavior Survey Results*, 2019, [https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT\\_Codebook.pdf](https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT_Codebook.pdf).

<sup>6</sup> Maryland Department of Public Health, “Maryland High School Survey Detail Tables – Weighted Data,” *2018 Youth Risk Behavior Survey*, 2018, <https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018M-DH%20Detail%20Tables.pdf>.

<sup>7</sup> 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).

<sup>8</sup> State of Rhode Island Department of Health, “Rhode Island High School Survey Detail Tables – Weighted Data,” *2019 Youth Risk Behavior Survey Results*, 2019, <https://health.ri.gov/materialbyothers/yrbs/2019HighSchoolDetailTables.pdf>.

<sup>9</sup> Vermont Department of Health, “2017 Vermont Youth Risk Behavior Survey Report Winooski SD Report,” 2018, [https://www.healthvermont.gov/sites/default/files/documents/pdf/WINOOSKI\\_SD\\_%28SU017%29.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/WINOOSKI_SD_%28SU017%29.pdf).

<sup>10</sup> 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).

<sup>11</sup> Virginia Department of Health, “Virginia High School Survey Detail Tables – Weighted Data,” *2019 Youth Risk Behavior Survey Results*, 2019, <https://www.vdh.virginia.gov/content/uploads/sites/69/2020/06/2019VAH-Detail-Tables.pdf>.

<sup>12</sup> Andrea S. Gentzke *et al.*, “Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021,” *Morbidity & Mortality Weekly Report*, Centers for Disease Control and Prevention, March 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

<sup>13</sup> The Annie E. Casey Foundation, *2022 Kids Count Data Book: State Trends in Child Well-Being*, August 8, 2022, <https://assets.aecf.org/m/resourcedoc/aecf-2022kidscountdatabook-2022.pdf>.

<sup>14</sup> Centers for Disease Control and Prevention, *supra* note 3.

- <sup>15</sup> Centers for Disease Control and Prevention, “Behavioral Risk Factor Surveillance System,” 2022, <https://www.cdc.gov/brfss/brfssprevalence/>. Accessed December 2022.
- <sup>16</sup> Lindsey Stroud, “Statewide Flavored E-Cigarette Bans Have Led to Increases in Young Adult Smoking,” *Townhall*, October 21, 2022, <https://townhall.com/columnists/lindseystroud/2022/10/20/statewide-flavored-e-cigarette-bans-have-led-to-increases-in-young-adult-smoking-n2614807>.
- <sup>17</sup> Richard J. O’Connor *et al.*, “What would menthol smokers do if menthol in cigarettes were banned? Behavioral intentions and simulated demand,” *Addiction*, April 4, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/>.
- <sup>18</sup> Roberta Freitas-Lemos *et al.*, “The Illegal Experimental Tobacco Marketplace I: Effects of Vaping Product Bans,” *Nicotine & Tobacco Research*, October 23, 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8403238/>.
- <sup>19</sup> Shannon Gravely *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*, October 14, 2021, <https://pubmed.ncbi.nlm.nih.gov/34695685/>.
- <sup>20</sup> Craigslist, “Atmos No Nicotine E-liquid 12ml - \$5 (Chelsea),” <https://web.archive.org/web/20230125180105/https://newyork.craigslist.org/mnh/for/d/new-york-atmos-no-nicotine-liquid-12ml/7577982709.html>. Accessed January 2023.
- <sup>21</sup> Craigslist, “menthol man delivery service (Sacramento),” <https://web.archive.org/web/20230125181307/https://sacramento.craigslist.org/bar/d/sacramento-menthol-man-delivery-service/7577129096.html>. Accessed January 2023.
- <sup>22</sup> U.S. Food and Drug Administration, “CBP, FDA Seize Counterfeit, Unauthorized E-Cigarettes,” January 13, 2021, <https://www.fda.gov/news-events/press-announcements/cbp-fda-seize-counterfeit-unauthorized-e-cigarettes>.
- <sup>23</sup> U.S. Customs and Border Protection, “CBP Officers in Chicago Capture \$1.5 Million in Counterfeit Vaping Pens,” March 11, 2021, <https://www.cbp.gov/newsroom/local-media-release/cbp-officers-chicago-capture-15-million-counterfeit-vaping-pens>.
- <sup>24</sup> Mary Ward, “More than \$2 million worth of vapes seized in state health crackdown,” *The Sydney Morning Herald*, February 14, 2022, <https://www.smh.com.au/national/nsw/more-than-2-million-worth-of-vapes-seized-in-state-health-crackdown-20220128-p59s0m.html>.
- <sup>25</sup> Diana Caruana, “Hong Kong Customs Seize Thousands of Vape Products Worth a Total of HK\$10 Million,” *Vaping Post*, June 6, 2022, <https://www.vapingpost.com/2022/06/06/hong-kong-customs-seize-thousands-of-vape-products-worth-a-total-of-hk10-million/>.
- <sup>26</sup> Vapor Voice, “Singapore Seizes Nearly \$1 Million in Illegal Vapes,” June 2, 2022, [https://vaporvoice.net/2022/06/02/singapore-seizes-nearly-1-million-in-illegal-vapes/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=singapore-seizes-nearly-1-million-in-illegal-vapes](https://vaporvoice.net/2022/06/02/singapore-seizes-nearly-1-million-in-illegal-vapes/?utm_source=rss&utm_medium=rss&utm_campaign=singapore-seizes-nearly-1-million-in-illegal-vapes).
- <sup>27</sup> Charlotte Lillywhite, “Massive £100k shipment of dodgy vapes seized near Heathrow Airport,” *MyLondon*, August 9, 2022, <https://www.mylondon.news/news/west-london-news/massive-100k-shipment-dodgy-vapes-24708471>.
- <sup>28</sup> Kiran Paul, “Elf Bar helps close 20 counterfeit factories in China, seizing million fake vapes,” *Asian Trader*, July 15, 2022, <https://www.asiantrader.biz/elf-bar-helps-close-down-20-counterfeit-factories-in-china-seizing-over-a-million-fakes/>.
- <sup>29</sup> Orzechowski and Walker, “The Tax Burden on Tobacco Historical Compilation Volume 56, 2021. Print.
- <sup>30</sup> Campaign for Tobacco Free Kids, “Actual Annual Tobacco Settlement Payments Received by the States, 1998-2022,” December 20, 2022, <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.
- <sup>31</sup> Campaign for Tobacco-Free Kids, “Appendix A: History of Spending for State Tobacco Prevention Programs,” 2022, [https://www.tobaccofreekids.org/assets/content/what\\_we\\_do/state\\_local\\_issues/settlement/FY2023/Appendix-A.pdf](https://www.tobaccofreekids.org/assets/content/what_we_do/state_local_issues/settlement/FY2023/Appendix-A.pdf).

# Tobacco & Vaping 101: Hawaii 2023

Lawmakers are often bombarded with misinformation on the products used by adults in their state. This annual analysis provides up-to-date data on the adults who use cigarettes and e-cigarette products in Hawaii, youth use, impacts of e-cigarettes and analyses of existing tobacco monies.

## Key Points:

- In 2021, 10.1 percent of adults were currently smoking in Hawaii. This is a 12.9 percent decrease from 2020.
- In 2021, among all Hawaii adults, 56.9 percent of 18- to 24-year-olds, 11.8 percent of 25–44-year-olds, 12.1 percent of 45–64-year-olds, and seven percent of adults aged 65 years or older were currently smoking combustible cigarettes.
- Among all adults earning \$25,000 or less in 2021, 21.2 percent were current smoking compared to only 7.3 percent of adults earning \$50,000 or more.
- Among all smoking adults in 2021 in Hawaii, 27.7 percent were Asian, 20.2 percent were Multiracial, 18.9 percent were White, non-Hispanic, 18.6 percent were Native Hawaiian and/or Pacific Islander, and 14.5 percent were Hispanic.
- Cigarette excise taxes in Hawaii disproportionately impact low-income persons, while failing to significantly reduce smoking rates among that class.
- The percentage of Hawaii adults earning \$25,000 or less that were smoking decreased by 30.3 percent between 2011 and 2021, while the percent of adults earning \$50,000 or more that were smoking decreased by 36 percent during the same period.
- Among Hawaiians who did not graduate high school, smoking rates decreased by 38.1 percent, yet rates among adults with a college degree decreased by 42.6 percent.
- In 2021, 6.1 percent of adults reported past-month e-cigarette use, which was a 27.1 percent increase from 2017.
- Youth vaping seems to have peaked in 2019, when 20 percent of youth reported current e-cigarette use. Between 2019 and 2022, current e-cigarette use declined by 53 percent.
- Traditional tobacco use among youth is at record lows. In 2022, only 1.9 percent of U.S. youth reported current cigar use, 1.6 percent reported current combustible cigarette use and 1.3 percent reported using smokeless tobacco products.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2007 and 2018, smoking rates among Hawaii adults aged 18 to 24 years old declined by 39.6 percent. Since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

# Tobacco & Vaping 101: Hawaii 2023

## Adult Combustible Cigarette Use

In 2021, according to data from the annual Behavioral Risk Factor Surveillance System survey (BRFSS) conducted by the Centers for Disease Control and Prevention, 10.1 percent of Hawaiians were currently smoking, amounting to nearly 114,852 adults. This is a 12.9 percent decrease from 2020 when 11.6 percent reported current cigarette use. In 2021, 6.8 percent of Hawaiian adults reported smoking every day.

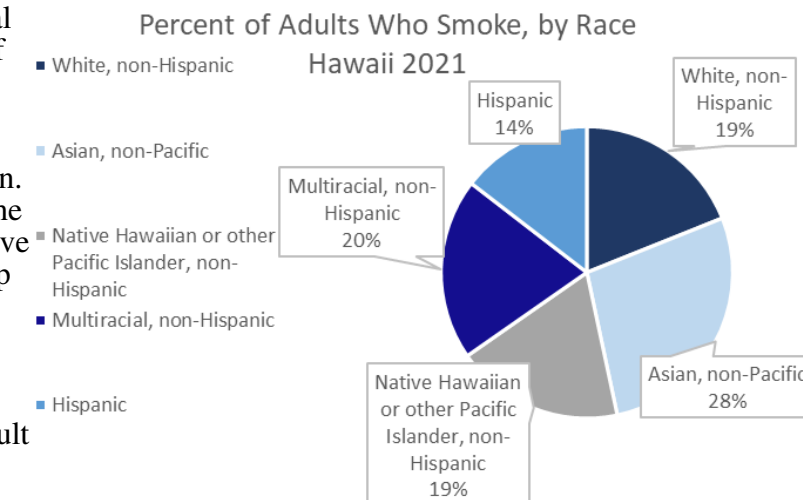
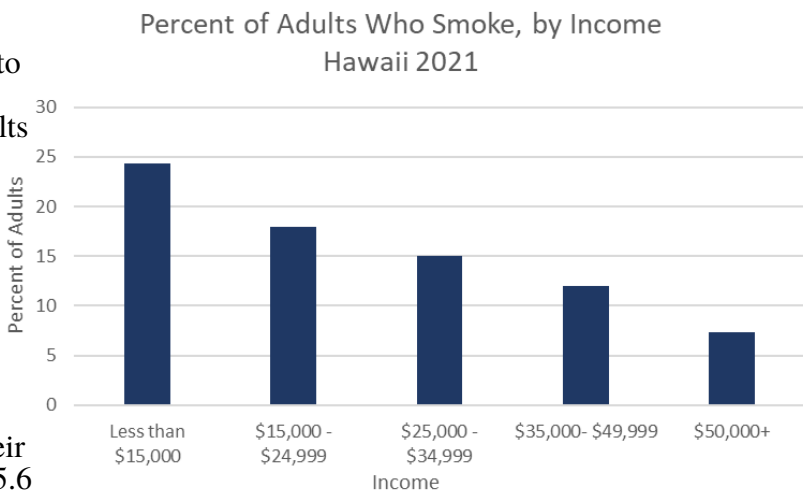
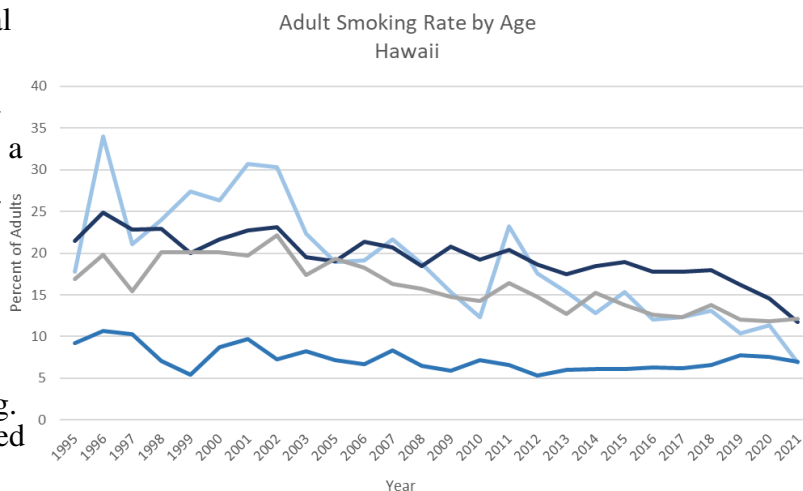
Smoking rates in the Aloha State have significantly declined since 1995 when the BRFSS Aloha began reporting combustible cigarette use. That year, 17.8 percent of Hawaii adults were then-currently smoking. Between 1995 and 2021, smoking rates have decreased by 43.3 percent with average annual decreases of 5.8 percent.

In 2021, among all Hawaii adults, 6.9 percent of 18- to 24-year-olds, 11.8 percent of 25–44-year-olds, 12.1 percent of 45–64-year-olds, and seven percent of adults aged 65 years or older were currently smoking combustible cigarettes.

Among all adults earning \$25,000 annually or less in 2021, more than one fifth (21.2 percent) reported currently smoking, compared to only 7.3 percent of adults who earned \$50,000 or more per year.

In Hawaii, Native Hawaiian and/or Pacific Islander adults reported smoking at a greater percentage of their identified race at 17.5 percent. This is compared to 15.6 percent of Hispanic adults, 13.2 percent of Multiracial adults, 7.8 percent of White adults, and 6.8 percent of Asian adults.

Yet, Asian adults made up a significantly larger percentage of Hawaii's total adult smoking population. In 2021, Asian adults accounted for 27.7 percent of the state's current smoking population, compared to Native Hawaiian and/or Pacific Islander adults, who made up 18.6 percent of the current adult smoking population. White adults accounted for 18.9 percent of the state's current adult smoking population, Multiracial, non-Hispanic adults accounted for 20.2 percent, and Hispanic adults made up 14.5 percent of Hawaii's adult smoking population in 2021.





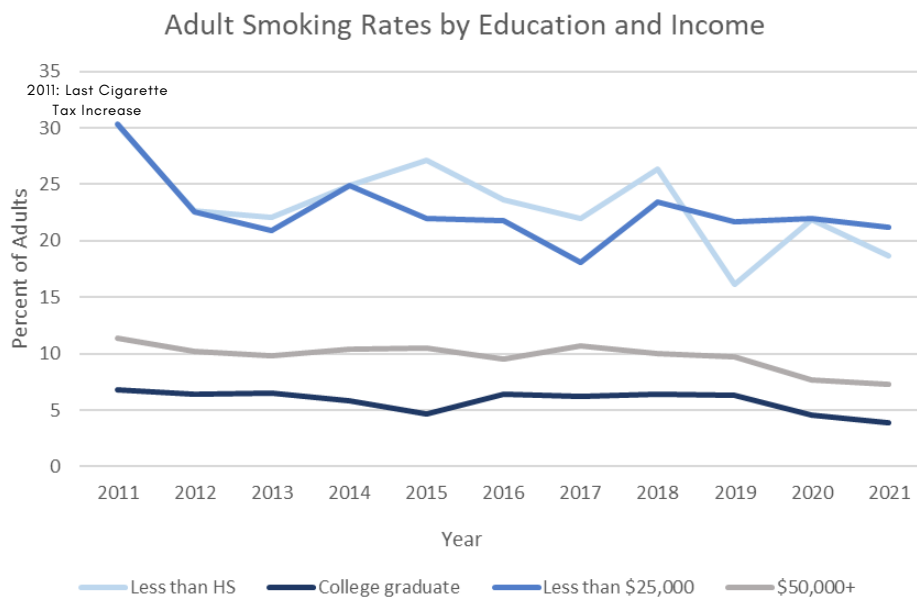
# Tobacco & Vaping 101: Hawaii 2023

## Effects of Cigarette Taxes

Hawaii last increased its state cigarette excise tax in 2011 from \$3.00 to \$3.20-per-pack. Lawmakers often justify excise taxes on cigarettes to deter persons from using combustible cigarettes, yet, such taxes disproportionately harm lower income, lower educated adults, as well as fail to significantly reduce smoking rates among those persons.

