

STAND. COM. REP. NO.

739

Honolulu, Hawaii

FEB 17 , 2023

RE: H.B. No. 551
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 551, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine-free;
- (2) Authorize the Department of Health to appoint, commission, or contract for services of inspectors to enforce the flavored tobacco ban;
- (3) Establish two full-time equivalent program specialist positions and one full-time equivalent hearings officer position to administer inspections and enforcement related to this measure; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Health; Department of Education; University of Hawai'i Cancer Center; two members of the Hawai'i County Council; American Heart Association;

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Hawaii State Teachers Association; American Cancer Society Cancer Action Network; Coalition for a Tobacco-Free Hawaii Youth Council; Hawaii State Youth Commission; University of Hawaii Student Health Advisory Council; Campaign for Tobacco-Free Kids; Tobacco-Free Kids Action Fund; Hawai'i Youth Services Network; Kaiser Permanente Hawai'i; Hawaii Health & Harm Reduction Center; Waimānalo Health Center; We Are One, Inc.; Hamakua Cougars; AlohaCare; Hawaii Substance Abuse Coalition; Hawaii Primary Care Association, Hawai'i Children's Action Network Speaks!; Hawai'i Public Health Association; Opportunity Youth Action Hawai'i; Hawaii COPD Coalition; Hawaii Association of Independent Schools; Pioneering Healthier Communities Initiative; Hawaii Dental Association; Coalition for a Drug-Free Hawaii; American Lung Association; Papa Ola Lokahi; Hawai'i Community Foundation; and numerous individuals.

Your Committee received testimony in opposition to this measure from the Taxpayers Protection Alliance; Retail Merchants of Hawaii; Consumer Choice Center; Cigar Association of America, Inc.; Reason Foundation; Hawaii Smokers Alliance; Volcano; Americans for Tax Reform; Aloha Petroleum; Minit Stop; Par Hawaii; and twelve individuals.

Your Committee finds that the use of flavored tobacco products and electronic smoking devices by youth have swelled to epidemic levels. The usage rate of electronic smoking devices amongst youth in the State is prevalent with 30.6 percent of public high school students and eighteen percent of public middle school students reporting that they use electronic smoking devices. The usage rate is even more concerning on the neighbor islands, where thirty-four percent of students in Hawaii County and thirty-two percent in Kauai County are reported to be regular users.

Your Committee further finds that an expansive catalog of flavors is one of the main reasons why the use of tobacco products and electronic smoking devices by youth continues to rise. Electronic smoking devices and flavored tobacco products have been glamorized and promoted in a manner to appeal to youth, using flavors like candy, fruit, Maui mango, and shaka strawberry. The majority of youth who use electronic smoking devices report using a flavored product. This measure seeks to address the youth tobacco and vaping epidemic by prohibiting the sale and distribution of flavored tobacco products and mislabeling of e-



liquid products and provides the Department of Health with the administrative authority needed to enforce this ban.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 551, H.D. 1, and recommends that it be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



MARK M. NAKASHIMA, Chair



