



**WRITTEN 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. 1, RELATING TO HEALTH.

BEFORE THE:

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

DATE: Friday, March 3, 2023

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Richard W. Stacey,
Deputy Attorney General, at 808-586-1199)

Chairs Dela Cruz and Rhoads and Members of the Committees:

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

The bill seeks to address the health dangers caused by the rapidly growing use of electronic smoking devices in Hawaii, including among the youth. This bill establishes the offense of unlawful shipment of tobacco products; amends the definition of "tobacco products" in chapter 245, Hawaii Revised Statutes (HRS), to subject electronic smoking devices and e-liquids to taxation and regulation under the Department of Taxation; increases licensing and permit fees for wholesalers, dealers, and retailers of tobacco products; repeals chapter 28, part XII, HRS, relating to the Electronic Smoking Device Retailer Registration Unit; and repeals section 245-17, HRS, relating to Delivery Sales.

The Department supports subjecting electronic smoking devices to taxation and regulation under chapter 245, HRS, and repealing part XII of chapter 28, HRS. The Electronic Smoking Device Retailer Registration Unit (ESDRRU) was established within the Department under part XII of chapter 28, HRS, and currently has 695 electronic smoking device retailers registered with this unit. Approximately 90 percent of those retailers concurrently hold a tobacco retail permit with the Department of Taxation. Combining the regulation of electronic smoking devices with the retail tobacco

permitting process and the wholesale licensing process -- a function already within the purview of the Department of Taxation -- would render the ESDRRU unnecessary. Including electronic smoking devices under the purview of the Department of Taxation would conserve resources and make the regulation of electronic smoking devices a more efficient process for retailers, wholesalers, and the State.

We respectfully ask the Committees to pass this bill and thank you for this opportunity to testify.

JOSH GREEN M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION

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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.1, Relating to Health

BEFORE THE:

Senate Committee on Judiciary and Senate Committee on Ways and Means

DATE: Friday, March 3, 2023
TIME: 10:00 a.m.
LOCATION: State Capitol, Room 211

Chairs Rhoads and Dela Cruz, Vice-Chairs Gabbard and Keith-Agaran, and Members of the Committees:

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

S.B. 975, S.D.1, seeks to amend chapter 245, Hawaii Revised Statutes (HRS), by: (1) adding a new section which establishes the offense of unlawful shipment of tobacco products as either a felony or misdemeanor depending upon the value of the shipment; (2) amending section 245-1, HRS, to expand the definition of "tobacco products" and adding definitions for "electronic smoking devices" and "e-liquid"; (3) amending sections 245-2 and 245-2.5, HRS, to increase the fee for tobacco and cigarette wholesaler or dealer licensing from \$2.50 to \$250, and the fee for retail tobacco permits from \$20 to \$50, while also adding a requirement for licensees to specify whether each place of business sells e-liquid or electronic smoking devices, or both; (4) repealing chapter 28, Part XII, HRS, which administers the Electronic Smoking Device Retailer Registration Unit; (5) repealing section 245-17, HRS, "Delivery Sales" to conform with the new section making tobacco shipment unlawful; and (6) repealing section 328J-11.5, HRS, "Statewide concern," to allow the counties to further regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

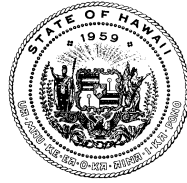
The measure has a defective effective date of December 31, 2050.

Should the effective date be amended to January 1, 2024, the Department estimates an expected revenue gain from the increased fees for fiscal years 2024 through 2029 as follows:

FY 2024 (5 months)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
6.4	15.8	16.2	16.7	17.2	17.7

The Department requests that any amendment to the effective date be no earlier than January 1, 2024, which provides adequate time to update any relevant instructions and forms to reflect the added penalties for the unlawful shipment of tobacco, increased fees for the tobacco license and retail tobacco permit, and specifications required for the retail tobacco permit.

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



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 975, S.D. 1
RELATING TO HEALTH**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

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

Hearing Date: March 3, 2023

Room Number: Conference Room 211
& 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 1 (S.B. 975, S.D. 1)
5 as a critical public health measure to address Hawaii's youth vaping epidemic. S.B. 975, S.D. 1
6 establishes the offense of unlawful shipment of tobacco products, and includes electronic
7 smoking devices (ESDs) and e-liquids within the definition of tobacco products and increases the
8 wholesale license fee and retail tobacco permit fee for persons engaged as wholesalers/dealers or
9 retailers of cigarettes and tobacco products. The measure would also repeal state laws that
10 establish and govern the Electronic Smoking Device Retailer Registration Unit within the
11 Department of the AG; provisions of the Cigarette Tax and Tobacco Tax Law that govern
12 delivery sales; and state law governing smoking that preempts and voids local ordinances and
13 regulations conflicting with state law.

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

1 percent of Hawaii’s middle school students reported using e-cigarettes in the past 30 days with
2 highest rates on the neighbor islands.^{1,2} The unrestricted promotion of e-cigarettes has addicted a
3 new generation of young people to nicotine, increased their exposure to harmful substances, and
4 the likelihood of their smoking cigarettes in the future.³ According to the Federal Trade
5 Commission, the amount of nicotine in disposable ESDs popular with youth and young adults
6 went up 60% from 2015 to 2018 and this raises serious public health and safety concerns because
7 of the long-term effects on their brain development.⁴ Comprehensive evidence-based prevention
8 policies are needed that restrict access and regulate e-cigarettes.

9 Hawaii does not regulate ESDs through licensing, permitting, nor taxation. ESDs are not
10 taxed like other tobacco products and often can be purchased at lower prices than cigarettes.
11 According to the U.S. Surgeon General, increasing the price of tobacco products is the single
12 most effective way to reduce consumption.⁵ An economic study by the University of Illinois,
13 reported that increasing the price of ESDs by 10% has been shown to lead to a 10% to 18%
14 reduction in the demand and consumption of ESDs – a higher price elasticity compared to
15 combustible cigarettes. Increasing the price of tobacco products has the greatest impact on
16 youth, who are particularly price sensitive.⁶ Further, the imposition of an excise tax equal to
17 70% of the wholesale price of each e-liquid and ESD will be consistent with the tax on other
18 tobacco products.

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 The DOH supports the restriction of shipping tobacco products to anyone other than a
2 licensed wholesaler. The proposed language in Section 2 (pages 8 to 9) aligns with existing
3 language in [§245-16, HRS Unlawful shipment of cigarettes; penalty; reports; liability for unpaid](#)
4 [taxes](#), and has been reviewed and vetted between the DOTAX, AG, and DOH. The intent of the
5 original legislation, that was adopted as §245-16, HRS through Act 157, HSL 2004, “prohibits
6 the distribution of untaxed cigarettes via telephone, mail order, the Internet, or other on-line
7 sources and revises the seizure and confiscation authority of the department of the attorney
8 general to address the availability of low-priced cigarettes to underage smokers.” Unregulated
9 shipping (or importing) of tobacco products, particularly, ESDs ordered online, has created a
10 dangerous loophole, by providing an appealing and accessible option for underage users. In the
11 current unregulated online market, youth easily and often circumvent the age verification
12 process for purchasing tobacco. Minors were successful in buying ESDs online 93% of the time
13 despite age restrictions according to the Internet Tobacco Vendors Study (ITV), supported by
14 the National Cancer Institute and the U.S. Food and Drug Administration (FDA). Another
15 study found that ESDs were often shipped from internet vendors without instructions or health
16 warnings. Due to the easy access for minors through online marketing, public health
17 researchers recommend more vigorous policies to prohibit sales to minors.^{7,8}

18 Requiring licensure and retail permitting under the DOTAX would bring ESD and
19 e-liquid vendors in alignment with the traditional cigarette and tobacco retailers and would
20 provide accurate data for compliance surveillance. As of 2022, 33 states, the District of
21 Columbia, the Northern Mariana Islands, and the U.S. Virgin Islands required retailers to have a
22 license to sell ESDs.⁹ Tobacco licensing is an effective tool for limiting the negative public
23 health consequences of tobacco use by ensuring that wholesalers and retailers comply with
24 responsible sales practices. Increasing the licensure and permitting fees, which have remained

⁷ 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.