The number of percent of Hawaii adults earning \$25,000 or less that were smoking decreased by 30.3 percent between 2011 and 2021, while the percent of adults earning \$50,000 or more that were smoking decreased by 36 percent during the same period. Among Hawaiians who did not graduate high school, smoking rates decreased by 38.1 percent, yet rates among adults with a college degree decreased by 42.6 percent.

Lawmakers should refrain from enacting further increases in cigarette taxes given their disproportionate effect on low-income persons, while failing to reduce smoking rates.



## Adult E-Cigarette Use

The CDC provides data on adult e-cigarette use for only 2016, 2017, and 2021.

In 2021, among all Hawaii adults, 7.3 percent were currently using e-cigarettes. This is a 55.3 percent increase from 2017 when 4.7 percent of Hawaiian adults were current e-cigarette users.

In 2021, among all Hawaii adults, 24.5 percent of 18- to 24-year-olds, 11.2 percent of 25–44-year-olds, 2.4 percent of 55–64-year-olds, and 0.7 percent of adults aged 65 years or older were currently using e-cigarettes. Among adults earning \$15,000 or less, 7.9 percent reported current e-cigarette use, compared to 4.8 percent who reported earning \$50,000 or more.

In Hawaii, 10.7 percent of Multiracial, non-Hispanic adults, 10.5 percent of Native Hawaiian and/or Pacific Islander adults, 10.2 percent of Hispanic adults, 7.4 percent of Black adults, 6.1 percent of White adults, and 5.1 percent of Asian adults were currently using e-cigarettes in 2021.

# Tobacco & Vaping 101: Hawaii 2023

## Youth Smoking and Vaping Rates

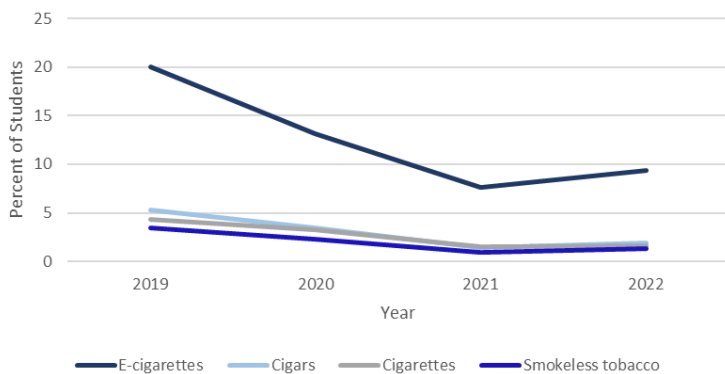
The CDC continues to delay publishing the 2021 results of the Youth Risk Behavior Survey resulting in state-specific data being unavailable at the time of this publication. Nonetheless, youth use of vapor products has declined significantly in recent years and youth use of traditional tobacco products is at record lows.

According to the National Youth Tobacco Survey, in 2022, only 9.4 percent of middle and high school students reported current use of e-cigarette products, defined as having used a product on at least one occasion in the 30 days prior to the survey. Youth vaping seems to have peaked in 2019, when 20 percent of youth reported current e-cigarette use. Between 2019 and 2022, current e-cigarette use declined by 53 percent.

Regarding traditional tobacco products, in 2022, only 1.9 percent of U.S. youth reported current cigar use, 1.6 percent reported current combustible cigarette use, and 1.3 percent reported using smokeless tobacco products. Between 2019 and 2022, current cigar use declined by 64.2 percent, current cigarette use decreased by 62.8 percent and smokeless tobacco use by 62.9 percent.

Given the record lows in youth tobacco use and continued declines in youth vapor product use, policymakers must refrain from prohibitionist policies that would hinder adult access to harm reduction products.

Youth Tobacco and Vape Use  
U.S. Middle and High School Students



## Young Adult Smoking Rates

As e-cigarettes have disrupted the traditional tobacco market, policymakers have shifted their attention towards youth use and subsequent smoking initiation. Despite the rhetoric, the introduction of e-cigarettes has not led to increases in young adult cigarette smoking, but rather, correlates with significant declines.

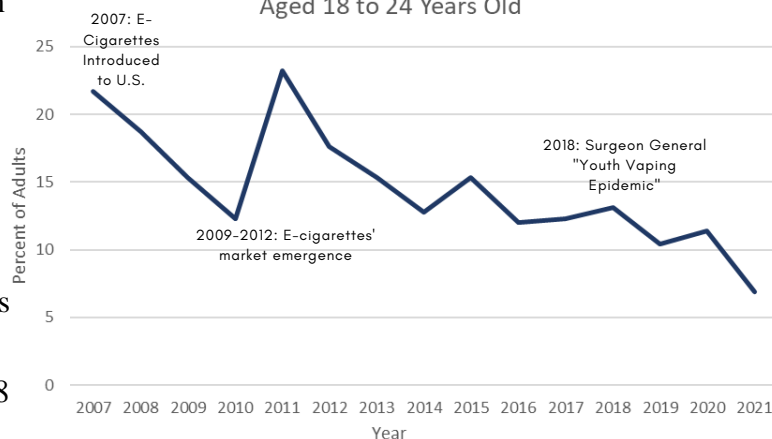
E-cigarettes first came to U.S. market in 2007, when 21.7 percent of Hawaiians aged 18 to 24 years old were currently smoking. In 2018, public health purported to a so-called “youth vaping epidemic,” when 13.1 percent of young adults in the Aloha State were smoking. Between 2007 and 2018, young adult smoking rates declined by 39.6 percent. Further, since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.

Though data is limited to only three years, increases in vaping correlate with decreases in smoking.

In 2017, (among 18- to 24-year-olds) 12.3 percent and 12.2 percent were currently using combustible cigarettes and e-cigarettes, respectively. Between 2017 and 2021, current cigarette use among young adults decreased by 43.9 percent while vapor product use increased by 100.8 percent.

Given the epic lows in young adult smoking rates, lawmakers must refrain from policies that restrict access to alternatives to smoking.

Current Smoking Rates Among Hawaii Adults  
Aged 18 to 24 Years Old



# Tobacco & Vaping 101: Hawaii 2023

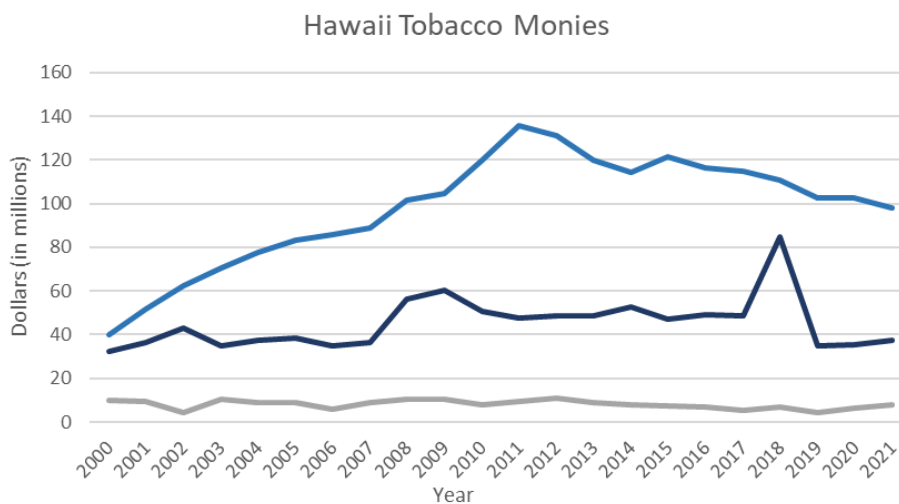
## Tobacco Monies

Each year, states receive millions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2021, the Aloha State collected nearly \$98.1 million in state excise tax revenue from combustible cigarettes. This was a 4.2 percent decline from 2020's \$102.4 million. Between 2001 and 2021, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$37.5 million in settlement payments in 2021, a 6.2 percent increase from 2020's \$35.3 million. Since 2000, the Aloha State collected nearly \$997 million in tobacco settlement payments.

While Hawaii collected an estimated \$135.6 million in tobacco-related monies in 2021, the state allocated only \$7.9 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 23.4 percent increase in funding from 2020 levels. This amounts to 8.1 percent of taxes and 21.1 percent of settlement payments. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



## References

— Cigarette Taxes — Tobacco Settlement Payments — Tobacco Control Funding

1. Data on adult smoking rates comes from the Centers for Disease Control's Behavioral Risk Factor Surveillance Survey including sections on "Demographics - Race," Tobacco Use - All Categories," and "E-Cigarette Use." Accessed December, 2022. <https://www.cdc.gov/brfss/brfssprevalence/>
2. Data on race was compiled using population data from the Annie E. Casey Foundation (<https://datacenter.kidscount.org/>) and Demographic data from the CDC to cross reference the racial population. Then, data from Smoking and Race was used to determine the percent of adults who were smoking in 2021.
3. Data on youth tobacco and vapor product use comes from the National Youth Tobacco Survey, accessed in December, 2022. [https://www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm).
4. Data on tax information comes from Orzechowski and Walker, "The Tax Burden on Tobacco Historical Compilation Volume 56, 2021. Print.
5. Data on tobacco settlement payments is from Campaign for Tobacco-Free Kids, "Actual Annual Tobacco Settlement Payments Received by the States, 1998-2022." Accessed December, 2022. <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.
6. Data on tobacco control funding is from Campaign for Tobacco-Free Kids, "Appendix A: A History of Spending for State Tobacco Prevention Programs," Accessed December, 2022. <https://www.tobaccofreekids.org/assets/factsheets/0209.pdf>.

# Tobacco Harm Reduction 101

## Flavors Are Not Main Reason for Youth E-Cigarette Use

In 2019, many lawmakers sought to address the increase in youth e-cigarette use by enacting various policy proposals, including banning non-tobacco flavors in e-cigarette products. According to e-cigarette opponents, flavors are designed to only attract youth and have no value in tobacco harm reduction.

While addressing youth use of any age-restricted product is laudable, numerous state and national surveys indicate that flavors are not the most commonly cited reason for e-cigarette use among youth. Rather than enacting draconian bans, lawmakers should focus on the underlying reasons for youth e-cigarette use.

### State Survey Data

The Centers for Disease Control and Prevention (CDC) conducts the Youth Risk Behavior Survey (YRBS) which examines various youth data points, including tobacco and vaping use. While data is limited, some states have sought to examine why youth are using e-cigarettes.

In 2019 in aggregate analysis of four state surveys (Connecticut[i], Montana[ii], Rhode Island[iii], and Virginia[iv]), among all high school students, 59.6 percent reported having never used an e-cigarette. Of the remaining students, 18 percent cited using e-cigarettes for “some other reason,” 12.1 percent reported using them because a family member and/or friend had, and only 5.2 percent reported using e-cigarettes because they were “available in flavors.”

In one 2019 state survey (Vermont) of high school students that were current e-cigarette users, 51 percent reported using e-cigarettes for some “other reason,” 17 percent had used them because family and/or friends, and only 10 percent reported current e-cigarette use because of flavors.[v]

### National Survey Data

The Centers for Disease Control and Prevention annually conducts the National Youth Tobacco Survey (NYTS), which measures “tobacco-related behaviors, attitudes, beliefs, and exposure to pro- and anti-tobacco influences.”[vi] Since 2016, the NYTS has examined why youth have tried and/or are using e-cigarettes.

In 2016, among middle and high school students that had ever used an e-cigarette, 39 percent reported using them because a “friend or family member used them,” 31 percent cited “other,” and 31 percent reported using them because they “are available in flavors such as mint, candy, fruit, or chocolate.”[vii]

In 2019, among middle school and high school students that were current e-cigarette users, 55.3 percent reported vaping because they were “curious about them,” 30.8 percent cited using them because a “friend or family member used them,” and only 22.4 percent cited using e-cigarettes because of flavors.[viii]

The NYTS went further in 2021 and offered additional reasons for e-cigarette use than prior surveys. [ix] The results are interesting and indicative of a different trend in youth substance youth, including issues of anxiety and/or depression.

# Tobacco Harm Reduction 101

For example, in 2021, among middle and high school students that were current e-cigarette users, 43.4 percent reported using them because they were “feeling anxious, stressed, or depressed,” 42.8 percent had used e-cigarettes to get a “buzz from nicotine,” 28.3 percent had used them because a friend had used them, and only 13.2 percent reported using e-cigarettes because of flavors.

Among middle and high school students that had ever used e-cigarettes, 57.8 percent reported trying them because of a friend, 47.6 percent cited curiosity as a reason for use, 25.1 percent reported trying them because they were “feeling anxious, stressed, or depressed,” 23.3 percent had tried them to get a “buzz from nicotine,” and only 13.5 percent had reported trying e-cigarettes because they are available in “flavors, such as menthol, candy, fruit, or chocolate.”

As policymakers seek to reduce youth use of age-restricted products, it is imperative that they understand the reasons why youth are using such products, including e-cigarettes. State and national data indicate that flavors is often cited as the third reason for youth e-cigarette use, and other factors are contributing to their use that will not be impacted by misguided policies such as flavor bans.

---

## References

1. [1] Connecticut High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, [https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT\\_Codebook.pdf](https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT_Codebook.pdf).
2. [1] Montana Office of Public Instruction, “2019 Montana Youth Risk Behavior Survey, High School Results,” 2019, [https://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019\\_MT\\_YRBS\\_FullReport.pdf?ver=2019-08-23-083248-820](https://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820).
3. [1] Rhode Island High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, <https://health.ri.gov/materialbyothers/yrbs/2019HighSchoolDetailTables.pdf>.
4. [1] Virginia High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, <https://www.vdh.virginia.gov/content/uploads/sites/69/2020/06/2019VAH-Detail-Tables.pdf>.
5. [1] 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).
6. [1] Office of Disease Prevention and Health Promotion, “National Youth Tobacco Survey,” <https://health.gov/healthypeople/objectives-and-data/data-sources-and-methods/data-sources/national-youth-tobacco-survey-nyts>.
7. [1] James Tsai et al., “Reasons for Electronic Cigarette Use Among Middle and High School Students
8. — National Youth Tobacco Survey, United States, 2016,” Morbidity and Mortality Weekly Report, Centers for Disease Control and Prevention, February 16, 2018, [https://www.cdc.gov/mmwr/volumes/67/wr/mm6706a5.htm?s\\_cid=mm6706a5\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6706a5.htm?s_cid=mm6706a5_w).
9. [1] Teresa W. Wang et al., “Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019,” Morbidity and Mortality Weekly Report, Centers for Disease Control and Prevention, December 6, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6903396/pdf/ss6812a1.pdf>.
10. [1] Andrea S. Gentzke et al., “Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021,” Morbidity and Mortality Weekly Report, Centers for Disease Control and Prevention, March 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

# Tobacco Harm Reduction 101

## The Role of Flavors

A vitally important aspect of vaping is that, in addition to having a fraction of the risk of smoking combustible tobacco, the act of vaping is more pleasing for adults. Flavors are essential to help transition adults away from smoking and help them remain smoke-free.

