

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

Testimony in SUPPORT of H.B. 1563
RELATING TO TOBACCO PRODUCTS

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Hearing Date: February 2, 2024

Room Number: Conference Room 329
and via videoconference

1 **Fiscal Implications:** None

2 **Department Position:** The Department of Health (DOH) supports House Bill 1563 (H.B. 1563)
3 and offers a proposed amendment for clarity.

4 **Department Testimony:** The DOH supports H.B. 1563 as a social justice and health equity
5 measure to preserve the legal ability of all Hawaii counties to enact policies that regulate the
6 sale of cigarettes and tobacco products including electronic smoking devices (ESDs) in a manner
7 that is more stringent than state law and responsive to pressing community needs. H.B. 1563
8 repeals existing law that provides that all local ordinances or regulations that regulate the sale
9 of cigarettes and tobacco products including ESDs are preempted and that existing local laws
10 and regulations conflicting with chapter 328J, Hawaii Revised Statutes (HRS), are null and void;
11 and clarifies that counties retain the authority to adopt ordinances that regulate the sale of
12 cigarettes, tobacco products, and ESDs as long as the ordinances do not conflict with, and are
13 more stringent than, the provisions in chapter 328J, HRS.

14 H.B. 1563 would be a reinstatement of authority that counties exercised to protect their
15 communities prior to the 2018 legislative session that added Section 328J-11.5, HRS through
16 [Act 206, HB1895 CD1, 2018 Hawaii Session Laws \(HSL\)](#). Geographic tobacco related disparities

1 are a serious public health problem in Hawaii and innovative, community-based solutions are
2 needed. While 11% of adults in the general population smoke, adults in Hawaii County have
3 the highest prevalence of smoking at 12%.¹ Smoking within subcommunities throughout the
4 State are even higher such as in Puna/Ka'u (18%) and Nanakuli/Waianae (25%).² Youth who
5 live on neighbor islands consistently reported more regular tobacco use than the State overall.
6 The 2021 data shows reduced regular use of e-cigarettes, but the effect is likely due to the
7 change in survey timing from the traditional spring to the fall semester, and while e-cigarette
8 companies market their products for social use, due to the pandemic youth were isolating and
9 just returning to the classrooms. Despite this dampening effect, the state high school student
10 regular use was 15% whereas the county rates were Hawaii 22%, Maui 18%, Kauai 16%, and
11 Honolulu 13%.³ Middle school data follows similar patterns as 7% of pre-teens in the State
12 reported current vaping, Hawaii 9%, Maui 8%, Kauai 8%, and Honolulu 6%.⁴ Counties and
13 communities are reporting concerns over the continued marketing of products and they need
14 the ability to respond to pressing local needs as some jurisdictions bear a greater burden of
15 tobacco use than others.

16 Given the existence of these geographic disparities, there is an urgent need for counties
17 to have the ability to regulate access to tobacco products especially among youth. According to
18 Julie Aoki in the Journal of Law and Medical Ethics, "From a health equity standpoint, the use of
19 local knowledge to forge community-specific solutions enables localities to employ a targeted
20 approach to combat health disparities and ensue equitable access to better public health."⁵ As

¹ *Hawai'i IBIS - Query Result—Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (2021) Retrieved January 30, 2024, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

² *Hawai'i IBIS - Query Result—Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (2021) Retrieved January 30, 2024, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

³ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level.* (2017-2021.). Retrieved January 30, 2024, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_HS_CNTY.html

⁴ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level.* (2017-2021). Retrieved January 30, 2024, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html

⁵ 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 youth e-cigarette use grows as a public health problem, Hawaii’s counties must be empowered
2 to respond to the request from communities that are most affected.

3 Historically, local communities in Hawaii have been visionaries in adopting strong and
4 innovative public health and tobacco control policies that changed social norms across the
5 entire state. Smoke-free restaurants, worksites, beaches and parks, and automobiles with
6 minors inside are examples of public health protective ordinances that were generated by
7 counties. Even Hawaii’s landmark legislation, the Tobacco 21 Law (Act 122, 2015 HSL), was
8 initially introduced and passed by the Hawaii County Council in 2014.

9 The DOH supports H.B. 1563 as an important public health and social justice measure to
10 support community-based innovations to protect and advance the health and opportunities for
11 adults and keiki wherever they live in Hawaii.

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

13 **Offered Amendments:** To ensure clarity that counties retain authority to regulate cigarettes
14 and tobacco products including ESDs, the DOH recommends repealing section 328J-11.5 in its
15 entirety and making no amendments to section 328J-15.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1563, RELATING TO TOBACCO PRODUCTS.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

DATE: Friday, February 2, 2024 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 329 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Ashley M. Tanaka, Deputy Attorney General

Chair Belatti and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to reinstate a more flexible regulation system and allow all levels of government to collaborate in regulating the sale of cigarettes, tobacco products, and electronic smoking devices. To achieve this purpose, the bill amends sections 328J-11.5 and 328J-15(b), Hawaii Revised Statutes (HRS), to authorize counties to enact local ordinances to regulate the sale of cigarettes, tobacco products, and electronic smoking devices as long as the ordinances "do not directly conflict with and are more stringent than the provisions of" chapter 328J.

The Department suggests that a better way to achieve this purpose would be to repeal section 328J-11.5, HRS, in its entirety, and not amend section 328J-15(b). A repeal of section 328J-11.5, HRS, would be easier for the public to understand and thus easier to implement.

While the bill repeals section 328J-11.5(b), which preempts local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, the proposed amendments to section 328J-15(b), HRS, restrict counties' authority to enact ordinances by specifically requiring that the ordinances not directly conflict with and be more stringent than the provisions of chapter 328J, HRS. Section 328J-15(b), as currently written, appears to be clearer and give more flexibility

to counties in regulating the sales of cigarettes, tobacco products, and electronic smoking devices.

For these reasons, the Department's recommendation is to repeal section 328J-11.5, HRS, in its entirety, and not amend section 328J-15(b). In the alternative, the Department suggests removing the amendments to section 328J-11.5(c) and 328J-15(b), HRS, in the bill.

