



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

ON THE FOLLOWING MEASURE:

S.B. NO. 975, S.D. 2, H.D. 1, RELATING TO HEALTH.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Wednesday, March 22, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Richard W. Stacey or Chelsea N. Okamoto,
Deputy Attorneys General

Chair Tarnas and Members of the Committee:

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

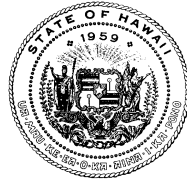
This bill seeks to address the health dangers caused by the rapidly growing use of electronic smoking devices and e-liquids in Hawaii, including among the youth. The bill includes "electronic smoking device" and "e-liquid" under the definition of "tobacco products" for purposes of chapter 245, Hawaii Revised Statutes (HRS), the Cigarette Tax and Tobacco Tax law, thereby subjecting these products to taxation and regulation through licensing and permitting. The bill imposes an excise tax of an unspecified amount on the wholesale price of each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer on and after January 1, 2024. This bill will also repeal the electronic smoking device retailer registration unit under the Department, established under section 28-163, HRS.

The Department supports the repeal of part XII of chapter 28, HRS, based upon this bill's goal of subjecting electronic smoking devices and e-liquids to taxation and regulation under chapter 245, HRS. Including electronic smoking devices and e-liquids within the same regulatory framework as other tobacco products would conserve resources and make the regulation of electronic smoking devices and e-liquids a more efficient process for retailers.

The Department defers to the Department of Taxation as to whether or not this bill, if passed in its current form, would achieve its purpose – taxing electronic smoking devices and e-liquids and regulating retailers and wholesalers of these products in the same way that retailers and wholesalers of existing tobacco products are regulated.

We respectfully ask the Committee to pass this bill. We are eager to work with the Committee on this matter.

Thank you for this opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P.O. Box 3378
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**Testimony in SUPPORT of S.B. 975, S.D. 2, H.D. 1
RELATING TO HEALTH**

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: March 22, 2023

Room Number: Conference Room 325
& Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation
2 (DOTAX) and to the Office of the Attorney General (AG) on the fiscal implications for
3 implementing and enforcing the proposed measure.

4 **Department Testimony:** The DOH supports Senate Bill 975, Senate Draft 2, House Draft 1
5 (S.B. 975, S.D. 2, H.D. 1) as a critical public health measure to address Hawaii's youth vaping
6 epidemic. S.B. 975, S.D. 2, H.D. 1 includes electronic smoking devices (ESDs) and e-liquids
7 within the definition of tobacco products and repeals state law that establishes and governs the
8 Electronic Smoking Device Retailer Registration Unit within the Department of the AG. The
9 DOH recommends and offers an amendment to reinsert provisions to address online sales of
10 ESDs and taxation at a rate to achieve parity with other tobacco products and refers the
11 committee to preferred language in [S.B. 975, S.D. 2](#).

12 The absence of protective policies to act as a preventive buffer between the promotion of
13 enticing ESDs, also known as e-cigarettes, and youth, contributed to the ongoing rise in frequent
14 use and unrestricted access to nicotine. Thirty-one percent of Hawaii's high school and eighteen
15 percent of Hawaii's middle school students reported using e-cigarettes in the past 30 days with

1 highest rates on the neighbor islands.^{1,2} The unrestricted promotion of e-cigarettes has addicted a
2 new generation of young people to nicotine, increased their exposure to harmful substances, and
3 the likelihood of their smoking cigarettes in the future.³ According to the Federal Trade
4 Commission, the amount of nicotine in disposable ESDs popular with youth and young adults
5 went up 60% from 2015 to 2018 and this raises serious public health and safety concerns because
6 of the long-term effects on their brain development.⁴ Comprehensive evidence-based prevention
7 policies are needed that restrict access and regulate e-cigarettes.

8 Hawaii does not regulate ESDs through licensing, permitting, nor taxation. ESDs are not
9 taxed like other tobacco products and often can be purchased at lower prices than cigarettes.
10 According to the U.S. Surgeon General, increasing the price of tobacco products is the single
11 most effective way to reduce consumption.⁵ An economic study by the University of Illinois,
12 reported that increasing the price of ESDs by 10% has been shown to lead to a 10% to 18%
13 reduction in the demand and consumption of ESDs – a higher price elasticity compared to
14 combustible cigarettes. Increasing the price of tobacco products has the greatest impact on
15 youth, who are particularly price sensitive.⁶

16 Requiring licensure and retail permitting under the DOTAX would bring ESD and
17 e-liquid vendors in alignment with the traditional cigarette and tobacco retailers and would
18 provide accurate data for compliance surveillance. As of 2022, 33 states, the District of

¹ 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

² 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

³ 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.

⁴ Federal Trade Commission, Bureau of Consumer Protection. Federal Trade Commission E-Cigarette Report for 2015-2018. Issued 2022.

⁵ U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2018 Jan 22].

⁶ Chaloupka, F. Macro-Social Influences: The Effects of Prices and Tobacco Control Policies on the Demand for Tobacco Products, 1 Nicotine & Tobacco Research S105 (Supp. 1 1999).

1 Columbia, the Northern Mariana Islands, and the U.S. Virgin Islands required retailers to have a
2 license to sell ESDs.⁷ Tobacco licensing is an effective tool for limiting the negative public
3 health consequences of tobacco use by ensuring that wholesalers and retailers comply with
4 responsible sales practices. Increasing the licensure and permitting fees, which have remained
5 unchanged since 1995, despite high tobacco taxes and ever-increasing tobacco industry
6 expenditures in marketing and advertising, would be a further positive move.

7 The State Legislature's past support on comprehensive policy approaches for good health
8 and wellbeing has led to reductions in cigarette use over time. The DOH supports S.B. 975,
9 S.D. 2, H.D. 1 as an important legislative approach to address the youth vaping crisis in Hawaii
10 and respectfully refers the committee to [S.B. 975, S.D. 2](#) for content regarding online sales
11 restrictions. The proposed language in S.B. 975, S.D. 2, Section 2 (pages 8 to 9) aligns with
12 existing language in [§245-16, HRS Unlawful shipment of cigarettes; penalty; reports; liability
13 for unpaid taxes](#), and has been reviewed and vetted between the DOTAX, AG, and DOH.
14 Unregulated shipping (or importing) of tobacco products, particularly, ESDs ordered online, has
15 created a dangerous loophole, by providing an appealing and accessible option for underage
16 users. In the current unregulated online market, youth easily and often circumvent the age
17 verification process for purchasing tobacco. Minors were successful in buying ESDs online 93%
18 of the time despite age restrictions according to the Internet Tobacco Vendors Study (ITV),
19 supported by the National Cancer Institute and the U.S. Food and Drug Administration (FDA).
20 Another study found that ESDs were often shipped from internet vendors without instructions or
21 health warnings. Due to the easy access for minors through online marketing, public health
22 researchers recommend more vigorous policies to prohibit sales to minors.^{8,9}

⁷ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, STATE System Licensure Fact Sheet, <https://www.cdc.gov/statesystem/ecigarette.html>

⁸ Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

⁹ Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features*. *Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

1 Further, the imposition of an excise tax equal to 70% of the wholesale price of each e-
2 liquid and ESD will be consistent with the tax on other tobacco products. Achievement of tax
3 parity is important because when products are taxed at a lower rate, they become appealing
4 alternatives for those who are price sensitive, including youth.¹⁰ Conversely, taxing all products
5 at the same rate encourages people to quit rather than switch to cheaper products and prevents
6 youth from starting.¹¹

7 The DOH supports S.B. 975, S.D. 2, H.D. 1 as a critical public health measure to address
8 youth vaping in Hawaii and offers an amendment to reinsert language to address online sales of
9 ESDs and taxation at a rate to achieve parity with other tobacco products.

10 The attached Table 1 shows the decline of cigarette use and increase in e-cigarette use
11 that is undermining progress in providing a healthy environment for our children where they live,
12 learn, and play.

13 Thank you for the opportunity to testify.

14 **Offered Amendments:** The DOH respectfully requests the following amendments:

15 On page 1, line 1, insert the following new section:

16 "§245- Unlawful shipment of tobacco products; penalty; liability for unpaid taxes. (a) A person
17 or entity commits the offense of unlawful shipment of tobacco products if the person or entity:

18 (1) Is engaged in the business of selling tobacco products; and

19 (2) Knowingly ships or causes to be shipped any tobacco products to a person or entity in
20 this State that is not a licensee under this chapter.

¹⁰ American Cancer Society, Cancer Action Network. December 2020. The Importance of Tax Parity for All Tobacco Products. Retrieved March 17, 2023 from <https://www.fightcancer.org/sites/default/files/Need%20for%20tax%20parity%20factsheet%2012.2020%20final%20%281%29.pdf>

¹¹ American Cancer Society, Cancer Action Network. December 2020. The Importance of Tax Parity for All Tobacco Products. Retrieved March 17, 2023 from <https://www.fightcancer.org/sites/default/files/Need%20for%20tax%20parity%20factsheet%2012.2020%20final%20%281%29.pdf>

1 (b) This section shall not apply to the shipment of tobacco products if any of the
2 following conditions are met:

3 (1) The tobacco products are exempt from taxes as provided by section 245—3(b); or

4 (2) All applicable State taxes on the tobacco products are paid in accordance with the
5 requirements of this chapter.

6 (c) Unlawful shipment of tobacco products is a class C felony if the person or entity
7 knowingly ships or causes to be shipped tobacco products having a value of \$10,000 or
8 more, in violation of subsection (a).

9 (d) Unlawful shipment of tobacco products is a misdemeanor if the person or entity
10 knowingly ships or causes to be shipped tobacco products having a value of less than
11 \$10,000, in violation of subsection (a).

12 (e) Notwithstanding the existence of other remedies at law, any person or entity that
13 purchases, uses, controls, or possesses any tobacco products for which the applicable
14 taxes imposed under title 14 have not been paid, shall be liable for the applicable taxes,
15 plus any penalty and interest as provided for by law.

16 (f) For purposes of this section:

17 (1) A person or entity is a licensee if the person's or entity's name appears on a list of
18 authorized licensees published by the department; and

19 (2) "Value" means the retail fair market value at the time of the offense."
20

21 On page 6, lines 5-6, delete the phrase "electronic smoking devices, e-liquids, and."

22 On page 6, line 16, add the number "70" before the word "per cent".

23 On page 7, line 7, add three new sections to read as follows:

1 “SECTION X. Section 245-2, Hawaii Revised Statutes, is amended by amending
2 subsection (b) to read as follows: "(b) The license shall be issued by the department upon
3 application therefor, in such form and manner as shall be required by rule of the
4 department, and the payment of a fee of [~~\$2.50~~] \$250, and shall be renewable annually on
5 July 1 for the twelve months ending the succeeding June 30."

6 “SECTION X. Section 245—2.5, Hawaii Revised Statutes, is amended by amending
7 subsections (c) and (d) to read as follows: "(c) The retail tobacco permit shall be issued
8 by the department upon application by the retailer in the form and manner prescribed by
9 the department, and the payment of a fee of [~~\$20~~] \$50. Permits shall be valid for one
10 year, from December 1 to November 30, and renewable annually. Whenever a retail
11 tobacco permit is defaced, destroyed, or lost, or the permittee relocates the permittee’s
12 business, the department may issue a duplicate retail tobacco permit to the permittee for a
13 fee of \$5 per copy.

14 (d) A separate retail tobacco permit shall be obtained for each place of business owned,
15 controlled, or operated by a retailer. In seeking a retail tobacco permit, the applicant shall
16 specify whether each place of business sells e-liquid, electronic smoking devices, or both.
17 A retailer that owns or controls more than one place of business may submit a single
18 application for more than one retail tobacco permit. Each retail tobacco permit issued
19 shall clearly describe the place of business where the operation of the business is
20 conducted~~[-]~~ and whether the place of business sells e-liquid, electronic smoking
21 devices, or both."

22 “SECTION X. Section 245-17, Hawaii Revised Statutes, is repealed.

23 ~~“[§245-17] Delivery sales. (a) No person shall conduct a delivery sale or otherwise ship~~
24 ~~or transport, or cause to be shipped or transported, any electronic smoking device in~~
25 ~~connection with a delivery sale to any person under the age of twenty-one.~~

1 ~~(b) A person who makes delivery sales shall not accept a purchase or order from any~~
2 ~~person without first obtaining the full name, birth date, and address of that person and~~
3 ~~verifying the purchaser's age by:~~

4 ~~(1) An independently operated third party database or aggregate of databases that are~~
5 ~~regularly used by government and businesses for the purpose of age and identity~~
6 ~~verification and authentication;~~

7 ~~(2) Receiving a copy of a government issued identification card from the purchaser; or~~

8 ~~(3) Requiring age and signature verification in the shipment process and upon and before~~
9 ~~actual delivery.~~

10 ~~(c) The purchaser shall certify their age before completing the purchaser's order.~~

11 ~~(d) Any person who violates this section shall be fined \$500 for the first offense. Any~~
12 ~~subsequent offenses shall subject the person to a fine of no less than \$500 but no more~~
13 ~~than \$2,000. Any person under twenty one years of age who violates this section shall be~~
14 ~~fined \$10 for the first offense; provided that any subsequent offense shall subject the~~
15 ~~person to a fine of \$50, no part of which shall be suspended, or the person shall be~~
16 ~~required to perform no less than forty eight hours but no more than seventy two hours of~~
17 ~~community service during hours when the person is not employed or attending school.~~

18 ~~(e) The department shall not adopt rules prohibiting delivery sales.~~

19 ~~(f) For the purposes of this section:~~

20 ~~"Delivery sale" means any sale of an electronic smoking device to a purchaser in the~~
21 ~~State where either:~~

22 ~~(1) The purchaser submits the order for sale by means of a telephonic or other method of~~
23 ~~voice transmission, the mail or any other delivery service, or the internet or other online~~
24 ~~service; or~~

1 ~~(2) The electronic smoking device is delivered by use of the mail or any other delivery~~
2 ~~service.~~

3 ~~The foregoing sales of electronic smoking devices shall constitute a delivery sale regardless of~~
4 ~~whether the seller is located within or without the State.~~

5 ~~————“Electronic smoking device” means any electronic product that can be used to aerosolize~~
6 ~~and deliver nicotine or other substances to the person inhaling from the device, including but not~~
7 ~~limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any~~
8 ~~cartridge or other component of the device or related product.”]~~

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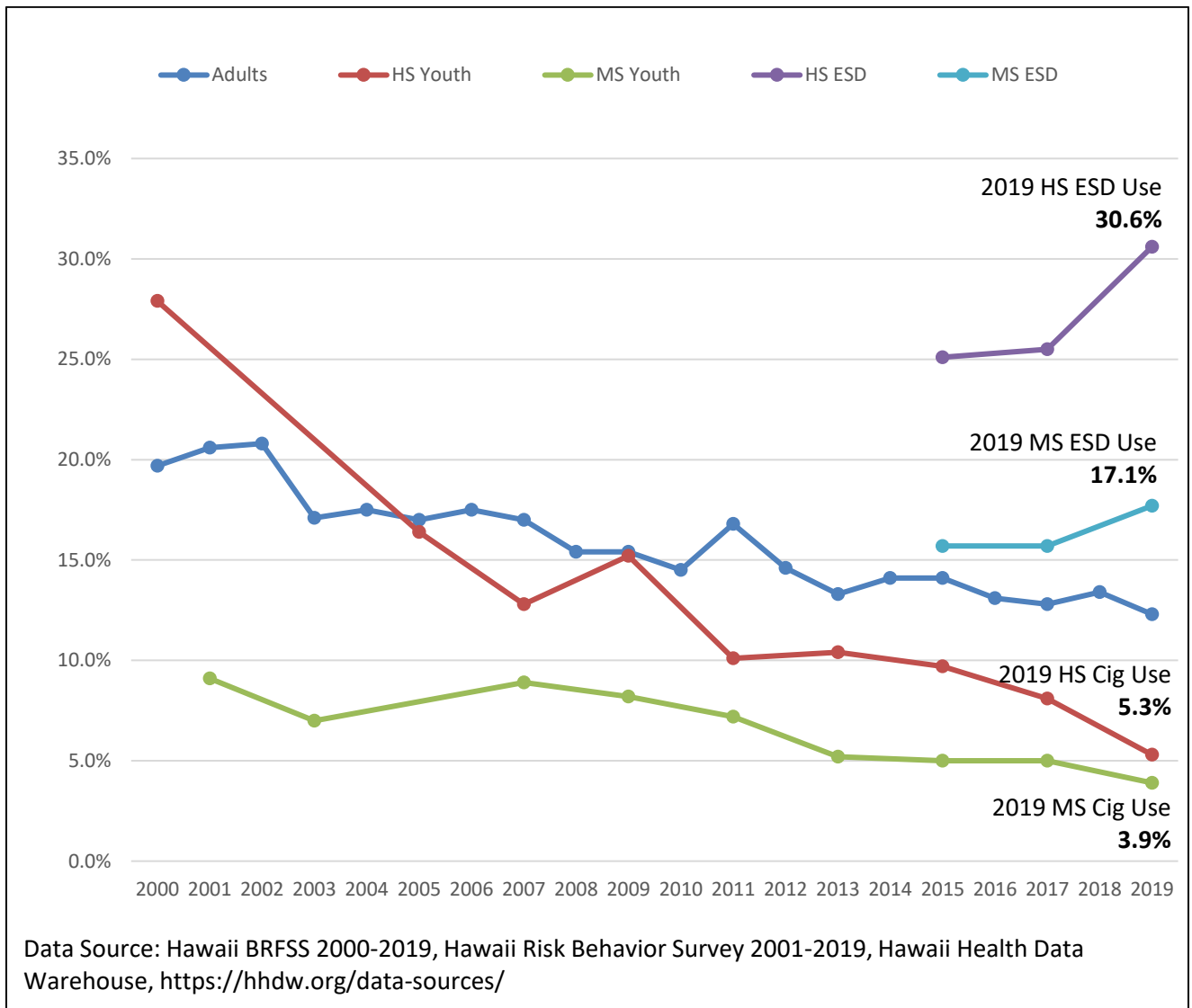
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1 Table 1. Adult and High School Current Cigarette Use, and High School and Middle School Current E-
2 Cigarette (ESD) Current Use, Hawaii 2000 to 2019, Behavioral Risk Factor Surveillance System, Youth Risk
3 Factor Surveillance System



JOSH GREEN M.D.
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GARY S. SUGANUMA
DIRECTOR

KRISTEN M.R. SAKAMOTO
DEPUTY DIRECTOR

**TESTIMONY OF
GARY S. SUGANUMA, DIRECTOR OF TAXATION**

TESTIMONY ON THE FOLLOWING MEASURE:

S.B. No. 975, S.D.2, H.D.1, Relating to Health

BEFORE THE:

House Committee on Judiciary & Hawaiian Affairs

DATE: Wednesday, March 22, 2023

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

The Department of Taxation ("Department") offers the following comments regarding S.B. 975, S.D.2, H.D.1, for your consideration.