Flavors are appealing to adults in a wide variety of consumer goods, and it is no different with vaping. Importantly, flavored vapes create a disassociation between smoking and vaping which is instrumental in preventing relapse for former smokers who found it difficult to quit by other means. While some vapers stick to a tobacco flavor, the vast majority do not.

A wide choice of devices, nicotine strengths, and flavored liquids are integral to the success of vaping as an alternative to smoking because it enables individuals to tailor the vaping experience to suit their particular needs.

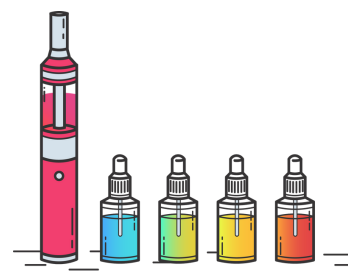
Flavors are also important in distinguishing combustible tobacco from vaping. There is no comparison between an attractive fruit flavor and the flavor of burned tobacco. Vaping is effectively a means of denormalizing tobacco and normalizing the use of a far safer alternative.

## Research

A 2018 survey of nearly 70,000 American adult vapers “found flavors play a vital role in the use of electronic cigarettes and vaping devices.”[i] In fact, 83.2 percent and 72.3 percent of survey respondents reported vaping fruit and dessert flavors, respectively. Most respondents indicated restricting flavors would make vaping “less enjoyable.”

Analysis of EcigIntelligence’s 2019 user survey found that fruits, sweets and candy, and desserts and bakery flavors “are among the most preferred flavors across all age groups.”[ii] Use of tobacco flavor was preferred by less than 5 percent of those who vape. In the event that legal sales were restricted to tobacco flavor only, 69 percent of respondents said they would try to acquire their flavors from alternative methods and 25 percent stated that they would be willing to drive over 100 miles to obtain supply. This illustrates that flavors are important to the appeal of vaping over smoking and that proposals to ban flavored vaping products are more an attempt at prohibition by stealth than a serious public health measure.

A 2020 study found an association between flavors and smoking cessation. In a cohort study of more than 17,900 participants, the authors found that “adults who began vaping nontobacco-flavored e-cigarettes were more likely to quit smoking than those who vaped tobacco flavors.”[iii]



**TAXPAYERS  
PROTECTION  
ALLIANCE**

# Tobacco Harm Reduction 101

## Restricting Vape Flavors Perpetuates Smoking

Many lawmakers are being convinced into proposing a ban on vape flavors in the mistaken belief that they are the only driver of youth vaping. It seems to have been forgotten that youth experimentation with much more harmful combustible tobacco was at very high levels in the past when there was only tobacco flavor to offer.

Since vaping is a substitute for smoking in those who want to use nicotine, restricting vaping increases the appeal of combustible tobacco.

A July, 2021 survey in *Nicotine & Tobacco Research* found that one-third (33.2 percent) of survey respondents would “likely switch to [combustible] cigarettes” if flavors were banned in e-cigarettes. [i]

More alarmingly, a 2021 Yale University study found that “San Francisco’s ban on flavored tobacco product sales was associated with increased smoking among minor high school students” and that “reducing access to flavored electronic nicotine delivery systems may motivate youths who would otherwise vape to substitute smoking.”[ii] Further, there is a correlation between state flavored e-cigarette bans and increases in young adult smoking rates.[iii]

This should not come as a surprise because of the substitution effect of competing nicotine delivery products. Nicotine use has been prevalent for many hundreds of years, restricting less harmful nicotine-containing products effectively protects sales of harmful, combustible cigarettes.

### **A variety of vape flavors are beneficial to public health for several reasons:**

- They provide intense competition for the cigarette trade by presenting an attraction that combustible tobacco cannot match.
- Flavors provide a more appealing alternative to smoking and lead to population level reduced harm from nicotine use if uptake and initiation of vaping instead of smoking is widespread.
- Most people who smoke do so as a result of peer pressure, whether as adolescents or adults.
- Flavors help more people to enjoy vaping instead of smoking and therefore optimize the chance that future nicotine users will be more likely to initiate with a vape than with a combustible cigarette.

Lawmakers should recognize the crucial role that flavors play in reducing combustible tobacco use and put forth policies that inform consumers of the wide variety of less harmful products on the market.

## References

- 
- [1] Konstantinos Farsalinos, “Submitting to the FDA the findings of the largest ever survey on e-cigarette flavors use by US vapers,” *E-Cigarette Research*, August 11, 2008, <http://www.ecigarette-research.org/research/index.php/whats-new/2018-2/266-us-flav>.
- [2] Consumer Advocates for Smoke-free Alternatives Association, “ECigintelligence User Survey 2019,” August 25, 2020, <https://casaa.org/ecigintelligence-user-survey-2019/>.
- [3] Abigail S. Friedman and SiQing Xu, “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation,” *JAMA*, June 5, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7275248/>.
- [4] Heather Posner et al., “Reactions to Sales Restrictions on Flavored Vape Products or All Vape Products Among Young Adults in the United States,” *Nicotine & Tobacco Research*, March 2022, <https://academic.oup.com/ntr/advance-article-abstract/doi/10.1093/ntr/ntab154/6332852?redirectedFrom=fulltext>.
- [5] Abigail S. Friedman, “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California,” *JAMA Pediatrics*, May 24, 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8145156/>.
- [6] Lindsey Stroud, “Statewide Flavored E-Cigarette Bans Have Led to Increases in Young Adult Smoking,” *Townhall*, October 21, 2022, <https://townhall.com/columnists/lindseystroud/2022/10/20/statewide-flavored-e-cigarette-bans-have-led-to-increases-in-young-adult-smoking-n2614807>

# Tobacco Harm Reduction 101

An estimated 30.8 million American adults smoked in 2020, or approximately 12.5 percent of the U.S. population.[1] Smoking-related disease and deaths cost the United States more than \$300 billion each year, including \$225 billion attributed to medical costs and more than \$156 billion due to lost productivity.[2]

For many years, policymakers have staunchly pushed forward with only one approach: quit or die. This failed method of smoking prevention and cessation has negligibly reduced smoking rates over the years. Yet, there is another approach: tobacco harm reduction for those who are unwilling or unable to quit smoking. In 1976, famed tobacco research Michael Russell remarked “people smoke for the nicotine, but die from the tar.”[3] Today, cigarettes contain nearly 600 ingredients and when ignited release more than 7,000 chemicals in the tobacco smoke, including 69 which are known to cause cancer.[4]

Nicotine, while not benign, is not responsible for causing cancer or the other ill effects caused by combustible cigarette smoke. In fact, the U.S. Food and Drug Administration,[5] the Centers for Disease Control and Prevention,[6] and the American Cancer Society[7] all acknowledge that nicotine has addictive properties but is not responsible for the harms caused by various tobacco products.

Given that nicotine itself is not the harm-causing property of tobacco, consumers and manufacturers have moved forward with giving adults the options to try and switch to less harmful tobacco products, otherwise known as tobacco harm reduction.

Tobacco harm reduction takes into account the science and the individual, all the while reducing the harms related to cigarette smoking. Rather than shaming persons addicted to nicotine, tobacco harm reduction offers them an opportunity to use a less harmful product, while delivering nicotine in a manner that is effective at reducing their cravings.

Reduced harm tobacco products include: electronic cigarettes/vaping devices, heated tobacco products, nicotine replacement therapy, and smokeless and snus products. These products deliver nicotine to adult consumers in a manner that is significantly less harmful than combustible cigarettes. Moreover, there is a plethora of evidence to their reduced risks.

- **E-Cigarettes:** Despite media alarmism, e-cigarettes are significantly less harmful than combustible cigarettes, as noted by numerous public health agencies. In 2015, Public Health England found e-cigarettes to be 95 percent less harmful than combustible cigarettes.[8] In 2021, the agency noted that “vaping is positively associated with quitting smoking successfully.”[9] In 2016, the UK Royal College of Physicians declared that e-cigarettes were unlikely to exceed five percent of the harms that are caused by smoking.[10] Not only does the UK government subsidize e-cigarettes as a cessation tool for people who smoke, vape shops can be found in hospitals in the country. In the United States, in 2018, of the estimated 10 million vapers, approximately 3 million had previously used combustible cigarettes.[11] In 2021, the FDA, through a new regulatory pathway, authorized the first e-cigarette product, finding that the product is “significantly less toxic than combusted cigarettes” and “could benefit addicted adult smokers who switch ... by reducing their exposure to harmful chemicals.”[12]
- **Heated Tobacco:** The US FDA has not only allowed for the marketing of a heated tobacco product, the manufacturer has been permitted to market it with a reduced risk claim, including that due to the product heating tobacco and not burning it, the process “significantly reduces the production of harmful and potentially harmful chemicals.”[13] While the rollout in America has been limited (and currently hindered by a patent dispute), in other countries, heated tobacco products have been linked to significant reductions in adult smoking rates. A 2020 study by the American Cancer Society remarked that heated tobacco products “likely reduced cigarette sales in Japan.”[14]



# Tobacco Harm Reduction 101

- **Nicotine pouches:** Nicotine pouches are used the same way as snus but deliver nicotine via infused fillers like plant-based fibers instead of pasteurized tobacco. They are the newest innovation on the nicotine market and they are as or less harmful than snus. As a result, they have been rising in popularity across the world. For example, a May 2022 study assessed the potential effect of nicotine pouches if introduced in the U.S. in 2000. The study estimated there would have been about 700,000 fewer deaths by 2050.
- **Nicotine Replacement Therapy (NRT):** NRT is the most endorsed form of tobacco harm reduction and is subsidized by federal and state health care quit-smoking programs. NRT includes gums, patches, lozenges, and prescription medication. Studies have found that similar rates of cessation success among users of various NRT products and smokeless and snus products.[15] Other tobacco harm reduction products have been found to be more effective. For example, a 2019 randomized controlled trial found that e-cigarettes were almost twice as effective as NRT in aiding in smoking cessation.[16]
- **Smokeless:** Smokeless tobacco poses much lower risks than smoking, all while containing nicotine. A 2009 Biomed Central study analyzed 89 studies of smokeless tobacco use and cancer finding “very little evidence” of smokeless tobacco producing elevated cancer risks.[17] A 2011 review of epidemiologic studies found that snus and smokeless tobacco use to be “99% less hazardous than smoking.”[18]
- **Snus:** Snus is an oral moist tobacco often used in pouches. It originated in Sweden and has been part of the country’s “tobacco culture” for more than a century. Snus has been directly linked to reducing smoking rates in the country. Swedish men, who have the highest rate of smokeless tobacco use in Europe and the lowest smoking rate, “also have the lowest rates of lung cancer and other smoking-related diseases in Europe.”[19] Further, a 2020 long-term study of Swedish snus users that were former smokers concluded that over “80% found snus of great importance to succeed with smoking cessation.”[20]

As cigarettes remain available, it is imperative that policymakers offer the consumers access to less harmful tobacco products. Policymakers should avoid excessive regulations, unfair taxation, and outright prohibition when enacting policies regarding novel tobacco harm reduction innovations. Lawmakers should put forth policies that both inform consumers of the wide variety of less harmful products, as well as allow the market to introduce products that are effective at both delivering nicotine in a less harmful manner and reducing smoking rates.

## References

1. Centers for Disease Control and Prevention, “Current Cigarette Smoking Among Adults in the United States,” *Smoking & Tobacco Use*, March 17, 2022, [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/adult\\_data/cig\\_smoking/index.html](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/adult_data/cig_smoking/index.html).
2. Office of the Associate Director for Policy and Strategy, “Health Topics – Tobacco,” Centers for Disease Control and Prevention, September 30, 2021, <https://www.cdc.gov/policy/polaris/healthtopics/tobacco/index.html>.
3. M. A. H. Russell, “Low-tar medium-nicotine cigarettes: a new approach to safer smoking,” *British Medical Journal*, June 12, 1976, <https://www.bmj.com/content/bmj/1/6023/1430.full.pdf>.
4. National Cancer Institute, “Harms of Cigarette Smoking and Health Benefits of Quitting,” December 19, 2017, <https://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/cessation-fact-sheet>.
5. U.S. Food and Drug Administration, “Nicotine Is Why Tobacco Products Are Addictive,” June 29, 2022, <https://www.fda.gov/tobacco-products/health-effects-tobacco-use/nicotine-why-tobacco-products-are-addictive>.
6. Centers for Disease Control and Prevention, “Quit smoking medicines are much safer than smoking,” *Tips From Former Smokers*®, January 7, 2022, <https://www.cdc.gov/tobacco/campaign/tips/quit-smoking/quit-smoking-medications/3-reasons-to-use-medicines-when-you-quit/quit-medicines-are-safer-than-smoking/index.html>.
7. American Cancer Society, “Health Risks of Smokeless Tobacco,” October 28, 2020, <https://www.cancer.org/healthy/stay-away-from-tobacco/health-risks-of-tobacco/smokeless-tobacco.html>.
8. A. McNeill et al., “E-cigarettes: an evidence update,” *Public Health England*, August 2015, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733022/E-cigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733022/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf).
9. Ann McNeill et al., “Vaping in England, an evidence update including vaping for smoking cessation,” February 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/962221/Vaping\\_in\\_England\\_evidence\\_update\\_February\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962221/Vaping_in_England_evidence_update_February_2021.pdf).
10. Royal College of Physicians, “Nicotine without smoke: Tobacco harm reduction,” April 28, 2016, <https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction>.
11. Nicholas Bakalar, “From 0 to 10 Million: Vaping Takes Off in the U.S.,” *The New York Times*, August 31, 2018, <https://www.nytimes.com/2018/08/31/health/vaping-cigarettes-nicotine.html>.
12. U.S. Food and Drug Administration, “FDA Permits Marketing of E-Cigarette Products, Marking First Authorization of Its Kind by the Agency,” FDA News Release, October 12, 2021, <https://www.fda.gov/news-events/press-announcements/fda-permits-marketing-e-cigarette-products-marking-first-authorization-its-kind-agency>.
13. [1] U.S. Food and Drug Administration, “FDA Authorizes Marketing of IQOS Tobacco Heating System with ‘Reduced Exposure’ Information,” FDA News Release, July 7, 2020, <https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-iqos-tobacco-heating-system-reduced-exposure-information>.
14. [1] Michael Stoklosa et al., “Effect of IQOS introduction on cigarette sales: evidence of decline and replacement,” *Tobacco Control*, July 29, 2020, <https://pubmed.ncbi.nlm.nih.gov/31209129/>.
15. [1] Paul R. Nelson et al., “Randomized Trial to Compare Smoking Cessation Rates of Snus, With and Without Smokeless Tobacco Health-Related Information, and a Nicotine Lozenge,” *Nicotine & Tobacco Research*, January 24, 2018, <https://academic.oup.com/ntr/article/21/1/88/4823099>.
16. [1] Peter Hajek et al., “A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy,” *The New England Journal of Medicine*, February 14, 2019, <https://www.nejm.org/doi/full/10.1056/nejmoa1808779>.
17. [1] Brad Rodu, “New Study Documents the Health Effects from Snus Use: Almost Zero,” *Tobacco Truth*, January 19, 2011, <https://rodutobaccotruth.blogspot.com/2011/01/new-study-documents-health-effects-from.html>.
18. [1] Brad Rodu et al., “Vaping, E-Cigarettes, and Public Policy Toward Alternatives to Smoking,” *The Heartland Institute*, February 20, 2017, <https://www.heartland.org/publications-resources/publications/vaping-e-cigarettes-and-public-policy-toward-alternatives-to-smoking>.
19. [1] Brad Rodu, “Smoking in the European Union: How Swede It Could Be,” *Tobacco Truth*, August 3, 2009, <https://rodutobaccotruth.blogspot.com/2009/08/smoking-in-european-union-how-swede-it.html>.
20. [1] Tove Sohlberg and Peter Wennberg, “Snus cessation patterns – a long-term follow-up of snus users in Sweden,” *Harm Reduction Journal*, September 10, 2020, <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-020-00405-z>.