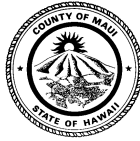
Thank you for this opportunity to testify and provide comments and suggested amendments to this bill.

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



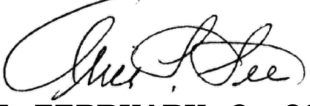
Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 1, 2024

TO: The Honorable Della Au Belatti, Chair, and
Members of the House Committee on Health and Homelessness

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 2, 2024; TESTIMONY IN SUPPORT OF
HB1563, RELATING TO TOBACCO PRODUCTS**

Thank you for the opportunity to testify in **support** of this important measure. The measure's purposes are to prohibit the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine and to repeal language making the sale of tobacco and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

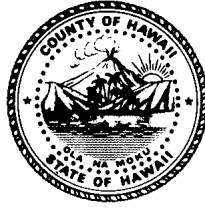
I **support** this measure for the following reasons:

1. This measure would allow counties to prohibit retailers from displaying, marketing, or selling flavored tobacco or nicotine products, which often have a far greater nicotine content than cigarettes.
2. It would allow communities to maintain drug-free educational environments where flavored nicotine vape products, which are often targeted to youth consumers, are prohibited.
3. This measure would also help reduce the physical- and mental-health impacts caused by long-term use of flavored tobacco and nicotine products.

For the foregoing reasons, I **support** this measure.

ocs:proj:legis:23legis:23testimony:hb1563_paf24-002(17)_rem

Jennifer Kagiwada
Council Member District 2 South Hilo



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

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: January 31, 2024
TO: House Committee on Health and Homelessness
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB 1563

Aloha Chair Au Belatti, Vice Chair Takenouchi, and Committee Members,

I am testifying in support of HB 1563 to allow Counties to adopt ordinances or regulations of tobacco products that do not conflict with and are more stringent than state laws that govern smoking. Because County Council session is year-round, we are more readily able address the needs of our communities in a timely manner. Local governments act as hubs for creating and implementing new public health strategies. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

Counties have a strong track record of passing successful tobacco policies, with less interference from big tobacco companies. Hawai'i County, in particular, has a good history of helping to pass public health policies such as Tobacco 21 and smoke-free air laws.

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

The City and County of Honolulu and Hawai'i County recently passed legislation ending the sale of flavored tobacco and were met with an overwhelming amount of public support. However, these laws cannot be enacted until county authority is restored. Mahalo for the opportunity to testify in support of this bill.

Mahalo,

Jenn Kagiwada



Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Health & Homelessness
The Honorable Della Au Belatti, Chair
The Honorable Jenna Takenouchi, Vice Chair

February 2, 2024
8:30 a.m.
Conference Room 329 & Via Videoconference

Re: HB 1563, Relating to Tobacco Products

Chair Belatti, Vice Chair Takenouchi, and committee members thank you for this opportunity to provide testimony on HB 1563, which repeals existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations.

Kaiser Permanente SUPPORTS HB 1563.

Kaiser Permanente is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 274,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 19 medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

Flavored tobacco products and e-cigarettes pose a significant public health risk to youth. These dangerous products addict our children early and for a lifetime. Kaiser Permanente urges swift action to address these threats at the federal, state and local levels.

HB 1563 ensures localities retain their traditional role of innovating tobacco control policies aimed at keeping dangerous and highly addictive tobacco products out of the hands of youth.

For decades, Hawai'i has been a bold national leader in the prevention of youth tobacco use. Counties have played a critical role in these life-saving efforts. For example, counties helped innovate Hawai'i's pioneering policies to increase the age of sale for tobacco products 21, advance comprehensive smoke-free policies, and ensure smoke-free cars while keiki are present.

The counties are uniquely positioned to quickly address the health needs of their communities, especially in the face of rapidly-evolving tobacco industry marketing tactics and products targeted at youth. We commend the City & County of Honolulu and the County of Hawai‘i for their recent enactment of ordinances that ban the sale of flavor tobacco products. However, these bans cannot go into effect until county authority is restored. HB 1563 is a critical measure to allow the counties to regulate the sale of tobacco products that can reduce the overall use of tobacco. As such, Kaiser Permanente supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.

We need the help of the counties in our fight for a tobacco-free generation.

Mahalo for the opportunity to testify in support of this important measure.



Hawaii Dental Association

Committee: House Health & Homelessness

Time/Date: 8:30 a.m., February 2, 2024

Location: State Capitol Conference Room 329 and via Videoconference

Re: HB 1563, Relating to Tobacco Products

Aloha Chair Belatti, Vice Chair Takenouchi, and members of the committee,

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 1563**, relating to tobacco products. This bill will repeal existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations and will allow counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking.

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

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

Mahalo for the opportunity to testify in support of HB 1563.



HIPHI Board

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University of Hawai'i at Hilo

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Hawai'i Health Partners

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

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

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

Garret Sugai
HMSA

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

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

COVID-19 Response

Environmental Health

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/Healthy Aging
& Community Living

Public Health Workforce
Development

Date: January 31, 2024

To: Representative Della Au Belatti, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Health & Homelessness Committee

Re: Strong Support HB1563, Relating to Tobacco Products

Hrg: Friday, February 2, 2024 at 8:30 AM

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute,ⁱ is in **Strong Support of HB1563**, which would restore the counties' ability to regulate the sale of cigarettes, tobacco products, and electronic smoking devices. If this ability is restored, the counties would be able to enact ordinances that are more stringent than state law.

Counties want to act.

In Hawai'i County, 40% of teens have used electronic smoking devices, while 30% of teens in Honolulu have used these products.ⁱⁱ As a result of these alarming numbers and testimony from youth and community members, these counties identified and passed ordinances to end the sale of flavored tobacco products within their respective counties. Unfortunately, these ordinances cannot go into effect until the state restores their ability to regulate the sale of tobacco products. They hope the state will recognize their commitment to uplifting well-being by passing HB1563, allowing the counties to enact these important policies.

Restoring the county's authority will protect local residents.