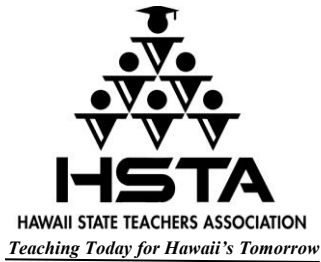
S.B. 975, S.D.2, H.D.1, seeks to amend chapter 245, Hawaii Revised Statutes (HRS), by: (1) amending section 245-1, HRS, by adding definitions for "electronic smoking device" and "e-liquid"; (2) amending the definition of "tobacco products" in section 245-1 to include any electronic smoking device or e-liquid; (3) amending section 245-3(12), HRS, to specifically exclude electronic smoking devices and e-liquids from the excise tax on tobacco products sold by a wholesaler or retailer on or after September 30, 2009; and (4) amending section 245-3, HRS, by adding a new subsection for an excise tax which is equal to an unspecified percent of the wholesale price for electronic smoking devices and e-liquid products sold, used or possessed, regardless of "wholesale" or "dealer" designation, beginning on and after January 1, 2024. The measure also repeals the Electronic Smoking Device Retailer Registration Unit under the Department of the Attorney General.

The measure has a defective effective date of January 1, 3000.

Because this version of the bill creates a new tax category and tax rate, the Department requests that any amendment to the effective date be no earlier than January 1, 2025, to provide adequate time to update any relevant instructions and forms and make the necessary computer system changes.

Department of Taxation Testimony
S.B. 975, S.D.2, H.D.1
March 22, 2023
Page 2 of 2

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



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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY &
HAWAIIAN AFFAIRS

RE: SB 975 SD2 HD1 - RELATING TO HEALTH

WEDNESDAY, MARCH 22, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Tarnas and Members of the Committee:

The Hawaii State Teachers Association **supports SB 975, SD2, HD1**, relating to health. This bill includes electronic smoking devices and e-liquids under the definition of "tobacco products" for purposes of the cigarette tax and tobacco tax law. Exempts electronic smoking devices and e-liquids from the excise tax on all tobacco products other than large cigars. Beginning 1/1/2024, imposes an excise tax on each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer effective. Repeals the electronic smoking device retailer registration unit under the department of the attorney general.

E-cigarette use continues to escalate among our teens. It puts our children's health at risk and becomes a lifelong addiction. By addressing unlawful shipment of e-cigarettes, taxing them as tobacco products, and licensing & permitting sellers, we are implementing comprehensive regulations that will address this crisis.

E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by our youth, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine. **Thus, comprehensive regulation and taxation will be a major step in reversing youth use of e-cigarettes.**

Two decades of comprehensive regulation on cigarettes and other tobacco products helped Hawaii and has saved \$1 billion in healthcare costs and reduced high school smoking to 5.3% in 2019 (CDC YRBS 2017-19).

Contrary to what you may have heard, e-cigarettes are not FDA-approved cessation devices. Comprehensive tobacco regulation will not stop access to FDA-approved nicotine replacement therapy (NRTs)- approved smoking cessation products.

E-cigarettes are the only tobacco products without a tobacco tax, this needs to be changed with this bill. We, as a state, must also address unregulated, unchecked online sales of e-cigarettes directly to customers. We must



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

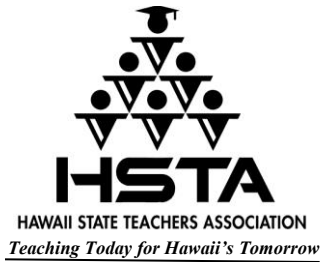
require face-to-face purchases for that will make it harder for our youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipment of products.

Taxation, regulation, licensing & permitting, education, and cessation services are components of comprehensive tobacco regulation and a key to lowering the use of tobacco by our youth.

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

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

- E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by young people, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine.
- Comprehensive regulation will be a major step in reversing youth use of e-cigarettes.
- Two decades of comprehensive regulation of cigarettes and other tobacco products has helped Hawaii'i save \$1B in healthcare costs.
- Comprehensive regulation has lowered the adult smoking rate to 11.6%; and
- Reduced high school smoking to 5.3% in 2019 (CDC YRBS 2017-2019).
- E-cigarettes are not FDA-approved cessation devices.
- Comprehensive tobacco regulation does not stop access to FDA-approved nicotine replacement therapy (NRTs) – approved smoking cessation products.
- E-cigarettes are the only tobacco products without a tobacco tax.



Osa Tui, Jr.
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- Unregulated, unchecked online sales of e-cigarettes need to be addressed. This measure restricts online sales of e-cigarettes directly to consumers – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.
- Taxation, regulation, licensing & permitting, education, and cessation services are components of comprehensive tobacco regulation and a key to lowering the use of tobacco use.

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 well-being of our keiki, the Hawaii State Teachers Association requests you **support** this bill.



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 Judiciary & Hawaiian Affairs
Wednesday, March 22, 2023 at 2:00 p.m.

By

Lee Buenconsejo-Lum, Interim Dean
John A. Burns School of Medicine

And

Michael Bruno, Provost
University of Hawai'i at Mānoa

SB 975 SD2 HD1 – RELATING TO HEALTH

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

Thank you for the opportunity to present testimony today. The John A. Burns School of Medicine **supports SB 975 SD2 HD1** which amends the definition of “tobacco products” to include electronic smoking devices and e-liquids; exempts electronic smoking devices and e-liquids from the excise tax on all tobacco products other than large cigars; imposes an excise tax on each electronic smoking device or e-liquid sold, used or possessed by a wholesaler or dealer beginning on 1/1/2024 and repeals the electronic smoking device retailer registration unit under the Attorney General’s department.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawai'i have decreased through the years, ESD use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids.

Recent federal action has been enacted to better regulate electronic nicotine delivery systems, with the implementation of the premarket tobacco product applications--the equivalent of a federal Food and Drug Administration scientific certification. All manufacturers of existing tobacco products and new tobacco products were required to submit premarket tobacco product application to the Food and Drug Administration by September 9, 2020, to continue legal sales of those products. In January 2021, the Food and Drug Administration began issuing warning letters to manufacturers that failed to submit premarket tobacco product applications for products being marketed for sale.

The John A. Burns School of Medicine's training of medical students, residents, and fellows continues to include a variety of topics to ensure our learners understand policy implications, resources, and options to prevent, reduce, and/or facilitate quitting of tobacco products including ESD. Our populations at the highest risk for tobacco-related chronic disease remain the targets of the tobacco industry. A multi-pronged approach, including this legislation, will help reduce the widening of health disparities in cardiovascular and lung disease, and many cancers that we see disproportionately in Native Hawaiian and other Pacific Islander populations.

This measure will better regulate and ensure the removal of unsafe, noncertified electronic nicotine delivery systems from the marketplace and curb the use of electronic smoking devices and tobacco products by criminalizing the unlawful shipment of tobacco products as well as increasing permit fees.

Thank you for this opportunity to testify.



American
Heart
Association.

American Heart Association testimony offering COMMENT ONLY on
SB 975, SD2, HD1 “Relating to Health”

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

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 or contact your nearest AHA office.

The American Heart Association offers comments on SB 975, SD2, HD1 and the need to effectively tax e-cigarettes at a rate in parity with other state tobacco taxes to reduce underage usage. **We strongly recommend amending the bill back to its SD2 version which would create an effective policy, as part of a comprehensive effort including restrictions on flavored tobacco products, that would begin to reign in our state’s youth vaping epidemic.**

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 federal Food and Drug Administration has not approved a single e-cigarette product as an effective, or safe nicotine cessation product.**

Parity with other tobacco product taxes is needed to insure the effectiveness of an e-cigarette tax. All e-cigarettes and other new tobacco products should be taxed at rates that achieve parity with the average cigarette tax rates in each state. Until more clarity is provided about the relative harms and risks of new tobacco products as determined by the FDA, it is appropriate to tax these products at the same rate as combustible cigarettes. **Taxing e-cigarettes at a rate less than parity with other tobacco product taxes in the state would allow tobacco companies to apply their vast marketing resources to continue to target, entice and addict Hawaii youths to their lowest cost products.**

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

Hawaii is amid a youth epidemic concerning the use of electronic smoking devices. Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate.

Even though there is more work needed to fully understand all the dangers of e-cigarettes, there is now ample evidence they’re harmful to both growing minds and bodies, as well as to adults.

Supporters of the tobacco industry often hold up a 10-year-old study done in England, the results of which have been characterized and repeated in the popular media as e-cigarettes are “95% less risky” or “95% less harmful” than combustible cigarettes. However, as the study’s authors noted in a sweeping statement

regarding the shortcomings of their own work, “A limitation of this study is the lack of hard evidence for the harms of most products on most of the criteria.” Pro-tobacco representatives fail to mention that part of the study.

Also, the fact that the study, published in The New England Journal of Medicine, was conducted in England is significant because the e-cigarettes in England are far different from those in the U.S. English products have much lower levels of nicotine, regulated by the government, and physicians there actually encourage their use with medical guidance to quit nicotine addiction.

There is ample evidence that the range of e-cigarette products available today in Hawaii and the U.S. are very different from those studied in July 2013.

E-cigarette liquids have changed considerably from 2013, with widespread availability of thousands of flavors that use chemicals “generally recognized as safe” to eat **but, importantly, not to inhale**. Perhaps the most striking change has been the pervasive marketing of liquids with “nicotine salt.” Nicotine salt is made by adding an acid to free-base nicotine, thus introducing another potential toxicant that was rare in 2013. Relative to free-base nicotine, aerosolized nicotine salt liquid is less aversive to inhale, allowing users to increase the nicotine concentration of the liquid and likely increase their own nicotine dependence. Nicotine salt e-cigarette liquids used in most e-cigarette products available today can contain unusually high levels of nicotine. One e-cigarette refill pod can contain as much or more nicotine as an entire pack of cigarettes and kids are sometimes vaping 2-4 pods a day. And open pod e-cigarette products popular among Hawaii youths can contain even much more nicotine.

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

More recent research has shown that e-cigarette use increases heart rate, blood pressure, and platelet activation, and decreases flow-mediated dilation and heart rate variability, effects that are prognostic of long-term cardiovascular risk such as myocardial infarction (heart attack) and coronary artery disease. Other studies as recent as November 2022 indicate that e-cigarette users may be at increased risk for by decreasing blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.

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. Taxing tobacco products has an established history of reducing youth tobacco usage rates.

Big Tobacco has a history of misrepresenting facts about nicotine and smoking. So, vaping-safety claims from industry or research supported by industry should be met with skepticism.

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

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

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

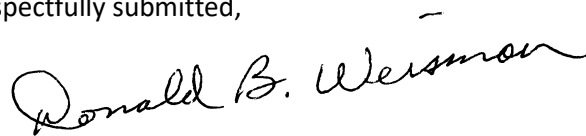
The Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start using any nicotine-containing product.

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

The American Heart Association of Hawaii urges legislators to pass comprehensive, science-based policies (including banning flavors from all tobacco products, increasing taxes on e-cigarette products to create parity with traditional tobacco products, and requiring retailers who sell e-cigarettes, to obtain a license tied to meaningful fines for illegal sales to minors) to help reduce Hawaii youth vaping epidemic.

Please amend SB975, HD1 back to its original SB975, SD2 language.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive, flowing style.

Donald B. Weisman
Government Relations/Communications and Marketing Director

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: TOBACCO, Include Electronic Smoking Devices, Hike Fees

BILL NUMBER: SB 975 HD 1

INTRODUCED BY: House Committee on Health & Homelessness

EXECUTIVE SUMMARY: Includes electronic smoking devices and e-liquids under the definition of "tobacco products" for purposes of the cigarette tax and tobacco tax law. Exempts electronic smoking devices and e-liquids from the excise tax on all tobacco products other than large cigars. Beginning 1/1/2024, imposes an excise tax on each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer effective. Repeals the electronic smoking device retailer registration unit under the department of the attorney general

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

Amends section 245-1, HRS, to define "electronic smoking device" as any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, and any substance that may be aerosolized or vaporized by the device, whether or not the substance contains nicotine. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act [title 21 United States Code chapter 9].

Adds a definition of "e-liquid" as any liquid or like substance, whether or not the substance contains nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container. The term does not include prescription drugs; cannabis for medical use governed by chapter 329; manufactured cannabis products governed by chapter 329D; or medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a).

Also amends the definition of "tobacco products" to include any electronic smoking device or e-liquid.

Amends section 245-3, HRS, to impose an excise tax of ___% of the wholesale price of each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer.

Repeals part XII of chapter 28, HRS (sections 28-161 through 28-168), relating to Electronic Smoking Device Retailer Registration Unit.

Makes technical and conforming amendments.

EFFECTIVE DATE: January 1, 3000.

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

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

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

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

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

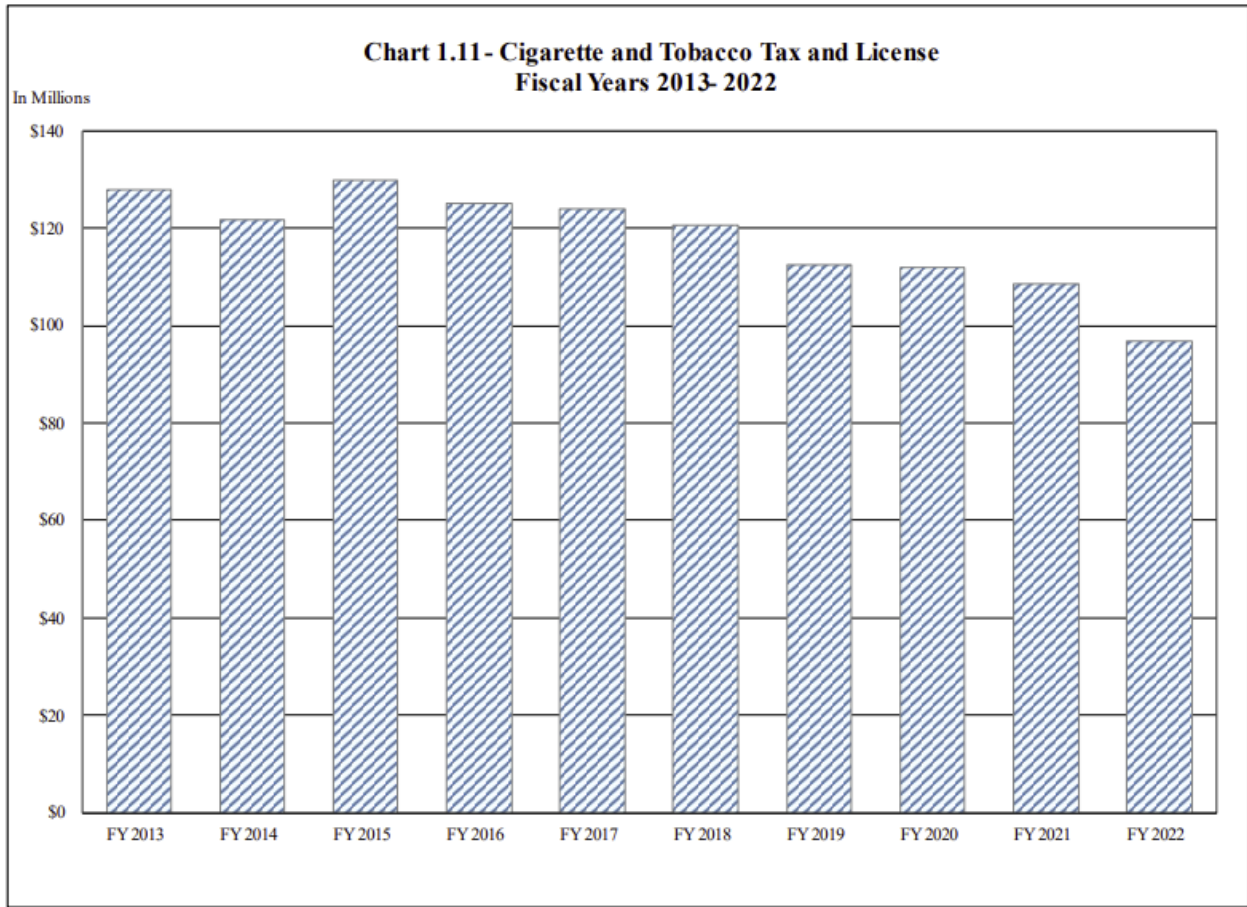
The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers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

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

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

Kalapa, "Finding the Blame for What Ails You," at <https://www.tfhawaii.org/wordpress/-blog/2012/10/finding-the-blame-for-what-ails-you/> (Oct, 28, 2012).

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



Source: Department of Taxation Annual Report (2021-2022), page 23.

Fiscal reliance on funds from a sin tax is inadvisable, perhaps outright dangerous. If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested: 3/21/2023



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March 20, 2023

Honorable Chair Representative David Tarnas
Honorable Vice-Chair Representative Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

RE: **Strong Support with Amendments for SB975,SD2,HD1 Relating to Health (unlawful tobacco shipment)**

Dear Chair Tarnas, Vice Chair Takayama and members of the Judiciary and Hawaiian Affairs Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please pass SB975, SD2, HD1 and change language back to language of SD2**, which would restrict online sales direct to consumers and require face-to-face purchases, making it harder for youth to obtain nicotine products on the internet, and tax electronic smoking devices at 70% of the wholesale price – the same price as other tobacco products – and restrict online sales.

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! ESDs are now THE most popular tobacco/nicotine product among youth, largely because these products are NOT regulated (unlike regulations on other tobacco/nicotine products).

- E-cigarettes and electronic smoking devices (ESDs) have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by young people, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine.
- We appreciate the committee's intent to regulate ESDs as tobacco products. To achieve parity and effectively discourage youth use of ESDs, it is respectfully requested that this committee revert the bill to the SD2 version. This will ensure that ESDs are taxed at 70% of the wholesale price – the same as other tobacco products – and restrict online sales to prevent youth access.
- Comprehensive regulation will be a major step in reversing youth use of e-cigarettes.
- Two decades of comprehensive regulation of cigarettes and other tobacco products has helped Hawai'i save \$1B in healthcare costs.
- Comprehensive regulation has lowered the adult smoking rate to 11.6%; and

- Reduced high school smoking to 5.3% in 2019 (CDC YRBS 2017-2019).
- ***E-cigarettes are not FDA-approved cessation devices.***
- Comprehensive tobacco regulation does not stop access to FDA-approved nicotine replacement therapy (NRTs) – approved smoking cessation products.
- **E-cigarettes are the only tobacco products without a tobacco tax.**
- Unregulated, unchecked online sales of e-cigarettes need to be addressed. This measure restricts online sales of e-cigarettes directly to consumers – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.
- Taxation, regulation, licensing & permitting, education, and cessation services are components of comprehensive tobacco regulation and a key to lowering the use of tobacco use.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please **AMEND SB975,SD2,HD1 to reflect the language of SD2 and pass it amended out of committee so our keiki and community will be protected from ESDs and predatory online sales that is so prevalent.** The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang
Executive Director

**Hawaii State Legislature
House Judiciary & Hawaiian Affairs Committee
Testimony: S.B. 975
Guy Bentley, Director of Consumer Freedom, Reason Foundation
March 22, 2023**

Chair Nakashima, members of the committee, thank you for the opportunity to submit testimony on S.B. 975.

My name is Guy Bentley, and I am the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. Our team analyzes and promotes policy solutions that both improve public health and avoid unintended consequences while protecting consumer choice.