⁸ 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.

⁹ 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>

1 unchanged since 1995, despite high tobacco taxes and ever-increasing tobacco industry
2 expenditures in marketing and advertising, would be a further positive move.

3 The DOH also supports the elimination of preemption language as a social justice issue;
4 there is an urgent need for counties to have the ability to regulate access to tobacco products
5 especially among youth and young adults. According to Julie Aoki in the Journal of Law and
6 Medical Ethics, “From a health equity standpoint, the use of local knowledge to forge
7 community-specific solutions enables localities to employ a targeted approach to combat health
8 disparities and ensure equitable access to better public health.”¹⁰ The DOH has received many
9 requests from counties, neighborhood boards, and community members for public health support
10 to protect their children and youth from easy access to e-cigarettes, and the ESD regulations
11 proposed in S.B. 975, S.D. 1 responds to this request and returns county control to do more to
12 respond to the needs of their communities.

13 The support of the State Legislature on a comprehensive approach on to providing a fair
14 and just opportunity for good health and wellbeing resulted in reductions in cigarette use. The
15 DOH asks again for courageous action to protect our keiki and ohana in Hawaii from the
16 appealingly marketed, readily available and accessible e-cigarettes that are yet to be regulated
17 like cigarettes. The attached Table 1 shows the decline of cigarette use and increase in e-
18 cigarette use that is undermining progress in providing a healthy environment for our children
19 where they live, learn, and play.

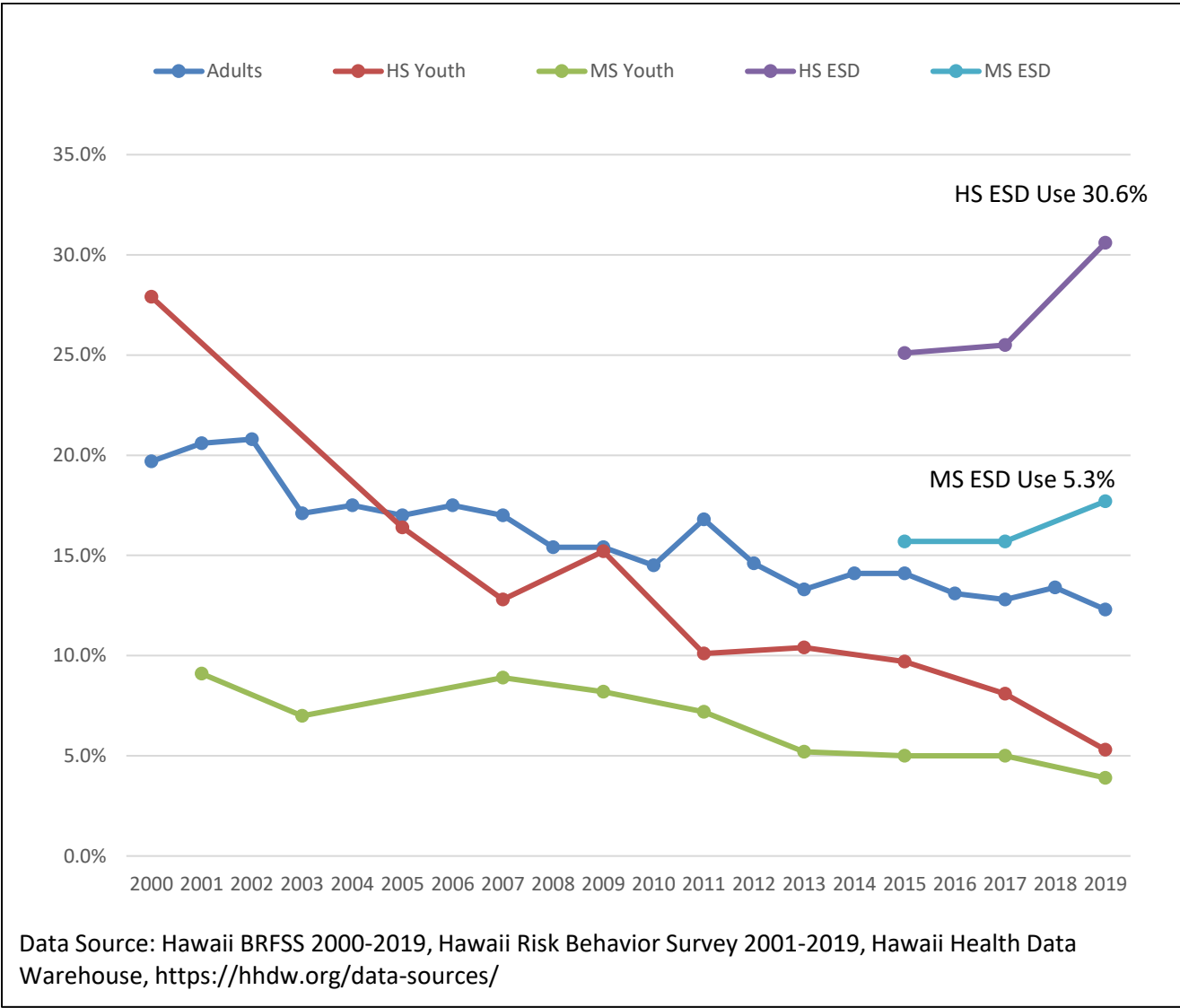
20 The DOH supports S.B. 975, S.D. 1, as a critical legislative approach to address the youth
21 vaping crisis and protect the health of Hawaii’s youth.

22 Thank you for the opportunity to testify.

23 **Offered Amendments:** None

¹⁰ Julie Ralston Aoki et al., *Maximizing Community Voices to Address Health Inequities: How the Law Hinders and Helps*, 45 J. Law Med. Ethics, 11 (2017)

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





Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary
and
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

The Coalition for a Tobacco-Free Hawaii's Youth Council, **strongly supports SB975**, regulating e-cigarettes the same as other tobacco products.