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. All counties passed smoke-free air laws (smoke-free workplaces) before the state passed its comprehensive smoke-free air law. Before these laws were passed, not all workers, such as those employed by bars, restaurants, or nightclubs, were protected from secondhand smoke. Strong smoke-free air laws are essential to protect people from secondhand smoke exposure, which is known to cause heart disease, stroke, cancer, and respiratory illness. Smoke-free air laws can also encourage people to quit smoking, further reducing the burden of tobacco in our community.

In addition, Hawai'i Island raised the age to 21 to purchase tobacco products in 2013; they were the 4th jurisdiction in the nation to do so. Based on the evidence that 95% of smokers start before the age of 21,ⁱⁱⁱ this legislation intended to prevent young people from ever starting to smoke and ultimately reduce the harms of tobacco in our community. Two years later, the state of Hawai'i would make history, becoming the first state to pass this legislation.

Since 2018, the law has curtailed the counties' power to enact existing policies, as well as any future policies relating to the sale of tobacco and electronic smoking devices. This inability to act is of particular concern, as local-level policies have been integral to addressing disparities and catalysts for changing social norms around tobacco use statewide.

Currently, counties are unable:

- To take legislative and regulatory action through retail and sales strategy to protect their children, youth, and adults.
- To enact public health, evidence-based strategies by restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and initiation, which could include the sale of tobacco in pharmacies and creating flavor restrictions.

Preemption benefits the tobacco industry.

Restricting local control is a known tobacco industry strategy. The tobacco industry works to "preempt" local-level governments from passing tobacco-related policies, as it is easier for these companies to oppose one statewide policy versus a policy in each county. Reinstating the counties' ability to regulate the sale of tobacco will enable them to consider and enact laws that address the community's needs, such as ending the sale of flavored tobacco, while still allowing the state to support and build on these community-driven solutions.

We applaud the Legislature for helping to strengthen our county's authority on tobacco sales by considering this measure, and thank this committee for your consideration of HB1563.

We respectfully ask you to pass this measure.

Mahalo,



Peggy Mierzwa
Director of Policy & Advocacy
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.

ⁱⁱ Hawai'i State Departments of Education and Health, Hawai'i Health Data Warehouse, Hawai'i School Health Survey: Youth Risk Behavior Survey. Electronic vapor product – ever use by County, 2021. Published 2023, April 14. Accessed 2024, January 30. https://hhdw.org/report/query/result/yrbs/VaporEver/VaporEver_HS_CNTY.html

ⁱⁱⁱ United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>; see also Table 2-8 in Institute of Medicine, Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, Washington, DC: The National Academies Press, 2015, <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>



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Logan Okita
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Secretary-Treasurer

Ann Mahi
Executive Director

TESTIMONY TO THE HAWAII HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

Item: **HB1563 - Relating to tobacco products**
Position: **Support**
Hearing: **February 2, 2024, 8:30 a.m., Conference Room 329**
Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Chair Belatti, Vice Chair Takenouchi, and members of the committee,

The Hawai'i State Teachers Association **supports** HB1563 which repeals existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations. It will allow counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking.

So far, the City and County of Honolulu through Bill 46 and Hawai'i County through Bill 102 are putting measures to ban flavored tobacco products in place should the state's preemption of county ordinances on the sale of tobacco products be either suspended or repealed.

Some of the most successful tobacco policies in Hawai'i started at the local level, including smoke-free air laws. Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by our youth, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine. E-cigarette use continues to escalate among our teens. It puts our children's health at risk and becomes a lifelong addiction.

To reduce the youth vaping epidemic and ensure the long-term health and well-being of our keiki, the Hawai'i State Teachers Association asks your committee to **support** this bill.



TESTIMONY IN SUPPORT OF HB 1563

TO: Chair Belatti, Vice-Chair Takenouchi, and Members

FROM: Michael Paul, Certified Tobacco Treatment Specialist

DATE: February 2, 2024 (8:30 AM)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 1563, which re-establishes county control over the sale of tobacco and nicotine products.

Prior to 2018, counties had the ability to regulate the sale of tobacco products in their communities. Counties in our state have been more responsive in quickly addressing the health and well-being of the people in their communities on this front. Our state's smoke-free air laws and the tobacco 21 law are examples of successful county level ordinances that were subsequently adopted statewide.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions.

With the ongoing support of the Hawai'i Community Foundation, HHRC continues to offer smoking cessation services that are tailored to meet the needs of our state's LGBTQ+ people, and other priority populations through its [Hawai'i's Last Drag](#) (HLD) program.

I proudly work as one of HLD's certified tobacco treatment specialists. We work with individuals in ways that are most appropriate for their current needs, with trainings conducted in person or via phone, text, or videoconferencing. We provide smoking cessation products to assist them with quitting the consumption of smoked tobacco and other nicotine products.

Thank you for the opportunity to testify on this measure.



HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Greg Tjapkes, Secretary

Judith F. Clark, Executive
Director

Network Membership

*Big Brothers Big Sisters Hawai`i
Big Island Substance Abuse
Council*

*Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Collins Consulting, LLC
Domestic Violence Action Center
EPIC `Ohana, Inc.*

*Family Programs Hawai`i
Family Support Hawai`i
Friends of the Children's Justice
Center of Maui*

*Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network*

*Hawai`i Health & Harm
Reduction Center
Hawaii Island Community'
Health Center*

*Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kahi Mohala*

*Kokua Kalih Valley
Kaua`i Planning and Action
Alliance*

*Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems*

*P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED*

*PFLAG - Kona, Big Island
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana*

*Residential Youth Services
& Empowerment (RYSE)*

*Salvation Army Family
Intervention Services*

*Sex Abuse Treatment Center
Susannah Wesley Community
Center*

The Catalyst Group

January 30, 2024

Representative Della Au Belatti, Chair
And members of the Committee on Health and Homelessness

TESTIMONY IN SUPPORT OF HB 1563 RELATING TO TOBACCO PRODUCTS

Hawaii Youth Services Network (HYSN) supports HB 1563 Relating to Tobacco Products.