Taxing e-cigarettes and other reduced-risk nicotine products presents a very different policy challenge from that of taxing traditional cigarettes. Cigarette taxes are necessary to ensure smokers who may later contract smoking-related diseases do not impose additional healthcare costs on non-smokers. E-cigarettes, however, are a dramatically safer form of nicotine consumption.¹ Nicotine is one of the principal addictive agents in cigarettes but is not the cause of smoking-related disease, which stems from combustion and inhaling the resulting smoke. Since e-cigarettes do not involve combustion, they've been found to be substantially safer.

The Food and Drug Administration recognizes there is a “continuum of risk” concerning tobacco products, with cigarettes being the most dangerous and e-cigarettes being far less dangerous. Because e-cigarettes, snus, and heated tobacco products are safer than cigarettes, products in all three of these categories have been authorized for sale by the FDA as “appropriate for the protection of public health.” To qualify for FDA authorization, safer nicotine products like e-cigarettes must undergo extensive review and be deemed a net benefit to public health for both users and non-users of the products. Several of these products have also been granted modified risk marketing orders, which allow the manufacturer to inform smokers they will reduce their risk of smoking-related diseases if they switch to these products.

¹ Kings College London. “Vaping substantially less harmful than smoking, largest review of its kind.” September 29 2022.
<https://www.kcl.ac.uk/news/vaping-substantially-less-harmful-than-smoking-largest-review-of-its-kind-finds>

According to modeling conducted by David Levy and colleagues at Georgetown University Medical Center, replacement of cigarette use by e-cigarette use over ten years would yield 6.6 million fewer premature deaths with 86.7 million fewer life years lost nationwide.²

Research published in the *New England Journal of Medicine* (NEJM) shows e-cigarettes to be almost twice as effective as nicotine replacement therapies at helping smokers quit.³ The Cochrane Review, considered the gold standard of international evidence-based medicine, finds that e-cigarettes are substantially more effective at helping people stop smoking than nicotine replacement therapies.⁴

Since noncombustible nicotine products, like e-cigarettes and other reduced-risk products, present significantly less danger to consumers and offer a net benefit to public health if smokers switch from cigarettes, sound public policy dictates that these products should be taxed at a significantly lower rate than cigarettes, if at all.

According to research from Georgia State University Professor Michael Pesko, taxing e-cigarettes at equivalent rates to cigarettes on the national level results in fewer adult e-cigarette users and an increase of 2.5 million more smokers than there would be otherwise. Taxing less harmful products at levels similar to the more harmful products provides a clear disincentive for smokers to switch, thus resulting in net harm to public health.

Half to three-quarters of American smokers are from low-income communities, so any price increase will necessarily present a more significant barrier to poorer smokers looking to switch to vaping than those on higher incomes. Vapers who use the products to replace traditional cigarettes are highly sensitive to price changes. According to a working paper published by the National Bureau of Economic Research, the price elasticity for e-cigarettes is -1.3 , so for every 10 percent increase in the price of e-cigarettes, sales fall by 13 percent.⁵ By contrast, cigarettes

² Levy DT, Borland R, Lindblom EN, et al. "Potential deaths averted in USA by replacing cigarettes with e-cigarettes." *Tobacco Control* 2018;27:18-25. <https://tobaccocontrol.bmj.com/content/27/1/18>

³ Hajek, Peter et al. "A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy." *New England Journal of Medicine*. 2019; 380:629-637 <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

⁴ Cochrane Review. "Electronic cigarettes for smoking cessation." November 2022. <https://www.cochrane.org/news/updated-cochrane-review-shows-electronic-cigarettes-can-help-people-quit-smoking>

⁵ Cotti, Chad D and Courtemanche, Charles J and Maclean, Johanna Catherine and Nesson, Erik T and Pesko, Michael F and Tefft, Nathan. "The Effects of E-Cigarette Taxes on E-Cigarette Prices and Tobacco Product Sales: Evidence from Retail Panel Data." *National Bureau of Economic Research*. August 2020. <https://www.nber.org/papers/w26724>

are highly inelastic, ranging from -0.3 and -0.7 , so for every 10 percent increase in the price of cigarettes, sales decline between three and seven percent.

If public health promotion is the priority, it would be necessary to maintain as broad a differential as possible between risk-reducing products like e-cigarettes and combustible cigarettes. While raising e-cigarette taxes may appear an attractive solution to the problem of youth vaping, policymakers should recognize that, according to the 2022 National Youth Tobacco Survey (NYTS), 86 percent of high schoolers are not using e-cigarettes at all, and 98 percent are not smoking combustible cigarettes. These numbers represent a decline of nearly 60 percent in the number of youth vaping since 2019.

There is strong reason to believe youth e-cigarette use can be reduced with alternative public health strategies that will not deter adult smokers from switching to a safer nicotine product.

Thank you again for the opportunity to comment on S.B. 975, and please do not hesitate to reach out if we can provide additional information or insights on this subject.

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



March 21, 2023

To: Members of the Hawaii House Judiciary & Hawaiian Affairs 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 SB 975, legislation that would allow local governments to regulate tobacco products and reduced-risk alternatives at severe detriment to the state.** SB 975 also seeks to increase the tax rate on e-cigarettes, which are a reduced-harm alternative to tobacco and have helped millions quit cigarette smoking.

It is simply good governance that matters of this magnitude be decided at the state level, due to both the level of increased scrutiny, transparency and accountability it provides, but also the direct impact local regulation of tobacco can have on state tax revenue. Retaining regulatory consistency and uniformity throughout the state in terms of tobacco policy will safeguard residents and businesses from poorly thought-out local restrictions and will protect the state's revenue stream in uncertain economic conditions. **As such, it is imperative that this proposal does not pass.**

This misguided legislation encourages local governments to pass harmful regulations on reduced-risk nicotine products like e-cigarettes, which are shown to be 95% [less harmful](#) than cigarettes and the most effective tool for smoking cessation. The local regulations that SB 975 would allow for can be expected to lead to drastic increases in cigarette smoking in Hawaii, leading to a clear increase in tobacco related mortality.

It is the fundamental responsibility of state governments to protect their citizens. At times, these threats can come from local government officials. In the instance of tobacco harm reduction policies, local government officials act without the degree of scrutiny and accountability found at the state level. Similarly, lacking the expertise in healthcare policy, local restrictions and levies may act contrary to all available science and data, serving to restrict the ability of smokers to quit smoking with the help of reduced risk tobacco alternatives.

Studies have repeatedly shown that flavored vapes, which SB 975 would allow localities to regulate, 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 [study](#) from ten of the world's top experts in cancer prevention and public health.

A [study](#) from Dr. Abigail Friedman at the Yale School of Public Health found that youth smoking doubled when San Francisco imposed a flavor ban in 2018. 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%

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while comparable districts had an average rate of 2.8%. SB 975 would allow for localities to create public health disasters like in San Francisco. **Voting for SB 975 would be inviting a public health disaster, like the one that occurred in San Francisco, into Hawaii.**

It is important to note that, contrary to some arguments made by opponents of this bill, “local control” at its core is about safeguarding individual liberties and restricting the growth of government; it is not a free pass for cities to do whatever they want. Localities are just as capable of being conduits for heavy-handed laws that will harm citizens. When that is at stake, state action is not only appropriate to safeguard individual freedoms – it is essential.

Additionally, prohibitions on e-cigarettes and tobacco products promote a black market for the products. Multi-million-dollar crime syndicates, that also engage in human trafficking and money laundering, flood the black market with unsafe products that produce revenue used to fund terrorism. For this reason, the US State Department has explicitly called tobacco smuggling a “[threat to national security](#)”.

Paradoxically, local 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.

Further, SB 975 seeks to define e-cigarettes as tobacco products, failing to differentiate them from more harmful tobacco products like cigarettes. This will harm public health by **failing to ensure appropriate licensure and regulation of alternative nicotine products.** Vapor products are [shown to be at least 95% less harmful](#) than combustible cigarettes and are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. It would be a serious mistake for the Hawaii legislature to pass SB 975 and treat vaping products the same as deadly cigarettes.

SB 975’s vaping tax hike will also have negative consequences for Hawaii. Imposing taxes on e-cigarettes is proven to drive adults to more deadly alternatives, going against every principle of sound public policy.

Research from the National Bureau of Economic Research (NBER) determined that **Minnesota’s tax on vaping products prevented [32,400 additional adult smokers from quitting smoking](#).** Additionally, they found “consistent and robust evidence” that taxes on e-cigarettes increase smoking rates, decrease smoking cessation, and lead to more tobacco-related deaths.

Vaping taxes also reinforce socioeconomic inequality. 72% of people who smoke cigarettes are low-income. Taxes make products less affordable, thereby decreasing access to the groups who would benefit most from switching to vaping.

Additionally, high tax rates on e-cigarettes promote a black market for the products. SB 975 would take profits from small, family-owned vape shops and turn it over to criminal smugglers who would have no problem selling products to children. This bill would drive vape shops out of businesses, costing a significant number of jobs and livelihoods.

SB 975 would also add nicotine pouches to the state definition of tobacco products, subjecting these extremely low-risk products to the same tax rate as significantly more harmful products. Nicotine pouches are entirely tobacco-free and have a very low toxicant profile, containing only trace amounts of chemicals. These products provide users with nicotine, an addictive but relatively benign substance like caffeine, while removing nearly all the harms that come along with traditional tobacco products. **Implementing taxes on nicotine pouches, as SB 975 seeks to do, would drive reduced-risk consumers to more harmful products like cigarettes, harming public health considerably.**

About E-Cigarettes and Vapor Products:

Traditional combustible tobacco remains one of the leading preventable causes of death in Hawaii. The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine. While highly addictive, nicotine is a 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% less harmful](#) than combustible cigarettes. A comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.

E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. According to one [study](#), a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.

The Cochrane Review, the gold standard of medical meta-analysis, has identified “high certainty evidence” that e-cigarettes are more [effective](#) than nicotine replacement therapies at helping those who smoke quit.

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 University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. SB 975 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.

Evidence demonstrates that 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.

Large-scale [analysis](#) from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if a majority of cigarette smokers switched to vaping. **This would save more than 28,600 lives in Hawaii.**

For the reasons outlined above, in the interests of public health, protecting small businesses, state tax revenues, and preventing the spread of smuggling cartels in Hawaii, we call upon you to **accept the science and vote against SB 975**. Over 25,000 lives quite literally depend upon it.

Sincerely,

Tim Andrews
Director of Consumer Issues
Americans for Tax Reform



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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: March 17, 2023

To: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the Committee on Judiciary & Hawaiian Affairs

Re: Support for SB975 SD2 HD1 Relating to Electronic Smoking
Devices

Hrg: Wednesday, March 22, 2023, at 2:00 PM

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **support of SB 975 SD2 HD1**, which would place e-cigarettes into the definition of tobacco products in Chapter 245 while also requiring retailers to obtain the applicable license and permits to sell these products. This measure also imposes a tax percentage on these products. The measure was amended in the HD1 by blanking out the rate at which e-cigarettes would be taxed and by removing the language that closed the loophole of illegal online sales to minors.

The language found in **SB975 SD2** is preferable because it includes a mechanism to address online sales, and it implements an e-cigarette tax equal to that of other tobacco products. The SD2 version of the bill has less administrative burden, and it is a more effective public health measure.

Taxation of Tobacco Products, including ESDs

Since 2016 e-cigarettes have been classified as tobacco products by the FDAⁱⁱ. Therefore, Including ESDs as part of the definition of tobacco products in Chapter 245 brings much-needed clarity. Once incorporated into that chapter, e-cigarettes **must be taxed with parity** while also being included into the existing regulation system via permitting and licensure making it easier to implement enforcement.

In a 2022 Ward survey of registered voters, 91% of those surveyed said **they support taxing vaping products the same as other tobacco products**, and 94% of respondents felt the state should dedicate a portion of the revenue from those taxes to prevention and cessation programs.

E-cigarettes are just as addictive as cigarettes. In fact, e-cigarette users most often get more nicotine than they would from a combustible tobacco product. Users often buy extra-strength cartridges, which have a higher concentration of nicotine than a cigarette has.ⁱⁱⁱ Because e-cigarettes are the only tobacco products not subject to the Hawai'i State tobacco tax laws 1) these products are lower-priced tobacco alternatives with virtually no restrictions that can appeal to the youth, and; 2) the state is unable to collect tax revenue of an FDA defined tobacco product.

Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption of tobacco/ nicotine for both adults and youth. It is important to maintain parity between products in order to ensure people do not switch to the less expensive alternative. Currently, 29 states and the District of Columbia have implemented e-cigarette taxes.^{iv}

Need to stop the unlawful online sales of ESDs

Currently, those under 21 are often able to obtain e-cigarettes via the Internet because online age verification is easily by-passed by youth. Limiting online purchases to licensed tobacco retailers and wholesalers will close this loophole in our Tobacco 21 law. This step is vital to ensuring minors are not able to more easily purchase online as in-person purchasing is more heavily monitored. Currently, federal law prohibits the shipment of combustible cigarettes. This would also bring regulation parity between cigarettes and ESDs.

ESD licensing and permits protect both consumers and merchants.

The Coalition supports requiring ESD sellers and vendors to obtain a tobacco permit and/or license, which is currently required for any tobacco retailer or wholesaler. This consistency would assist with communicating and enforcing current tobacco tax and purchase laws. It also places the responsibility on the retailer. They are more inclined to follow a rule if there is a consequence for selling to underage individuals, which is the way the system works for the sale of other tobacco products.

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

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

E-cigarettes have evaded many tobacco prevention and control laws other tobacco products are subject to, leading to the rise of e-cigarettes, undoing decades of progress. In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai'i reported using e-cigarettes.^{viii} The state has an opportunity to reverse the youth vaping epidemic by implementing comprehensive policies and programs.

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

According to the 2019 YRBS, Hawai'i has the third highest e-cigarette rate in the Country, with 1 in 3 (30.6%) public high school students and more than 1 in 6 (18%) public middle school students reporting that they are regularly vaping^{ix}. 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.

This 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.^x E-cigarettes are not among these approved cessation methods.

Hawai'i has made enormous progress on tobacco control, and we ask the legislature to take the necessary steps to protect our youth from a lifetime of addiction. Thank you for considering this measure which will comprehensively regulate electronic smoking devices.

Thank you for considering the requested changes that would revert the bill back to SB975, SD2, in order to move forward a comprehensive policy that will better protect the health of our communities.

Mahalo,



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

ⁱ The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ <https://www.federalregister.gov/documents/2016/05/10/2016-10685/deeming-tobacco-products-to-be-subject-to-the-federal-food-drug-and-cosmetic-act-as-amended-by-the>

ⁱⁱⁱ <https://www.hopkinsmedicine.org/health/wellness-and-prevention/5-truths-you-need-to-know-about-vaping#:~:text=What's%20worse%2C%20says%20Blaha%2C%20many,greater%20hit%20of%20the%20substance.>

^{iv} <https://www.tobaccofreekids.org/assets/factsheets/0169.pdf>

^v 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

^{vi} 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.

^{vii} 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs.

^{viii} 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs.

^{ix} 2019 Youth Risk Behavior Surveillance System (YRBS). Available at: www.cdc.gov/yrbs.

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

**Testimony before the Hawaii House Committee on Judiciary & Hawaiian Affairs
Regarding the Taxation of Electronic Cigarettes
Lindsey Stroud, Director, Consumer Center
Taxpayers Protection Alliance
March 16, 2023**

Chairman Tarnas and Vice Chairman Takayama and Members of the Committee:

Thank you for your time today to discuss imposing an excise tax on electronic cigarettes or 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 imposing excise taxes on alternatives to the most dangerous form of tobacco, combustible cigarettes. E-cigarettes are significantly less harmful and their use should be encouraged, not taxed. An excise tax will only deter their use among adults who are unable and/or unwilling to quit smoking.

- The U.S. Food and Drug Administration (FDA) has stopped using the word epidemic to describe youth vaping rates.
- 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.
- Taxes on vapor products disproportionately harm lower income persons.
- Among adults earning \$15,000 or less, 7.9 percent reported current e-cigarette use in 2021, compared to 4.8 percent who reported earning \$50,000 or more.
- 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 do smoke. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

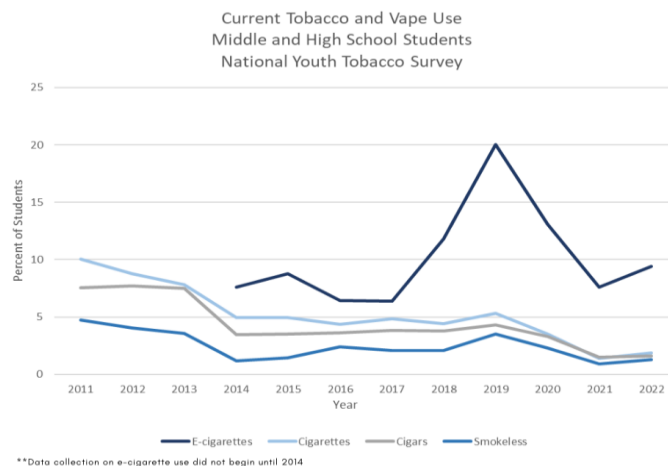
Youth Tobacco and Vapor Product Use

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

The director for the Center for Tobacco Products at the FDA recently declared that the FDA was no longer using the word “epidemic” to describe youth vaping rates. In February, Dr. Brian King stated that the FDA “has not used [the word epidemic] for the most recent estimates of youth use ... the science has shown a decline in the number of youth users.”¹

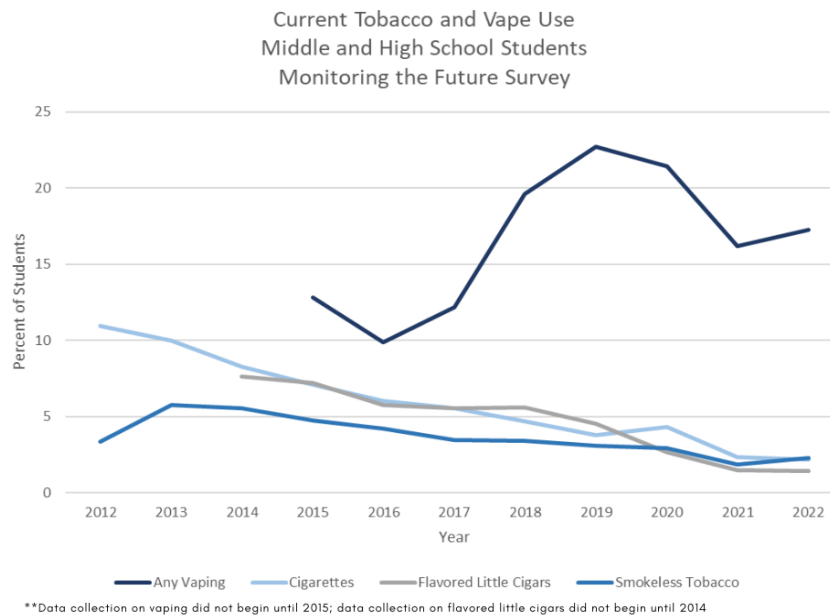
In 2022, according to the National Youth Tobacco Survey (NYTS), among middle and high school students that had reported current tobacco product use (defined as having used the product on at least one occasion in the 30 days prior), 1.9 percent had used cigars, 1.6 percent had used combustible cigarettes and 1.3 percent had used smokeless tobacco products.² 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.