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

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 only opposition to this bill seems to be the addicted or those profiting from their addiction. 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

YOUTH AND COMMUNITY ORGANIZATIONS

After-School All-Stars Hawaii
American Youth Soccer Organization (AYSO)
Association of Hawaiian Civic Clubs
Big Island Interscholastic Federation (BIIF)
Hale 'Ōpio Kaua'i Inc.
Hawaii Children's Action Network
Hawaii Interscholastic Athletic Directors Association
Hawaii State Teachers Association (HSTA)
Hawai'i Youth Climate Coalition
Hawaii Youth Services Network
Honolulu Youth Commision
Kanu o ka 'Āina Learning Ohana (KALO)
Kauai Path Inc.
LearningBond
Pacific American Foundation
Parents for Public Schools of Hawai'i
Partners in Development Foundation
Residential Youth Services & Empowerment (RYSE)
The Friends of Kamalani and Lydgate Park
Waipahu Intermediate Youth For Safety

NEIGHBORHOOD BOARDS

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

HEALTH & COMMUNITY LEADERS

Kathryn Akioka, RRT / TTS
Joy Barua
Forrest Batz, PharmD
Frank Baum, MD
Deborah Bond-Upson
Dale Carstensen
Valerie Chang
Dyson Chee
Danelle Cheng
Bridgitte Daniel
May Rose Dela Cruz, DrPH
Andrew Fox, MD
Shani Gacayan
Donita Garcia
Asaka Herman
Pedro Haro, MPH
Cyd Hoffeld
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Matthew Prellberg
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Nathalie Razo
Keenan Reader
Crystal Robello
Kimberly Golis-Robello
Mary Santa Maria
Patty Kahanamoku-Teruya
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John A Hau'oli Tomoso
Jennifer Valera
Cecilia Villafuerte
Linda Weiner, MD
Matthew Wong



Hawaii COPD Coalition
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March 1, 2023

Honorable Chairs Senators Karl Rhoads and Donovan Dela Cruz
Honorable Vice-Chairs Senators Mike Gabbard and Gilbert Keith-Agaran
Members of the Committees on Judiciary and Ways & Means

RE: **Strong Support for SB975SD1, Relating to Health (unlawful tobacco shipment)**

Dear Chairs Rhoads and Dela Cruz, Vice Chairs Gabbard and Keith-Agaran and members of the Judiciary and Ways & Means Committees,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please pass SB975, SD1** 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.

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.
- 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 **pass SB975, SD1 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



March 3, 2023
10:00 a.m.
Conference Room 211 & Videoconference

To: **Committee on Judiciary**
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

To: **Committee on Ways and Mean**
Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair

Aloha, my name is Lisa Dau representing Keiki Injury Prevention Coalition (KIPC) which is a non-profit agency with a mission to decrease childhood injuries. **KIPC SUPPORTS SB975 SD1 Relating to Health, Tobacco Products; E-Liquid; Electronic Smoking Devices; Unlawful Shipment; License Fee; Retail Permit Fee.**

Teens' use of e-cigarettes is on the rise. It endangers our children's health and becomes a lifelong addiction. We are highlighting the e-cigarette crisis by addressing the illegal shipment of e-cigarettes, taxing them as tobacco products, and licensing and permitting sellers.

For decades, e-cigarettes have evaded many tobacco regulation laws, resulting in a sharp increase in their use, particularly among 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 significant step toward reducing youth e-cigarette use.

Comprehensive tobacco regulation has lowered the adult smoking rate to 11.6%, reduced high school smoking to 5.3%, and restricted online sales of e-cigarettes to face-to-face purchases. Taxation, regulation, licensing & permitting, education, and cessation services are key to lowering tobacco use.

KIPC supports SB975 SD1, and we ask that you pass it to protect our keiki both now and in the future.

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

SB-975-SD-1

Submitted on: 3/1/2023 11:56:49 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	Written Testimony Only

Comments:

Strongly Support SB975 SD1

Stop Poisoning our Keiki

www.WeAreOne.cc



HIPHI Board

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Native Hawaiian Research Office

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

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Kathleen Roche, MS, RN, CENP
Kaiser Permanente

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

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

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol-Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: March 1, 2023

To: Senator Donovan Dela Cruz, Chair
Senator Gilbert SC Keith-Agaran, Vice Chair
Members of the Committee on Ways & Means

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

Re: Strong Support for SB975 SD1 Relating to Electronic Smoking
Devices

Hrg: Friday, March 3, 2023, at 10:00 AM, Conf Rm 211

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **strong support of SB 975 SD1**, 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.

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 would bring much-needed clarity. Once defined as a tobacco product in that chapter, ESDs would be taxed with parity and be included in an existing regulation system via permitting, licensure, and taxation, making it easier to implement enforcement. In a 2022 Ward survey of registered voters, 91% of those surveyed 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.

Because e-cigarettes are the only tobacco products not subject to the Hawai'i State tobacco tax laws, 1) the state is unable to collect tax revenue of an FDA defined tobacco product, and; 2) these products are seen as lower-priced tobacco alternatives with virtually no restrictions that can appeal to the youth. Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption for both adults and youth. Currently, 29 states and the District of Columbia are taxing e-cigarettes.ⁱⁱⁱ

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.

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.^{iv} lowered the adult smoking rate to 11.6% (eighth lowest in the nation),^v and reduced smoking prevalence among high school students to 5.3% in 2019.^{vi} 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.^{vii} 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^{viii}. 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.

Need to stop the unlawful online sales of ESDs

Currently, those under 21 can 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 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.^{ix} 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 policies 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.tobaccofreekids.org/assets/factsheets/0169.pdf>

^{iv} 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

^v 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.

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

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

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

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



**Testimony to the Senate Joint Committee Ways and Means and Judiciary
Friday, March 3, 2023; 10:00 a.m.
State Capitol, Conference Room 211
Via Videoconference**

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

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

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS THE INTENT** of Senate Bill No. 0975, 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) Make it unlawful to knowingly ship certain tobacco products into the State;
- (2) Levy the Cigarette and Tobacco Tax, Chapter 245, Hawaii Revised Statutes, on e-liquids and electronic smoking devices;
- (3) Establish new wholesale permit and retail license requirements on the sale of certain tobacco products; and
- (4) Increase various permit and licensure fees.

This bill would take effect on December 31, 2050.

Testimony on Senate Bill No. 0975, Senate Draft 1
Friday, March 3, 2023; 10:00 a.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.



American
Heart
Association.

American Heart Association testimony in SUPPORT of SB 975, SD1 “Relating to Health”

The American Heart Association strongly **SUPPORTS** SB 975, SD1.

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

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.

E-cigarettes have been falsely marketed as a safe alternative to traditional cigarettes and as a tool to help adult smokers quit. **Those claims are untrue. The federal Food and Drug Administration has not approved a single e-cigarette product as an effective, or safe nicotine cessation product.**

Serving Hawaii since 1948

Our Mission:

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

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.

For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

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 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.

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. That's called "dual use" in public health literature. The dangers of cigarettes remain, with the added dangers of vaping.

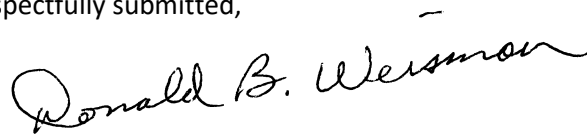
The Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start using any nicotine-containing product.

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 support SB975, SD1.

Respectfully submitted,

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

Donald B. Weisman
Government Relations/Communications and Marketing Director

SB-975-SD-1

Submitted on: 3/1/2023 5:36:56 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Zehner	Testifying for 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.

Date: March 1, 2023

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

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

From: Members of the University of Hawai'i Student Health Advisory Council

Re: Support for SB975, Relating to Health

Hearing: Friday, March 3 at 10:00AM CR 211 and Via Videoconference

Thank you for the opportunity to submit testimony in SUPPORT of SB 975 which would address unlawful shipment of electronic smoking devices, establish tax parity at 70% with other tobacco products, and determine licensing and permitting. The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Volcano and other popular electronic smoking devices, it is increasingly clear that these products are attracting a whole generation of youth to a harmful product. The Surgeon General has declared youth e-cigarette use an epidemic, and states that there is an urgent need to protect young people from a lifetime of nicotine addiction and associated health risks.