Hawaii has a high rate of youth vaping. Allowing counties to ban the sale of flavored tobacco products and enact other tobacco prevention measures will reduce youth tobacco usage and prevent the serious health problems that result from tobacco use.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark
Executive Director



Board of Directors

Robert Hood

President

Aloha Petroleum LLC

Al Chee

*Vice President &
Secretary/Treasurer*

Island Energy Services, LLC

Casie Bui

Second Vice President
Aloha Petroleum LLC

Eric Wright

Immediate Past President
Par Hawaii

Kimo Haynes

Hawaii Petroleum, LLC

Alec McBarnet

Maui Oil Petroleum, LLC

Annie Marszal

Lahaina Petroleum

Jon Mauer

Island Energy Services, LLC

Paul Oliveira

Maui Oil Company, Inc.

John Peyton

Par Hawaii

Steve Wetter

Hawaii Petroleum, LLC

Testimony of Bob Hood

President of the Hawaii Energy Marketers Association (HEMA)

HB 1563, RELATING TO TOBACCO PRODUCTS

House Committee on Health & Homelessness

The Honorable Della Au Belatti, Chair

The Honorable Jenna Takenouchi, Vice Chair

Friday, February 2, 2024 @ 8:30 a.m.

Conference Room 329 & Videoconference

Aloha Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

I am Bob Hood, President of the Hawaii Energy Marketers Association (HEMA). HEMA is a nonprofit trade association comprised of members who market motor fuel products and operate convenience stores across the state.

HEMA **opposes** HB 1563 which repeals uniform state regulation of tobacco products.

This bill, if passed, would disrupt the current regulatory framework that has been designed and implemented for the effective control of tobacco products.

Where some of HEMA's member companies operate in all counties, the uniformity of the current regulations provides a clear and unambiguous framework for these businesses to operate within. It ensures that all companies, regardless of their size or location, adhere to the same set of rules. This consistency not only simplifies enforcement but also guarantees that public health is protected equitably across all communities.

We take our responsibilities seriously. Our employees undergo rigorous training in the regulation, sale, storage, and protection of tobacco products. This training ensures that they are well-equipped to comply with the regulations and uphold the highest standards of public health and safety.

We believe that maintaining a uniform state regulation of tobacco products is crucial for the clarity of businesses, consistency of enforcement, and equitable protection of public health.

Thank you for the opportunity to offer testimony in opposition.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII**

February 2, 2024

Re: HB 1563 RELATING TO TOBACCO PRODUCTS.

Good morning, Chair Belatti and members of the House Committee on Health & Homelessness. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

We oppose HB 1563. This measure repeals existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations; and allows counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking.

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

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

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

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

We wonder why are there NOT stricter laws and consequences aimed at the minors who are vaping or those who purchase the products for the minors to make them accountable for their actions? Why is the Department of Education not cracking down on those who vape on campus if so, many students are doing this? Why are adults who can legally purchase these items might be denied if the aim is at minors?

Tobacco and E-Cigarettes will not go away. People will still be able to purchase them on the illegal black market, on the dark web or on military bases or try to make it themselves and essentially force many small local businesses who sells these items to shut down, thus leaving many of our family, friends, and neighbors out of work.

Mahalo again for this opportunity to testify.



HB1563 Cigarettes Regulation turned over to County

COMMITTEE ON HEALTH & HOMELESSNESS

Rep. Della Au Belatti, Chair

Rep. Jenna Takenouchi, Vice Chair

Friday, Feb 2, 2024: 8:30: Room 329 Videoconference

Hawaii Substance Abuse Coalition Supports HB1563:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

We all know that vaping has candy flavors and names that appeal to youth and that vaping has extraordinarily high addictive nicotine levels resulting that vaping among Hawaii youth is at epidemic proportions.

HSAC supports that the City and County of Honolulu and Hawai'i County have passed legislation on ending the sale of flavored tobacco, but these laws cannot go into effect until county authority is restored.

- Local governments need the ability to pass evidence-based policies to address the needs of their community.
- Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.
- Some of Hawai'i's most successful tobacco policies started at the local level, including smoke-free air laws.
- Since 2018, only the state can enact regulations on the sale of tobacco products.

Let's allow the counties to make choices for their community.

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



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

hicopd@gmail.com

(808)699-9839

January 31, 2023

Honorable Chair Representative Della Au Bellati
Honorable Vice-Chair Representatives Jenna Takenouchi
Members of the House Committee Health & Homelessness

RE: Strong Support for HB1563, Relating to Tobacco Products: Repealing Preemption of Local Ordinances which regulate cigarettes, tobacco products and electronic smoking devices, etc.

Dear Chair Della Au Bellati, Vice Chair Jenna Takenouchi, and members of the House Committee on Health & Homelessness,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please pass HB1563**, Relating to Tobacco Products which would repeal pre-emption of local ordinances which regulate cigarettes, tobacco products and electronic smoking devices.

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.

RESTORING LOCAL CONTROL

- Local governments need the ability to pass evidence-based policies to address the needs of their community.
- Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.
- Some of Hawai'i's most successful tobacco policies started at the local level, including smoke-free air laws.
- Since 2018, only the state can enact regulations on the sale of tobacco products.

- The City and County of Honolulu and Hawai'i County have passed legislation on ending the sale of flavored tobacco, but these laws cannot go into effect until county authority is restored.

Please help protect the lungs and lives of our people from flavored and mislabeled nicotine products and other harmful nicotine products. We urge you to please **vote in favor of HB1563 pass it out of committee so our keiki and community will be protected via local evidence-based policies that protect the communities where the problems are most acutely felt.** 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



**Testimony to the House Committee on Health and Homelessness
Friday, February 2, 2024; 9:30 a.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: HOUSE BILL NO. 1563 – RELATING TO TOBACCO PRODUCTS.

Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS THE INTENT** of House Bill No. 1563, RELATING TO TOBACCO PRODUCTS.

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

This bill, as received by your Committee, would repeal existing law that provides that all local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted and that existing local laws and regulations conflicting with the state law on smoking are null and void. This bill further clarifies that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not conflict with and are more stringent than the state law on smoking.

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 improve enforcement of existing regulation and create disincentives for consumers to use these products.