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.³ 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.

Like 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. However, nationally, only 18 percent of high school students reported using vapor products in the 30 days prior to the survey in 2021. 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, Hawaiian lawmakers should refrain from excessive taxes to address outdated figures on youth vapor product use in the state.

Adult Tobacco and Vape Use

In 2021, 10.1 percent of adults in Hawaii were currently using cigarettes.⁴ 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.

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.

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

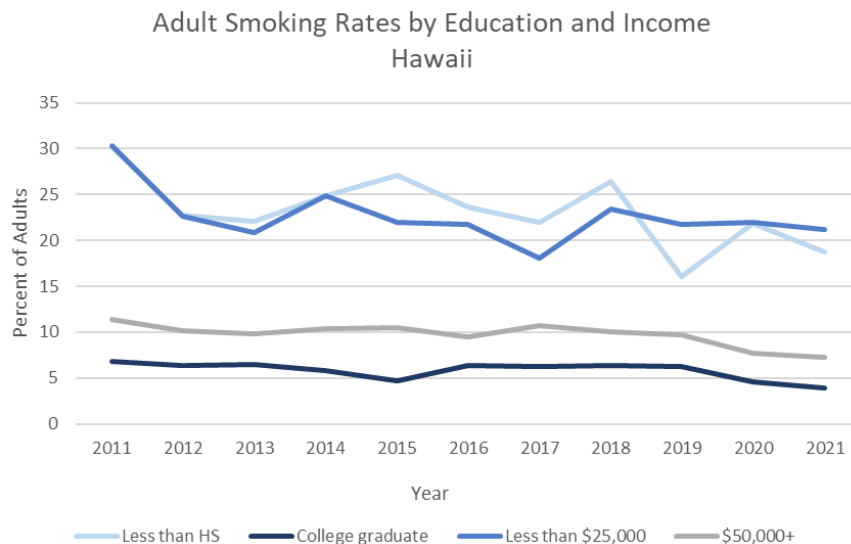
use among young adults decreased by 43.9 percent while vapor product use increased by 100.8 percent.

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

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.

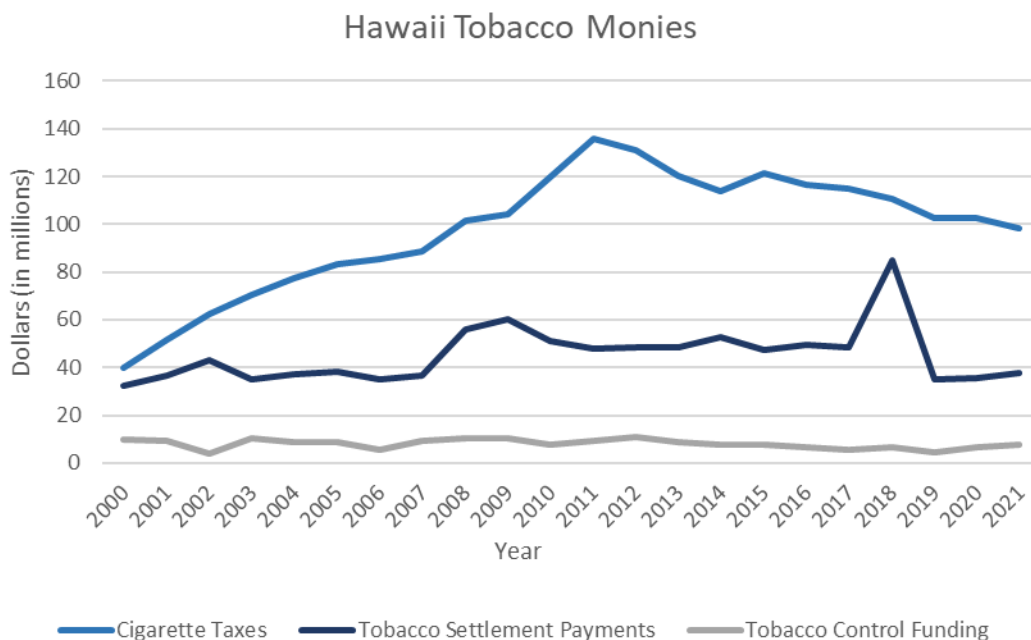
Tobacco Monies

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.⁵ 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.⁶ 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.⁷ 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 taxing products that are less harmful than combustible cigarettes and have actively contributed to significant declines in traditional tobacco smoking rates, especially among young adults. Given the significant reductions in youth use of e-cigarettes, as well as the record lows in use of traditional tobacco products, excise taxes on 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.

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

¹ American Vapor Manufacturers, “Factual, candid concessions like these and more were made during our interview with director King this past Friday -- when he was finally, at long last, pressed with genuinely probing questions, ones the FDA beat writers have routinely failed to ask,” February 28, 2023, <https://twitter.com/VaporAmerican/status/1630609040744275968>.

² 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.

³ 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/>.

⁴ Centers for Disease Control and Prevention, “Behavioral Risk Factor Surveillance System,” 2022, <https://www.cdc.gov/brfss/brfssprevalence/>. Accessed December 2022.

⁵ Orzechowski and Walker, “The Tax Burden on Tobacco Historical Compilation Volume 56, 2021. Print.

⁶ 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>.

⁷ 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.

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. This information also includes data on 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 currently 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.

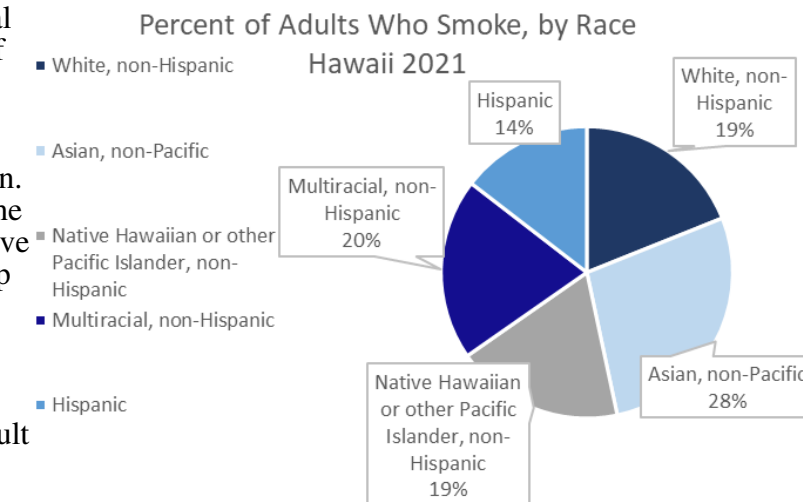
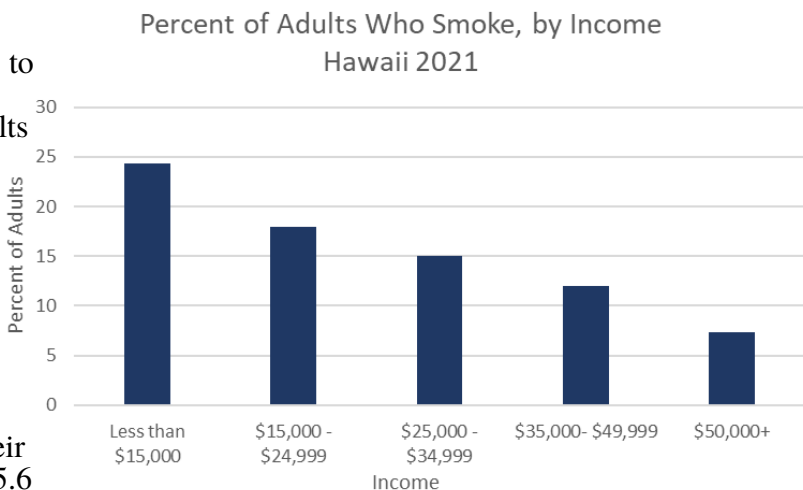
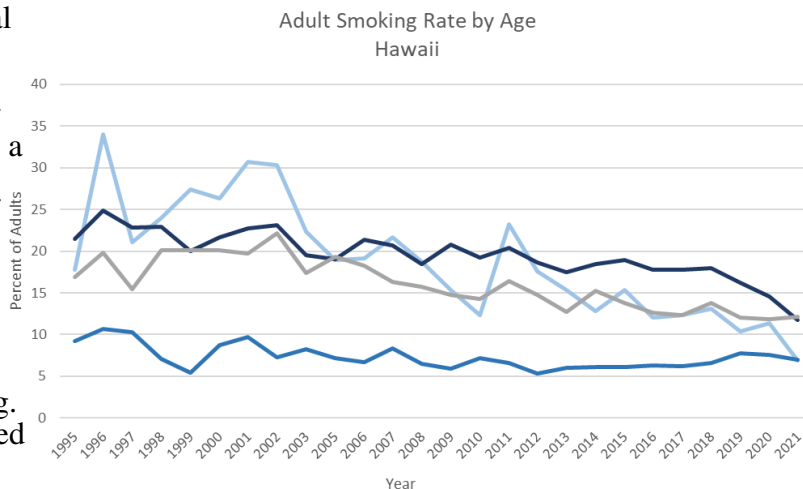
Smoking rates in the Aloha State have significantly declined since 1995 when the BRFSS Aloha began reporting combustible cigarette use. That year, 17.8 percent of Hawaii adults were then-currently smoking. Between 1995 and 2021, smoking rates have decreased by 43.3 percent with average annual decreases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



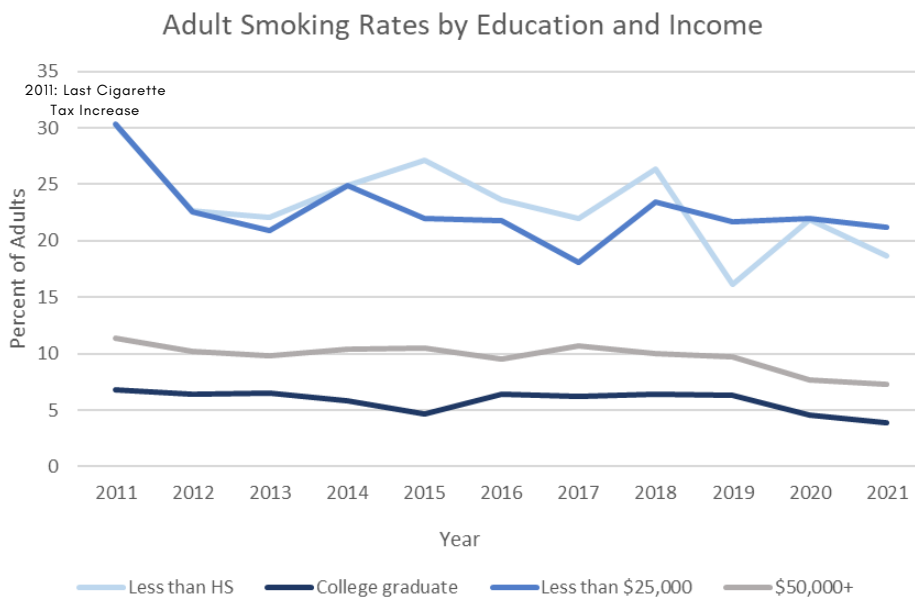
Tobacco & Vaping 101: Hawaii 2023

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

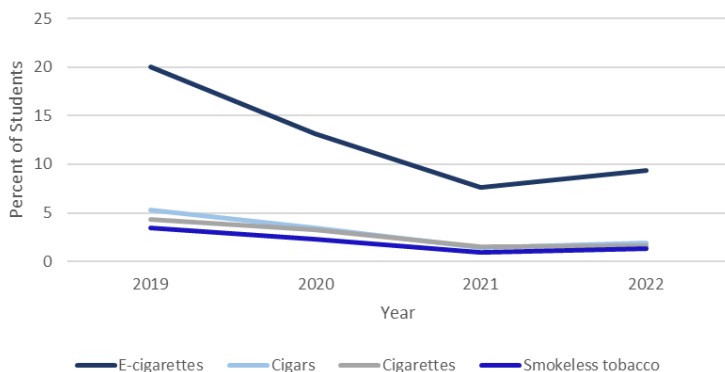
The CDC continues to delay publishing the 2021 results of the Youth Risk Behavior Survey resulting in state-specific data being unavailable at the time of this publication. Nonetheless, youth use of vapor products has declined significantly in recent years and youth use of traditional tobacco products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

In 2022, according to the National Youth Tobacco Survey, 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.

In 2022, (regarding traditional tobacco products) 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.

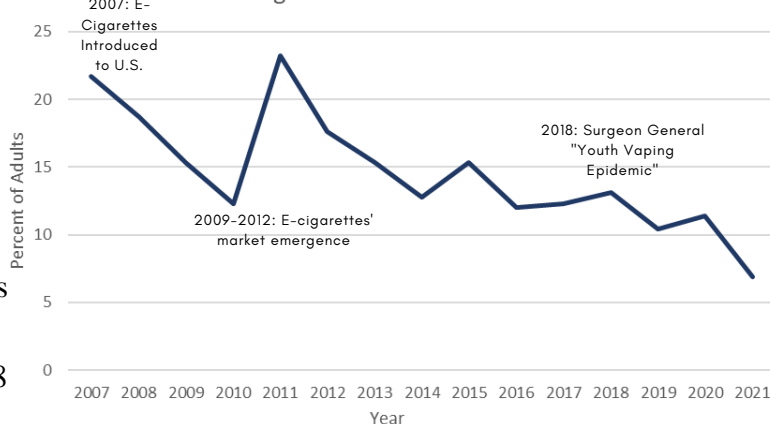
E-cigarettes first came to U.S. market in 2007, when 21.7 percent of Hawaiians aged 18 to 24 years old were currently smoking. In 2018, public health purported to a so-called “youth vaping epidemic,” when 13.1 percent of young adults in the Aloha State were smoking. Between 2007 and 2018, young adult 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

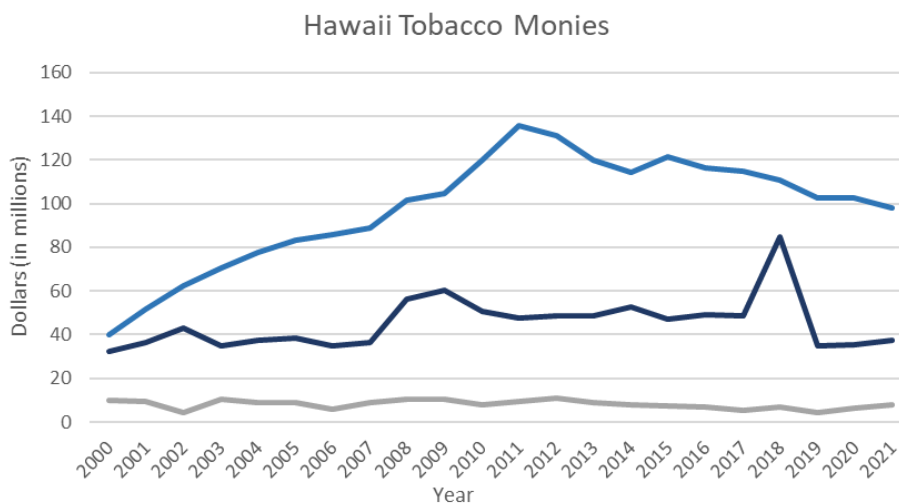
Tobacco Monies

Each year, states receive billions 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 2000 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.



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— Cigarette Taxes — Tobacco Settlement Payments — Tobacco Control Funding

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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.

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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]

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House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Wednesday, March 22, 2023, 2:00 PM, Conference Room 325 & Videoconference

RE: SB 975 SD 2 HD 1 – RELATING TO HEALTH
Position: STRONG SUPPORT with AMENDMENTS

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs,

Papa Ola Lokahi testifies in **STRONG SUPPORT with AMENDMENTS** of **SB 975 SD 2 HD 1** and respectfully requests that the committee **change the language of SB 975 SD 2 HD 1 back to the SB 975 SD 2 version**, which includes language to tax e-cigarettes at 70% of the wholesale price and restrict online sales to prevent youth access.

Papa Ola Lōkahi supports efforts that aim to protect the health of our communities, such as limiting access to tobacco products, including electronic smoking devices and other vapor products, which are known to increase the risk of adverse health outcomes. E-cigarettes are the only tobacco products without a tobacco tax and have evaded many tobacco regulation laws for decades. This has led to a sharp increase in the use of these products, especially by young people, enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine. Comprehensive regulation will be a meaningful step in reversing the increasing trend of youth e-cigarette use in Hawaii.

We must also examine the existing disparities and ensure policies aim to close the health disparity gap between racial groups. The 2019 Youth Tobacco Survey (YTS) found racial inequity, with 63.8% of Native Hawaiian high school youth and 37.6% of Native Hawaiian middle school youth reporting they have tried vaping. Native Hawaiian high school students reported active use of vapor products more than nearly all other racial groups in Hawai‘i, and the Youth Risk Behavioral Survey found that Native Hawaiian high school youth report using vapor products more frequently (20+ days within the last 30 days) than their non-Native Hawaiian counterparts at 17% and 10.4%, respectively. One in three Native Hawaiian youth cites the availability of flavors as the reason they use vape products, underpinning the need for us to regulate access to these harmful products further. We must also consider that our youth’s neural development is at risk and that using tobacco products during this developmental stage increases their risk of developing a nicotine addiction.

It is evident that using tobacco products increases adverse health outcomes, exacerbates these outcomes among vulnerable groups, and deepens health disparities. Therefore, establishing policies such as these is necessary to curb access to these harmful products.

Mahalo piha for the opportunity to provide testimony in **STRONG SUPPORT with AMENDMENTS** to this critical issue and for helping to safeguard the health and safety of our keiki and communities.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.



March 22, 2023

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

Re: SB 975 SD2 HD1 – Relating to health

Dear Chair Tarnas Vice Chair Takayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB 975 SD2 HD1. This measure:

- Establishes the criminal offense of unlawful shipment of tobacco products
- Amends the definition of "tobacco products" under the Cigarette Tax and Tobacco Tax Law to include electronic smoking devices and e-liquids
- Increases the license fee for persons engaged as wholesalers or dealers of cigarettes and tobacco products and the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products, and
- Repeals state laws that establish and govern the Electronic Smoking Device Retailer Registration Unit within the Department of the Attorney General and provisions of the Cigarette Tax and Tobacco Tax Law that govern delivery sales.

HMSA supports this measure to protect our community members, especially our youth. There has been a dramatic increase in the use of electronic smoking devices over the last decade, particularly among young individuals due to the low cost and accessibility to ESD's. Tobacco is the leading cause of preventable disease and death, and its use results in loss of life and financial burdens on society.

By increasing the price of tobacco products, we can effectively reduce consumption by Hawaii's youths.

Thank you for the opportunity to testify on SB975 SD2 HD1.