# Tobacco Harm Reduction 101

## Tobacco Harm Reduction Products Can Help Adults Quit Smoking

Many opponents of tobacco harm reduction (THR) often claim there is no evidence that alternative nicotine/novel tobacco products including e-cigarettes, heated tobacco, and smokeless and snus tobacco products, are effective for smoking cessation. This misinformation deters many people who smoke from trying a reduced risk product.

### Users Tend to Be Current and/or Former Smokers

Surveys in individual countries indicate an overwhelming majority of novel tobacco product users are current and former smokers. For example, the UK's Action on Smoking and Health (ASH) estimate that less than one percent of the country's current 3.6 million vapers are never-smokers.[1] A 2019 study in the *International Journal of Environmental Research and Public Health* found that among heated tobacco users in Japan, only one percent were never smokers.[2] Similarly, according to the Centers for Disease Control and Prevention (CDC), in 2018, current and ever e-cigarette use was highest among persons who had quit smoking and "lowest among those who never smoked cigarettes." [3]

Safer nicotine products are almost exclusively attractive to people who smoke and the motivation for trying them is to reduce harm from tobacco or quit entirely. According to the latest Global State of Tobacco Harm Reduction briefing, harm reduction options are already being used by an estimated 112 million people worldwide, with approximately 82 million using vaping products, 20 million using heated tobacco and 10 million using smokeless tobacco, nicotine pouches and snus.[4]

### Research Indicates Effectiveness of Tobacco Harm Reduction Products

Data from national surveys find e-cigarettes to be effective in helping adults quit smoking.

In the UK it has been estimated by ASH that at least 2.3 million UK smokers have quit smoking completely with nicotine vaping devices.[5] According to the CDC, in the United States, 4.3 million US adult nicotine vapers are ex-smokers,[6] and the latest Eurobarometer survey found that 7.5 million EU citizens have quit smoking using a nicotine vaping product.[7]

Heated tobacco products have led to significant reduction in smoking rates. A 2020 study by the American Cancer Society remarked that heated tobacco products "likely reduced cigarette sales in Japan." [8] Another 2020 study published in the *International Journal of Environmental Research and Public Health* came to a similar conclusion, stating that "the accelerated decline in cigarette-only sales since 2016 corresponds to the introduction and growth in the sales of heated tobacco products." [9]

Snus has been directly linked to reducing smoking rates in Sweden, which has a seven percent smoking rate, the lowest in Europe. A 2020 long-term study of Swedish snus users that were former smokers concluded that more than "80% found snus of great importance to succeed with smoking cessation." [10] Furthermore, a joint Swedish and Australian study of more than 60,000 individuals found that "Snus has both contributed to decreasing initiation of smoking and ...appears to facilitate smoking cessation." [11]

A 2008 study in *Harm Reduction Journal* examining data from the 2000 National Health Interview Survey, found that men who had switched to smokeless tobacco in their most recent quit attempt "had the highest proportion of success among those attempting [to quit] smoking," and that switching to smokeless tobacco "compares very favorably with pharmaceutical nicotine as a quit-smoking aid among American men." [12]

Nicotine pouches are a more novel tobacco harm reduction product with research indicating that they can be useful in helping adults quit smoking. A May 2022 study assessed that if nicotine pouches had hypothetically been introduced into the US in 2000, there would have been about 700,000 fewer deaths by 2050.[13]

# Tobacco Harm Reduction 101

## FDA-Approved Cessation Products Have Limited Success

Unfortunately for many adults who continue to smoke, current FDA-approved cessation products have not been useful helping them quit, and some studies indicate novel tobacco harm reduction products are more effective.

A 2019 randomized trial published in *The New England Journal of Medicine* found e-cigarettes to be twice as effective as nicotine replacement therapy in helping adults quit smoking.[14] In 2021, the Cochrane Library living review of e-cigarettes found that “nicotine e-cigarettes help more people to stop smoking than nicotine replacement therapy.”[15]

Unfortunately, as of June 2022, the FDA erroneously claims that “there is not yet enough evidence to support claims that e-cigarettes... are effective tools for quitting smoking.”[16]

---

## References

1. Action on Smoking and Health, "Use of e-cigarettes (vapes) among adults in Great Britain," June, 2021, <https://ash.org.uk/uploads/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2021.pdf>
2. Edward Sutanto *et al.*, "Prevalence, Use Behaviors, and Preferences among Users of Heated Tobacco Products: Findings from the 2018 ITC Japan Survey," *International Journal of Environmental Research and Public Health*, November 21, 2019, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6926809/#\\_ffn\\_sectitle](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6926809/#_ffn_sectitle)
3. Maria A. Villarroel *et al.*, "Electronic Cigarette Use Among U.S. Adults, 2018," *National Center for Health Statistics Data Brief*, Centers for Disease Control and Prevention, April, 2020, <https://www.cdc.gov/nchs/products/databriefs/db365.htm>
4. Global State of Tobacco Harm Reduction, "82 million vapers worldwide in 2021: the GSTHR estimate," Knowledge Action Change, February, 2022, <https://gsthr.org/briefing-papers/82-million-vapers-worldwide-in-2021-the-gsthr-estimate/>
5. Action on Smoking and Health, *supra* note 1.
6. Monica E. Cornelius *et al.*, "Tobacco Product Use Among Adults — United States, 2019," *Morbidity and Mortality Weekly Report*, Centers for Disease Control and Prevention, November 20, 2020, [https://www.cdc.gov/mmwr/volumes/69/wr/mm6946a4.htm?s\\_cid=mm6946a4\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6946a4.htm?s_cid=mm6946a4_w)
7. European Commission, "Attitudes of Europeans towards tobacco and electronic cigarettes," Eurobarometer, May, 2017, <https://europa.eu/eurobarometer/surveys/detail/2146>
8. Michal Stoklosa *et al.*, "Effect of IQOS introduction on cigarette sales: evidence of decline and replacement," *Tobacco Control*, June 17, 2019, <https://pubmed.ncbi.nlm.nih.gov/31209129/>
9. K. Michael Cummings *et al.*, "What Is Accounting for the Rapid Decline in Cigarette Sales in Japan?," *International Journal of Environmental Research and Public Health*, May 17, 2020, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277739/#\\_ffn\\_sectitle](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277739/#_ffn_sectitle)
10. Tove Sohlberg and Peter Wennberg, "Snus cessation patterns - a long-term follow-up of snus users in Sweden," *Harm Reduction Journal*, September 10, 2020, <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-020-00405-z>
11. Lars Ramström *et al.*, "Patterns of Smoking and Snus Use in Sweden: Implications for Public Health," *International Journal of Environmental Research and Public Health*, November 9, 2016, <https://www.mdpi.com/1660-4601/13/11/1110>
12. Brad Rodu and Carl V Phillips, "Switching to smokeless tobacco as a smoking cessation method: evidence from the 2000 National Health Interview Survey," *Harm Reduction Journal*, May 23, 2008, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2427022/#\\_ffn\\_sectitle](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2427022/#_ffn_sectitle)
13. Peter N. Lee *et al.*, "Estimating the public health impact had tobacco-free nicotine pouches been introduced into the US in 2000," *BMC Public Health*, May 21, 2022, <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-13441-0>
14. Peter Hajek *et al.*, "A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy," *The New England Journal of Medicine*, February 14, 2019, <https://www.nejm.org/doi/full/10.1056/nejmoa1808779>
15. J. Hartmann-Boyce *et al.*, "Can electronic cigarettes help people stop smoking, and do they have any unwanted effects when used for this purpose?," Cochrane Review, September 14, 2021, [https://www.cochrane.org/CD010216/TOBACCO\\_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used](https://www.cochrane.org/CD010216/TOBACCO_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used)
16. U.S. Food and Drug Administration, "E-Cigarettes, Vapes, and other Electronic Nicotine Delivery Systems (ENDS)," June 29, 2022, <https://www.fda.gov/tobacco-products/products-ingredients-components/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends> Accessed October 7, 2022.



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

House Committee on Finance  
Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair

Hearing Date: Friday, February 24, 2023

**ACS CAN SUPPORTS HB 551 HD1 – RELATING TO HEALTH.**

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

Thank you for the opportunity to SUPPORT with recommendations HB 551 HD1: RELATING TO HEALTH.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports 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.

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. ACS CAN supports ending the sale of menthol cigarettes and all other flavored products.

ACS CAN supports including “electronic smoking devices” in the definition of “tobacco products.” E-cigarettes are now the most popular tobacco product among youth – in part because they are not subject to many of the regulations and taxes other tobacco products are subject to. By implementing the same policies and regulations used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use.

We recommend the following comprehensive definition for “Tobacco Products”:

*“Tobacco product” means any product that is made from or derived from tobacco or that contains nicotine whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled*

*or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and substances used in electronic smoking devices, whether or not they contain nicotine. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.*

However, ACS CAN does not recommend defining "e-liquid" separately from electronic smoking devices and recommends deleting the definition of "e-liquid" and reference the definition for "tobacco product." We have serious concerns in the creation of new categories of products, as some products may be exempt from various tobacco control laws, and as it is defined in the bill may not capture all products. Also, this may result in only regulating and taxing e-liquids rather than the entire electronic smoking device and this may be incredibly difficult to enforce.

Furthermore, revenue collected should go toward tobacco prevention and cessation for all tobacco products including electronic smoking devices and e-cigarettes. Currently, Hawaii is 44.7% under CDC's recommended funding level for State Tobacco Control Programs. CDC's evidence-based recommendations for a comprehensive tobacco control program provide states with the needed framework to educate people on the dangers of tobacco use as well as connect people who are already addicted to tobacco to resources to help them quit. When appropriately funded and executed in accordance with CDC recommendations, comprehensive tobacco control programs can reduce tobacco use.

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

ACS CAN believes in all efforts to reduce tobacco use including Hawaii including taxing, regulating, licensing and permitting, education and cessation services are components of comprehensive approach to tobacco regulation. Comprehensive tobacco control programs establish smoke-free policies and social norms, promote tobacco cessation and support those trying to quit, prevent initiation of tobacco use among prospective new users including youth and reduce tobacco-related health disparities among disparate populations.

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

---

<sup>1</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20.2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

<sup>2</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20.2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>



**Chair Kyle T. Yamashita**  
**Vice Chair Lisa Kitagawa**

**House Committee on Finance**

**Friday, February 24, 2023**  
**3:30 PM**

**TESTIMONY IN STRONG SUPPORT OF HB551 RELATING TO HEALTH**

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance,

The Hawai'i State Youth Commission was first created through Act 106 in 2018, "to advise the governor and legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the State." The Hawai'i State Youth Commission's Public Health legislative committee is in **strong support** of **HB551 HD1**.

As representatives of the youth of Hawai'i, the commission is committed to promoting inclusivity, opportunity, and progress in Hawai'i. This includes the *health* of Hawai'i's youth. That is why the commission strongly supports this measure, because its efforts to end the sale and mislabelling of flavored tobacco products is crucial to improving the health and lives of not

only Hawai'i's youth, but also the communities that they live in, which are negatively affected by tobacco and vape.

To understand the severity and importance of this bill, the legislature needs to understand that, currently, one in five middle schoolers and one in three high schoolers use e-cigarettes. 81% started with a flavored product. We must understand that 97% of youth who currently vape use flavored products. This is because there are over 15,000 flavors of vape that are constantly being marketed to target, entice, and hook our youth population. Finally, we must contend with the fact that 21,000 of Hawai'i's youth who are alive today will ultimately die from a tobacco related illness if rates don't change. So, we must acknowledge that flavored tobacco products are a severe threat to the health of our youth, and also acknowledge that ending sales of flavored products is a critical and necessary step towards a better future.

Therefore, the Hawai'i State Youth Commission strongly urges the committee to **PASS HB551 HD1**, so that we can prevent the dangers of tobacco from affecting present and future generations of our keiki.

Mahalo for the opportunity to testify,

The Hawai'i State Youth Commission  
hawaiiistateyc@gmail.com



PO Box 61495  
Honolulu, HI 96839-1495

www.ppsHI.org

Wendy Nakasone-Kalani  
President

Susan Wood  
Vice President

Lois Yamauchi  
Secretary

Kay Fukuda  
Treasurer

Deborah Bond-Upson

Kathleen Gauci

Leslie Okoji

Kashmira Reid

February 22, 2023

Representative Kyle T. Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair  
House Finance Committee

Re: HB551 HD1, House Committee on Finance Meeting on Friday, February 23, 2023, 3:30 pm

Dear Chair Yamashita and Vice Chair Kitagawa,

**This testimony is in support of HB551 HD1**, which will end the sale of flavored tobacco products in our State. I am writing on behalf of Parents for Public Schools of Hawai'i, a non-profit organization that provides the perspectives of family members with children in public education. Our volunteer group emerged from the Furlough Friday crisis, and we have over 1,300 members statewide.

As parents, we are appalled that 1 in 3 high school students in Hawai'i vape, as do 1 in 5 middle schoolers. 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, an increase from 2019 (National Youth Tobacco Survey). **Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our children from a lifetime of addiction.**

Mint and menthol-flavored e-cigarettes are among the most popular flavors among youth. Menthol is as harmful as any other flavor, if not more harmful. Menthol is notorious for its ability to mask the harshness of tobacco, making it easier for children to start vaping and smoking and harder for them to quit. **Ending the sale of menthol is needed to protect our children and youth from tobacco addiction.**

Ending the sale of flavored tobacco will advance health equity as disparities in tobacco use are due to the tobacco industry targeting their marketing of 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).

We urge you to support HB551 HD1. It will reflect your desire to prioritize the health and well-being of children in our State.

Sincerely,

Lois A. Yamauchi  
Secretary  
Parents for Public Schools of Hawai'i





*support public education through family engagement. We are committed to ensuring all children in Hawai'i have access to a quality public education.*



# ALOHACARE

To: Representative Kyle T. Yamashita, Chair  
Representative Lisa Kitagawa, Vice-Chair  
House Committee on Finance

From: Paula Arcena, External Affairs Vice President  
Mike Nguyen, Public Policy Manager

Hearing: Friday, February 24, 2023 3:30 PM

RE: **HB551, HD1 Relating to Health - Support**

---

AlohaCare appreciates the opportunity to provide testimony in **support of HB551, HD1**. This measure would prohibit the sale of all flavored tobacco products and the mislabeling of products as nicotine-free.

Founded in 1994 by Hawai`i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 80,000 Medicaid and dual-eligible health plan members on all islands. Approximately half of our membership are keiki. We are Hawai`i's only health plan exclusively dedicated to serving 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.

Hawai`i is experiencing a youth vaping epidemic and we must take action to protect the health of our young people from life-threatening addiction.

Flavored and menthol tobacco and vaping products are designed and marketed specifically to entice youth. Appealing flavors have driven youth tobacco usage to nearly 31% of high school students and 18% of middle school students<sup>i</sup>, both reporting e-cigarettes use within the past 30 days. Approximately 78% of Native Hawaiian and Pacific Islander smokers report using menthol cigarettes and 81% of youth who use tobacco started with flavored products.<sup>ii</sup> Tobacco use is the leading cause of preventable death and disease in Hawai`i.

We greatly appreciate the Committee's consideration of this important measure. Banning the sale of flavored tobacco products will greatly reduce the number of tobacco users in our state and most importantly discourage youth initiation. 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.

Mahalo for the opportunity to submit testimony in **support of HB551, HD1**.

---

<sup>i</sup> <https://www.hawaiihealthmatters.org/index.php?module=indicators&controller=index&action=dashboard&id=83016762154173692>

<sup>ii</sup> <https://www.flavorshookkidshi.org>



February 24, 2023

The Honorable Kyle T. Yamashita, Chair  
The Honorable Lisa Kitagawa, Vice Chair  
House Committee on Finance

Dear Chairman Yamashita,

On behalf of National Taxpayers Union (NTU), we write to offer our opposition to legislative proposal HB551. While we acknowledge the well-meaning legislative intent and the importance of reducing nicotine addiction and improving overall health, Hawaiians will not be well served should this provision become law. Before proceeding with final deliberations, NTU urges you to bear in mind the following observations from a health and regulatory policy perspective.