Testimony on House Bill No. 1563
Friday, February 2, 2024; 8:30 a.m.
Page 2

In 2018, the Hawaii State Legislature enacted Act 206 to establish the State policy that the sale of cigarettes, tobacco products, and electronic smoking devices is a matter of statewide concern, thus nullifying any local ordinances or policies that restricted the sale of these products that were in effect at that time. Since Act 206 was enacted, youth consumption of tobacco products has increased resulting in the American Lung Association giving the State of Hawaii an "F" for failing to prevent access to flavored tobacco products like menthol cigarettes and fruity-flavored electronic smoking products.

Because of this, the HPCA agrees with the Hawaii Association of Counties and urges the State to allow the counties to enact more restrictions over the sale of tobacco products, including electronic smoking devices, in order to protect public health, safety, and welfare.

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.

To: House Committee on Health and Homelessness
Re: **HB 1563 – Relating to Tobacco Products**

Hawai'i State Capitol, Conference Room 329 & Via Videoconference
Friday, February 2, 2024, 8:30AM

Dear Chair Bellati, Vice Chair Takenouchi, and Committee Members,

On behalf of HCAN Speaks!, I am writing in support of HB 1563, relating to tobacco products. This bill would restore local control back to the counties to regulate tobacco sales.

Electronic smoking devices play a major role in the increased rates of youth nicotine addiction which was in decline. In 2018, Act 206 was passed, which took the ability away from the counties to regulate the sale of tobacco products. Since that time, there has been no meaningful statewide legislation to prohibit flavored tobacco product sales which has led to an increase in the number of youth who use e-cigarettes. The counties need the ability to quickly address the health needs of their communities, and this bill gives that power back to the counties.

The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions 21 at the state level to more easily maintain control over tobacco regulation. Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

Please lookout for the immediate and long-term health of our keiki and pass this bill.

Thank you,

Noreen Kohl, Ph.D.
Children's Health and Wellness Policy Advocate

Date: February 1, 2024

To: The Honorable Della Au Belatti, Chair
The Honorable Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

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

Re: Strong Support for HB1563, Relating to Electronic Smoking Products

Hearing: Friday, February 2, 2024, at 8:30 am at Capitol Room 329

Thank you for the opportunity to submit testimony in SUPPORT of HB1563 which establishes the restoration of local control to the counties to regulate tobacco sales. This includes e-liquids and electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. 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 tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Elf Bars and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and that there is an urgent need to protect children from a lifetime of nicotine addiction and associated health risks.

The City and County of Honolulu and Hawai'i County have already passed legislation ending the sale of flavored tobacco. However, these laws cannot be enacted until county authority is restored. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

Implementing this legislation will prevent the youth and young adults from being within arm's reach of these products which are harmful to their health. Therefore we strongly urge you to support this measure.

Mahalo,
Student Health Advisory Council



Chair - Representative Della Au Belatti
Vice Chair - Representative Jenna Takenouchi
Members of the Committee on Health and Homelessness

On behalf of the Coalition for a Tobacco-Free Hawai'i's (CTFH) Youth Council, thank you for allowing us to submit testimony **supporting HB1563**.

The CTFH Youth Council is a nationally recognized group of youth leaders fighting to envision and create a Hawai'i centered on uplifting community public health beyond the reaches of Big Tobacco. Our council comprises over 80 middle, high school, and college students, with representation from across Hawai'i's counties. We have been working to end the sale of flavored tobacco products for the past six years.

Since 2018, the counties have not been able to pass stricter legislation than the State regarding tobacco sales, as the legislature declared that the State should handle this matter. While we have been close to passing legislation to end the sale of flavored tobacco sales multiple times since then, in the end, they failed, and we still have flavors like Rainbow Candy, Fruit Punch, Ocean Sonic, and POG, not to mention menthol luring youth into a lifelong nicotine addiction.

Over the past few months, the City and County of Honolulu and the County of Hawai'i have passed bills to end flavored tobacco sales in their communities, sending a clear message to the State to protect our keiki statewide or restore their authority to regulate tobacco sales. These county councils stood by the youth and community advocates in passing these bills, and we ask that you do the same by passing HB1563.

Mahalo,
Coalition for a Tobacco-Free Hawai'i Youth Council

PARTIAL LIST OF SUPPORTERS



HEALTH ORGANIZATIONS

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

HEALTH & COMMUNITY LEADERS

Kathryn Akioka, RRT / TTS

Joy Barua

Forrest Batz, PharmD

Frank Baum, MD

Deborah Bond-Upson

Dale Carstensen

Valerie Chang

Dyson Chee

Danelle Cheng

Bridgitte Daniel

May Rose Dela Cruz, DrPH

Andrew Fox, MD

Shani Gacayan

Donita Garcia

Asaka Herman

Pedro Haro, MPH

Cyd Hoffeld

Colleen Inouye, MD

Lila Johnson

Leilani Kailiawa

Lehua Kaulukukui

Ken Kozuma

Mark Levin

Loren Lindborg

Katherine May, PsychD

Bryan Mih, MD

Kristin Mills

Shelly Ogata

Gregg Pacilio, PT

Matthew Prellberg

Jordan Ragasa

Nathalie Razo

Keenan Reader

Crystal Robello

Kimberly Golis-Robello

Mary Santa Maria

Anne Takata, DC

Patty Kahanamoku-Teruya

Chien-Wen Tseng, MD

John A Hau'oli Tomoso

Jennifer Valera

Cecilia Villafuerte

Linda Weiner, MD
Andre Weston, MDiv
Matthew Wong

YOUTH AND COMMUNITY ORGANIZATIONS

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

BUSINESSES

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

OAHU NEIGHBORHOOD BOARDS

Kuliouou-Kalani Iki Neighborhood Board 02
Kaimuki Neighborhood Board 04
Diamond Head Neighborhood Board 05
Palolo Neighborhood Board 06
McCully-Moilili Neighborhood Board 08
Makiki-Tantalua Neighborhood Board 10
Ala Moana/Kakaako Neighborhood Board 11