Sincerely,



Dawn Kurisu
Assistant Vice President
Community and Government Relations



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 22, 2023
Re: SB 975 SD2 HD1 RELATING TO HEALTH**

Good afternoon, Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

We are in opposition SB 975 SD2 HD1 Relating to Health. This measure includes electronic smoking devices and e-liquids under the definition of "tobacco products" for purposes of the cigarette tax and tobacco tax law; exempts electronic smoking devices and e-liquids from the excise tax on all tobacco products other than large cigars; beginning 1/1/2024, imposes an excise tax on each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer effective; repeals the electronic smoking device retailer registration unit under the department of the attorney general.

Any time there is an increase in retail operations albeit raising of taxes and implementation of fees or increase in shipping and goods, the cost is passed down to the consumer. **While the assumption is that if electronic smoking products are too expensive, less people will purchase them. This is not the case.** We will see more people finding ways to purchase them from military facilities where there are no taxes charged, furthermore these pushes vape products to be even more desirable on the black market where prices are lower. Vape products are one of the most desirable items that shoplifters target, even when we have them behind the registers or behind lock and key. And many of the goods sold on the black market have been stolen from retailers.

If raising the taxes is to is meant to deter people from smoking or vaping it may have the opposite effect and have them turn to back to cigarettes. In 2021 The New England Journal of Medicine published an article that found that e- cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

If the raising of fee is to deter youth from obtaining smoking or vape products, then the focus should be on cracking down on those who are illegally and intentionally letting minors obtain these products. Hawaii already has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids and tobacco products. The majority of the shops on our islands are responsible and have a policy that they will Not sell a vape device or products to anyone 21 years old and under. **Many of whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends who purchase it for them or the minors are purchasing them on the black market.** Retailers often go as far as to not selling to the adult that accompanies the minor into the store if it is revealed that the device or product that they are seeking to purchase is for the minor. Retailers have no control over their products once they are sold and the customer walks out the door with them. It is often the case that an adult family member or friend that purchases the vape devices or tobacco products for the minors and gives it to the minor away from the retail store.

Hawaii businesses are already over regulated. **A measure that calls for county rule could lead to double taxation in the guise of fees and other operational restrictions.** Businesses with locations on the neighbor islands would also have a harder time to track the laws. Many of our local business are operating on razor thin margins. We do not feel that the state should give up this power and turn it over to the counties.

Furthermore, **measures like this will also be very confusing to our kamaaina and visitors who are visiting the various islands.** They can do one thing on this island but not on another island and the visitor maybe unaware it's a violation on that island and it may lead to an arrest or fine.

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee exponentially will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. We will see more people finding ways to purchase them from military facilities where there are no taxes charged or purchase them through the black market where tobacco and e-cigarettes are sought-after items to steal by retail organized crime. We urge you to hold this measure. Mahalo for this opportunity to testify.





Chair Tarnas
Vice Chair Takayama

House Committee on Judiciary & Hawaiian Affairs

Wednesday, March 22, 2023
2:00 PM

TESTIMONY IN STRONG SUPPORT OF SB975 SD2 HD1 RELATING TO HEALTH

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs,

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." 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 address the unlawful shipment of e-cigarettes, tax them as tobacco products, and license and permit sellers is crucial to decreasing tobacco use among youths, thereby improving the health and lives of both Hawaii's youth and the communities that they live in.

The Hawai'i State Youth Commission's Public Health legislative committee is in **strong support** of **SB975 SD2 HD1**. However, we respectfully urge the committee to **amend the language** of the bill back to the language found in SD2. This is because a 70% taxation will ensure that e-cigarettes are taxed the same as other tobacco products, which, in other states, have helped to decrease underage tobacco use and the negative health effects of such products on youths and keiki. Furthermore, regulating online sales will prevent youth from accessing e-cigarettes, decreasing incentive for youth addiction. By taking these actions starting this year, we can tackle the youth vaping epidemic and prevent more youths from being lost to addiction and disease.

Therefore, the Hawai'i State Youth Commission strongly urges the committee to **PASS and AMEND SB975 SD2 HD1**, so that we can prevent the dangers of tobacco from affecting any more keiki.

Mahalo for the opportunity to testify,

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



TO: The Honorable David Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

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

RE: **SB 975 SD2 HD1 – RELATING TO HEALTH
In Support**

DATE: Wednesday, March 22, 2023
2:00 p.m.; conference room 325 & videoconference

Aloha Chair Tarnas, Vice Chair Takayama 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 SB 975 SD2 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 SB 975 SD2 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.



**Testimony to the House Committee on Judiciary and Hawaiian Affairs
Wednesday, March 22, 2023; 2:00 p.m.
State Capitol, Conference Room 325
Via Videoconference**

RE: SENATE BILL NO. 0975, SENATE DRAFT 2, HOUSE DRAFT 1, RELATING TO HEALTH.

Chair Tarnas, Vice Chair Takayama, 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 THE INTENT** of Senate Bill No. 0975, 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.

The bill, as received by your Committee, would strengthen tobacco regulation throughout the State. Among other things, this bill would:

- (1) Levy the Cigarette and Tobacco Tax, Chapter 245, Hawaii Revised Statutes, on the retail sale of e-liquids and electronic smoking devices;
- (2) Repeal the Electronic Smoking Device Retailer Registration Unit in the Department of the Attorney General; and
- (3) Impose an excise of an unspecified amount on the wholesale price of each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer on or after January 1, 2024.

This bill would take effect on January 1, 3000.

Testimony on Senate Bill No. 0975, House Draft 2
Wednesday, March 22, 2023; 2:00 p.m.
Page 2

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.



**Parents And
Children Together**

**BUILDING THE RELATIONSHIPS
THAT MATTER MOST**

ParentsAndChildrenTogether.org

TESTIMONY IN SUPPORT OF SB 975 SD2 HD1 with Amendments

TO: Chair Tarnas, Vice-Chair Takayama, & Members
House Committee on Judiciary & Hawaiian Affairs
FROM: Ryan Kusumoto, President & CEO
DATE: March 22, 2023 at 2:00 PM

Parents and Children Together (PACT) supports SB 975 SD2 HD1 Relating to Health and requests that the committee amend the bill back to version SD2, which would close the loophole of online sales to minors, include e-liquid and electronic smoking devices into the definition of "tobacco products," therefore requiring the same taxes, permitting, and licensing as applies to tobacco products in Chapter 245.

Founded in 1968, 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, we help identify, address, and successfully resolve challenges through our 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. 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>).

E-cigarettes are now the most popular tobacco product among youth – and that's largely because these products are not subject to many of the regulations other tobacco products are subject to. In addition to a ban on flavored tobacco products, comprehensive regulation which includes taxation, licensure, and prohibiting online sales of e-cigarettes is needed to address the continued increase of e-cigarette use among our youth. E-cigarettes are the only tobacco products without a tax, and taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

Thank you for the opportunity to testify. Please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.



March 20, 2023

To: COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Re: Testimony in **Support of SB975 SD2, HD1**, Relating to Health

Hrg: March 22, 2023, 2:00pm, Conference room 325

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, SB975 SD2, HD1, a comprehensive tobacco regulation bill that: establishes the criminal offense of unlawful shipment of tobacco products; amends the definition of tobacco products under Tobacco Tax Laws to include electronic smoking devices and e-liquids; and addresses licensing and permitting sellers.

E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by young people who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine. E-cigarettes are the only tobacco product without a tobacco tax. Comprehensive regulation over e-cigarettes will be a major step to reduce the use of e-cigarettes among youth.

Tobacco regulation laws have already proven to be effective in Hawai i. Comprehensive regulation has lowered adult smoking rate to 11.6%, and reduced high school smoking to 5.3% in 2019 (CDC YRBS 2017-2019). Two decades of comprehensive regulation of cigarettes and other tobacco products have helped Hawai i save \$1billion in healthcare costs.

This measure also restricts online sale of e-cigarettes directly to consumers. Requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

Laslty, it is important to call attention to the fact that the FDA does not approve e-cigarettes as cessation devices and that this comprehensive regulation will not stop access to FDA-approved nicotine replacement therapy (NRTs).

We strongly support SB975 SD2, HD1 and respectfully ask that you pass this measure to ensure that Hawai i has all the components of comprehensive tobacco regulation necessary to lower the use of tobacco.



Thank you for the opportunity to provide testimony on this important public health topic that impact the health of our communities.

Respectfully submitted,

Holly Kessler
Executive Director



March 22, 2023

Testimony on Hawai'i SB 975 — “An Act Relating to Health”

Dear Chairs and Members of the House Judiciary & Hawaiian Affairs Committee,

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

Simply put, SB 975 will do more harm than good if passed. Enacting an increase in taxes on vaping and other alternative nicotine products will lead to much higher prices for consumers, pushing many former smokers to switch back to smoking combustible tobacco. Tragically, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that [studies have shown vaping to be 95% less harmful than smoking](#), ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawai'i.

This bill was created to address the so-called youth vaping epidemic, but I'm happy to tell you that according to the [CDC's national youth tobacco survey](#) less than 1 in 10 US students reported vaping in 2022 which is the lowest it's ever been and even the FDA has declared that they are no longer using the term 'youth vaping epidemic' as it is no longer an accurate depiction of reality.

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.

Implementing a tax on vaping and alternative nicotine products will encourage these former smokers to switch back to smoking combustible cigarettes, and will disproportionately harm lower-income individuals throughout the state effectively robbing them of even more of their income and penalizing them for choosing less risky and more responsible alternatives to smoking combustible cigarettes. Additionally, this policy would ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually through Medicaid alone. We can expect that number to substantially increase if this bill is passed as vapers will be financially encouraged to switch back to smoking, further exacerbating smoking-related illnesses while taxpayers are expected to pick up the tab.

We know that smoking-related illnesses are very serious and can lead to cancer. On a personal note, 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 public health, embracing vaping as a harm reduction tool here in Hawai'i and





standing up for consumer choice for adults will help ensure that your citizens are less likely to end up in a situation similar to mine.

A tax on vaping products and nicotine alternatives will result in consumers being less inclined to purchase these products through regulated entities, and will instead be looking towards the illicit market in order to avoid the price increases. This presents serious concerns for public health in Hawai'i as consumers will be purchasing unregulated products that do not necessarily adhere to regulatory standards. Additionally, unlike vape shops, the illicit market does not abide by age restrictions therefore making it much easier for youth to acquire these products illegally.

Although this bill is well-intentioned, the proposed tax on vaping and alternative nicotine products is simply misguided as the unintended consequences would only exacerbate the problem Hawai'i is trying to fix, making this particular bill unviable in achieving its desired outcomes.

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 urge you to vote against SB 975.**

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



Date: March 21, 2023

To: Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Committee on Judiciary and Hawaiian Affairs

From: Lindsey Freitas, Advocacy Director, Campaign for Tobacco-Free Kids

Re: **Comments: SB975 SD2 HD 1, Relating to Health**

Hrg: March 22, 2023 at 2:00pm

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

The Campaign for Tobacco-Free Kids is submitting the following comments on SB 1447 SD1 HD1. We strongly support policies that tax all tobacco products at the same rate. For this reason we respectfully request that this bill be returned to its previous version, SB 1447 SD2. Taxing tobacco products at different rates encourages product switching, driving consumers to the lower taxed items.

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

Policies that raise the tax on tobacco, limit exposure to secondhand smoke, discourage the use of tobacco by youth and increase access to cessation services for those addicted to tobacco will lead to better health outcomes and less strain on the state healthcare system. Tobacco use is the leading cause of preventable death in Hawai'i¹, claiming approximately 1,400 lives each year and costing the state \$611 million dollars in direct health care costs.²

¹ Campaign for Tobacco-Free Kids: <https://tobaccofreeca.com/health/tobacco-is-the-number-one-preventable-cause-of-death/#:~:text=Tobacco%20products%20continue%20to%20be,year%20from%20tobacco%2Drelated%20diseases>.

² Campaign for Tobacco-Free Kids: <https://www.tobaccofreekids.org/problem/toll-us/california>

The dramatic rise in youth e-cigarette use is alarming. Increasing the tax on tobacco, including electronic cigarettes, is a proven method to protect our youth from these deadly products. Teenagers are especially price sensitive – every 10% increase in a tobacco tax leads to a reduction in the number of kids who smoke by six to seven percent.³ An increased e-cigarette tax will stop many from becoming addicted in the first place and thus help them avoid the tobacco related diseases that accompany it, such as cancer, lung disease, heart disease or stroke.

Thank you,
Lindsey Freitas, Campaign for Tobacco-Free Kids

³ See, e.g., Chaloupka, FJ, “Macro-Social Influences: The Effects of Prices and Tobacco Control Policies on the Demand for Tobacco Products,” *Nicotine and Tobacco Research* 1(Suppl 1):S105-9, 1999; other studies at <http://www.ihrp.uic.edu/researcher/frank-j-chaloupka-phd> and <http://tobacconomics.org/>; Tauras, J, “Public Policy and Smoking Cessation Among Young adults in the United States,” *Health Policy* 6:321-32, 2004; Tauras, J, et al., “Effects of Price and Access Laws on Teenage Smoking Initiation: A National Longitudinal Analysis,” National Bureau of Economic Research Working Paper 8331, June 2001, <http://www.nber.org/papers/w8331>. Chaloupka, FJ & Pacula, R, *An Examination of Gender and Race Differences in Youth Smoking Responsiveness to Price and Tobacco Control Policies*, National Bureau of Economic Research, Working Paper 6541, April 1998; Emery, S, et al., “Does Cigarette Price Influence Adolescent Experimentation?,” *Journal of Health Economics* 20:261-270, 2001; Evans, W & Huang, L, *Cigarette Taxes and Teen Smoking: New Evidence from Panels of Repeated Cross-Sections*, working paper, April 15, 1998; Harris, J & Chan, S, “The Continuum-of-Addiction: Cigarette Smoking in Relation to Price Among Americans Aged 15-29,” *Health Economics Letters* 2(2):3-12, February 1998, <http://www.mit.edu/people/jeffrey/HarrisChanHEL98.pdf>. HHS, *Reducing Tobacco Use: A Report of the Surgeon General*, Atlanta, Georgia: HHS, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2000, http://profiles.nlm.nih.gov/NN/B/B/L/Q/_/nnbblq.pdf.



Hawaii Dental Association

Committee: House Judiciary & Hawaiian Affairs

Time/Date: 2:00 p.m., March 22, 2023

Location: State Capitol Conference Room 325 and via Videoconference

Re: SB 975, SD2, HD1 Relating to Health

Aloha Chair Tarnas, Vice Chair Takayama, 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 SB 975, SD2, HD1** relating to health. This bill establishes the criminal offense of unlawful shipment of tobacco products. It amends the definition of "tobacco products" under the Cigarette Tax and Tobacco Tax Law to include electronic smoking devices and e-liquids and increases the license fee for persons engaged as wholesalers or dealers of cigarettes and tobacco products and the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products.

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 SB 975, SD2, HD1.



Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Date: March 22, 2023

From: Hawaii Medical Association

Bernard Robinson, MD, HMA Public Policy Committee

Re: **SB975 SD2, HD1: RELATING TO HEALTH**

Position: **Support**

Tobacco use has a profound effect on the health of everyday Americans. The life expectancy of a smoker is on average 10 years less than a non-smoker. Tobacco-related illness is responsible for nearly **half a million deaths** annually in the United States. One of the most effective means to reduce tobacco use is prevention. Approximately 9 out of 10 smokers begin smoking before the age of 18. In the past 10 years, the overall use of tobacco products significantly declined in the pediatric (ages 1-17) population. Unfortunately, this positive progress has been mitigated by a recent increase in use of e-cigarettes, which have become increasingly popular in middle and high school-aged children. Per the CDC, **"If cigarette smoking continues at the current rate among youth in this country, 5.6 million of today's Americans younger than 18 will die early from a smoking-related illness"**

Increasing taxes on cigarettes is an effective public health measure to reduce tobacco use. For every 10% increase in the price of cigarettes, there is a 7% decrease in use in people less than 18 years of age. In addition to the notable health benefits of reduced tobacco use, additional tax revenue can then be used to fund further tobacco prevention efforts. Furthermore, studies performed on the specific impact of increased taxes on e-cigarettes have demonstrated similar results, with increasing costs of e-cigarettes being associated with reduction in use in youths. As advocates for our patients and their health and safety, the HMA stands in strong support of this evidence-based measure to reduce tobacco use.

Thank you for allowing the HMA to testify in support of this measure.

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Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

The Coalition for a Tobacco-Free Hawaii's Youth Council, **supports SB975**, however we request that the language be reverted back to the language in SB975 SD2 which calls for regulating e-cigarettes the same as other tobacco products.

Hawai'i is facing a youth vaping epidemic. In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. As many know, these products are harmful to youth in particular, containing toxic chemicals like nicotine and formaldehyde that destroy the developing brain. 1,400 people die from a tobacco-related illness every year in Hawai'i and e-cigarettes are addicting a whole new generation which will only drive this number higher.

Countless students from across the state and nation have chronicled youths 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.

A study by Frank J. Chaloupka, PhD Director of the Health Policy Center at the University of Illinois at Chicago showed that **a 10% increase in price reduces sales of disposable e-cigarettes by approximately 12%**, and by about 19% for reusable e-cigarettes. Youth are even more price sensitive than adults, which is why the Youth Council supports taxing e-cigarettes like other tobacco products.

It's also important to close the online loophole which makes it relatively easy for youth to purchase e-cigarettes in bulk online and sell them at their school.

It's not just youth that support this – we have endorsements from more than 100 organizations, many of which have also submitted testimony. Our members have presented to the majority of Oahu neighborhood boards, with 24 having passed resolutions in support of a comprehensive effort to end the youth vaping epidemic,

including regulating e-cigarettes the same as other tobacco products. You can see a partial list below.

The main opposition to this bill seems to be the addicted, or those profiting from their addiction. Since 95% of smokers start before the age of 21 they didn't really choose to become addicted, but rather succumbed to the slick marketing by the tobacco industry when they were kids. It's time to stand up to Big Tobacco and put Hawaii's keiki over corporate profits!

PARTIAL LIST OF SUPPORTERS TO REGULATE E-CIGARETTES THE SAME AS OTHER TOBACCO PRODUCTS

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
Bad Boys Football Club
Big Island Interscholastic Federation (BIIF)
Hale 'Ōpio Kaua'i Inc.
Hawaii Children's Action Network
Hawaii Interscholastic Athletic Directors Association
Hawaii State Teachers Association (HSTA)
Hawai'i Youth Climate Coalition
Hawaii Youth Services Network
Honolulu Youth Commission
Kanu o ka 'Āina Learning Ohana (KALO)
Kauai Path Inc.
LearningBond
Pacific American Foundation
Parents for Public Schools of Hawai'i
Partners in Development Foundation
Puna Hongwanji Mission
Residential Youth Services & Empowerment (RYSE)
The Friends of Kamalani and Lydgate Park
Waipahu Intermediate Youth For Safety

NEIGHBORHOOD BOARDS

Kuliouou-Kalani Iki Neighborhood Board 02
Kaimuki Neighborhood Board 04
Diamond Head Neighborhood Board 05
Palolo Neighborhood Board 06
McCully-Moilili Neighborhood Board 08
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

BUSINESSES

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

SCHOOLS

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

HEALTH & COMMUNITY LEADERS

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Joy Barua
Forrest Batz, PharmD
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Deborah Bond-Upson
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Colleen Inouye, MD
Lila Johnson
Leilani Kailiawa
Lehua Kaulukukui
Ken Kozuma
Mark Levin
Loren Lindborg

Katherine May, PsychD
Bryan Mih, MD
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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

SB-975-HD-1

Submitted on: 3/21/2023 4:13:23 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Zehner	Hawaii Smokers' Alliance	Oppose	Written Testimony Only

Comments:

We strongly oppose this bill. It is an unfair ban on interstate trade. It is divisive and bigoted since the legislature is failing to encourage both sides of the issue to work together towards a common goal.