Innovative products and market-driven solutions have led to fewer Americans smoking and more quitting than ever before. These alternative products are not completely risk free, but they significantly reduce the harm incurred by traditional cigarettes. Smoke-free products do not burn tobacco, therefore, they emit lower levels of harmful chemicals compared to cigarettes. Electronic smoking devices do not produce tar or carbon monoxide, two of the most harmful elements in tobacco smoke. Blanket flavor bans have the potential to upend the recent gains made over the past few years and push those addicted to nicotine back to using far more dangerous products.

Providing consumers with safe choices and increasing public awareness of the dangers associated with the risks of various products will lead to more effective results than legislative bans. Lawmakers should avoid policies that will affect millions of adults who rely on the availability of these products as a way to improve their overall health. We request that members of this committee focus their time and resources on embracing any and all alternatives that reduce smoking dependency.

To achieve the goal of a smoke-free future, state government must listen to the scientific community and recognize the important role these products play in improving the health and wellness of Hawaiians. HB551 blatantly ignores scientific research which suggests most of the health consequences of smoking cigarettes is directly correlated to the carcinogens emitted from combustible products.

Section 1 of this proposal states, “tobacco use is a serious public health problem in terms of human suffering and loss of life,” yet the Hawaiian legislature is considering enacting a law that is undeniably counterintuitive to the author's intention. Lawmakers should bear this

consideration in mind in order to avoid missteps that create unintended consequences. NTU shares the goal of tobacco reduction with lawmakers and recognizes the health challenges faced by taxpayers. To the extent public officials wish to examine policy responses that will positively impact our common objective of decreasing tobacco use, many free-market, pro-taxpayer options exist.

We hope you stand with the residents of Hawaii and oppose HB551. Thank you for your time and consideration of NTU's comments, please reach out should you have any questions.

Sincerely,

Jessica Ward  
Senior Director of State Affairs  
National Taxpayers Union  
[jward@ntu.org](mailto:jward@ntu.org)



**HAWAI'I COMMUNITY FOUNDATION**  
*Amplify the Power of Giving*

To: HOUSE COMMITTEE ON FINANCE  
Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair  
And Members of the Senate Committee

From: Micah Kāne, Chief Executive Officer & President  
Hawai'i Community Foundation

**Re: Testimony in Support of HB551, Relating to Health**

Date: Friday, February 24, 2023

Time: 3:30 P.M.

Place: Conference Room 308, State Capitol and Videoconference

The Hawai'i Community Foundation (HCF) strongly supports HB551. HCF administers the Hawai'i Tobacco Prevention and Control Trust Fund. Through the Trust Fund, we have funded a variety of community grants and contracts to support tobacco prevention and control activities statewide for over 20 years. Our goal is to help improve the health and well-being of Hawaii's people by reducing death and disease caused by tobacco consumption. By managing statewide community grant programs in tobacco cessation and youth prevention for many years, HCF has gained substantial knowledge about what it takes at the grassroots level to reduce tobacco consumption in our communities.

Nearly all commercially available electronic smoking devices (ESDs) and e-liquids contain nicotine derived from tobacco, yet they are the only tobacco products in Hawaii's market that are not regulated or subject to tobacco taxes under state law. It is entirely appropriate, and overdue, to regulate and tax ESDs and e-liquids on the same basis as other tobacco products.

The easy statewide availability of unregulated ESDs to our keiki and the resulting epidemic of ESD use among middle and high school students is creating a new generation dependent on nicotine, with long-term adverse health consequences to our state. Nicotine is a highly addictive substance that can cause long-term damage to the developing adolescent brain, affecting attention, learning, mood, and impulse control.<sup>1</sup>

---

<sup>1</sup> US Department of Health and Human Services. [E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General](#) [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016.

Many of our tobacco cessation program grantees across the islands have learned from their patients and community partners that online sales are a major source of ESDs and e-liquids for youth or their suppliers, despite Hawaii's Age 21 law. Unlike cigarettes and other traditional tobacco products that are illegal to sell online, currently there are few barriers for online sales of ESDs and e-liquids to adults or youth. The regulatory framework in HB551 will help to close this very large loophole and reduce youth access to ESDs and e-liquids.

Increasing price of tobacco products through taxation is a proven evidence-based method to reduce tobacco consumption. Youth buying and consumption patterns are particularly sensitive to price increases. Increasing the price of ESDs and e-liquids through taxation that is comparable to taxes on other tobacco products will greatly assist statewide efforts by HCF and many others to reduce the epidemic-level usage of ESDs by youth throughout our state.

**HB-551-HD-1**

Submitted on: 2/22/2023 1:59:45 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of HB 551, HD 1 to protect our children, youth, and young adults' health and safety from detrimental products that affect their mind and bodies.

Thank you for the opportunity to testify in strong support of HB 551, HD 1.



**HB-551-HD-1**

Submitted on: 2/22/2023 4:53:34 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jessica Chang	Individual	Oppose	Written Testimony Only

Comments:

.

**HB-551-HD-1**

Submitted on: 2/22/2023 5:19:29 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gracie Flores	Individual	Support	Written Testimony Only

Comments:

- 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.

**HB-551-HD-1**

Submitted on: 2/22/2023 5:24:03 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryl Reeser	Individual	Support	Written Testimony Only

Comments:

Aloha,

Flavored tobacco products, such as E-Cigarettes, have created an urgent health epidemic for our youth. After everything we now know of the dangers of tobacco use, we've got to do everything within our power to curb this crisis immediately and HB551 is one of the tools we can use to do this. I urge you to support HB551.

Mahalo.

**HB-551-HD-1**

Submitted on: 2/22/2023 5:44:34 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dallas Nelson	Individual	Oppose	Written Testimony Only

Comments:

State Lawmakers in office that take away the things people like are setting a very dangerous example. Remember, that we have a constitutional right to enjoy the flavored products which is protected under the right to privacy, just like abortion is.

**HB-551-HD-1**

Submitted on: 2/22/2023 5:51:43 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doris Segal Matsunaga	Save Medicaid Hawaii	Support	Written Testimony Only

Comments:

Save Medicaid Hawaii supports HB 551 HD 1

**HB-551-HD-1**

Submitted on: 2/22/2023 5:59:49 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Anthony Orozco	Individual	Oppose	Written Testimony Only

Comments:

This bill will cause massive hardship to small retailers of vape products. It will also cause more people to use burnable tobacco. Please keep it in committee. Mahalo.

**HB-551-HD-1**

Submitted on: 2/22/2023 6:09:39 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeff Stevens	Individual	Oppose	Written Testimony Only

Comments:

Let's limit HB551 to under 21 only. That's what the bill should be about.

**HB-551-HD-1**

Submitted on: 2/22/2023 6:14:30 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lani Hernandez	Individual	Oppose	Written Testimony Only

Comments:

**Vapes really help people cut back on smoking and the flavors are a big part of it since without them you might as well just smoke real tobacco. I view this bill hb551 as anti-health.**

**Please respect the rights of adults that benefit greatly from these products.**



**HB-551-HD-1**

Submitted on: 2/22/2023 6:38:59 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chris Cooper	Individual	Oppose	Written Testimony Only

Comments:

Those under 21 can't buy the products and the vapor doesn't harm others. HB551 will only create a dangerous black market.

H.B.551, HD 1  
February 24, 2023

**Committee on Finance**

Rep. Yamashita, Chair

Rep. Kitagawa, Vice Chair

**TESTIMONY IN SUPPORT OF HB 551, HD 1, RELATING TO HEALTH**

My name is Julian Lipsher, testifying as an individual in support of HB 551, HD 1. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee a 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.

Despite decades of progress in tobacco control, Hawaii and the nation is 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 the sale of traditional tobacco products and exposure to secondhand smoke. Yet currently the practice of vaping most often with flavored products has resulted in significant rates of delivery of nicotine to our youth, potentially addicting a new generation of smokers.

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

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

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

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

Thank you for the opportunity to testify on this measure.

Julian Lipsher

Email: [jdlipsher@hawaii.rr.com](mailto:jdlipsher@hawaii.rr.com)



**HB-551-HD-1**

Submitted on: 2/22/2023 7:13:25 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Dietrich	Individual	Oppose	Written Testimony Only

Comments:

HB-551 is written all wrong and will harm local retailers.

**HB-551-HD-1**

Submitted on: 2/22/2023 7:55:52 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jake Ishikawa	Individual	Support	Written Testimony Only

Comments:

Honorable Chair Yamashita, Honorable Vice Chair Kitagawa, and members of the House Finance Committee,

My name is Jake Ishikawa and I am a junior at Kapolei High School. I am testifying in strong support of House Bill 551. As a student leader and as someone who attended the 2023 Secondary Student Conference, it is disheartening to me to see my fellow peers vape in our school's bathrooms and around the school campus. My peers are damaging their lives when they decide to vape. One in three of Hawai'i high school students vape regularly. That is 33% of all high school students; 33% too many. The risks to vaping are not unknown. The nicotine in vapes is highly addictive and can damage the brain of a teenager, whose brain does not fully develop until their twenties. Vaping damages the cells in a child's lungs and makes them more prone to an infection. Additionally, high schoolers who vape are more likely to struggle with mental health disorders and depression. Teenagers who vape are three times more likely to smoke cigarettes or use other addictive drugs during adulthood. Flavored tobacco products hook teenagers and are marketed specifically towards youth. Flavored products are what get teenagers addicted. This is why these along with misleading labels must be banned to protect the health of our youth. During the Secondary Student Conference, the Hawai'i State Student Council only supported three bills; however, House Bill 551 was in the top nine bills that were debated, and therefore received large support from student leaders from all four counties in Hawai'i. Before I conclude, I want to leave you with one final thought: it is up to you to move this bill forward or let it die, but as you decide, is the health and life of a teenager, my fellow peers, less important than flavored tobacco products?

Once again, I strongly support House Bill 551, and it is my hope that this bill will pass out of this committee and move forward, for the betterment of Hawai'i's future and our youth.

With gratitude,  
Jake Ishikawa



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

February 22, 2023

Honorable Chair Representative Kyle T Yamashita  
Honorable Vice-Chair Representative Lisa Kitagawa  
Members of the House Finance Committee

RE: **Strong Support for HB551HD1, Relating to Health (ban flavored nicotine)**

Dear Chair Yamashita, Vice Chair Kitagawa, and members of Finance Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please strongly support and vote in favor of HB551HD1**, which will ban the sale of flavored nicotine products and mislabeled e-liquid products.

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! Of these youth, 8 in 10 youth currently using 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.

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). ***Our organization is daily working to help those whose lungs have been ruined by exposure to smoke and we are trying to reduce our numbers, NOT increase them.***

- 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 flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of 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.

It is well-established that nicotine is 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).

Menthol is at least as harmful as other tobacco and nicotine flavors. It is known for its ability to mask the harshness of tobacco and makes using nicotine easier to start and harder to quit. If our aim is to protect our vulnerable keiki and reduce the burden of tobacco in our communities, menthol MUST be included. Ending the sale of all flavored tobacco and nicotine will advance health equity—disparities in tobacco use are due to the tobacco industry's history of marketing menthol tobacco products to youth and people of color.

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.

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 pass HB551HD1 and help it become law ASAP.** 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

**HB-551-HD-1**

Submitted on: 2/22/2023 8:24:25 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

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 support HB551 HD1.



**HB-551-HD-1**

Submitted on: 2/22/2023 9:13:22 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Ball	Individual	Support	Written Testimony Only

Comments:

To the members of the Committee,

I am writing to voice my full support for HB551, which is one necessary step to protect Hawaii's keiki from the public health plague of electronic smoking devices. As a teacher of teenagers, I have heard too many stories of parents' distress at the explicit marketing tactics used by tobacco companies to hook kids on these devices. The time is always right to do what is right; please do not allow tobacco lobbyists to make the public health decisions for our community. I urge the Committee to advance this necessary bill.

With aloha,

Dave Ball, Honolulu

**HB-551-HD-1**

Submitted on: 2/22/2023 9:44:17 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shantell Calarruda	Individual	Support	Written Testimony Only

Comments:

I support this bill.

**HB-551-HD-1**

Submitted on: 2/22/2023 9:52:21 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

Please support HB551 HD1.

**HB-551-HD-1**

Submitted on: 2/22/2023 10:50:15 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a parent, 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, including flavored e-liquids and menthol cigarettes.

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

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

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

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

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**HB-551-HD-1**

Submitted on: 2/23/2023 6:38:31 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sabrina Spencer	Individual	Oppose	Written Testimony Only

Comments:

I'm very opposed to this unfair discrimination against adults the vape. It needs to stop.

**HB-551-HD-1**

Submitted on: 2/23/2023 6:46:24 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chant'e Sproat	Individual	Support	Written Testimony Only

Comments:

As a mother of 4 young children and a certified elementary teacher, I think this bill is very important to pass. By passing this bill, it will help to create a safer future for not only my children, but for all the children in the state, as well as adults.

Flavors in tobacco products make it more alluring for children to try. Then, without even realizing it, these young children become addicted to this flavorful e-cigarette. All of my children know a lot of kids their ages (9, 11, 13) who have tried vaping and who are addicted to it. Why entice these young children with fun flavors to get addicted to something that is detrimental to their health?

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.

Date: February 23, 2023

To: The Honorable Kyle T. Yamashita, Chair  
The Honorable Lisa Kitagawa, Vice Chair  
Members of the House Committee on Finance

Re: **Support for HB 551 HD1**, Relating to Health

Hrg: Friday February 24, 2023 at 3:30 pm via Videoconference

Aloha House Committee on Finance,

As a parent, community member and healthcare professional I am writing in **strong support of HB 551 HD1**, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free; authorizes the department of health to appoint, commission, or contract for services of inspectors; establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position; and, appropriates funds.

Hawai'i is in the midst of a youth vaping epidemic that has been underway for more than six (6) 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 used e-cigarettes reported using a flavored product, up from 70% in 2019.

Mint and menthol (the chemical in mint that gives a cooling sensation) flavored e-cigarettes are among the most popular flavors with our youth. Seventy-eight percent (78%) of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. This prevalence of menthol use is due to the tobacco industry's underhanded history of marketing menthol cigarettes to youth and people of color.

Menthol is notorious for its ability to mask the harshness of tobacco, making it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco-related harm in our communities, we must remove mint and menthol along with all other flavors.

Ending the sale of all flavored tobacco products will reduce the appeal of these products, protect our keiki from a lifetime of addiction and advance health equity.

I **strongly support HB 551 HD1**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI



**HB-551-HD-1**

Submitted on: 2/23/2023 7:36:30 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.

**HB-551-HD-1**

Submitted on: 2/23/2023 7:58:04 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

- 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.

Thank you for your consideration,

Michele Nihipali

████████████████████

████████████████

## TESTIMONY HB551 HD1

I am a long-time Kauai pediatrician, and I am writing in that role to support HB551 HD1 banning flavored tobacco products and mislabeling e-liquids as nicotine-free. We are in the midst of a vaping epidemic in Hawaii, with startling statistics – 1/3 of high school students and about 1/5 of middle school students are regular vapers. E-cigarettes and other flavored products are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. Menthol is particularly harmful in vaping liquids and cigarettes because of its ability to mask the harshness of tobacco, thereby making it more palatable. This is a recipe for ever increasing medical costs to treat the long-term consequences of nicotine addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids to children is to prevent the sale of flavored tobacco products in the first place.

Menthol is also a health equity issue. In Hawaii, 78% of native Hawaiians and Pacific Island smokers use menthol cigarettes. Tobacco companies particularly target specific ethnic groups and children in advertising menthol. Shockingly, 42% of Native Hawaiian students use e-cigarettes.