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of sweet flavored electronic smoking devices entices young people to start using these harmful products, which can lead to addiction and developmental harm.

The regulation of electronic smoking products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure to protect youth in the State of Hawai'i.

Mahalo,

Student Health Advisory Council



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

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

SB 975, SD1 - RELATING TO HEALTH – IN OPPOSITION TO SECTION 8
Written Testimony

Friday, March 3, 2023 @ 10:00 AM
Conference Room 211 & Videoconference

Aloha Petroleum, Minit Stop, and Par Hawaii support strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we respectfully oppose Section 8 of SB 975, SD1.

We take our role in enforcement seriously through tobacco control measures such as: checking IDs at the point of sale, posting legal age notices in retail stores, placing products in secure areas, and other compliance measures designed to close the on-ramp for youths. These efforts all require employee training and education.

We are concerned that **granting individual counties the ability to pass ordinances that are stricter than State law may result in fragmented restrictions from county to county that make compliance and enforcement for retailers difficult.**

Thank you for the opportunity submit written testimony in opposition and ask that the committees allow the FDA to continue to advance their agenda on regulating tobacco products.



1325 G Street, NW, Suite 950 • Washington, D.C. 20005 • 202.464.6200 • taxfoundation.org

Memorandum

Date: March 2, 2023

To: Members of the Senate Committee on Ways and Means

From: Adam Hoffer, PhD, Director of Excise Taxation, Tax Foundation

Subject: Comments on [SB 975](#) (and [HB883](#)) Regarding the Repeal of State Laws Preempting Local Ordinances and Regulations on Tobacco and Nicotine Products

Numerous measures have been submitted to the state legislature this session regarding the regulation and taxation of tobacco and nicotine products. I offer the following comments regarding the repeal of state preemption on the regulation of tobacco products and the revenue effects of select policies that may be implemented if local ordinances restrict the sale of tobacco products. My comments today are in the interest of providing additional information and should not be construed as “support for” or “opposition of” any bill or measure.

A fundamental principle of good tax and regulatory policy is simplicity. State preemption promotes consistency and simplicity by setting one state-wide policy that covers all consumers and producers. With multiple bills seeking to eliminate state preemption in tobacco policy, the implication is that local governments want to enact their own local policies that may differ from those implemented by the state legislature. Specifically, removing state laws preempting local regulations and policies on tobacco and nicotine would permit those local governments to impose their own flavor bans and other more restrictive policies on tobacco and nicotine sales.

We estimate the state revenue effects of flavor bans at the county level below. The largest effects on the state budget would occur from a menthol ban in Honolulu, a \$23.6 million decline in state revenue the first year following the ban.

Estimated State Revenue Loss from Select County-Wide Flavor Bans

<u>County</u>	<u>One-Year Revenue Loss from a Flavor Ban</u>
Hawaii	\$6.0 million
Honolulu	\$23.6 million
Kauai	\$2.3 million
Maui	\$4.1 million

Piecemeal policies like local flavor bans are also much more likely to induce illicit activity and smuggling, as consumers would no longer need to smuggle from the mainland or overseas. They would simply need to travel to the nearest shop in the state that operates outside the municipal borders of the flavor ban to purchase their products legally.

Striking the right balance is the difficult task with which legislatures are charged. As you consider these matters, we are happy to be a resource, and would be delighted to provide you with more of the research on this topic. Thank you for your time.



Friday, March 3, 2023

The Honorable Karl Rhoads, Chairman
The Honorable Mike Gabbard, Vice Chairman
Hawaii Senate Committee on Judiciary

The Honorable Donovan M. Dela Cruz, Chairman
The Honorable Gilbert S.C. Keith-Agaran, Vice Chairman
Hawaii Senate Committee on Ways and Means

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

On behalf of National Taxpayers Union, the nation's oldest taxpayer advocacy organization, I write to share our strong opposition to Senate Bill 975. This bill would tax vapor and other alternative nicotine products at the same rate as combustible tobacco products, a drastic 70%.

It is clear that vapor products are innovative solutions for smokers transitioning toward significantly less harmful alternatives. As you probably know, vapor products do not contain tobacco. They contain nicotine without toxic chemicals found in traditional tobacco products intended for smoking. It is very concerning that this bill would apply a severe 70% tax on electronic nicotine delivery systems. This would severely limit the accessibility of these alternative nicotine products to lower- and middle-income residents.

Promoting healthy, smoke-free lives and preventing disease is an admirable goal. However, SB 975 will sadly have the opposite effect as intended. Taxing smoke-free alternatives at the same rate as cigarettes eliminates an economic incentive for consumers to choose a less harmful option. These products are very different; the state law definition and tax code should reflect their distinct characteristics.

This bill also opens the door for disruption for small business owners across Hawaii. Removing the statewide preemption on local ordinances that conflict with state law will cause confusion for local businesses and create difficulty and increased costs as they attempt to follow various regulations. Not only will this adversely affect the economy of Hawaii, but it can also lead to diminished access to proven public health solutions, driving people struggling with addiction to find products that skirt the state's taxing and regulatory authority.

While National Taxpayers Union opposes the entirety of Senate Bill 975, we strongly urge legislators to, at a minimum, amend this bill to keep the state's current preemption that prevents local ordinances from conflicting with state regulations on this policy area. Government mustn't punish local businesses with expensive legal compliance and a variety of conflicting rules as they work to supply products on the market to help people quit smoking.

In summary, this bill does a disservice to public health, will inflict harm on small businesses, could potentially create a black market for unregulated use and distribution, and will require consumers to pay more for safer alternatives.

National Taxpayers Union strongly believes Senate Bill 975 will hurt Hawaiians as they try to promote healthy lives and help those who struggle with smoking addictions. We urge you to stand with taxpayers and reject government overreach and tax increases.

Sincerely,

Mattias Gugel
Director of State External Affairs
National Taxpayers Union
mgugel@ntu.org



PO Box 61495
Honolulu, HI 96839-1495
www.ppshi.org

March 2, 2023

Sen. Donovan Dela Cruz, Chair, Ways & Means Committee
Sen. Karl Rhoads, Judiciary Committee
Joint Senate Committees on Ways & Means and Judiciary
Re: SB975 hearing, Friday, March 3, 10:00 am

Dear Chairs Dela Cruz and Rhoads,

Wendy Nakasone-Kalani
President

Susan Wood
Vice President

Lois Yamauchi
Secretary

Kay Fukuda
Treasurer

Deborah Bond-Upson

Kathleen Gauci

Leslie Okoji

Kashmira Reid

This testimony is in support of SB975, which will amend the definition of "tobacco products" under the Cigarette Tax and Tobacco Tax Law to include electronic smoking devices and e-liquids. I am writing on behalf of Parents for Public Schools of Hawai'i, a non-profit organization that provides the perspectives of family members with children in public education. Our volunteer group emerged from the Furlough Friday crisis, and we have over 1,300 members statewide.