Nuuanu/Punchbowl Neighborhood Board 12
Downtown-Chinatown Neighborhood Board 13
Liliha/Puunui/Alewa Neighborhood Board 14
Aliamanu-Salt Lake Neighborhood Board 18
Aiea Neighborhood Board 20
Pearl City Neighborhood Board 21
Waipahu Neighborhood Board 22
Ewa Neighborhood Board 23
Mililani-Waipio Neighborhood Board 25
North Shore Neighborhood Board 27
Koolauloa Neighborhood Board 28
Kahaluu Neighborhood Board 29
Kaneohe Neighborhood Board 30
Kailua Neighborhood Board 31
Waimanalo Neighborhood Board 32
Mililani Mauka- Launani Valley Neighborhood Board 35
Nanakuli-Mailii Neighborhood Board 36

SCHOOLS

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





Date: February 2, 2024

To: Rep. Della Au Belatti, Chair
Rep. Jenna Takenouchi, Vice Chair
Members of the House Committee on Health and Homelessness

From: Liza Ryan Gill, Campaign Manager, Campaign for Tobacco-Free Kids HI

Re: **SUPPORT for HB1563, Relating to Tobacco Products**

Hrg: February 2, 2024 at 8:30am

Dear Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Campaign for Tobacco-Free Kids **strongly supports HB1563** to end the state's prohibition on local governments in Hawai'i from enacting laws to prevent youth tobacco use. This harmful language preempting local laws has been in state statute since 2018 (HRS§ 328j-11.5), and it's long-past time to overcome the tobacco industry's opposition to its removal.

HB1563 would protect keiki from tobacco addiction, save lives and advance health equity by allowing Hawai'i communities to enact their own targeted tobacco control solutions. The City and County of Honolulu and the County of Hawai'i have already taken these steps in the last few months- passing comprehensive legislation on behalf of their residents. Repealing preemption would allow the laws passed in these counties to go into effect and make state law the floor for tobacco control regulations, rather than retain provisions that establish state law as the ceiling.

Preemption has long been a favored tobacco industry tactic to block effective local action to reduce tobacco use, which is the No. 1 cause of preventable death in Hawaii and the United States.

Repealing preemption would allow local communities to pass restrictions on the sale of flavored tobacco products, a favorite tobacco industry strategy not only for targeting kids, but also

Pacific Islanders, Asian Americans, Black Americans, Latinos, the LGBTQ community and other communities.

Nationally, communities have adopted and put into action some of the strongest, innovative, and effective tobacco control policies that have served as a catalyst for transitioning social norms about tobacco use.

The Campaign for Tobacco-Free Kids urges Hawai'i policymakers to become leaders in discouraging the state's youth from starting to use tobacco by passing HB1563.

Mahalo for your consideration,

Liza Ryan Gill
Campaign for Tobacco-Free Kids HI



February 1, 2024

House of Representatives
Committee on Health & Homelessness
Conference Room 329
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: House Bill 1563 Relating to Tobacco Products

Dear Representatives Bellati, Takenouchi, Amato, Ilagan, Kobayashi, Marten, Nishimoto, and Garcia:

My name is Riley Legaspi and I am the Chief Compliance Officer of Vape Element, LLC d.b.a BLVK E-Liquid (BLVK E-Liquid). BLVK E-Liquid is a California-based e-cigarette manufacturer that does significant business in the state of Hawaii. I am aware that HB1563 as it relates to tobacco products aims to relinquish state control of tobacco products and tobacco-free nicotine products in favor of the counties and local municipalities maintaining control.

BLVK E-Liquid strongly opposes this bill. By relinquishing state control in favor of local governance, the following ramifications are likely to occur in short order:

- County- and local-level governance often creates a confusing patchwork of legislation.
- The mass proliferation of a black market is already underway due to previous anti-vaping legislation. Appointing local governance would only accelerate that growth as black market sales and youth accessibility are likely to increase dramatically.
- As the state relinquishes governance in favor of county and municipality control, tens of millions of dollars in tobacco-related tax revenue would be lost.

In addition to being a former smoker that has relied on flavored e-cigarettes to not only make the transition away from cigarettes, but also to quit nicotine altogether, I hold a Bachelor of Arts in Political Economy. The state legislature is the supreme law of the land. What the government enacts is supposed to represent the interests and safety of *all* its residents. This includes maintaining regulations that are as easy to follow as it is to enforce. By relinquishing state control and leaving local governments to effectively “figure it out,” a laundry-list of disasters are getting closer to being realized. Actors across all levels of society, from elected officials, to its



enforcement agencies, to businesses, and most importantly, to the current adult smoker that relies on e-cigarettes would be left to figure out where products are accessible versus not.

The businesses and individuals that make the majority of the electronic cigarette industry exist in this space to help people and to contribute to a harm reduction alternative that benefits public health. I urge you to oppose HB1563 and instead pursue more effective avenues of governance. I appreciate the ability to submit a testimony on behalf of Hawaiian governance.

Sincerely,

Riley Legaspi

Riley Legaspi
Chief Compliance Officer
Vape Element, LLC d.b.a BLVK E-Liquid
1718 Potrero Ave #A
South El Monte, CA 91733



February 1, 2024

To: The Honorable Della Belatti, Chair
The Honorable Jenna Takenouchi, Vice Chair

From: Scott Rasak, VOLCANO Vape Shops
Chief Operating Officer

RE HB1563 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 80 full-time workers to support sales of our products not only here in Hawaii, but to most USA states as well as over 30 International countries.

While we stand in overwhelming support of the harsh restrictions measures and laws to restrict use of vapor products among youth, the suggestions put fourth for county preemption repeal **have not and will not** yield the results that lawmakers are proposing. We want to express our strong opposition to House Bill 1563, which proposes the repeal of existing law that preempted local ordinances regulating the sale of cigarettes, tobacco products, and electronic smoking devices.

Less than a year since the adoption of new taxes and regulations on vaping products (70% tax implemented January 1, 2024), it is disheartening to witness the potential consequences of hastily implemented changes. The state of Hawaii, having recently instituted these measures, now faces the alarming prospect of an immediate loss exceeding \$90 million annually in taxes derived solely from vaping and flavored tobacco products. This abrupt shift in policy not only threatens the economic stability of locally owned businesses but also poses a substantial risk to the state's fiscal health.