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 all flavored vaping liquids and menthol by legislation. There is absolutely no reason to avoid this responsibility. We owe it to our children

Linda Weiner, MD  
Kauai Pediatrician

**HB-551-HD-1**

Submitted on: 2/23/2023 8:37:45 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
kyslyne Aiwhi-saval	Individual	Support	Written Testimony Only

Comments:

My name is kysslyne and i am student at mckinley high school prohibition sele flavored To bacco . student who vape are disturbing my education and hen and when thay yell and sream in class I feel threartend and frighem plase ban the sale of flarored To bacco prdeucts.mahalo kysslyne

**HB-551-HD-1**

Submitted on: 2/23/2023 8:37:48 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rodney Foleni	Individual	Support	Written Testimony Only

Comments:

My name is Rodney and I am a student at Mckinley H.S. I strongly HB551-HDI, Prohibition; Sale; Flavored Tobacco Products. Student who vape are disturbing my education and when they yell and scream in class I feel threatened and frighten. Please ban the sale of Flavored Tobacco Products.

Mahalo, Rodney

**HB-551-HD-1**

Submitted on: 2/23/2023 8:37:52 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jhayna Bayudan	Individual	Support	Written Testimony Only

Comments:

My name is Jhayna. and i am a student at Mckinley hs. I strongly support HB 551-HD,protbition, sale; Flavored Tobacco Products.students who vape are disturbing my edcation and when they mad and scare in class I feel threatend and frighten. please ban the sale of flarored Tobacco products. Aloha Jhayna Bayudan

**HB-551-HD-1**

Submitted on: 2/23/2023 8:39:41 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lloyd A.Browning	Individual	Support	Written Testimony Only

Comments:

MY name is Lloyd (Luic's)and I am a student at mckinley high school and I strongly support

HB 551-hdi,prohibition sale;flavored tobacco products because student who vaps are disturbing my education and when they yell and scream in class i feel threatened and frighten and i get mad at them for yelling. Please ban the sale of flavored tobacco products. mahalo Lloyd



**HB-551-HD-1**

Submitted on: 2/23/2023 8:40:05 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dominic Chun	Individual	Support	Written Testimony Only

Comments:

My name is Dominic & I am a student at Mckinley High School. I strongly support HB 551-HDI, Prohibition, sale, Flavored Tobacco Products. Students who vape are disturbing my education and when they mad, angry, yell, and scream in class I feel threatened and frighten. Please ban the sale of flavored tobacco products. Mahalo, Dominic

**HB-551-HD-1**

Submitted on: 2/23/2023 9:00:45 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard Collins	Individual	Support	Written Testimony Only

Comments:

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.

**HB-551-HD-1**

Submitted on: 2/23/2023 9:04:14 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Natasha Woodward	Individual	Support	Written Testimony Only

Comments:

Aloha,

As an employee at a local middle school, I am extremely concerned about the vaping problem.. as it's well-known, so many kiddos start with the flavored tobacco products and then get hooked. It's a simple and logical solution to ban these flavored products. Please do what is right for Hawaii's keiki

Mahalo

Natasha Woodward

**HB-551-HD-1**

Submitted on: 2/23/2023 9:50:21 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB551. 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 physical and mental/emotional health, 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 products.

I ask the committee to please support HB551 and prohibit the sale of **ALL** flavored tobacco and electronic smoking 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.

This bill also requires tobacco and vaping companies to use transparent and clear wording that these products indeed do contain nicotine. Currently, youth get confused and think they are using products that are nicotine-free, which is in fact not true.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco and electronic smoking devices (including menthol, mint, and wintergreen) have the greatest appeal to youth. We must end the sale of these products and create better transparency that these products include a great amount of addictive nicotine.

Sincerely, Kristin Mills, M.S., M.A.

Epidemiologist and Public Health Educator

## Chairperson Matayoshi and Members of the Committee

My name is Kaylee Osaki, a student at McKinley High School writing in support of HB551-HDI, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine

Ending the sale of flavored tobacco products will reduce the appeal of these products and protect us from a lifetime of addiction. Nicotine is highly addictive and exposure during adolescence can harm the developing brain. It significantly harms the parts of the brain that control attention, learning, mood, and impulse control.

As I attend my classes daily with my peers I have noticed the difference in their behavior such as yelling, walking out of class, talking back to teachers and being aggressive and at times violent. This is what my classmates and I witnessed. It is very uncomfortable and scary at times. On my school campus you will see my peers looking for a place to smoke their e-cigarettes. Even if it is against school rules you will see a lot of students vaping in our bathrooms. It is getting to the point where it is out of control. I hope you will pass this bill and make my school safe again. All of us should have a safe environment to learn.

**HB-551-HD-1**

Submitted on: 2/23/2023 10:09:17 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
OLIVIA PASCUAL	Individual	Support	Written Testimony Only

Comments:

Dear Representative Yamashita and members of the Finance Committee:

My name is Olivia Pascual and I live on the island of Lanai. I am currently finishing up my Masters of Nursing Program at University of Southern California. By the end of August, I hope to pass my Nursing Board Exam and practice as an Advanced Practice Nurse at Lanai Community Health Center. I will be one of 2 FNPs that work and live full time on island. As a future FNP, I vow to promote life, health, and optimal well-being in our state. Protecting, advocating, and educating our keiki (youth) is one of the ways I intend to promote health in our community and in my state.

I am testifying today in support of House Bill 551. I am in strong support of prohibiting the sale or distribution of ALL flavored tobacco products, including products with menthol. Furthermore, this bill also prohibits the mislabeling of products as nicotine-free, which we know is very misleading and dangerous to our vulnerable youth population. The use of e-cigarettes are unsafe for anyone, but especially a great concern for kids, teens, and young adults. As research has shown, most e-cigarettes contain nicotine, which is highly addictive and can have harmful effects on adolescent brain development. The United States Surgeon General noted in the 2016 report titled, "E-Cigarette Use Among Youth and Youth Adults" that because the adolescent brain is still developing, nicotine use during adolescence can disrupt the formation of brain circuits that control attention, learning, and susceptibility to addiction."

Banning the sale and distribution of all flavored tobacco products can stop retailers and big tobacco companies from selling and distributing to our beloved state. I am disheartened that these tobacco companies promote such products that highly attract the youth. There has been a heightened promotion of vape products in our state and there needs to be an end to this. These products are purposely made to appeal to the State's youth and come in local flavors such as rainbow candy, lava burst, Shaka strawberry, Lychee Ice, and Lilikoi Lyhee. Furthermore, many of the packages are designed to look like candies that are popular with the youth, such as Jolly Ranchers and Sour Patch Kids.

These candy and fruit flavors improve the taste of these e-cigarettes and reduce the harshness of these tobacco products. The appealing and attractive flavors make it easy to target beginners to try tobacco products and ultimately become addicted. Again, many of these products contain nicotine, which is highly addictive and harmful to the adolescent brain. In the 2020 Surgeon General Report, it was stated that "nicotine addiction is now recognized as a chronic, relapsing

condition”. This can only mean more health problems in the future, which could potentially cause even greater financial burden in our healthcare system. The 2021 National Youth Tobacco Survey report estimates that “ending the sale of flavored tobacco in Hawaii would save the State at least \$48,000,000 in long-term health care costs, prevent seven hundred premature smoking-related deaths, and prompt over 3,000 menthol cigarettes smokers to quit, and prevent youth from initiating smoking with menthol cigarettes”.

Please consider supporting HB551. It is VITAL to our keiki, our future. With your support, we can continue to build a better and healthier place for our youth. The hope is that one day, we can completely ban all of tobacco products. Please make a commitment to preserve and promote health in our youth. As a leader in my community, it is my duty to advocate and protect our youth. As leaders of our state, you also have the responsibility to advocate and protect our youth. Approving HB 551 and banning all tobacco flavored products, including products with menthol is one gigantic step in the fight against the youth vaping pandemic.

Mahalo for your time and consideration.

Sincerely,

Olivia Pascual

P.O. Box 630136

Lanai City, HI 96763





**HB-551-HD-1**

Submitted on: 2/23/2023 10:14:36 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Kawika Kaluhiwa	Individual	Support	Written Testimony Only

Comments:

**My name is Kawika.K.K I am a student in Mckinley High School and I support the passing of HB551-HD1, The prohibition, Sale of Flavored Tobacco Products. Students who vape are disturbing my education. I often see students smoking these Flavored Tobacco products. Some of these students have gotten disruptive like when they do not pay attention to the teachers, they tend to not learn from what they do either and end up making the same mistakes over and over. When they scream and shout in class, I feel awkward and tense. We need a safer environment. Please ban the sales of Flavored Tobacco Products.**

My name is Martha Moses. I am a student at Mckinley High School and I support the passing of HB551-HD1, the prohibition, Sale of Flavored Tobacco Productions. Students who vape are disturbing my education. When they scream and yell in class, I feel threatened and frightened. We need a safe school environment.

Please, ban the Sale of the dangerous flavored tobacco products Mahalo

**HB-551-HD-1**

Submitted on: 2/23/2023 10:33:27 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
elijah	Individual	Support	Written Testimony Only

Comments:

**My name is Elijah I am a student at mckinley high school and I support The passing of HB551-hD1,the prohibition,sale of flavored tobacco products students who vape are disturbing my education when they scream and yell in class i feel threatened and yell.**

**HB-551-HD-1**

Submitted on: 2/23/2023 10:34:23 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kelsey Chuckovich	Individual	Support	Written Testimony Only

Comments:

Re: HB551 HD1

To: The House Finance Committee

Thank you for accepting my written testimony. I am providing testimony in strong support of HB551, ending the sale of flavored tobacco products.

Flavored tobacco products are highly enticing to youth to start using e-cigarettes, as they are available in a variety of fruit and candy flavors. 8 out of 10 youth who currently use e-cigarettes report using a flavored product. Most flavored e-cigarettes also contain nicotine, which is highly addictive. Ending the sale of flavored tobacco will reduce the appeal of these products and prevent addiction by Hawaii's youth. In addition, regular use of nicotine can impact brain development, learning, and the mood of our youth. This bill will prevent the harmful impact of e-cigarette use by our youth in Hawaii.

Thank you for considering this testimony in support of HB551,

Sincerely,

Kelsey Chuckovich

Chair Yamashita of the House Committee on Finance

Subject: House Bill 551 Relating to Health

Hearing Date: February 2th, 2023

My name is Bransen Hatakenaka, and I am a junior from Hilo High testifying in support of HB551.

This bill is one that I and many other community members strongly feel is long overdue. A bill whose continual delay has allowed for the proliferation and normalization of vaping among youth.

As a result, it has become the case that no matter where you go, students will tell you of how normal it is to see groups of students huddled around and passing vapes to each other. This is despite laws banning the use of such products under 21, because corporations are still allowed to conduct predatory marketing towards youth, and the ease of which they can be obtained from an older friend or family. This isn't an issue of enforcement, but the overwhelming ease of which youth can obtain such products from it's a matter of normalizing the practice of corporations trapping youth in addiction, and making profits off their deteriorating health.

Taking such actions will impact businesses, but when those profits are coming at the expense of the health and livelihoods of our youth, who are the future of Hawaii, we must take a stand. We can and should work together with them to ensure these businesses stay afloat, but we will not and cannot compromise over flavored, menthol, and misleading tobacco products for the health of our youth.

And while I am not naive enough to believe that this will completely end vaping among youth, it is the obvious first step of many that we must take to protect our youth. This is why I, and many other students, family, and community members are testifying in strong support of HB 551. And why this bill should have the unified support of legislators to end the corrupting influence of vaping companies on our youth. Thank you for this invaluable opportunity to testify in support of this bill, and for the chance to help protect my peers and community.

Bransen Hatakenaka  
Hilo, Hawaii 96720

Thank you Chair Nakashima and the rest of the Committee on Consumer Protection and Commerce for this opportunity to testify.

COMMITTEE ON FINANCE

Rep. Kyle T. Yamashita, Chair

Rep. Lisa Kitagawa, Vice Chair

Members Rep. Micah P.K. Aiu, Rep. Rachele F. Lamosao, Rep. Cory M. Chun, Rep. Dee Morikawa, Rep. Elle Cochran, Rep. Scott Y. Nishimoto, Rep. Andrew Takuya Garrett, Rep. Mahina Poepoe, Rep. Kirstin Kahaloa, Rep. Jenna Takenouchi, Rep. Darius K. Kila, Rep. David Alcos III, Rep. Bertrand Kobayashi and Rep. Gene Ward

Support for HB551 HD1

I am an individual from Mililani, Hawaii writing this testimony in support of the flavor ban bill HB551.

Flavored tobacco is what is responsible for getting a lot of teens addicted to tobacco products, which cause health problems and death. Flavor (especially menthol) masks the harsh taste of tobacco, which makes it appealing to teens. In 2020, 8 in 10 teens reported using a flavored product.

Menthol is the most popular tobacco flavoring among teens. Due to its effectiveness in masking tobacco's harsh flavor, it makes it easier to start using tobacco products (and harder to quit). We must protect Hawaii's youth from the health problems tobacco causes, and this includes banning menthol flavors.

A lot of adults might say that menthol and other tobacco flavors have helped them to quit using tobacco, but more youth have used it to start using tobacco than adults that have used it to quit. It is in the best interest of Hawaii's youth to ban tobacco flavoring.

Thank you for hearing me out.

Karena Meyermann



To: Rep. Kyle T. Yamashita, Chair and Members of the Committee on Finance

From: Jaelyn Natividad

Re: Support of HB 551

In society, youth and adults tend to quickly get hooked on tobacco products mostly due to the flavoring. The availability of flavored tobacco products has a major impact on our youth according to statistics. It is known that 8 of 10 students started with flavors. Flavors including POG, rainbow candy, li-hing mui and so much more that are attractive to kids.

We need to take action on flavored tobacco to stop these flavors from being sold and used to target our keiki. They use flavors to entice kids to try their addictive products until it's too late to escape.

Personally, I believe that we need to regulate e-cigarettes the same as other tobacco products because it includes one unsafe component, nicotine. Nicotine is known to quickly reach one's brain within a span of 10 seconds. Once your brain is impacted, the nicotine causes your brain to release adrenaline resulting in creating pleasure and energy. Thus is the reason as to why people get quickly hooked and affected.

Within my community, there are many students that use e-cigarette. This does not only impact their bodies or health but it impacts the environment and community around them. The reason being is because it increases the air and earth's rates of being trashed. Once one student has an e-cigarette, others will soon follow and soon you have a classroom of addicted students.

My athletically and academically gifted cousin started vaping. It hurts to see my cousin throwing away his future. The reason being is because e-cigarettes provide detrimental effects to one's body, mentally and physically. My cousin may not show the effects just yet, but in the future my cousin will experience negative impacts. As a blood cousin, it hurts to see him do this to himself. I love my cousin too much to see him throw his life away! If tobacco didn't come in flavors he never would have started down this dangerous path. Please help him and others like him and end the sale of all flavored tobacco in Hawaii!

Chair Yamashita and Members of the Committee on Finance

I support HB551 to end the sale of flavored tobacco in Hawaii. My name is Kinohi and I am from Hau'ula O'ahu and a member of the Coalition for a Tobacco-Free Hawaii Youth CCouncil.

I support this bill because I see the effects tobacco and e-cigarettes have on the world around me. E-cigarettes are highly addictive products that contain nicotine. Nicotine is a highly addictive chemical that can have bad bad effects on your brain in several ways. I support this bill because the tobacco industry targets people like me and people in my community with flavors.