As parents, we are appalled that 1 in 3 high school students in Hawai'i use e-cigarettes, as do 1 in 5 middle schoolers. E-cigarettes are now the most popular tobacco product among youth, and this is largely because they are not subject to many of the same regulations as other tobacco products. 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 nicotine, a harmful chemical that leads to addiction and death.

Comprehensive regulation is needed to a major step in reduce youth use of e-cigarettes. Comprehensive regulation works. It has lowered the adult smoking rate to 11.6%; and reduced high school smoking to 5.3% in 2019 (CDC YRBS 2017-2019). This bill will not interfere with access to FDA-approved nicotine replacement therapy (NRTs) that are approved smoking cessation products. E-cigarettes are not FDA-approved cessation devices.

Taxation, regulation, licensing & permitting, education, and cessation services are components of comprehensive tobacco regulation and a key to lowering the use of tobacco use among youth. E-cigarettes are the only tobacco products without a tobacco tax. Unregulated, unchecked online sales of e-cigarettes are needed to address the shockingly high rates of children and youth who are vaping and becoming addicted to e-cigarettes. 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 parents and citizens, we urge you to support SB975.

Sincerely,

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



Hawaii Dental Association

Committee: Senate Judiciary and
Ways and Means

Time/Date: 10:00 a.m., March 3, 2023

Location: State Capitol Conference Room 211 and via Videoconference

Re: SB 975, SD1, Relating to Health

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Keith-Agaran, 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, SD1**, 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, SD1.

Hawaii
Senate Committees on Judiciary and Ways and Means
Testimony: SB 975
Guy Bentley, Director of Consumer Freedom, Reason Foundation
March 3, 2022

Chairs Rhoads and Dela Cruz, members of the committee, thank you for allowing me the opportunity to submit testimony on SB 975.

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

The intention behind SB 975 to limit tobacco use, especially among youth, is to be applauded. The principle of local control is crucial for a well-functioning government. But reserving the power to prohibit entire categories of tobacco products to the state legislature avoids the unintended consequences of inconsistent local prohibitions, which can severely disrupt the state's public health goals and distort the wider economy through increases in the illicit tobacco trade. As such, section eight of SB 975, which would strip the legislature of its authority to ensure a well-regulated tobacco market that limits access to youth, is of particular concern.

Case Studies of local tobacco prohibitions: San Francisco and Canadian Provinces

When localities seek to prohibit tobacco, nicotine, or alcohol, they expose themselves to cross-border trade and illicit markets. Such bans can also be detrimental to the state's public health goals and distort economic activity across the region.

In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes. Yale University's Abigail Friedman found that after the ban was enacted, San Francisco area youth had double the odds of smoking compared to similar jurisdictions with no tobacco flavor ban.¹ "While neither smoking cigarettes or vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly

¹ Friedman AS. "A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California." *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health,” said Friedman.

Furthermore, according to a study published by the *Journal of Law and Economics*, Canadian provinces’ prohibition on menthol flavored cigarettes has significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking rates.² As for adult smokers, the study discovered, provincial menthol bans shifted smokers’ cigarette purchases away from grocery stores and gas stations to First Nations reserves (where the menthol bans do not apply). These results are important not just because they demonstrate an immediate economic impact on jurisdictions that introduce prohibition but thanks to cross-border trade and the substitution of non-menthol cigarettes, any health benefits are severely limited.

Food and Drug Administration review and tobacco harm reduction

The Food and Drug Administration (FDA) recognizes there is a “continuum of risk” when it comes to tobacco products, with cigarettes being the most dangerous and alternatives such as e-cigarettes, smokeless tobacco, nicotine pouches, and heated tobacco products being less dangerous.³ As such, when FDA authorizes a new tobacco product for sale, it must be evaluated as to whether it is “appropriate for the protection of public health,” meaning the product must provide a net benefit to public health.

SB 975 would give localities the authority to ban the sale of several products that the FDA has deemed to be net beneficial to public health and authorized for sale. For example, Swedish Match’s General Snus Wintergreen Portion White Large, General Nordic Mint Portion White Large - 12ct, General Mint Portion White Large, and General Dry Mint Portion Original Mini have also obtained Modified Risk Grant Orders from FDA. These orders allow Swedish Match to inform the public about the benefits of switching from cigarettes to these reduced-risk products. According to the FDA, the claim “Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis” is scientifically accurate.⁴

² Christopher Carpenter, Hai V. Nguyen. “Intended and Unintended Effects of Banning Menthol Cigarettes.” *The Journal of Law and Economics*. August 2021.

<https://www.journals.uchicago.edu/doi/abs/10.1086/713978>

³ U.S. Food and Drug Administration. “FDA Authorizes Modified Risk Tobacco Products.” May 2020.

⁴ U.S. Food and Drug Administration. “Scientific Review of Modified Risk Tobacco Application (MRTPA) Under Section 911 (d) of the FD&C Act - Technical Project Lead.”

<https://www.fda.gov/media/131923/download>

If localities chooses to ban these products, they be banning products that reduce the harm and risk of tobacco-related diseases.

In 2021, the U.S. Food and Drug Administration authorized an e-cigarette as “appropriate for the protection of public health” for the first time. The FDA is also currently reviewing e-cigarette product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed net beneficial, it will be authorized for sale as appropriate for the protection of public health.

If Hawaii passes SB 975 with section eight included localities could ban products prior to the FDA concluding its review, limiting consumer access to products the FDA may deem as positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project, 57 percent of vapers said they would continue vaping if flavors were banned while half said they would find a way to get their preferred flavor. Of most concern to public health officials and lawmakers should be the finding that close to one in five vapers said if their preferred flavor was banned, they would stop vaping and smoke traditional cigarettes instead.⁵

According to a 2020 study by researchers at Yale School of Public Health, the use of e-cigarette flavors is positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.⁶ The prestigious Cochrane Review also concluded e-cigarettes are more effective than traditional nicotine replacement therapies for helping smokers quit.⁷

The prohibition of products that are helping to reduce this burden will have grave consequences. If Hawaii wishes to continue to reduce the number of deaths from smoking each year, the power to regulate the legal sale of safer nicotine products should be reserved to the state legislature itself.

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

⁵ Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States.” *Addictive Behaviors*. Volume 125. February 2022.

<https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

⁶ Abigail S. Friedman, PhD; SiQing Xu, BS. “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation.” *JAMA*. June 5, 2020.

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

⁷ Cochrane Review. “Updated Cochrane Review shows electronic cigarettes can help people quit smoking.” October 14, 2020.

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

March 2, 2023

To: Members of the Hawaii Senate Ways and Means Committee
From: Americans for Tax Reform

Dear Senator,

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% 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



HAWAI'I COMMUNITY FOUNDATION
Amplify the Power of Giving

To: SENATE COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
And Members of the Committee

SENATE COMMITTEE ON WAYS AND MEANS
Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair
And Members of the Committee

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

Re: **Testimony in Support of SB 975 SD1, Relating to Health**

Date: Friday March 3, 2023

Time: 10:00 A.M.

Place: Conference Room 211, State Capitol and Videoconference

The Hawai'i Community Foundation (HCF) strongly supports SB 975. HCF administers the Hawai'i Tobacco Prevention and Control Trust Fund. Through the Trust Fund, we have funded a variety of community grants and contracts to support tobacco prevention and control activities statewide for over 20 years. Our goal is to help improve the health and well-being of Hawaii's people by reducing death and disease caused by tobacco consumption. By managing statewide community grant programs in tobacco cessation and youth prevention for many years, HCF has gained substantial knowledge about what it takes at the grassroots level to reduce tobacco consumption in our communities.