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 Tarnas, Chair
Representative Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Re: SB975 SD2 HD1, relating to health
2:00 p.m., Mar. 22, 2023

Aloha Chair Tarnas, Vice Chair Takayama and committee members:

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to **testify in SUPPORT of Senate Bill 975 SD2 HD1**, relating to health. **We respectfully request an amendment reverting the language back to the SD2 version.**

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. E-cigarettes are now the most popular tobacco product among youth. That's largely because these products are not subject to many of the regulations other tobacco products are subject to.

In addition to the harms e-cigarettes may have for adolescents and youths, they are also a risk to young children. **The CDC reports that approximately half of all calls to poison control centers for e-cigarettes are for children 5 years of age or younger.**

E-cigarettes have evaded many tobacco regulation laws for decades. Comprehensive regulation will be a major step in reversing youth use of e-cigarettes. We have spent the last few decades lowering cigarette use across the board. We know that comprehensive regulation is an essential component to that success. It's time we do the same for e-cigarettes.

To truly achieve parity and effectively discourage youth use of e-cigarettes, we respectfully request the committee to revert the bill to the SD2 version. This will ensure that e-cigarettes are taxed at 70% of the wholesale price – same as other tobacco products – and restricts online sales to prevent youth access.

Please support SB975 SD2 HD1 and restore the bill to its SD2 version.

Mahalo,
Ke'ōpū Reelitz
Director of Early Learning and Health Policy

SB-975-HD-1

Submitted on: 3/20/2023 2:41:02 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melissa Rivas	Individual	Support	Remotely Via Zoom

Comments:

The use of electronic cigarettes and e-liquids have similar risks to adverse health consequences such as high levels of exposure to toxic chemicals used in e-liquids, both lung and cardiovascular (heart) disease, and other highly dangerous chemicals also used as primary ingredients in weed killers (American Lung Association) but can cause people asthma and lung cancer upon consumption. As an MSW in Hawai'i, I am extremely concerned for our youth who have fallen vulnerable to the marketing strategies of the predatory e-cigarette companies. History has shown us that by increasing cigarette prices we can significantly minimize the consumption of cigarette use in our youth and young adults. We need to impose a state tobacco tax on electronic cigarettes and e-liquids. The health of our youth and young adults needs to be our priority. Taxing these products is another way to fight the e-cigarettes epidemic. Help us do so.

SB 975, SD 2, HD 1 Relating to Health
March 22, 2023

Committee of Judiciary & Hawaiian Affairs

Chair: Rep. Tarnas

Vice Chair: Rep. Takayama

**TESTIMONY IN SUPPORT OF SB 975, SD 2, HD 1
RELATING TO HEALTH**

I am Julian Lipsher testifying as a private citizen in support of SB 975, SD 2, HD 1. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee which is part of the Hawaii Public Health Institute and formerly was with the Hawaii State Department of Health focusing on tobacco prevention and control and chronic disease prevention.

The bill as it relates to electronic smoking devices (ESD) proposes to:

- * Establish a regulatory structure for shipment of tobacco products.
- * Amends the definition of 'tobacco products' to include ESD's and e-liquids in Hawaii Revised Statutes.
- * Require licensing and permitting fees for ESD retailers and wholesalers.
- * Establish a consistent rate of tax with other tobacco products.

The Hawaii State Legislature has enacted numerous pieces of legislation on traditional tobacco products. These measures have resulted in significant declines in both adult and youth smoking rates, some of the lowest in the nation, saving both money and lives. Now we are faced with the challenges presented by the tobacco industry on vaping, e-cigarettes and new methods of nicotine delivery systems.

- e-cigarettes have evaded tobacco regulation laws for almost a decade, leading to a sharp rise in the use of these products, especially by young people, who are enticed by their marketing, attractive flavoring, and lack of proper regulatory controls on an addictive drug, nicotine.
- E-cigarettes are the only tobacco products without a tobacco tax.

- Comprehensive regulation that includes taxation, licensing and permitting will be a major step in reversing youth use of e-cigarettes.
- Two decades of comprehensive regulation of cigarettes and other tobacco products has helped Hawaii'i save an estimated annual \$526 million in direct healthcare costs and another \$387 million in lost productivity.
- Comprehensive regulation of cigarettes has lowered the adult smoking rate to 10.1%; and reduced high school smoking to 5.3%.
- E-cigarettes are not FDA-approved cessation devices.
- Comprehensive tobacco regulation does not stop access to FDA-approved nicotine replacement therapy (NRTs) – approved smoking cessation products.
- Unregulated, unchecked online sales of e-cigarettes need to be addressed. This measure restricts online sales of e-cigarettes directly to consumers – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

The Legislature is encouraged to apply what has been successful strategies for traditional tobacco products, to electronic smoking devices and the epidemic of vaping among our youth.

Thank you for the opportunity to testify.

Julian Lipsher
jdlipsher@hawaii.rr.com

SB-975-HD-1

Submitted on: 3/21/2023 1:43:26 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
VALENTINO MIRANDA-KEPA	Individual	Oppose	Remotely Via Zoom

Comments:

Please Oppose bill SB975

SB-975-HD-1

Submitted on: 3/22/2023 5:27:48 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Marianos	Individual	Oppose	Remotely Via Zoom

Comments:

Good afternoon ladies and gentlemen of the Health and Human Services Committee . My name is Rich Marianos, and I am a senior law enforcement consultant and subject matter expert on criminal tobacco trafficking.

Let me start by telling you a little about my background. I retired from a 27-year career at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as Assistant Director. During my ATF career, I conducted, supervised and oversaw investigations into organized crime, counterterrorism, drug trafficking organizations and violent crime.

My ATF experience also includes the position of Special Agent in Charge of the Washington Field Division and Deputy Chief of ATF's Special Operations Division.

In addition to my consultation duties for law enforcement, I am also an Adjunct Professor at Georgetown University in Washington, D.C., where I teach courses in Applied Intelligence and Political Violence and Terrorism. If you cannot tell by my background, crime prevention and security are things that I take very seriously. During the past year, myself and other members of the law enforcement community testified in front of various State Legislatures about what a bad idea it was to pass a ban on flavor tobacco, and to increase taxes, creating a prohibition.

Please understand, if you ban flavored tobacco products, and disproportionately increase tobacco taxes

in Hawaii, black market tobacco products will soon arrive despite best efforts ban them. Flavor tobacco

will fall right in line with the other prohibited items such as guns and narcotics i.e. Black Tar Heroin,

Fentanyl, Crack Cocaine and Ice Methamphetamine. The gangs and organized groups of criminals

(Mexican Drug Cartels) will make a windfall in profits over these bad policy decisions.

According to law enforcement intelligence sources, the above described drugs are being smuggled into

your State by the Mexican Cartels by way of commercial airlines, US mail services, smuggling tunnels,

back roads, well placed bribes and trucking cargo/freight lines. The contraband comes from Mexico

through Arizona to California (San Diego) to Hawaii.

According to Intelligence Sources, Mexican Drug Cartels, specifically, **The Jalisco Nueva Generacion aka**

The Tobacco Cartel run by Edmund FERREIRA is making inroads into Hawaii to pursue illegal tobacco

trafficking. FERREIRA was recently arrested in Hawaii for narcotic conspiracy and distribution and

possession of Ice Methamphetamine and Fentanyl. Law Enforcement Sources also identify FERREIRA as

owning three (3) cigarette factories that produce 30 brands of flavored cigarettes and flavored vaping

products that sell for about \$3.60 per pack. This is evidence backed by arrests in your state, not

anecdotal theory proffered by others, who never conducted an investigation.

Each day in cities and counties throughout the United States, tobacco is the currency of Organized

Crime. It has become an easy way to traffic contraband at a minimal risk with a high return in way of money.

Based on my experience, training, and education the prohibition you will create will not work. It will

endanger the safety of your citizens and your children through black market counterfeit products

flooding your streets, by the likes of criminals I pointed out above.

The criminal element consistently adapts, always intending to make profits. Banning, outlawing, and

eliminating flavor tobacco, or increasing the taxes on these products, will do nothing but create an

already bigger crime problem in Hawaii. Just like the gun, gang, and drug violence.

SB-975-HD-1

Submitted on: 3/20/2023 9:58:06 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Kern	Individual	Support	Written Testimony Only

Comments:

March 20, 2023

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

My name is Sarah Kern and I am a resident of Lihue, Kauai. I am testifying in strong support of SB975. I am a teacher at Chiefess Kamakahahei Middle School and I have seen the negative impacts that e-cigarette and vape use has on our students in their critical years of development in early adolescence. SB975 would amend the definition of “tobacco products” to include these products that are harming our keiki every single day. It would also impose an excise tax on these products, making them less affordable for users. Any laws that discourage or limit the use, sale, or distribution of tobacco products in Hawaii is important for the health of our state and especially our keiki.

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

Mahalo nui loa,

Sarah Kern

SB 975

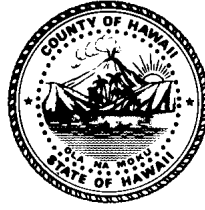
I am writing as a long-time Kauai pediatrician in support of SB975, which regulates electronic smoking devices. E-cigarettes have evaded taxation as a nicotine device for years due to the tobacco lobby's false argument that they are smoking cessation devices. In fact, electronic smoking devices have no FDA approval as a cessation device, unlike other products such as nicotine gums and patches. To the contrary, electronic devices actually promote nicotine dependence by functioning as a starter drug for children and adolescents and utilizing liquids with very high nicotine concentrations. These devices have targeted our children by using attractive packaging and flavored liquids. As a nicotine delivery device, they must be taxed at the same rate as regular cigarettes. Face to face and online sale of e-cigarettes and liquids should be licensed and monitored, with strong consequences for violations. Thus far there are some rules, but they are regularly flouted without fear of punishment, as several studies of vape shops have demonstrated. The FDA has shown it has little appetite for monitoring and punishing violators of its own rules and has put in place a very prolonged approval process of vaping products which has no hope of stemming the tide of new products continuously brought forth by the tobacco industry.

The Health and Homelessness Committee amended SB975 by negating language requiring parity taxation with all other tobacco products (in fact, a specific taxation percentage was struck from the bill) and also eliminating regulation of online sales of vaping products, which is a major source of supply for our youth. I am requesting that the language of SB975 SD2 HD1 be reverted back to that of SB975 SD2 to strengthen the bill as originally written.

For the sake of our keiki we must put our best foot forward in regulating this dangerous and addictive nicotine product. SB975 is a very promising strategy for accomplishing this worthy goal.

Linda Weiner, MD
Pediatrics, Kauai

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: March 20, 2023
TO: House Committee on Judiciary and Hawaiian Affairs
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB 975 SD 2, HD 1

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

I am testifying in support of SB 975 to allow Counties to retain the authority to adopt laws regarding the sale and regulation of tobacco products so long as those laws are not in conflict with and/or are more stringent than State laws. Our communities suffer when State elected officials supersede the rights of County leaders in regards to the health and well-being of our local constituents. The Counties are more able address the needs of our communities in a timely manner. Hawai'i County, in particular, has a good history of helping to pass public health policies such as Tobacco 21 and smoke-free air laws.

Reauthorizing Counties to regulate the sale of tobacco products allows for even more opportunities for innovative policies at the local level. County legislators are not being lobbied by tobacco industry representatives at the level State leaders have been, which means they are in a position to more easily pass laws that put public health care first. Cutting back on tobacco sales and use can improve public health and reduce health care costs associated with tobacco related illnesses, a benefit to us all.

Mahalo for the opportunity to testify in support of this bill.

Mahalo,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada".

Jenn Kagiwada

SB-975-HD-1

Submitted on: 3/20/2023 1:43:36 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB975. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and it has been declared vaping a youth epidemic by the U.S. Surgeon General. One in three high school students and one in five middle school students report “currently using” e-cigarettes (per 2019 YRBS data).

As a parent and health educator, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids’ ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it’s very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

Taxing and regulating sales of tobacco products is a proven strategy to reduce youth rates of use. However, e-cigarettes are the ONLY tobacco product without a tax and are being poorly regulated! E-cigarettes need to be taxed and the funds accrued need to be put into prevention and control services.

I am in strong support of SB975 because it applies a tobacco tax to e-cigarettes and requires licensing and permitting for tobacco retailers and wholesalers.

Our youth deserve their health! Our youth deserve to remain addiction free. Please help protect our youth by supporting SB975.

Mahalo, Kristin Mills, M.S., M.A.

Date: March 20, 2023

To: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

Re: **Support for SB 975 SD2 HD1 reverted back to the language of SB 975 SD2, Relating to Health**

Hrg: Wednesday March 22, 2023 at 2:00 pm Conference Room 325 via Videoconference

Aloha House Committee on Judiciary & Hawaiian Affairs,

As a parent, community member and healthcare professional I am writing in **strong support for the intent of SB 975 SD2 HD1** which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for purposes of the cigarette tax and tobacco tax law; exempts electronic smoking devices and e-liquids from the excise tax on all tobacco products other than large cigars; beginning 1/1/2024, imposes an excise tax on each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer effective; and, repeals the electronic smoking device retailer registration unit under the department of the attorney general.

Hawaii 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.

Comprehensive regulation of combustible tobacco products significantly lowered the adult and high school smoking rates in Hawaii.

Taxation, licensing & permitting and restricting online sales are all components of comprehensive tobacco regulation and key to addressing the continuing epidemic level of e-cigarette use among our youth.

E-cigarettes are the only tobacco products that are untaxed in Hawaii.

While SB 975 SD2 HD1 brings e-cigarettes under regulation with other tobacco products, **it fails to tax them** similarly to other tobacco products to which they are most similar, combustible cigarettes.

The language of SB 975 SD2 taxes e-cigarettes similarly to other tobacco products like combustible cigarettes, rather than large cigars.

The language of SB 975 SD2 also restricts online sales of e-cigarettes directly to consumers (which SB 975 SD2 HD1 fails to do). Requiring face-to-face purchases makes it harder for youth to obtain these products via the internet, while licensed tobacco retailers would still be able to receive shipments of products.

I ask you to **revert** SB 975 SD2 HD1 **back to the language of SB 975 SD2**, and pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-975-HD-1

Submitted on: 3/20/2023 2:52:08 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Valdez	Individual	Support	Written Testimony Only

Comments:

Honorable Representative David A. Tarnas, Chair

Honorable Representative Gregg Takayama, Vice Chair

Members of the Committee on Judiciary & Hawaiian Affairs

Re: SB 975, SD2 HD1 Relating to Health, Strong Support

Representative Tarnas, Takayama, and members of the Committee on Judiciary and Hawaiian Affairs:

SB 975, SD2 HD1 will address the continued escalation of e-cigarette use among our teens, putting our children’s health at risk – including becoming a lifelong addiction. By addressing the unlawful shipment of e-cigarettes, taxing them as tobacco products, and licensing and permitting sellers, you will implement comprehensive regulations to address this crisis.

As a young adult and a lifelong resident of the State of Hawai‘i, I express my STRONG SUPPORT of this bill. I strongly support proven strategies like taxing tobacco products and cigarettes. Unfortunately, e-cigarettes are now the most popular tobacco product among youth – mainly because it’s not subject to many of the regulations other tobacco products are subject to. By implementing the same policies and regulations Hawai‘i used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use.

Hawai‘i is in the midst of a youth vaping epidemic, with one in three high school students and one in five middle school students reporting “current use” of e-cigarettes. Having been in school at the start of the youth vaping epidemic to working professionally within the Department of Education, witnessing the rise of teachers and administrators within my district complaining about the students using flavored vaping products and having to call 911 for health emergencies is gut-wrenching and unacceptable.

E-Cigarettes are the only tobacco products without a tax! Please also keep in mind that e-cigarettes are NOT FDA-approved for cessation, and this regulation DOES NOT stop access to FDA-approved nicotine replacement therapy (approved smoking cessation products).

If we are genuinely in support of our keiki and the citizens of Hawai'i, I again respectfully request your support of this bill. If we aim to protect our keiki and reduce the burden of tobacco in our communities, we must do better, and we must do it now.

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Committee on Judiciary and Hawaiian Affairs

I'm Zoey, a local youth from Nu'uuanu/Liliha, and I support SB975 but ask that you change the language back to SD2.

As a youth that has personally seen the impacts of tobacco on my family members and friends, namely my grandpa who had passed away from tobacco use as well as my many fellow peers in middle school, I strongly support the bill to tax and regulate e-cigarettes as any other tobacco product.

Taxing and restricting the online sale of e-cigarettes will undoubtedly help prevent youth addiction to these products, especially since inexpensive accessibility and unregulated online sales have been primary sources of tobacco products for Hawaii kids in high school, middle school, and even elementary school. I've seen it first hand, when my fellow classmates and friends would fill the school bathrooms with sickly sweet scents of cotton candy using vapes that they bought online with just the click of a button. By implementing the same policies and regulations Hawai'i used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use and prevent further health consequences on kids like myself.

Therefore, I urge the committee to support SB975, so that we can truly prevent the dangers of tobacco from affecting both my generation and our future generations.

Mahalo,
Zoey Duan

Representative David A. Tarnas, Chair and Members of the Committee on Judiciary and Hawaiian Affairs

My name is Karennia and I'm from Mililani, Oahu. I am submitting testimony in support of SB 975 to regulate e-cigarettes like other tobacco products. This will reduce the amount of lives lost from tobacco usage and complications due to tobacco, especially among children. Did you know that if this problem is not addressed, 21,000 children alive today will die from tobacco usage? We must protect our children from tobacco and the only way we can do that is by regulating e-cigarettes like other tobacco sales.

I am only in high school and already some of my classmates have admitted to using tobacco products, such as e-cigarettes. This is terrible. I am close to my classmates and the last thing I want is for them to have health problems (or even die) from using tobacco products. The tobacco industry has admitted to marketing towards high schoolers, a fact that I find disgusting. Tobacco industries use flavors to hook children, so children become addicted to nicotine.

There needs to be a tobacco tax attached to e-cigarettes. Applying a tax to tobacco products has been proven to reduce the number of smokers, therefore saving many lives, especially those of young people. This tax would be about 70% of the wholesale price, the same as other tobacco products.

Restricting online sales of tobacco products, mostly e-cigarettes, is also crucial to saving lives. Children (even ones as young as six years old!) can access tobacco products online, which is scary. It's easy for them to do so, and resell them to classmates. This is obviously really bad and needs to be stopped. Why should e-cigarettes be available for purchase online, when combustible cigarettes aren't?

Lastly, getting a license and a permit to sell tobacco products is necessary. Right now, people who sell e-cigarette cannot get revoked or anything. They just need to register. This is why it's so easy to buy tobacco products and why so many kids are doing so! If these retailers were to be licensed, this license can be revoked if they sell to children.