My community is mostly made up of native Hawaiians and Pacific Islanders. These companies are targeting people like me, people in my community, low-income native Hawaiians, and Pacific Islanders. Not only are these companies targeting certain people by their ethnicity and social class but they are also targeting people my age. I am 17 years old and I see kids as young as 10 years old vaping. I have learned that flavors hook kids and a Philip Morris executive once said "Students are tremendously loyal. If you catch them, they'll stick with you like glue." and this is true. Hawaii is known for having the highest rates of youth vaping with 1 in 3 Hawai'i high school students report using e-cigarettes on a regular basis. What pulls people towards these products is the candy-like looks and flavors of the vapes. In Hawai'i, we have some creative and local-style vape flavors like li hing mui, Hawaiian POG, and many flavors from local drink companies like Guava Nectar, Lilikoi Lychee, Strawberry Mango, and Passion Orange. Most teens today vape because they want to know if the flavors taste like their favorite candy and drink and from that they, later on, get addicted, this is why we need to make a change to end the sale of tobacco products in Hawai'i, to protect the keiki now and the future generations to come.

I strongly agree with this bill because this would help to end the youth vaping epidemic. Vaping doesn't only affect people now it can affect generations to come from the time that vaping became popular to now the number of teen vaping has increased and over 2.5 million high school and middle school students vape on a regular basis, passing HB551 would be a step in the right direction to change this.

Kinohi  
Hau'ula, O'ahu

To: Representative Kyle Yamashita, Chair and Members of the Committee on Finance

From: Kanani Wond

Date: Feb 6, 2023

Re: Support for HB 551 HD1

I am the Vaping Education Program Coordinator at Kahuku High and Intermediate testifying as an individual. Students report that it's the flavor in the E-cigs that keeps them coming back for more.

Why are we making it so easy to access these products when we know it's so bad for our health? Menthol flavors should be included and banned from both e-cigs and other tobacco products because we have more information and research than we did a decade ago. Tobacco has the power to kill people and families. Everyone around us is impacted by the negative effects of nicotine and tobacco. We all have grandparents, parents, aunties, uncles, siblings, cousins or co-workers that may have died from or are struggling with cancer or a respiratory illness. We hear that dreadful smokers cough. My Nana was a cigarette smoker. We lost her, at age 50 to Lung Cancer. In fact I lost both of my grandmother's when I was a teen to Lung Cancer caused by smoking cigarettes. Had menthol not been available maybe they would have never started or they would have been able to quit, we will never know.

My own children see flavored products being advertised online and know how to access it if they want to. They are 20, 17, and 12! Please help protect them from a similar fate as my grandmothers, and a lifetime of addiction and support HB 551.

Rep. Kyle T. Yamashita, Chair and Members of the Committee on Finance  
HB551 HD1 Related to Health  
Friday February 24, 3:30 PM Conference Room 308 - State Capitol, 415 South  
Beretania Street

## **IN Support**

I am testifying in support of HB551 HD1. Flavored tobacco products entice youth, as these flavors are very appealing. Furthermore, these flavors paint tobacco products as harmless, as they are often based on popular food items and flavors among our age group (or any age group). A common flavor I have seen is li hing mui, which is clearly attractive to Hawaii youth.

Menthol flavors must be included in the ban because it will provide a large loophole otherwise. If all flavors but menthol are banned, youth can just switch over to menthol which completely defeats the purpose of a flavor ban on tobacco products.

I used to vape e-cigarettes and I know that there are entirely no benefits. Some people say that it helps to relieve stress but I know firsthand that e-cigarettes end up increasing your anxiety. You end up relying on e-cigarettes for any small uncomfortable situation, and because these products have nicotine, you end up falling into a cycle of being more and more dependent on it.

Please help end the cycle of addiction, end the sale of all flavored tobacco products in Hawaii.

Theresa Ng  
Kaimuki

Chair Kyle T. Yamashita and Members of the Committee on Finance

In Support HB 511 HD1

I'm Samantha Lay, a junior at Roosevelt High School and member of the Coalition For A Tobacco-Free Hawai'i Youth Council. I greatly support HB 551 as it calls for a transformative change in tobacco regulation in Hawaii.

The alarming issue facing youth today is one worth addressing and putting forth the effort to lessen the negative impacts. I may not have personally experienced negative health effects from vaping myself, but have observed one of my good friends succumb to the faults of peer pressure and start vaping.

Learning she suffered from heart/lung complications as a result, and as the extensiveness of the harm that was done came to light, it was challenging to see her have a difficult time breathing, especially when confronted with mask restrictions during COVID.

The health disparities are definitely important to emphasize. With certain marginalized groups being more impacted than others. It's deplorable that the tobacco industry considers race and socioeconomic status when targeting specific markets for their deadly products. With the rates of cancer being higher in some of these groups, it makes it even worse.

Additionally, they systematically target youth with flavors like Rainbow Candy , Aloha Sun Fruit Punch and POG to entice kids at such early stages of their lives. This has resulted in a rapid increase in addiction and demand for these products amongst my classmates and even as young as elementary school.

With this bill, the objectives to reduce tobacco use will be ensured, putting youths lives in the forefront of it all. Please support this bill as this issue needs to be further acknowledged and improved upon to ensure the safety of new generations.

Committee on Finance

Rep. Kyle Yamashita, Chair

Rep. Lisa Kitagawa, Vice Chair

Members Rep. Micah P.K. Aiu, Rep. Rachele F. Lamosao, Rep. Cory M. Chun, Rep. Dee Morikawa, Rep. Elle Cochran, Rep. Scott Y. Nishimoto, Rep. Andrew Takuya Garrett, Rep. Mahina Poepoe, Rep. Kirstin Kahaloe, Rep. Jenna Takenouchi, Rep. Darius K. Kila, Rep. David Alcos III, Rep. Bertrand Kobayashi and Rep. Gene Ward

I am testifying in support of HB 551 HD1

The availability of flavored vapes in my community has had a negative impact on our youth because it's very addictive and for our generation easy to get our hands on. Flavored tobacco products including menthol should be banned because they are helping smokers and vapers inhale the smoke with ease without causing irritation to their throat. Making it easier to start and harder to quit.

I'm a junior in high school, and my first encounter with a vape was freshman year, In my head they smelt better, looked cooler and everyone did it. So most of the people I hang with do it. But it never crossed my mind to try it because I know it's wrong. Yet every day I'm pressured to try.

Vaping heavily impacts my community, we have a vape shop 4 minutes away from our school and over 100 kids walk by it every day on their way home. By ending the sale of flavored tobacco products fewer would stop and try to buy them.

Carmine

Kealakekua, Hawaii

Committee on Finance  
Rep. Kyle Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Members of the Committee

Support for HB551

As a parent I don't think I was aware as to how much vaping impacted my community until recently. My now-19 year old just shared that he has been vaping since the 7th grade. How can a parent not be aware?! I never imagined I would be THAT parent!! He found ways to hide it, and I was none the wiser for more than five years! He is now addicted, and had I known earlier I may have been able to prevent it. And had the vape products not been attractively flavored, my son may not have been as interested in trying it out as a 12 year old. The flavors are deceiving, for both the user as well as those around who are unaware of what they might be smelling. I am sad, angry and frustrated that these products are geared towards hooking kids! It's a shame, and should be a crime. Please ban all flavored tobacco/vape products.

Erin Keil  
Kahuku

To: Committee on Finance

Rep. Kyle Yamashita, Chair

Rep. Lisa Kitagawa, Vice Chair

Members Rep. Micah P.K. Aiu, Rep. Rachele F. Lamosao, Rep. Cory

M. Chun, Rep. Dee Morikawa, Rep. Elle Cochran, Rep. Scott Y.

Nishimoto, Rep. Andrew Takuya Garrett, Rep. Mahina Poepoe, Rep.

Kirstin Kahaloha, Rep. Jenna Takenouchi, Rep. Darius K. Kila, Rep.

David Alcos III, Rep. Bertrand Kobayashi and Rep. Gene Ward

I support HB551 because flavor tobacco products are getting the youth hooked on Nicotine. It is confusing to kids because it looks and tastes like candy and fruits they are used to eating. It's important that menthol be included in the ban as it is a flavor that kids enjoy vaping.

One of my uncles recently passed away from lung cancer because he smoked cigarettes all his life. My peers are addicted and constantly needing to leave class to get a hit. Kids are constantly going up to each other and asking if they have a vape like it's a normal thing. Getting rid of flavors which attract kids will help reduce youth use.

Maybe if cigarettes hadn't been flavored with menthol when my uncle was a kid it would have stopped him from starting, and he would still be here.

Daniel Valera

Kamuela



Rep. Kyle Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Members of the Committee on Finance

I support HB 551. The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes you blind to the dangers and makes you want to try them without knowing the harm it can do to your body. Flavored tobacco makes kids get hooked easily because they taste good.

It's important for me to ban flavored e-cigarettes and other tobacco products because I see it is a big problem for my generation and younger generation. Young kids are getting hooked on flavors and I have friends and family who I really care about that are using these products. I would like to see them stop killing off their bodies and see the harmful effects it is having on them.

I myself was pulled into the flavors trap but I've learned the harmful effects and I want my friends and family and others to know what vaping and smoking can really do to their bodies. I was influenced into vaping by a bad group of friends. I instantly got hooked. I loved the flavors but when I saw the effect it had on my body, I could barely hold my breath when I swam, when I ran I would go out of breath very quickly, I told my boyfriend, who was in the youth council group, the effects I was having and he helped and showed me what vaping can really do. He helped me quit vaping and now I'm trying to have the same impact on others.

Please support HB 551

Maui E.  
Hilo, HI

Chair Kyle Yamashita, Vice Chair Lisa Kitagawa and members of the  
Committee on Finance

In Support of HB551

I am testifying in support of HB551 to end the sale of all flavored tobacco products because our youth's health is being affected by ALL tobacco products. Besides, their physical health, vaping redirects their focus away from what matters most, which is to get a good education in order to get out of poverty. Having flavored tobacco products so easily accessible to them just ruins their lives.. It negatively affects their health, development, and finances.

ALL tobacco products need to be banned because they only benefit big corporations. All residual and consequences negatively impact people's lives. Families struggle to have decent living conditions here. They don't always have food or health care. Once people get hooked on tobacco usage, they no longer have the ability to make the best choices for themselves so imagine what it would do to our youth? I saw family members choosing to buy a pack of cigarettes over food and becoming homeless.

Margaret J Vanaman  
Kahuku

To: Rep. Kyle Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Members of the Committee on Finance

From: Destin Martines, Pa'auilo, Hawaii

Re: Support for HB551

Flavored tobacco products negatively impact youth or other targeted groups by advertising and marketing their products to look and sound like safe candy and fruits. Menthol flavors like Ice and Chill must be included in the ban for both e-cigarettes and other tobacco products because Menthol flavors are just as addictive, and include Nicotine.

I have a fear of going to the bathroom at school because most people that go to the bathroom use it as an excuse and vape in there. I sometimes have to go and risk it and go and use the bathroom. I also got in trouble multiple times because I had the scent of the product cuz of people vaping in there. It has endangered my community to the point where some parents don't trust their kids with others in fear of their kids being peer pressured to use flavored tobacco products.

Please protect Hawaii keiki and end the sale of all flavored tobacco.

Committee on Finance  
Rep. Kyle Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Members of the Committee

HB551

In Support

The availability of flavored tobacco products negatively impacts the youth because they are more likely to buy flavored products because it is easy to acquire and more likely to get more people hooked. It's important that menthol cigarettes be included so children don't switch.

It's not the youths fault that they don't know how the chemicals in the vapes can damage their bodies. They need to be protected, please support HB551 to end the sale of all flavored tobacco in Hawaii.

Donovan Valera  
Kamuela

Committee on Finance

Representative Kyle Yamashita, Chair

Representative Lisa Kitagawa, Vice Chair

Members of the Committee on Finance

My name is Moani and I'm from Mountain View. I am testifying **in support of HB551 HD1** that would end the sale of flavored tobacco products. Flavored tobacco can cause addiction at a young age and lead to serious health issues in the future. The cool fresh taste and smell of menthol make it easier to start and harder to quit.

When my grandparents lived on Oahu, my Grandpa used to smoke all the time. He smoked about 3-6 times a day. He never really had a relationship with me because he was half blind, deaf, and couldn't remember all that well. I know that the pipe really messed up his speech too, because he could only make out a couple of words. He smoked because he was trying to get rid of stress. I felt bad for him because I know that smoking really took over his life and hurt him a lot but I couldn't say anything. He and my Grandma live in the mainland now and he has stopped smoking but the smoking got to him and hurt him a lot. I don't want others to feel like that with their family, friends, or even people we don't know because we should be able to speak up about these topics.

Youth get addicted because they don't know any better. They think it's cool, they get pressured, or they are just trying to let off stress. We need to help protect them from a lifelong addiction by ending the sale of flavored tobacco in Hawaii.

Chair Kyle Yamashita  
Vice Chair Lisa Kitagawa  
Members of the Finance Committee

I am testifying in support of HB551. Flavored tobacco products, in particular vapes, makes people think that it is different from cigarettes because of the taste making it more appealing to the younger population. I think all flavors should be banned.

Mary Llaguno  
Waikoloa

Representative Kyle Yamashita, Chair and Members of the  
Committee on Finance

My name is Noel Nichols, I am testifying today in support of HB  
551 HD1

I see kids vaping all the time, like it's candy! It is harmful to them  
and they are using excessive amounts of nicotine earlier and  
earlier in life. :(

The tobacco companies use menthol flavors to entice them. It is  
even in the elementary schools! Please help them by making  
e-cigarettes harder for them to get and getting rid of all flavored  
tobacco in Hawaii.

To: Chair Kyle Yamashita, Vice Chair Lisa Kitagawa and members of the Committee on Finance

From: Sydnee Yokota

Re: Support for HB551

Flavored tobacco products significantly impact our youth by prematurely introducing nicotine to them, which can lead to health complications or early mortality. Furthermore, since nicotine is an addictive component, and could be used as a gateway to using other substances, such as cigarettes, marijuana, and other illicit drugs. Nicotine can also alter a growing individual's brain development and function. Also, the aerosol inhaled from vaping can cause an increased risk of respiratory and cardiovascular problems in our youth. Vaping can also lead to a newly severe medical disease known as e-cigarette or vaping use-associated lung injury (EVALI), dramatically impairing normal lung functioning.

Menthol flavors should also be banned for e-cigarettes and other tobacco-related products because menthol is a popular commodity currently attracting the youth. Therefore, including it in the ban will prevent e-cigarettes and other products from damaging our child's health.

Personally, I know many individuals who are users of flavored e-cigarettes. They never smoked an actual tobacco cigarette in their life, but today they are addicted to e-cigarettes/vaping. I think that proves how addicting e-cigarettes or even nicotine can be in this modern day. Additionally, the individuals I know usually have more than one vaping product; therefore, they are consistently next to one and constantly vape whenever convenient for them. This not only impacts their health but also impacts the health around them due to secondhand vaping aerosol.

E-cigarettes are found in practically all convenience stores here on the Big Island. They have appealing colors and exciting flavors that are compelling to buyers and users. However, how e-cigarettes are advertised impacts the community the most; it's always displayed at the front of the store, becoming a massive consumer attraction, especially to the youth with their bright colors and attractive flavors.

It's time to end the sale of all flavored tobacco products in Hawaii!



To: Rep. Kyle Yamashita, Chair  
Rep. Lisa Kitagawa, Vice Chair  
Members of the Committee on Finance

Re: Support for HB 551 HD1

Our youth's health is being affected by ALL tobacco products. Besides, their physical health, vaping redirect their focus away from what matters most, which is to get a good education in order to get out of poverty. Having flavored tobacco products so easily accessible to them just ruins their lives.. It negatively affects their health, development, and finances.

ALL tobacco products need to be banned because they only benefit big corporations. All residual and consequences negatively impact people's lives. Families struggle to have decent living conditions here. They don't always have food or health care. Once people get hooked on tobacco usage, they no longer have the ability to make the best choices for themselves so imagine what it would do to our youth? I saw family members choosing to buy a pack of cigarettes over food and becoming homeless.

This is not what we want for our kids. Help protect them by ending the sale of all flavored tobacco products.