We stand in opposition to HB1563 for the following:

HB1563, if enacted, would create significant inconsistencies between counties. This lack of uniformity could lead to confusion among businesses, consumers, and law enforcement agencies, ultimately hindering the effectiveness of any regulations intended to be put in place.

The proposed bill allows counties to adopt ordinances that are more stringent than the state law, potentially leading to a patchwork of regulations that vary widely across the state. This inconsistency would not only pose operational challenges for businesses like mine but also undermine the state's ability to effectively address public health concerns related to smoking and vaping.

Moreover, the potential shuttering of hundreds of businesses in the vape retail and distribution sector would have severe economic consequences. The loss of these businesses would not only impact local economies but also result in significant job losses. Additionally, the state stands to lose millions of dollars in general excise (GE) tax revenue and tobacco taxes, which currently contribute to vital public services and programs.



I urge the Health Committee to reconsider the implications of HB1563 and its potential negative impact on the state's businesses and economy. I recommend a collaborative approach that involves stakeholders from the industry in the development of regulations to ensure they are practical, enforceable, and fair. This way, we can work together to address public health concerns while preserving the livelihoods of small businesses in Hawaii.

Thank you for your attention to this matter, and I am available to provide further information or discuss my concerns in more detail if needed.

Sincerely,

Scott Rasak
Chief Operating Officer
VOLCANO Vape Shops
197 Sand Island Access Rd. #213
Honolulu, HI 96819
scott@volcanoecigs.com

HB-1563

Submitted on: 2/1/2024 11:16:09 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

We are strongly opposed to HB1563. There are no county by county "special needs" that justify such a bill. The right to equal protection under state law should be maintained. It's bad enough that the a hate group calling itself "Tobacco Free Hawaii" works to undermine our basic human rights as smokers at the state level already. Please do not allow HB1563 to leave committee.

Mahalo,

Michael Zehner



Preserving Hookah Culture & Protecting Hookah Tradition across the USA

February 2, 2024

The National Hookah Community Association (NHCA) brings together, and serves as the voice of, hookah producers, distributors, sellers, hookah lounge owners, consumers, and community members who support the preservation of hookah's cultural traditions. We are writing to request that as you consider HB1563, HB1778, and other potential bans on flavored tobacco products, you acknowledge the cultural significance of hookah to minority and immigrant populations as well as the lack of youth access to, and use of, the product. California took a historic step in December 2022 by enacting a statewide ban on flavored tobacco products, which exempted hookah, for these reasons. NHCA has worked with California, and with many other state and local governments including counties in Hawaii, Colorado, Columbus, Denver, San Diego, San Jose, Los Angeles, and others, to include exemptions for hookah in recent flavor ban legislation.

We are also concerned with the potential patchwork of varying laws that could result from ceding the state's authority over tobacco products to localities. This would not only directly threaten the legality of this important cultural tradition, it would also result in the shuttering of hookah lounges which are largely minority owed businesses started by those who have immigrated from areas where hookah has long been practiced.

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

NHCA fully supports efforts to eliminate youth access and usage of tobacco products, including hookah. Hookah is a unique product in the tobacco space and is unlikely to be obtained or consumed by youth. Annual research by the Centers for Disease Control and Prevention (CDC) shows that just 1% of middle and high school students used hookah in the past 30 days, eight times less than the number of teens who vape. Hookah water pipes are expensive, several feet tall, not



Preserving Hookah Culture & Protecting Hookah Tradition across the USA

easily concealed, and the setup for use is a lengthy process involving the lighting of hot, slow burning coals. Lounges that offer hookah are restricted to those 21 or older, preventing teens from accessing the product. Hookah is also not sold in convenience stores. You can only purchase it at ethnic grocers, specialty tobacco shops or lounges. These factors make hookah unappealing to youths.

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

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

We ask that you do not target this important cultural practice and shutter minority and immigrant owned businesses. Please include an exemption for hookah from any flavored tobacco ban.

Christopher Hudgins
President
National Hookah Community Association



February 2, 2024

Testimony on Hawaii's [HB 1563](#) - "Relating to Tobacco Products"

Dear Chairs and Members of the House Committee on Health and Homelessness,,

My name is Elizabeth Hicks, I'm the US Affairs Analyst at the global consumer advocacy group called the Consumer Choice Center.

Simply put, HB1563 will do more harm than good if passed. Encouraging local governments to pass harmful regulations on reduced-risk nicotine products like e-cigarettes will push many former smokers to switch back to smoking combustible tobacco. Tragically, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that [studies have shown vaping to be 95% less harmful than smoking](#), ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawai'i.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a less risky alternative to combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ years in age and started vaping as a means to quit smoking combustible cigarettes.

This bill was created to address the 'youth vaping epidemic', but according to the [CDC's national youth tobacco survey](#), youth vaping seems to have peaked in 2019, when 20 percent of youth reported current e-cigarette use. Between 2019 and 2022, current e-cigarette use has declined by 53 percent. Even the FDA's Dr. Brian King, head of the agency's Center for Tobacco Products, has publicly stated that they are no longer using the term 'youth vaping epidemic' as it is no longer an accurate depiction of reality.

Forbidding local governments from implementing smart vaping policies and encouraging them to further regulate this area will lead to former smokers to switch back to smoking combustible cigarettes. This could include a variety of bad policies at the local level such as flavor bans, increased taxes on products, limits on nicotine levels, and others.

Any locality that implements a ban on flavored vaping products will be effectively pushing consumers towards combustible cigarettes, including former smokers who have already switched to a less risky alternative like vaping. Studies have shown that adults who use flavored vaping products are [2.3 times more likely](#) to quit smoking combustible cigarettes, therefore these products should remain on the market in order to help protect public health in Hawai'i.

Any locality that implements additional taxes will be disproportionately harming lower-income individuals throughout the state, effectively robbing them of even more of their income and penalizing them for choosing less risky and more responsible alternatives to smoking combustible cigarettes. A tax on vaping products and nicotine alternatives will result in consumers being less inclined to purchase these products through regulated entities, and





will instead be looking towards the illicit market in order to avoid the price increases. This presents serious concerns for public health in Hawai'i as consumers will be purchasing unregulated products that do not necessarily adhere to regulatory standards. Additionally, unlike vape shops, the illicit market does not abide by age restrictions therefore making it much easier for youth to acquire these products illegally.