As a teenager, this issue is really important to me. Thank you for taking the time to hear me out!

To: Representative David A. Tarnas, Chair and Members of the Committee on Judiciary & Hawaiian Affairs

From: Jaelyn Natividad

Re: Support for SB 975

I believe that we need to regulate e-cigarettes the same as other tobacco products because it includes a common 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-cigarettes. This does not only impact their bodies and personal health but it impacts the environment and community around them. It may start with one student with an e-cigarette, but then another will become a follower and so on and so forth, and a classroom of students will be trying them by the end of the week.

My athletically and academically minded cousin started vaping. It hurts to see my cousin throwing years away from their 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 because of stress or whatnot. I love my cousin too much to see my cousin throw their life away!

By increasing the cost of e-cigarettes by taxing them like other tobacco products it will make them less attractive to students like my cousin.

Representative David A. Tarnas, Chair and Members of the Committee on
Judiciary and Hawaiian Affairs

Support for SB 975

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

Kahuku

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Committee on Judiciary and Hawaiian Affairs

March 22, 2023

Support for SB975

I support SB975. My name is Kinohi and I am from Hau'ula O'ahu and a member of the Coalition for a Tobacco-Free Hawaii Youth Council.

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, and nicotine is a highly addictive chemical that can have 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.

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. 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 and 1 in 3 Hawai'i high school students report using e-cigarettes on a regular basis.

Youths are more price sensitive than adults, so taxing e-cigarettes the same as other tobacco products will help decrease youth e-cigarette use, this would help to end the youth vaping epidemic.

Kinohi
Hau'ula, O'ahu

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

I'm Samantha Lay, a junior at Roosevelt High School and I **support** SB975 but ask that the language be changed back to SB975 SD2 as it calls for regulating e-cigarettes similar to other tobacco products.

The alarming issue facing youth today is one worth addressing and putting forth the effort to lessen those negative impacts. I may not have personally experienced those effects myself, but have observed one of my good friends succumb to the faults of peer pressure. Learning she suffered from heart/lung complications as a result, the extensiveness of harm done came to light as it was challenging to see her have a difficult time breathing, especially when confronted with mask restrictions. Additionally, the health disparities are definitely important to emphasize. With certain marginalized groups, considering race and socioeconomic status, specific audiences are being targeted by the tobacco industry marketing on-island. Not to mention the rates that correspond to vaping in such early stages of individuals' lives. With e-cig use on the rise, we see a rapid increase in addiction and demand for these products. With this bill, the objectives to reduce tobacco use will be ensured, putting youth in the forefront of it all.

By taxing e-cigarettes at a similar rate to other tobacco products it will raise the price which will deter youth from starting and encourage youth to quit.

Representative David A. Tarnas, Chair and members of the Committee on Judiciary and Hawaiian Affairs

Support for SB 975

Vapes negatively impact our youth because they are very addictive and for our generation easy to get their hands on. By taxing them like cigarettes it will raise the cost which will keep some students from starting using them.

Vapes are just as addictive and harmful as other tobacco products. And for our generation we would rather vape than smoke cigarettes. Because cigarettes give an unpleasant taste and scent. 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 for me 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 a 100 kids walk by it every day on their way home. By making the price higher through tax fewer would stop and try to buy them.

Carmine
Kealakekua, Hawaii

To: Representative David Tarnas, Chair and members of the Committee on Judiciary & Hawaiian Affairs

From: Daniel Valera

Re: Support for SB975

E-cigs are also addictive and will harm your body the same as cigs or even worse so should be regulated in the same way.

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.

Increasing the cost by taxing them will help reduce youth use. Maybe if cigarettes had been more expensive when my uncle was a kid it would have stopped him from starting, and he would still be here.

Representative David Tarnas, Chair
and members of the Committee on Judiciary and Hawaiian Affairs

I believe it's important to regulate e-cigarettes the same as other tobacco products and **support SB 975** . It's not okay for these tobacco companies to target young audiences with these cheap products, ruining their futures, they shouldn't be in the hands of teenagers or young adolescents. Making them more expensive by taxing them like other tobacco products will make them less attractive.

I was influenced into vaping by a bad group of friends who were also influenced by the tobacco industry. I instantly got hooked and loved the flavor of it. When I saw the effect it had on my body, I could barely hold my breath when I swam and when I ran I would get out of breath very quickly. I knew I was in trouble. I told my boyfriend who was in the youth council group the effects vaping was having and he helped and showed me what vaping can really do and helped me to quit vaping and now I'm trying to help others.

The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes the youth blind to the risks and makes them want to try them without them knowing the harm it can do to their bodies and flavored tobacco makes kids get hooked easily when they taste so good. The low price of vapes makes them easy to get.

Raising the price will help but we need to do more. The relatively easy access to e-cigarettes purchase online has impacted my school and neighborhood. Many students go in school bathrooms and vape and because of that, most of the bathrooms at my school are closed down and people who actually use the bathroom get in trouble for having the scent on them even if they don't use. Please regulate vapes the same as other tobacco products.

Maui E.
Hilo, Hawaii

To: Representative David A. Tarnas, Chair and members of the Committee on Judiciary & Hawaiian Affairs

From: Destin

Date: 3/22/2023

Re: Support for SB 975

We need to regulate e-cigarettes the same as other tobacco products because e-cigarettes are easily accessible because of the internet and the disposable vapes are cheap and easy to sell to other people.

I have a fear of going to the bathroom at school because most people that go to the bathroom use it as an excuse to 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 around me.

The easy and cheap access to e-cigarettes endangers my community to the point where some parents don't trust their kids and fear that their kids are being peer pressured to use flavored tobacco products.

Destin

Pa'auilo, Hawaii

Rep. Tarnas, Chair
Rep. Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

From: Moani Yamanoha

Re: Support for SB 975

I support SB 975 because people that vape are becoming addicting at a young age which can lead to serious health issues in the future. They are no better than other tobacco products and should be taxed the same way.

When my grandparents lived in 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 let off 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 go through that with their family and friends because of vaping.

By taxing vapes the same as other tobacco it would cause fewer kids to use them and make those that vape want to quit.

Chair, Representative David A. Tarnas
Vice Chair, Representative Gregg Takayama,
Members of the Committee on Judiciary and Hawaiian Affairs

Support SB975

I believe we need to regulate e-cigarettes the same as other tobacco products and tax them at similar rates because it is basically the same product and increasing the tax will make young adults and kids who are not financially independent think twice before buying.

Mary Liaguno
Waikaloa, HI

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

My name is Sydnee Yokota and I am testifying in support of SB975.

Nicotine is an addictive component found in e-cigarette, and using e-cigarettes can be a gateway to using other substances, such as combustible tobacco cigarettes, marijuana, and other illicit drugs. Nicotine can alter a growing individual's brain development and function. 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.

E-cigarettes are found in practically all convenience stores here on the Big Island. They have appealing colors, exciting flavors and low costs 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, surrounded by candy, becoming a massive consumer attraction, especially to the youth.

I believe if e-cigarettes are regulated and taxed like other tobacco products, it could potentially cause the youth to not start using them. I ask that you change the language in the current draft back to SB975 SD2. Thank you for the opportunity to testify,

Sydnee Yokota
Pepeekeo

Chair Tarnas and members of the Committee on Judiciary and Hawaiian Affairs

Support for SB 975.

My name is Zoe Gacayan, I'm from Paauilo and I'm testifying in support of SB 975. We need to acknowledge that e-cigarettes are the same as any and every other tobacco product because they all do the same thing; kill. Just because they "seem safer" doesn't make the outcome any different. It makes it worse if anything. Increasing the cost could make the youth not buy as much. The current low cost can cause youth to use their money unwisely and cause unhealthy habits, like spending their money on harmful products like e-cigarettes.

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 they were not my targeted audience. Youth however could listen. Those are the people I want to talk to and impact. By educating youth on the harms and raising the cost of e-cigarettes we can stop kids from vaping.

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. We need action now to stop this and taxing vapes like other tobacco is one way to help.

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

I am testifying in support of SB975.

I believe that we need to regulate e-cigarettes the same as other tobacco products and tax them at similar rates because if the tax makes it expensive, youth hopefully won't be able to afford to have them.

The relatively easy access to e-cigarette purchase online impacts my community because you don't have to be of age to buy it, it is very easy for youth to purchase it for themselves. We need to close the online loophole. You can't buy cigarettes online, why should you be able to buy e-cigarettes that way?

Tobacco has impacted my life because I was not able to meet my great grandparents, they both passed away from lung cancer within a year of each other due to being heavy smokers. I don't want to see this happen to other generations.

I think increasing the cost of e-cigarettes by taxing them like other tobacco would cause more youth to quit and fewer to start.

Danica Valera
Kamuela

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

Support for SB 975

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.

By treating e-cigarettes the same as other tobacco products it will make it more expensive so fewer kids will start and others may quit.

Thank you for the opportunity to testify.

To: Chair Tarnas, Vice Chair Takayama, and members of the Committee on Judiciary and Hawaiian Affairs

From: Jaedyn Pavao, Kalaheo Hawaii

I support SB 975. We need to regulate e-cigarettes because they do take a toll on the body and it has become overused. Increasing the cost will stop youth from using them. However, how are they even getting them in the first place? We need to better regulate these products so we can decrease the overall use of these items for people across all ages. Ending online sales would help.

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 the harms of these products .

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

Members of the Committee on Judiciary and Hawaiian Affairs

My name is Lokella Medeiros and I am from Hilo. I am testifying in support of SB975. We need to regulate e-cigarettes the same as other tobacco products to protect the youth and well being of future generations.

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.

Youth have easy access to buying these products and regulating them like other tobacco products will help keep them out of their hands.

Chair David Tarnas
Vice Chair Gregg Takayama,
Members of the Committee on Judiciary and Hawaiian Affairs

I am testifying today in support of SB 975

My name is Noel Nichols and I believe e-cigarettes need to be treated like other tobacco products and taxed like cigarettes. By increasing the cost children will have a harder time coming up with the money to buy them.

They should also not be available online where kids can buy these products then sell them to younger children in the elementary schools.

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. It is even in the elementary schools! Please help them by making e-cigarettes harder for them to get. :(

Noel Nichols
Laie

SB-975-HD-1

Submitted on: 3/20/2023 3:50:31 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chien-Wen Tseng	Individual	Support	Written Testimony Only

Comments:

As a family physician, I ask that SB 975 be revised include the e-cig tax at 70%. There's so much data showing that e-cigs are now the entry point for young adults and children to nicotine/tobacco which harms health. Let's use our lessons learned from cigarettes and smoking to protect our community's health. Mahalo.

Dr. Chien-Wen Tseng

SB-975-HD-1

Submitted on: 3/20/2023 7:13:56 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Wells	Individual	Oppose	Written Testimony Only

Comments:

This tax is unfair and wrong.

SB-975-HD-1

Submitted on: 3/20/2023 7:35:10 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alison Kaneshiro	Individual	Support	Written Testimony Only

Comments:

The use of electronic cigarettes has become a serious health threat to our youth. Some of the reasons for their popularity is low cost, tasty flavors, cool designs, and easy access for youth. Adolescents also believe the use of these devices have low risk. However, they are extremely dangerous with high concentrations of nicotine and many toxic or carcinogenic chemicals. The liquid can be oil based and have heavy metals including lead, acetaldehyde, nickel and acrolein in them. There are health consequences for youth that differ from adults including altered brain development which can lead to decreased attention capacity, memory impairments and problems with executive functioning. In the short term, due to the high potency, there is a high possibility of nicotine toxicity. Signs and symptoms of nicotine toxicity includes headache, nausea, vomiting, palpitations, tremors, and abdominal pain. In extreme cases of nicotine toxicity, heart arrhythmias and seizures can occur. E-cigarette or vaping-associated lung injury (EVALI) has also occurred which can lead to hospitalizations and even death. As with all nicotine products the long term effects on cardiovascular health is concerning (Bhave & Chadi, 2021).

My husband is a middle school teacher and he has told me that vaping and e-cigarettes are a big problem in the schools. Some of the devices look like a computer memory stick, they are small and easy for youth to hide. Many of these devices do not have any odor to them so it is also difficult to detect unless the cloud of smoke is seen. I believe that imposing excise taxes on these devices and refills will make it more challenging for adolescents to purchase these. These are tobacco products and should be taxed the same as all other tobacco products. We need to make it more difficult for our youth to obtain these products and devices in the interest of public health.

Reference

Bhave, S. Y., & Chadi, N. (2021). E-cigarettes and vaping: A global risk for adolescents. *Indian Pediatrics*, 58(4), 315–319.

SB-975-HD-1

Submitted on: 3/20/2023 7:44:11 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Chang	Individual	Oppose	Written Testimony Only

Comments:

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SB-975-HD-1

Submitted on: 3/20/2023 8:23:06 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Lee	Individual	Support	Written Testimony Only

Comments:

I support SB975.

SB-975-HD-1

Submitted on: 3/20/2023 9:38:11 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD2 HD1 .

Thank you.

SB-975-HD-1

Submitted on: 3/21/2023 5:27:14 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Collins	Individual	Support	Written Testimony Only

Comments:

E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by young people, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine.

Unregulated, unchecked online sales of e-cigarettes need to be addressed. This measure restricts online sales of e-cigarettes directly to consumers – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

SB-975-HD-1

Submitted on: 3/21/2023 8:05:49 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leon Ajoste	Individual	Support	Written Testimony Only

Comments:

hi my name is Leon Ajoste how will i live vape free? becuase and

What happens if you just stop vaping? When you go without vaping, **the nicotine level in your bloodstream drops, which may cause unpleasant feelings, physical symptoms, and strong urges to vape.** This is nicotine addiction.And so How long does vaping withdrawal last?

Nicotine withdrawal symptoms set in between 4 and 24 hours after a person last vaped. The symptoms peak around day three of abstinence and then gradually subside over the following **three to four weeks.**And why

Is it better to quit vaping cold turkey?

Whether it's cigarettes, e-cigarettes, or any other tobacco product, trying to quit “cold turkey” – meaning to stop abruptly without any support or replacement medications – is unlikely to be successful.And of course

Will my lungs heal if I stop vaping? 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.And so

What is the hardest part of quitting vaping?

The basics of behavior change include a strong emphasis on replacement activities. Often, the hardest part about quitting vaping or smoking is **finding something else that makes you feel as good as nicotine does.** When you find that something, you find the ticket to a nicotine-free life.And Will vape cravings ever go away?

Understand that the most intense feelings of withdrawal and cravings will often diminish after the first week, and the addiction will begin to subside. Nicotine withdrawal usually lasts about one month, and will get much easier after that time. Find healthier activities to replace vaping.

SB-975-HD-1

Submitted on: 3/21/2023 8:44:32 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kyslyne Aiwhi-saval	Individual	Support	Written Testimony Only

Comments:

my namne is I kysslyne support sb975 ,sd2hdl which includes electronic smoking devices and e-liquids under the defintion of to bacco products for the purpose of the cigarette tax and tax law.please pass sb975 .Mahalo for your cooperation

SB-975-HD-1

Submitted on: 3/21/2023 8:44:45 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jhayna	Individual	Support	Written Testimony Only

Comments:

My name is Jhayna I-support SB975,SD2,HDI which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. Please pass SB 1447 Aloha for your cooperation.

SB-975-HD-1

Submitted on: 3/21/2023 8:51:32 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lloyd A.Browning	Individual	Support	Written Testimony Only

Comments:

My name is Lloyd (Luis) from mckinley high school.

I support SB975,SD2,HD1 Which includes electronic smoking device and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. Please pass SB975. Mahalo for your cooperation.

SB1447

SB-975-HD-1

Submitted on: 3/21/2023 8:51:40 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodney Foleni	Individual	Support	Written Testimony Only

Comments:

My name is Rodney, I support SB975, SD2, HDI which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. Please pass SB975. Mahalo for your cooperation.

SB1447

SB-975-HD-1

Submitted on: 3/21/2023 8:53:06 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha,

While I appreciate the committee's intent to regulate e-cigarettes as a tobacco product. To truly achieve parity and effectively discourage youth use of e-cigarettes, I respectfully request the committee to revert the bill to the SD2 version. This will ensure that e-cigarettes are taxed at 70% of the wholesale price- same as other tobacco products - and restricts online sales to prevent youth access.

Unregulated, unchecked online sales of e-cigarettes need to be addressed. This measure restricts online sales of e-cigarettes directly to consumers- requiring face- to face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

As a parent and also a nationally certified Tobacco Treatment Specialist who has been doing this work for the last 20 years, this is an issue that will not resolve itself unless we take immediate action.

Thank you for your attention to this

Valerie Smalley

SB-975-HD-1

Submitted on: 3/21/2023 9:07:32 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Crystal, Fredrick	Individual	Support	Written Testimony Only

Comments:

My Name is Crystal, Fredrick I Support SB975,SD2,HDI Which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. Please pass SB975. Mahalo for your cooperation.

SB-975-HD-1

Submitted on: 3/21/2023 9:17:53 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jesa Balisbisana	Individual	Support	Written Testimony Only

Comments:

My Name Is Jesa Balisbisana at mckinley high school.

I Support Sb75sd2 Which INcludes Elctronic Smoking Devices And E- Liquids. Pleas Vote For This Bill.

SB-975-HD-1

Submitted on: 3/21/2023 9:46:06 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelly Ogata	Individual	Support	Written Testimony Only

Comments:

Honorable Representative David Tarnas, Chair

Honorable Representative Gregg Takayama, Vice Chair

Members of the Committee on Judiciary & Hawaiian Affairs

Re: SB 975, SD2, HD1 Relating to Health, Strong Support

Representatives Tarnas and Takayama and members of the Committee on Judiciary & Hawaiian Affairs:

SB 975, SD2 will address the continued escalation of e-cigarette use among our teens, putting our children’s health at risk – including becoming a lifelong addiction. By addressing the unlawful shipment of e-cigarettes, taxing them the same as other tobacco products, and licensing and permitting sellers, you will implement comprehensive regulations to address this crisis. This is an important bill that applies commonsense regulations to e-cigarettes. Unfortunately, it was weakened in the previous committee, so I am requesting it be changed back to the previous (SD2) version.

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. I strongly support proven strategies like taxing tobacco products and cigarettes. E-cigarettes are now the most popular tobacco product among youth – and that’s largely because it’s not subject to many of the regulations other tobacco products are subject to. By implementing the same policies and regulations Hawai‘i used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use.

Hawai‘i is in the midst of a youth vaping epidemic, with one in three high school students and one in five middle school students reporting “current use” of e-cigarettes. Hearing *elementary school* teachers and administrators from our district complain about the students using flavored vaping products and having to call 911 for health emergencies is gut-wrenching and unacceptable.

E-Cigarettes are the only tobacco products without a tax! Please also keep in mind that e-cigarettes are NOT FDA-approved for cessation and this regulation DOES NOT stop access to FDA-approved nicotine replacement therapy (approved smoking cessation products).

If we are truly trying to support our keiki and citizens of Hawai'i, I'm again respectfully requesting your support of this bill (SD2 version). If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must do better and we must do it now.