Leilani Lauaki  
Kahuku

Representative Kyle Yamashita, Chair and members of the Committee on Finance

I am testifying in support of HB 551.

The Vape companies are targeting kids with their products through their flavors, such as Rainbow Candy, Strawberry Mango and Blue Razz Ice. 8 in 10 youth that vape try vape for the first time because of the flavor of the product. Having flavored tobacco available to children is dangerous because they are enticing us to a deadly addiction. All flavors are dangerous, fruit flavored or candy flavors like menthol. The flavors mask the dangers of e-cigarettes and other tobacco products making it seem safe.

We need to recognise e-cigarettes the same as any and every tobacco product because they all do the same thing; kill. Just because they "seem safer" doesn't make the outcome any different. Personally, e-cigarettes have been in my life for as long as I can remember. My 3 older sisters all vape. One even works at a vape shop. I tried telling them how harmful it is but then I realized my targeted audience is those youth that are not yet addicted.

During school last year, vaping rates were so high that they decided to close down all bathrooms on our campus. This way no kids could go in there and vape. But this affected everyone. No available bathrooms throughout our whole campus. Cameras were installed outside of each bathroom and hallway, to identify who went where and at what time. We had to ask to use the bathroom electronically. Through E-Hallpass. We have to choose which teacher, which building, which bathroom, then they time how long we've been in there. One person in the bathroom at a time. Each class had a set amount of time everyone had in the bathroom. Most classes were 5

minutes. So if someone used the bathroom for 4 minutes then that leaves the rest of the class with 1 minute to spare. For the entire class.

Punishing youth by limiting bathroom time, fines or suspension is not the answer, what they need is help. As part of the Youth Council I'm trying to help by talking to younger students. That's who I hope to impact. We need you to target the companies profiting from addicting kids to vapes and other tobacco, ending the sale of all flavored tobacco products is one of the first steps.

Zoe Gacayan

Paauilo

To: Rep. Kyle Yamashita, Chair, Rep. Lisa Kitagawa, Vice Chair and  
Members of the Committee on Finance

From: Danica Valera, Kamuela

Re: Support for HB 551 HD1

The availability of flavored tobacco products negatively impacts youth and other targeted groups because they will be more willing to try a tobacco product if they know what it will taste like.

It's important to me that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because it is often the first flavor that youth and young adults try so if it's not an option hopefully more youth won't start.

I was not able to meet my great grandparents because they both passed away from lung cancer within a year of each other due to being heavy smokers. If flavors like menthol hadn't been around maybe they would have never started or would have been able to quit and they would have been around for me.

Help protect the next generation and end the sale of flavored tobacco in Hawaii.

Chair Kyle Yamashita and members of the Committee on Finance

I, Caleh Carvalho want to see and help end the youth vaping epidemic. Everyday I see kids in my school who are addicted to vaping. At first they started because they liked the candy flavors, some were peer pressured but all of them probably didn't know how addicted they would become to their vape devices. I am the oldest of 4 kids and I want to protect my younger sisters and brother by helping to change the law so they won't be targeted by vaping companies like kids my age.

Please end the sale of all flavored tobacco products in Hawaii

Caleh Carvalho

Paauilo

To: Representative Kyle Yamashita, Chair and Members of the Committee

From: Jaedyn Pavao, Kalaheo Hawaii

I am writing in support of HB551. The availability of flavored tobacco products negatively impacts youth or other targeted groups because they have become the "cool" thing to do, although many users are not aware of the effects that it has on the body.

I know many people in my life that use tobacco and smoke e-cigarettes with no real reason for doing so. I see the kids learn from watching and end up doing the same thing. One of my uncles has a major cough that hasn't gone away. Is that from smoking electronic cigarettes? The consequences of vaping are starting to be seen in some of the people I know that utilize these products.

The use of e-cigarettes has increased so much and I am now hearing stories of elementary kids bringing and using these devices at school. How are these kids getting these items? Do they see their parents using them and think it is acceptable? Children in my community could be putting their health and body at risk without even knowing it. Kids are easily influenced by the people around them and may be just doing what they see the adults doing around them or what kids may consider cool. By ending the sale of flavored tobacco we send a message that it's not ok, and hopefully fewer kids will state down the road to addiction from flavored tobacco.

Rep. Kyle Yamashita, Chair, Rep. Lisa Kitagawa, Vice Chair and  
Members of the Committee on Finance

I am testifying in support of HB 551.

My son started vaping in 10th grade. He got the idea and supplies from kids who were not even his friends at Kahuku. He has tried to quit several times since leaving high school 2 years ago, but he just can't. He started before he knew what the impact and cost would be...his rough, scratchy voice and cough, his need to hide what is now a shameful habit, his dependence on substances. He and I both wish it had been more difficult to get or that he understood better what he was getting into. I hope other teens will be empowered to choose a vape-free life.

Emily Bradshaw  
Hauula

Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, Vice Chair and  
Members of the Committee on Finance

I am writing in Strong Support of HB551 HD1

Flavored Tobacco has become a desirable product that adolescents think are "cool", in particular in e-cigarettes. It's important that menthol flavors and cigarettes are included so kids are not tempted to just move to smoking if only e-cigarette flavors are banned.

My aunty has been a cigarette smoker for over 20 years and now she has a hard time breathing or participating in any physical activities. She has also lost many of her teeth. It's important to me to protect our youth and the wellbeing of future generations so they don't meet a similar fate.

Lokella Medeiros  
Hilo



Rep. Kyle Yamashita, Chair, Rep. Lisa Kitagawa, Vice Chair and Members of the Committee on Finance

My name is Summer Helms, I'm from Haleiwa and I'm writing in support of HB551 HD1.

It is shocking that the tobacco industry has been allowed to create, market and sell flavored tobacco products which are clearly intended to target youth. Moreover, the ingredients are designed to hook young people very quickly.

Menthol flavors are equally attractive to youth who possibly associate menthol flavor with fresh breath and a refreshing experience. It's all part of the allure, and it's scandalous.

My son Nainoa got hooked on vaping when he was 14 years old. Vapes can be used in very public places (unlike regular cigarettes) so he and his friends could get away with using them, on the bus, at school, anywhere, really. Vaping caused so many problems in our family. He developed a chronic cough and would steal money from my purse to buy them. He started to lie when I confronted him and started stealing vapes from his friends. It was terrible! Several times, he reached out to me to help him quit. So did his friends. They are all surfers and hated being hooked. I bought them patches and "healthy" vapes (with melatonin but no tobacco) but nothing worked. We went on a family vacation and his withdrawals were unbearable. He was suffering and so were we! He is finally at a military school and told me it took him about 2 weeks to detox but he is clean now.

He writes me letters about how sorry he is that he started in the first place and how bad he feels about causing our family so much trouble. I would never wish this on any other family. And I wish that youth could be educated enough - through their peers and well designed advertising - to never start to begin with. Mahalo for your time.

**HB-551-HD-1**

Submitted on: 2/23/2023 1:31:14 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelly Ogata	Individual	Support	Written Testimony Only

Comments:

Honorable Representative Kyle Yamashita, Chair

Honorable Representative Lisa Kitagawa, Vice Chair

Members of the Committee on Finance

**Re: HB 551 HD1 Relating to Health, Strong Support**

Representatives Yamashita, Kitagawa and members of the Committees on Finance:

HB 551 will end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products, in Hawai‘i. It also subjects synthetic nicotine and heated tobacco products to age restriction regulations.

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 STRONG SUPPORT of this bill.

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 support HB551. You don’t want to “be the one” to leave a legacy of another generation addicted to nicotine.

Shelly Ogata, RN, MPH

**HB-551-HD-1**

Submitted on: 2/23/2023 1:35:36 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a parent and a Tobacco Treatment Specialist who has supported those who want to quit tobacco products for the last 20 years.

I am in support of HB 551 HD1 which would end the sale of flavored tobacco products. Flavors are a means of enticing youth and adults to start an addiction that has the means to addict them for life. Flavors in e-cigarettes , menthol in cigarettes and , flavors in cigars and pipe tobacco only mask the chemicals that take a toll on your brain, heart and lungs.

If we value our populations health and want to reduce the burden of tobacco products on our communities we must refuse to mask products that have only proven to shorten lives.

Thank You

Valerie Smalley

To: Hawaii State House Committee on Finance  
Hearing Date/Time: Thursday, February 24, 2023, 3:00pm  
Place: Hawaii State Capitol, CR 308 & Videoconference  
Re: Judith Ann Armstrong is in strong support of HB551 End the sale of flavored tobacco

Dear Members of the Finance Committee,

I, Judith Ann Armstrong, am in strong support of HB551 Relating to Health.

- 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.

Thank you for this opportunity to testify in support of HB551.

Sincerely,

Judith Ann Armstrong

**HB-551-HD-1**

Submitted on: 2/23/2023 3:16:17 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sally Ancheta	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Finance Chair and members,

As a public health advocate and educator in East Hawaii, I have educated our youth about the harms of tobacco and Electronic Smoking Device use for 20 years.

In 2002, when i began my career in public health, nearly 27% of our high school seniors smoked cigarettes. With comprehensive tobacco prevention programs and public health policy, we have seen these number dramatically reduce, with less 6% of high school students smoking in 2019 (Hawaii DOH, YRBS 2019).

Unfortunately, the same cannot be said about youth, as young as 7 years old, using an electronic smoking device (ESD). We have seen a dramatic increase in the use of ESD's over the past several years, especially in East Hawaii. I have calls or emails, weekly, from elementary and middle schools requesting Vaping Prevention presentations for students (3rd grade and above) due to youth using these devices on campus.

Our youth are victims of the tobacco industry, which is luring them in with candy/fruity/mint flavored and high doses of nicotine devices, such as Puff Bar and others. I spoke with an middle school health teacher today who said they have never seen the vaping infractions and useage as high as it is now. Students are entering middle school, addicted to their vape devices.

Please support HB551HD1 to end the sale of all flavored tobacco products to protect our youth from becoming the next generation addicted to nicotine for a lifetime.

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 flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.

- In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008).

Sincerely,

Sally Ancheta

East Hawaii Drug-Free Coalition Coordinator



**HB-551-HD-1**

Submitted on: 2/23/2023 3:30:48 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shani Carvalho	Individual	Support	Written Testimony Only

Comments:

I, Shani Carvalho, strongly support this bill for our keiki and for their future.

**HB-551-HD-1**

Submitted on: 2/23/2023 4:02:06 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Karen L Worthington	Individual	Support	Written Testimony Only

Comments:

Testimony in support of HB551 HD1 RELATING TO HEALTH

Aloha Committee Members,

I strongly urge you to pass HB551 HD1 to support the health and well-being of Hawaii keiki by protecting them from deceptive practices regarding tobacco products and e-liquids.

Best regards,

Karen Worthington, Kula, Maui, Hawaii

**HB-551-HD-1**

Submitted on: 2/23/2023 4:06:33 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kimo Cruz	Individual	Oppose	Written Testimony Only

Comments:

Hell no! There's no way I'll obey such a stupid law.

The civil rights of people who vape comes first! And I vote too.

**HB-551-HD-1**

Submitted on: 2/23/2023 5:21:23 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alex Abe	Individual	Oppose	Written Testimony Only

Comments:

I'm Alex and I strongly oppose this bill.

**HB-551-HD-1**

Submitted on: 2/23/2023 5:52:57 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rebecca Powell	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee members,

I'm writing you to ask you not to let HB551 pass. Flavored vaping products help my sister quit tobacco smoking. At first she used a non-flavored one, but it was very unsatisfying and only used it for a few days before going back to cigarettes. She used the patch but that gave her health problems and didn't satisfy enough. She says the flavored vapes however, let her stop smoking tobacco 100% without the side effects. After a year she switched to flavored non-nicotine vapes and last month stopped completely.

She thinks the tobacco companies are behind the anti-vaping efforts because it causes people to stop using tobacco but I've seen different reporting on that.

We need to hold off on this bill to give the quality products a chance to get FDA approved. I've seen how much the flavored vapes can help a persons' health first hand.

Sincerely,

Rebecca Powell

**HB-551-HD-1**

Submitted on: 2/23/2023 6:49:05 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chris Wells	Individual	Oppose	Written Testimony Only

Comments:

People over 21 have a right to use flavored products. HB551 will create a black market and unsafe bootlegged products. It will also crush local retailers of the products.

**HB-551-HD-1**

Submitted on: 2/23/2023 7:04:05 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tim Lemke	Individual	Oppose	Written Testimony Only

Comments:

First of all - I don't smoke and I don't vape.

This bill represents a growing trend to take away one civil liberty after another. This bad trend at the legislature needs to stop and so does the ban everything mindset. We need to have constituents making choices for themselves.

My name is Diane Omura, and I am a retired health educator from the island of Maui, writing again in support of HB 551.

Kids are very gullible and even though they know that they are smoking a bunch of chemicals which will eventually kill them, if it tastes good, they will continue to experiment with new flavors and get addicted in the process. Using flavoring to lure kids is an unacceptable marketing strategy and allowing this to continue is unethical.

This is why I appreciate your attention to the role flavors play in hooking kids to vape. Vaping causes serious damage to the lungs and premature deaths. May I urge that you end the sales of flavored tobacco products, including menthols, which happens to be the most popular flavors among youth. Thank you for your time and consideration.



**HB-551-HD-1**

Submitted on: 2/24/2023 9:51:44 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathan,Mateo-Ruaboro	Individual	Oppose	Written Testimony Only

Comments:

**My Name is Nathan,Mateo-Ruaboro and i am a student at mckinley H.S. I strongly support HB 551-HDI<Prohibition; sale, Flavored tobacco products. Students who vape are disturbing my education and when they yell and scream in class I feel threatened and frightened.**

**Please ban the sale of flavored tobacco products.**

**Mahalo,Nathan,Mateo-Ruaboro**

**HB-551-HD-1**

Submitted on: 2/24/2023 9:53:37 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Leon Ajoste	Individual	Support	Written Testimony Only

Comments:

my name is leon and i will decide to quit vaping and sell tobacco products as Quitting allows blood circulation to improve and lowers the risk of cardiovascular disease and heart attack. After quitting, **your lungs begin to heal, restoring lung capacity and the ability to fight infection.** Soon you'll be coughing less and breathing easier — especially during physical activity. Life as we said quit vaping can be tough here so why can we quit vaping the easy way because you can learn 5 ways to quit vaping as when i feel better to quit vaping because When you quit vaping, you should find that your breathing becomes less labored and your airflow is clearer,” says Caleb Backe, a certified health and wellness expert for Maple Holistics.

**HB-551-HD-1**

Submitted on: 2/24/2023 9:59:23 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Lee	Individual	Support	Written Testimony Only

Comments:

SUPPORT

**HB-551-HD-1**

Submitted on: 2/24/2023 11:28:34 AM

Testimony for FIN on 2/24/2023 3:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ronald Sakamoto	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 551.

Flavored tobacco products are used by sellers to get our children addicted to nicotine. My daughter is a middle school student and the bathrooms are so clogged with other children vaping flavored tobacco products that she has a hard time getting an opportunity to use them for the their intended purpose..

Some children are so addicted to nicotine that they vape during all the breaks from classes and some even vape during class by hiding from the teacher. They cannot get through an hour without their nicotine fix.

It is obvious that flavored products are directed at children to get them hooked and that this is working. Let's ban the sale of flavored tobacco/nicotine products.

**HB-551-HD-1**

Submitted on: 2/24/2023 1:32:45 PM

Testimony for FIN on 2/24/2023 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Giovinni kikauoha	mckinly high school	Support	Written Testimony Only

Comments:

The e-cigarette aerosol that users breathe from the device and exhale can contain harmful and potentially harmful substances, including: **Nicotine. Ultrafine particles that can be inhaled deep into the lungs. Flavorings such as diacetyl, a chemical linked to a serious lung disease.** why woud i want to but sumthng in my body if i cant pernonce the names.