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

The easy statewide availability of unregulated ESDs to our keiki and the resulting epidemic of ESD use among middle and high school students is creating a new generation dependent on nicotine, with long-term adverse health consequences to our state. Nicotine is a highly addictive

substance that can cause long-term damage to the developing adolescent brain, affecting attention, learning, mood, and impulse control.¹

Many of our tobacco cessation program grantees across the islands have learned from their patients and community partners that online sales are a major source of ESDs and e-liquids for youth or their suppliers, despite Hawaii's Age 21 law. Unlike cigarettes and other traditional tobacco products that are illegal to sell online, currently there are few barriers for online sales of ESDs and e-liquids to adults or youth. The regulatory framework in SB 975 will help to close this very large loophole and reduce youth access to ESDs and e-liquids.

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

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

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 SD 1

INTRODUCED BY: Senate Committees on Health & Human Services and Commerce & Consumer Protection

EXECUTIVE SUMMARY: 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. Repeals state laws that establish and govern the Electronic Smoking Device Retailer Registration Unit within the Department of the Attorney General; provisions of the Cigarette Tax and Tobacco Tax Law that govern delivery sales; and state law governing smoking that preempts and voids local ordinances and regulations conflicting with state law.

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].

Also amends the definition of "tobacco products" as (1) Any product containing, made of, or derived from tobacco or nicotine, other than cigarettes or little cigars, that is intended for human consumption or is likely to be consumed by inhalation, absorption, or any other means of ingestion, including large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, snus, chewing or smokeless tobacco, and smoking or pipe tobacco; (2) Any electronic smoking device as defined in this section and any substance, including e-liquids, that may be aerosolized or vaporized by the device, whether or not the substance contains nicotine; or (3) Any component, part, or accessory of any item described in paragraph (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes. "Tobacco products" does not mean drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20.00 to \$50.00.

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

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

Makes technical and conforming amendments.

EFFECTIVE DATE: December 31, 2050.

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?

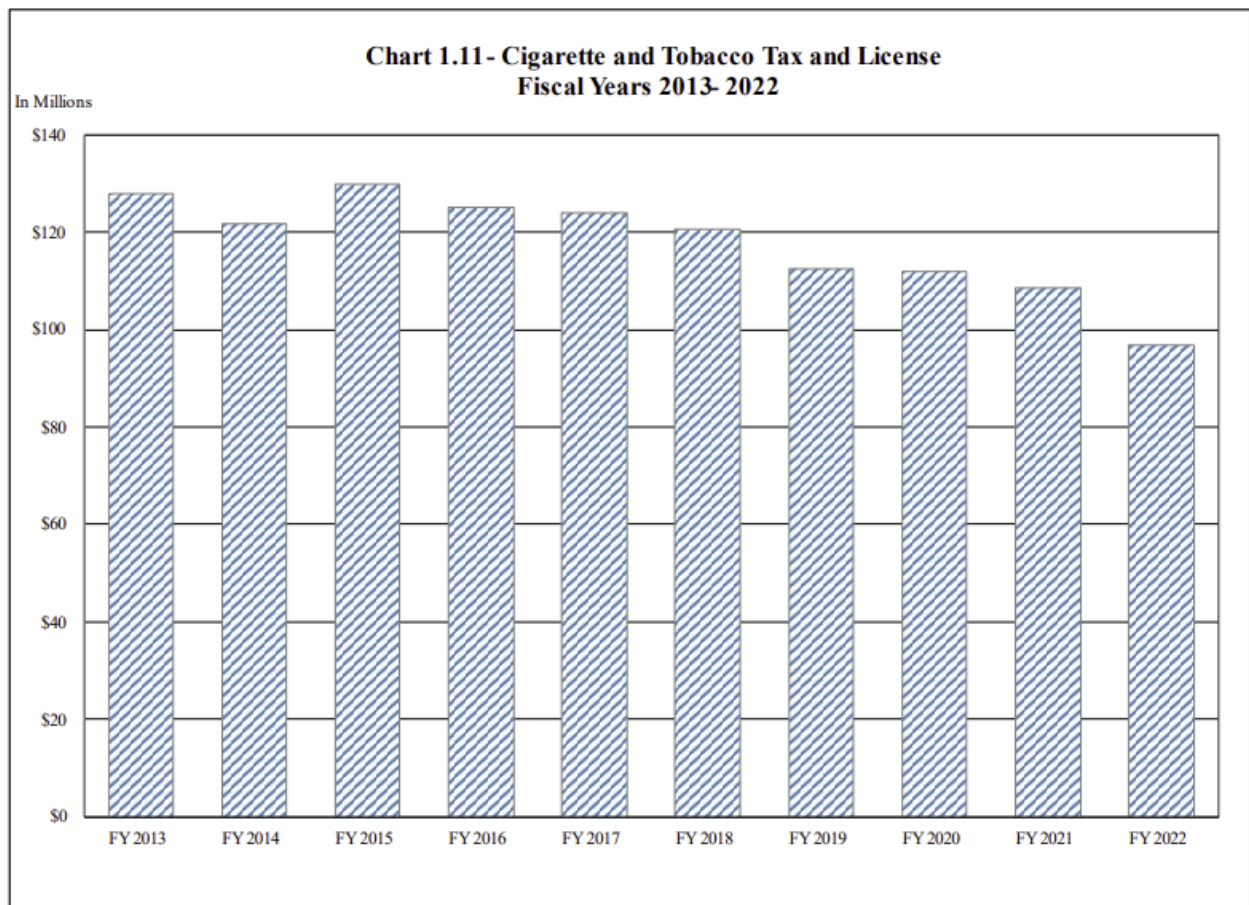
The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes are influencing smokers as tax collections on the sale of cigarettes have fallen. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases 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.

Re: SB 975 SD1
Page 4

Digested: 3/2/2023



LATE

Date: March 2, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

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

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

Re: **Support SB975 HD1, Relating to Health**

Hrg: March 3, 2023 at 10:00am

The Campaign for Tobacco-Free Kids supports parity in regulations for electronic cigarettes and traditional tobacco products. 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

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

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>

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

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.

While we strongly support taxation and regulation of electronic cigarettes, implementation of such policies is far smoother and enforceable if done through the already existing infrastructure for other tobacco products. By establishing the tax on e-cigarettes, lives will be saved, the economic burden as a result of tobacco use will be lessened, and revenue generated.

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

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/_/nnbb1q.pdf.

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
COMMITTEE ON JUDICIARY

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
COMMITTEE ON WAYS AND MEANS

I'm Zoey, a local youth from Nu'uuanu/Liliha, and I support SB975.

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

Senator Karl Rhoads, Chair, and Members of the Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair and Members of the Committee on Ways and Means

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

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.

Senator Karl Rhoads, Chair, and members of the Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair and members of the Committee on Ways and Means

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

Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair and Members of the Committee on Judiciary
and

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

February 13, 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

Chair Rhoads, Chair, and Members of the Committee on Judiciary

Chair Dela Cruz, Chair and Members of the Committee on Ways and Means

I'm Samantha Lay, a junior at Roosevelt High School and I **support** SB975 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.

Senator Karl Rhoads, Chair, and members of the Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair and members of the Committee on Ways and Means

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

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.

Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary
and
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

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: Senator Karl Rhoads, Chair, and Members of the Committee on
Judiciary
Senator Donovan M. Dela Cruz, Chair and Members of the Committee on
Ways and Means

From: Destin

Date: 2/13/2023

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

To: Senator Karl Rhoads, Chair, and members of the Committee on Judiciary.

Senator Donovan M. Dela Cruz, Chair and members of the Committee on Ways and Means

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 Dela Cruz and Members of the Committee on Ways and Means

Chair Rhoads and Members of the Committee on Judiciary

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

Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary
and
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

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.

Sydnee Yokota
Pepeekeo

Chair Dela Cruz and Members of the Committee on Ways and Means

Chair Rhoads and Members of the Committee on Judiciary

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.

Chair Rhoads and Members of the Committee on Judiciary

Chair Dela Cruz and Members of the Committee on Ways and Means

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

Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary
and
Senator Donovan M. Dela Cruz, Chair, Senator Gilbert S.C.
Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

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: Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair and Members of the Committee on Judiciary

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

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 .

Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

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

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.

Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

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

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-SD-1

Submitted on: 3/1/2023 7:46:48 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Bailey	Individual	Support	Written Testimony Only

Comments:

In support.

SB-975-SD-1

Submitted on: 3/1/2023 8:32:40 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

In support of SD1. Thank you.

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. 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

SB-975-SD-1

Submitted on: 3/1/2023 9:07:41 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Scharnhorst	Individual	Support	Written Testimony Only

Comments:

Dear Committee,

Thank you for hearing. this bill. Not much needs to be said about the need to protect our youth from toxic practices so early in life. It is more despicable that the companies peddling vaps are getting richer and richer at the expense of their young health.

I stronly support this measure.

Kind regards,

Anne Scharnhorst, DNP, RN, CNE

Professor, UHMC Nursing

SB-975-SD-1

Submitted on: 3/1/2023 9:09:24 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

I, Shani Carvalho, support SB975 that would help reverse the use of electronic smoking devices by youth. As a mother of 4 children, and health care worker who works with youth who are addicted to their vaping devices, I strongly request you consider and pass this bill to ultimately save the lives of thousands of our keiki.

SB-975-SD-1

Submitted on: 3/1/2023 9:19:51 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

Of course these E- cigarettes, vaping should be banned if the Legislature is serious about health.

SB-975-SD-1

Submitted on: 3/1/2023 9:20:24 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Harald Ebeling	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

I am writing to express my strong support of SB975 - and all other measures to curb and fight drug addiction. It is shocking that we spent billions and (at the federal level) trillions of dollars to battle one pandemic (COVID-19) while turning two blind eyes to drug addiction - for decades. The ongoing vaping / e-cigarette pandemic is an alarming part of this trend. It can be slowed and defeated though if these dangerous products are treated and regulated as what they are: tobacco products that contain addictive levels of nicotine.

Why would the state of HI allow the largely unregulated spread of a product that demonstrably contributes significantly to a public-health crisis that not only puts enormous (and completely unnecessary) strain on our health-care system but that is marketed specifically to turn our keiki into addicts?

This is a pandemic that is driven purely by the tobacco industry's unscrupulous greed, and it is one that we can stop easily, without lockdowns and quarantine!

Thank you for doing your part by allowing SB975 to become law.

Mahalo,

Harald Ebeling

SB-975-SD-1

Submitted on: 3/1/2023 9:27:51 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gracie Flores	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.
- 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.
- 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.

SB-975-SD-1

Submitted on: 3/1/2023 9:55:44 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

Aloha,

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.

SB-975-SD-1

Submitted on: 3/1/2023 10:08:06 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

my name is leon ajoste a 12 grade student and i learned how do we quit vaping like is it possible to quit vaping becuase vaping can be challenging, but **it is doable if you have the desire to quit and a plan to get you through kicking the habit.** Vaping is a relatively new phenomenon, so there isn't much research on how many people try to quit or how successful they are.How hard it is to quit vaping becuase.Nicotine is very addictive. The more you vape, the more your brain and body get used to having nicotine, and the harder it is to go without it. When you go without vaping, the nicotine level in your bloodstream drops, which may cause unpleasant feelings, physical symptoms, and strong urges to vape.And what can i replace vaping for because the answer is Your local drug store stocks several nicotine replacement products over the counter. These include patches, lozenges and gum. Other products, like pills, inhalers and nasal sprays, need a doctor's prescription.

SB-975-SD-1

Submitted on: 3/1/2023 11:06:59 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelsey Chuckovich	Individual	Support	Written Testimony Only

Comments:

Re: SB 975

Aloha Joint Senate Committees on Ways & Means and Judiciary,

Please consider my testimony in strong support of SB 975, as e-cigarettes are currently an unregulated tobacco product. A significant number of our youth are using e-cigarettes or vaping as a result of the unregulated market and lack of proper regulatory controls on e-cigarettes. As a result, our youth are initiated into vaping at unprecedented levels, which leads to use of a highly addictive drug, nicotine.

The tobacco industry entices youth with unregulated marketing, including fruit flavors and candy flavors, and they are easily accessible through online sales. Comprehensive regulation would help to reduce access, restrict online sales, and therefore reduce youth initiation and addiction to e-cigarettes.

Comprehensive regulation has proved effective with cigarettes, and can have a similiar impact on e-cigarette use. Taxation, regulation, licensing & permitting are all important components to reduce youth access and initiation into e-cigarettes. Comprehensive regulation will be a major step in reversing the e-cigarette use in our community. This will positively impact our youth by decreasing initiation and potential for addiction to e-cigarettes and tobacco products. Thank you for your consideration.

Sincerely,

Kelsey Chuckovich

SB-975-SD-1

Submitted on: 3/1/2023 12:35:24 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jo Wakayama	Individual	Support	Written Testimony Only

Comments:

Aloha,

As an emergency room nurse I'm seeing young people come into the ER with respiratory problems related to frequent vaping. They mistakenly think that vaping is benign and not as bad as cigarette smoking.

As a nursing instructor of level 1 nursing students I find they also think vaping is benign, just water and flavor, not understanding how other ingredients such as glycerol and glycerin impede the process of oxygen and carbon dioxide exchange, and thinking that somehow nicotine in vapes is not as dangerous as nicotine in cigarettes. So much public education to be done!

I was so proud of Hawaii for being the first state to raise the smoking age to 21 and to see that law become a standard nationwide. As an island state I believe we have an opportunity to ban smoking overall, starting with policies that are set to be put in place in New Zealand (<https://www.theguardian.com/australia-news/2021/nov/15/australian-governments-urged-to-set-a-date-to-ban-cigarette-retail-sales>). There will always be a black market for ANYthing illegal, however as an island, our borders are harder to cross, and hopefully importing cigarettes and vapes would become cost prohibitive.

So much money is spent on respiratory, cardiac, and cardiovascular diseases, and while I don't have the data at hand, it does exist as to the millions of lives and dollars that would be saved if we could stamp out smoking for good.

Mahalo for your time and all that you do!! God Bless You All! Jo

Date: March 1, 2023

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

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

Re: **Support for SB 975 SD1, Relating to Health**

Hrg: Friday March 3, 2023 at 10:00 am Conference 211 & Videoconference

Aloha Senate Committees on Judiciary and Ways and Means,

As a parent, community member and healthcare professional I am writing in **strong support SB 975 SD1** which 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, provisions of the Cigarette Tax and Tobacco Tax Law that govern delivery sales, and state law governing smoking that preempts and voids local ordinances and regulations conflicting with state law.