Shelly Ogata, RN, MPH

Hilo, HI

I am Martha Moses, student at McKinley High School, writing in support of SB 975, SD2, HB1 which includes electronic smoking devices and e-liquids under the definition of “tobacco products” for the purpose of the cigarette tax and tax law. By taxing electronic smoking devices will hopefully reduce the use of vaping in our public schools. Please pass this legislation to create a safe and productive environment in our classrooms.

I am __Jay moses____, student at McKinley High School, writing in support of SB 975, SD2, HB1 which includes electronic smoking devices and e-liquids under the definition of “tobacco products” for the purpose of the cigarette tax and tax law. By taxing electronic smoking devices will hopefully reduce the use of vaping in our public schools. Please pass this legislation to create a safe and productive environment in our classrooms.

SB-975-HD-1

Submitted on: 3/21/2023 10:27:22 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
elijah	Individual	Support	Written Testimony Only

Comments:

I am Elijah rodrigues, student at McKinley High School, writing in support of SB 975, SD2, HB1 which includes electronic smoking devices and e-liquids under the definition of “tobacco products” for the purpose of the cigarette tax and tax law. By taxing electronic smoking devices will hopefully reduce the use of vaping in our public schools. Please pass this legislation to create a safe and productive environment in our classrooms.

I am Kaylee Osaki, a student at McKinley High School, writing in support of SB 975, SD2, HB1 which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. By taxing electronic smoking devices will hopefully reduce the use of vaping in our public schools. Please pass this legislation to create a safe and productive environment in our classrooms.

SB-975-HD-1

Submitted on: 3/21/2023 11:00:57 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christyna	Individual	Support	Written Testimony Only

Comments:

I am Christyna Nguyen, a student at McKinley High School, writing in support of SB 975, SD2, HB1 which includes electronic smoking devices and e-liquids under the definition of “tobacco products” for the purpose of the cigarette tax and tax law. By taxing electronic smoking devices will hopefully reduce the use of vaping in our public schools. Please pass this legislation to create a safe and productive environment in our classrooms.

SB-975-HD-1

Submitted on: 3/21/2023 11:01:35 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Grace pham	Individual	Support	Written Testimony Only

Comments:

My name is grace pham, I support SB975, SD2, HDI which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. Please pass SB975. Mahalo for your cooperation.

SB-975-HD-1

Submitted on: 3/21/2023 11:02:02 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Yerten	Individual	Support	Written Testimony Only

Comments:

I am Angela Yerten, student at McKinley High School, writing in support of SB 975, SD2, HB1 which includes electronic smoking devices and e-liquids under the definition of “tobacco products” for the purpose of the cigarette tax and tax law. By taxing electronic smoking devices will hopefully reduce the use of vaping in our public schools. Please pass SB975 to create a safe and productive environment in our classrooms.

SB-975-HD-1

Submitted on: 3/21/2023 11:02:06 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lilly lindamood	Individual	Support	Written Testimony Only

Comments:

My name is Lilly lindamood, I support SB975, SD2, HDI which includes electronic smoking devices and e-liquids under the definition of "tobacco products" for the purpose of the cigarette tax and tax law. Please pass SB975, Mahalo for your cooperation.

SB-975-HD-1

Submitted on: 3/21/2023 11:03:55 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruo Yi H	Individual	Support	Written Testimony Only

Comments:

Support

SB-975-HD-1

Submitted on: 3/21/2023 11:04:26 AM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Felisha Mataafa	Individual	Support	Written Testimony Only

Comments:

my name is felisha mataafa i support the SB975, SD2, HD1 which includes electronic smoking devices and e liquids under the definition of tobacco products for the purpose id the ciggerette tax and tax law.

SB-975-HD-1

Submitted on: 3/21/2023 12:23:53 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Carvalho	Individual	Support	Written Testimony Only

Comments:

I, Shani Carvalho am in strong support of SB975. This comprehensive regulation bill will ultimately help save the lives of thousands in Hawaii. I strongly support this bill because it will implement regulations for shipping of e-cigarettes, tax them as tobacco products due to the nicotine within the e-juice, as well as keep sellers of these items accountable by ensuring they have proper licenses and permits.

To: The Honorable Representative David Tarnas, Chair
The Honorable Representative Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

Re: Support for **SB 975 SD2 HD1, with amendments**

Hrg: Wed, March 22, 2023, 2:00pm

I am submitting testimony in **support of SB 975 SD2 HD1, with amendments**. I request that the committee changes the bill back to the language found in SD2 because SD2 taxes e-cigarettes at 70% of the wholesale price – the same as other tobacco products – and it restricts online sales to prevent youth access.

As a healthcare professional, I work with youth and young adults who are struggling with addiction to e-cigarettes. We see keiki as young as 11 and 12 with tobacco use disorders because of vaping. It's highly addictive, and the flavors are intended to draw them in and get them hooked. Vaping is not "healthy" and it's not a better alternative to smoking. One Juul pod has the same amount of nicotine as a pack of cigarettes – so why do electronic tobacco products get taxed and regulated less than other tobacco products? it's time we regulated and adequately taxed these dangerous products. Vaping is an epidemic among our youth. We see it every day as we help kids and young adults with the addiction they quickly develop when using e-cigarettes or vapes.

This measure would ensure that e-cigarettes are treated the same as other tobacco/nicotine products. They are already defined as tobacco products by the FDA and they should be regulated and taxed appropriately in Hawaii.

Taxation, regulation, licensing, & permitting, education, and cessation services are components of comprehensive tobacco regulation and key to lowering tobacco use and its associated harms and costs.

- Hawaii has saved over \$1 billion dollars in healthcare costs due to the comprehensive regulation put in place over the last 20 years. Some of the successes of comprehensive regulation include lowering adult and adolescent rate of smoking.
- Increasing taxes on e-cigarettes helps our community in several ways. It results in fewer kids starting to smoke and more adults quitting, while providing substantial revenue to fund important programs. This has already been an effective prevention strategy with cigarettes: Every 10 percent increase in the price of cigarettes reduces consumption by about four percent among adults and about seven percent among youth.¹
- E-cigarettes are the only tobacco products without a tobacco tax in Hawaii.
- **Unregulated, unchecked online sales of e-cigarettes needs to be addressed.** This measure restricts online sales of e-cigarettes directly to consumers – requiring face to face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

¹ Tauras JA, O'Malley PM, Johnston LD, "Effects of Price and Access Laws on Teenage Smoking Initiation: A National Longitudinal Analysis," Bridging the Gap Research, ImpacTeen, April 2001. Available at: <https://impactteen.uic.edu/access.htm>

Vaping is a serious epidemic in Hawaii, particularly among our youth. Comprehensive regulation will be a major step in reversing youth use of e-cigarettes. Electronic Tobacco Devices, such as e-cigarettes and vapes, are harmful both to adults and youth.

- Vaping increased 900% among high school students from 2011 to 2015.²
- 40% of 12th graders report vaping in the previous 30 days.³
- Teens who vape are more likely to become cigarette smokers.⁴
- The Surgeon General's report details the harmful effects of e-cigarettes.⁵
- Advocates hears the call from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping patients safe from tobacco products.⁶
- Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.
- The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.
- E-cigarette use is misinterpreted as being a "healthy" choice, even though e-cigarette vapor has been demonstrated to be independently associated with pulmonary effects such as asthma.^{7 8} E-cigarettes are no FDA approved cessation devices

Please consider the safety of our community and our children and support of SB 975 SD2 HD1, with and amendments to restore it to the SD2 version.

Mahalo for your time and consideration.

Dr. Colleen Fox
Honolulu, Hawaii

² American Academy of Pediatrics: 2016 <https://www.aap.org/en/news-room/aap-voices/protecting-children-from-the-dangers-of-e-cigarettes/> Site is linked to federal agency: National Institute of Drug Abuse

³ Centers for Disease Control and Prevention (CDC). *1991-2019 High School Youth Risk Behavior Survey Data*. Available at <http://yrbs-explorer.services.cdc.gov/>. Accessed on 2/14/23.

⁴ Wills, T. A., Knight, R., Sargent, J. D., Gibbons, F. X., Pagano, I., & Williams, R. J. (2017). Longitudinal study of ecigarette use and onset of cigarette smoking among high school students in Hawaii. *Tobacco Control*, 26(1), 34-39. <https://doi.org/10.1136/tobaccocontrol-2015-052705>

⁵ U.S. Department of Health and Human Services. *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.

⁶ Surgeon General's Advisory on E-cigarettes Use Among Youth: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

⁷ Schweitzer, R. J., Wills, T. A., Tam, E., Pagano, I., & Choi, K. (2017). E-cigarette use and asthma in a multiethnic sample of adolescents. *Preventive Medicine*, 105, 226-231. <https://doi.org/10.1016/j.ypmed.2017.09.023>

⁸ Wills, T. A., Sargent, J. D., Gibbons, F. X., Pagano, I., & Schweitzer, R. (2016). E-cigarette use is differentially related to smoking onset among lower risk adolescents. *Tobacco Control*, 26(5), 534-539. <https://doi.org/10.1136/tobaccocontrol-2016-053116>

SB-975-HD-1

Submitted on: 3/21/2023 1:49:19 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ASHLEY MATTOS	Individual	Oppose	Written Testimony Only

Comments:

i oppose this bill

SB-975-HD-1

Submitted on: 3/21/2023 1:50:05 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Heaulani	Individual	Oppose	Written Testimony Only

Comments:

I strongly mgmt oppose this bill!

SB-975-HD-1

Submitted on: 3/21/2023 1:52:50 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Juliette Devost	Individual	Oppose	Written Testimony Only

Comments:

AOLE

SB-975-HD-1

Submitted on: 3/21/2023 1:55:47 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cara valenzuela	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill !! I work in a business that includes this subject and I would not have income to support my family or a job

SB-975-HD-1

Submitted on: 3/21/2023 1:57:46 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lopaka Poaha	Individual	Oppose	Written Testimony Only

Comments:

AOLE

SB-975-HD-1

Submitted on: 3/21/2023 1:57:59 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

E-cigarettes should really be banned. Harmful to the lungs/ body.

SB-975-HD-1

Submitted on: 3/21/2023 1:59:15 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheyenne DeVera	Individual	Oppose	Written Testimony Only

Comments:

As a concerned citizen, I believe that this bill will have adverse effects on public health, the economy, and individual freedoms. The inclusion of electronic smoking devices and e-liquids as tobacco products would imply that they have the same health risks as traditional tobacco products. However, numerous studies have shown that electronic smoking devices and e-liquids are less harmful than traditional cigarettes and are an effective harm reduction tool for smokers looking to quit.

Furthermore, increasing the license fee for wholesalers and dealers of cigarettes and tobacco products and the retail tobacco permit fee for retailers will burden businesses and discourage new entrepreneurs from entering the market, ultimately hurting the economy. This bill will also repeal laws that govern delivery sales, which would force retailers to rely solely on brick-and-mortar sales, further limiting consumer choice and convenience.

Finally, the repeal of the Electronic Smoking Device Retailer Registration Unit within the Department of the Attorney General would reduce oversight and regulation of electronic smoking devices and e-liquids, which could lead to an increase in the availability of counterfeit or substandard products.

In conclusion, SB975 is a misguided attempt to regulate electronic smoking devices and e-liquids as traditional tobacco products, which would have significant negative impacts on public health, the economy, and individual freedoms. I urge you to vote against this bill and instead support policies that promote harm reduction and consumer choice.

Thank you for your attention to this important matter.

SB-975-HD-1

Submitted on: 3/21/2023 1:59:56 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alejandro DeckerMartinez	Individual	Support	Written Testimony Only

Comments:

I as a parent, student, teacher, immigrant local resident, and patriot for the Kama'āina support this bill because this is a step to create a healthier Hawaii. I love my home and the keiki on these islands. We must make sure their future is bright with healthier decisions and limit the opportunities of them making decisions they will regret.

SB-975-HD-1

Submitted on: 3/21/2023 2:01:50 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Micah Orr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

Date: March 21, 2023

Testimony in SUPPORT of S.B. 975 RELATING TO HEALTH

**SENATOR JOY A. SAN BUENAVENTURA, CHAIR SENATE COMMITTEE ON HEALTH
AND HUMAN SERVICES**

**SENATOR JARRETT KEOHOKALO, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

Hearing Date: March 22, 2023

Aloha, I am Donald Agbigay, a nursing student at the University of Hawaii – Hilo. I am writing this testimony to express my strong support for Senate Bill 975 (SB 975).

The State of Hawaii needs a comprehensive regulation that includes taxation, licensure, and prohibiting online sales of e-cigarettes that are required to address the continued increase of e-cigarette use among our youth. In addition to regulations, it is essential to dedicate some of the collected taxes to educational, preventative, and cessation services.

E-cigarettes are the only tobacco products without a tax, and taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit. Therefore, I support this bill because it creates a taxation system for e-cigarettes: Applying a meaningful tax on e-cigarettes is vital. After all, research shows that significant price increases reduce tobacco use among youth.

In Hawaii, one in three high school students and one in five middle school students report using e-cigarettes, or “vapes.” E-cigarettes are now the most popular tobacco product among youth –mainly because these products are not subject to many of the regulations other tobacco products are subject to.

Hawaii has made enormous progress on tobacco control, and I ask the legislature to take the necessary steps to protect our youth from a lifetime of addiction. Thank you for considering this measure which will comprehensively regulate electronic smoking.

Respectfully Submitted,



Donald Agbigay

Senior Nursing Student at University of Hawaii – Hilo

SB-975-HD-1

Submitted on: 3/21/2023 2:43:47 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Helen Barrow	Individual	Support	Written Testimony Only

Comments:

Thank you for this opportunity to submit testimony !

Please change the bill back to the previous version (SD).

E-cigarettes should be taxed at 70% of the wholesale price - the same as other tobacco products - and restrict online sales to prevent youth access.

Mahalo !!

Helen

SB-975-HD-1

Submitted on: 3/21/2023 3:09:37 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Loren Lindborg	Individual	Support	Written Testimony Only

Comments:

- 1) Extensive regulation will be a major building block in establishing a foundation to reverse youth usage of E-cigarettes.
- 2) Extensive regulation has brought down the adult smoking rate to 11.6% and reduced smoking among high schoolers to 5.3% in 2019. (CDC YRBS 2017-2019)
- 3) E-cigarettes are not approved by the FDA as cessation devices.

SB-975-HD-1

Submitted on: 3/21/2023 4:49:21 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Bryan Mih and I am a parent, pediatrician, and the medical director of the Kapi'olani Smokefree Families Program. For the health of our keiki and their families, it is vitally important to support SD 975. This bill improves regulations on e-cigarettes or “vapes” in Hawai‘i and helps keep them out of the hands of keiki.

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

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

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

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

Finally, please ensure that SB 975 is changed back to the language found in SD2 because SD2 taxes e-cigarettes at 70% of the wholesale price – the same as other tobacco products – and it restricts online sales to prevent youth access, which is critical to stemming the epidemic of our keiki becoming addicted to nicotine.

Please support this important measure with the requested amendment. Mahalo for your consideration.

Sincerely,

Bryan Mih, MD MPH FAAP

Pediatrician

Medical Director, Kapi'olani Smokefree Families

SB-975-HD-1

Submitted on: 3/21/2023 4:49:29 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sydnee L Yokota	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Sydnee Yokota, and I am a nursing student at the University of Hawai'i at Hilo and a concerned citizen. I am writing to support SB 975 SD2 HD1, the comprehensive regulation bill. I support this bill due to many points, which include the following:

- E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by young people, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine.
- Comprehensive regulation will be a major step in reversing youth's use of e-cigarettes.
- Comprehensive regulation has lowered the adult smoking rate to 11.6% and reduced high school smoking to 5.3% in 2019 (CDC YRBS 2017-2019).
- E-cigarettes are not FDA-approved cessation devices.
- Comprehensive tobacco regulation does not stop access to FDA-approved nicotine replacement therapy (NRTs) – approved smoking cessation products.
- E-cigarettes are the only tobacco products without a tobacco tax.
- Taxation, regulation, licensing & permitting, education, and cessation services are components of comprehensive tobacco regulation and a key to lowering the use of tobacco use.
- We appreciate the committee's intent to regulate e-cigarettes as a tobacco product. To truly achieve parity and effectively discourage youth use of e-cigarettes, we respectfully request the committee to revere the bill to the SD2 version. This will ensure that e-cigarettes are taxed at 70% of the wholesale price – the same as other tobacco products – and restrict online sales to prevent youth access.

Mahalo for the opportunity to testify. Let's create a difference in Hawai'i and protect our youth & future!

Mahalo Nui Loa,

Sydnee L Yokota

SB-975-HD-1

Submitted on: 3/21/2023 5:03:38 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hoku	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill SB975.

SB-975-HD-1

Submitted on: 3/21/2023 5:25:38 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathy Kim	Individual	Oppose	Written Testimony Only

Comments:

We have a protected right to interstate sales.

SB-975-HD-1

Submitted on: 3/21/2023 6:29:09 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

The rise in use of electronic smoking devices among Hawai'i youth is higher than the national average. Between 2011 to 2015, the proportion of youth experimenting with electronic smoking devices increased six-fold among middle school youth and four-fold among high school youth. In 2017, 27% of public middle school students and 42% of public high school students tried electronic smoking devices. By 2019, 31% percent of public middle school students and 48% of public high school students had used an electronic smoking device.

In 2020, eight in 10 youth who currently use e-cigarettes reported using a flavored product. These rates are higher than the national average, demonstrate an alarming increase in Hawai'i's youth nicotine use, and serve to illustrate a bleak future of nicotine addiction in the next generation. Toxicologists have warned that e-liquids pose significant risks to public health, particularly to children.

The 2016 Surgeon General's Report found that there are numerous policies and practices that can be implemented at state and local levels to address electronic smoking device use among youth and young adults, including preventing access to electronic smoking devices by youth, increasing taxes imposed upon electronic smoking devices, increasing prices of retail licensure, and regulating electronic smoking device marketing.

The rapid growth of the electronic smoking device industry, including retail businesses selling electronic smoking devices or e-liquid, necessitates further regulations to protect consumers, such as requiring retailers of e-liquid to obtain a retail tobacco permit. The 2016 Surgeon General's Report found that children and youth are especially vulnerable to the targeted online social and digital media marketing of inexpensive electronic smoking devices offered in enticing concealable forms and e-liquids in various flavors.

The United States Food and Drug Administration has expanded its regulatory authority to all tobacco products, including electronic smoking devices, cigars, and hookah and pipe tobacco. While there is federal consensus that electronic smoking devices are tobacco products, Hawai'i has no state tobacco tax imposed on electronic smoking devices and e-liquids.

While the use of electronic smoking devices and e-liquids also carry the risk of adverse health consequences, these products are currently taxed at a much lower rate than cigarettes. Decades of research have shown that increasing cigarette prices, such as through the imposition of cigarette taxes, can reduce the rate of smoking by adult and youth smokers. As outlined in the 2016

Surgeon General's Report, current findings show this public health policy can likewise be applied to electronic smoking devices and e-liquids to reduce youth consumption. Please support SB975 SD2 HD1.

SB-975-HD-1

Submitted on: 3/22/2023 1:49:00 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony Carothers	Individual	Oppose	Written Testimony Only

Comments:

Retired law enforcement with views that related potential increase in crime, including violent crime