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, restricting online sales, education, and cessation services 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. **SB 975 SD1** taxes e-cigarettes in line with other tobacco products.

SB 975 SD1 brings e-cigarettes under regulation with all other tobacco products, including licensing and permitting, while maintaining full access to FDA-approved medications for smoking cessation, including FDA-approved over-the-counter (OTC) nicotine replacement therapy (NRTs; patches, gums and lozenges).

SB 975 SD1 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, while licensed tobacco retailers would still be able to receive shipments of products.

I **strongly support SB 975 SD1**, ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-975-SD-1

Submitted on: 3/1/2023 3:36:34 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	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.
- 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.
- 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.

Thank you for bringing SB975 to hearing and supporting this important bill to help the youth of our state.

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

SB-975-SD-1

Submitted on: 3/1/2023 6:30:13 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

Talk about mean, a felony just because someone wants a flavored vape to help them quit or just enjoy life better.

SB-975-SD-1

Submitted on: 3/1/2023 6:36:53 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dallas Nelson	Individual	Oppose	Written Testimony Only

Comments:

This bill is even worse bigoted crap and should also be flushed down the toilet.

SB-975-SD-1

Submitted on: 3/1/2023 7:16:09 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

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SB-975-SD-1

Submitted on: 3/1/2023 9:24:19 PM

Testimony for WAM on 3/3/2023 10:00:00 AM

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 SD1. 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.

Please support this important measure. Mahalo for your consideration.

Sincerely,

Bryan Mih, MD MPH FAAP

Pediatrician

Medical Director, Kapi'olani Smokefree Families

My name is Diane Omura, and I am a retired health educator from the island of Maui, writing in strong support of SB 975, designed to tax and regulate e-cigs, like any other tobacco product. Vaping, like cigarettes, causes serious damage to the lungs and premature deaths. But present laws make it so easy for teens to use e-cigs so that almost 50% of highschoolers have tried it. Lawmakers allow this trend to climb by not passing the right legislation. Please protect our youth by supporting SB975.

SB-975-SD-1

Submitted on: 3/2/2023 6:48:29 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John A. H. Tomoso	Individual	Support	Written Testimony Only

Comments:

03-02-23

RE: SB 975

Aloha,

I am in support of this Bill because I am very concerned that E-cigarette use continues to escalate among teens. This rise puts our children's health at risk, thereby making them susceptible to becoming lifelong addicts! By addressing the unlawful shipment of e-cigarettes, taxing them as tobacco products, and licensing & permitting sellers, we are implementing comprehensive regulations that will address this crisis, which helps to keep our overall public health with a modicum of health and healthy lifestyles.

Mahalo

John Ah. Tomoso+, MSW

51 Ku'ula Street

Kahului, Maui, HI 96732-2906

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

SB-975-SD-1

Submitted on: 3/2/2023 8:39:15 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald Sakamoto	Individual	Support	Written Testimony Only

Comments:

I strongly support SB975.

Flavored tobacco products are used by sellers to get our children addicted to nicotine. My daughter is a middle school student and the bathrooms are so clogged with other children vaping flavored tobacco products that she has a hard time getting an opportunity to use them for the their intended purpose.

Some children are so addicted to nicotine that they vape during all the breaks from classes and some even vape during class by hiding from the teacher. They cannot get through an hour without their nicotine fix.

It is obvious that flavored products are directed at children to get them hooked and that this is working. Let's ban the sale of flavored tobacco/nicotine products.

In addition, aerosol tobacco products should be taxed and regulated like other tobacco products. Sellers are making a lot of money from them and should bear their fair share like other sellers of tobacco products.

SB-975-SD-1

Submitted on: 3/2/2023 8:39:21 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

Aloha Chairs, Vice Chairs and Committee Members,

I am a parent and a Tobacco Treatment Specialist who has worked in the field here in Hawaii for the last 20 years and in strong support of SB 975. Due to the comprehensive regulations on cigarettes we have seen adult smoking lowered to 11.6%. However e-cigarettes have evaded many tobacco regulation laws which has led to a sharp rise in the use of the 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. Taxation, regulation, licensing and permitting, education and cessation services are components of comprehensive tobacco regulation and a key to lowering the use of tobacco use.

Thank you for your consideration on this bill

Valerie Smalley

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
State Capitol
415 South Beretania Street

SB975, SD1 Relating to Health

Aloha Hawaii State Legislators!

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify in support of SB975.
Derek H Ichimura, DMD
96701

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
BILL: SB975 SD1 Relating to Health

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Keith-Agaran and members of the committees!

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify.

Amy Ogawa

96701

Friday, March 3, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

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

Re: SB975 SD1 Relating to Health

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

[To eliminate fluoridation which has been proven to be beneficial and safe yet allowing vaping does not make much sense in protecting our children.](#)

Mahalo for the opportunity to testify in support of SB975, SD1.
Norman S Chun
96734

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
State Capitol
415 South Beretania Street

SB975, SD1 Relating to Health

Aloha Hawaii State Legislators!

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify in support of SB975.
Lili Horton
96816

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
BILL: SB975 SD1 Relating to Health

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Keith-Agaran and members of the committees!

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify.

Carla Fukumoto, DDS
96822

Friday, March 3, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

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

Re: SB975 SD1 Relating to Health

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify in support of SB975, SD1.
Neil C. Nunokawa D.D.S.

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
State Capitol
415 South Beretania Street

SB975, SD1 Relating to Health

Aloha Hawaii State Legislators!

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify in support of SB975.
Darrell T Teruya, DDS
Honolulu, HI 96817

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
BILL: SB975 SD1 Relating to Health

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Keith-Agaran and members of the committees!

As a licensed, practicing dentist in the State of Hawaii, I am writing to express my opposition to the 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.

Mahalo for the opportunity to testify.

[Wayne Leong](#)

SB-975-SD-1

Submitted on: 3/2/2023 10:17:29 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

Honorable Senator Karl Rhoads, Chair

Honorable Senator Mike Gabbard, Vice Chair

Honorable Senator Donovan Dela Cruz, Chair

Honorable Senator Gilbert Keith-Agaran, Vice-Chair

Members of the Committee on Judiciary

Members of the Committee on Ways and Means

Re: SB 975 Relating to Health, Strong Support

Senators Rhoads, Gabbard, Dela Cruz, Keith-Agaran and members of the Committees on Judiciary and Ways and Means:

SB 975 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 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. 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

SB-975-SD-1

Submitted on: 3/2/2023 10:39:30 AM

Testimony for WAM on 3/3/2023 10:00:00 AM

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

Comments:

Honorable Senator Karl Rhoads, Chair

Honorable Senator Mike Gabbard, Vice Chair

Honorable Senator Donovan M. Dela Cruz, Chair

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

Members of the Committee on Judiciary

Members of the Committee on Ways and Means

Re: SB 975, SD1 Relating to Health, Strong Support

Senators Rhoads, Gabbard, Dela Cruz, Keith-Agaran, and members of the Committees on Judiciary and Ways and Means:

SB 975, SD1 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 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. 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 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 ecigarettes 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 in support of our keiki and citizens of Hawai'i, I again respectfully request your support of this bill. 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.