Encouraging additional regulations that are implemented on a local level would ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually through Medicaid alone. We can expect that number to substantially increase if this bill is passed as vapers could be financially encouraged to switch back to smoking if localities implement even more prohibitionist policies, further exacerbating smoking-related illnesses while taxpayers are expected to pick up the tab.

Although this bill is well-intentioned, forbidding localities from enacting their own smart vaping policies is simply misguided as the unintended consequences would only exacerbate the problem Hawai'i is trying to fix, making this particular bill unviable in achieving its desired outcomes.

Our goal should be to expand adult's choices to quit combustible tobacco, not to limit them severely. Sweden is a great example as to how tobacco harm reduction policies reduce smoking related deaths and illnesses. Perhaps Hawaii could follow in the footsteps of Sweden, which the World Health Organization has [announced](#) will likely become the first smoke-free country.

Instead of implementing prohibitionist policies like flavor bans, the Swedish government made sure to keep taxes low on nicotine alternatives like vaping, snus, and nicotine pouches while allowing a full range of flavors for adult consumers. These policies have [resulted](#) in smoking rates declining by 55 percent in the last decade, smoking-related death average dropped to 22 percent lower than the European Union average, cancer incidence is 41 percent lower and total deaths from cancer is 38 percent lower than the rest of Europe. Anyone who is serious about protecting public health will acknowledge that Sweden's policies are a clear step in the right direction.

Our policies must be fair, just, and based on evidence. I believe this body, composed of diverse legislators from the entire state, can help make that determination for the residents who depend on you to protect their public health and consumer choice. **We urge you to vote against SB 1563.**

Thank you for your time and attention to this matter.

Sincerely,

Elizabeth Hicks
US Affairs Analyst
Consumer Choice Center
elizabeth@consumerchoicecenter.org





Testimony in **OPPOSITION** to HB1563

Hearing time: 8:30 a.m., February 2, 2024

To: House Committee on Health and Homelessness

Rep. Della Au Belatti, Chair
Rep. Jenna Takenouchi, Vice Chair
Rep. Terez Amato
Rep. Greggor Ilagan
Rep. Bertrand Kobayashi
Rep. Lisa Marten
Rep. Scott Y. Nishimoto
Rep. Diamond Garcia

From: Brian Fojtik, Senior Vice President Government Relations, Cigar Association of America, Inc.

CAA submits this in opposition to HB1563, Hawai'i's effort to remove statewide preemption regarding the sale and distribution of tobacco products. Founded in 1937, CAA is the voice of the cigar industry in the United States representing the interests of cigar manufacturers, importers, distributors, and major suppliers of the industry.

The proposed repeal of preemption is a misguided effort that jeopardizes the stability of a consistent, statewide regulatory framework, essential for ensuring a level playing field for all retailers. HB1563's suggested removal of preemption provisions would introduce unnecessary complexities and disparities in the regulatory landscape. Economic success should be determined by fair and uniform regulations applicable across the entire state, rather than being contingent on the geographic location of a store.

HB1563 allows localities to regulate tobacco products independently, creating a scenario where businesses in different jurisdictions face varying economic circumstances. Small businesses should not bear the burden of navigating regulations based on location. The predictability and stability that statewide laws offer is vital for the growth and sustainability of small businesses.

Recent legislative developments, such as the Ohio legislature's veto override of similar legislation, underscore the importance of retaining statewide preemption. The state of Ohio recognizes the economic significance, with the Senate President emphasizing the impact on commerce, tax collection, and distribution to localities for essential services like schools and



parks. Hawai'i should regulate consistently to provide a reliable environment for its small businesses.

In addition, the absence of cohesive statewide laws could inadvertently contribute to the growth of an illicit market for tobacco products. Inconsistent regulations across jurisdictions create loopholes and opportunities for illegal activities, undermining the goals of existing statewide preemption as well as posing additional challenges for the state of Hawaii.

We strongly urge you to consider the adverse effects that HB1563 could impose on small businesses in Hawaii. Preserving statewide preemption ensures a uniform regulatory environment that supports economic stability and simplifies compliance for all retailers.

CAA appreciates the committee's consideration of our position, and we firmly oppose HB1563 as a misguided solution in search of a problem.



HB-1563

Submitted on: 1/30/2024 3:43:21 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

The counties know best what will work for them.. Please pass this measure.

To whom it may concern,

loganlau@stanford.edu | (808)206-6108

Aloha, my name is Logan Kekoa Lau, and I am from 'Āina Haina and am a current sophomore at Stanford University. Today, I stand in strong support of Bill HB1563.

To give a brief context, smoking, which includes e-cigarette use, is the number one cause of preventable disease and death. It is currently responsible for approximately 7 million deaths per year and is increasing tremendously, as, by 2030, it is set to kill 8 million people per year ([CDC](#)).

Thus, I believe a ban on flavored tobacco products including menthol is crucial in order to keep our Keiki (my peers) safe for generations to come. Menthol, in particular, is responsible for the minty flavor used in many e-liquids that makes it easier for youth to start and harder for them to quit. This is evidenced by the fact that in Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes ([Hawai'i BRFSS](#)). The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians (like myself) die from lung cancer at one of the highest rates among other ethnic groups ([American Cancer Society](#)). To quantify this impact, a recent report found that 21,000 youth alive today in Hawai'i will ultimately die from a tobacco-related illness if smoking rates do not decline ([CTFK](#)). Thus, it's no wonder why it's the number one cause of death in the U.S. and the world and why the time to act is now ([CDC](#)).

With the explosion of the youth vaping epidemic in Hawai'i, coupled with the COVID-19 pandemic and the toll it has on our lungs, time is of the essence. For far too long, BIG tobacco has used illusive marketing strategies, which target younger generations like my own. Appealing flavors are driving up youth tobacco use in our state and with thousands of kid-friendly flavors on the market-15,586 to be exact-and little regulation involving their sale, the industry has no incentive to stop selling them ([NCBI](#)). These flavors ultimately entice younger generations and get them hooked on nicotine. This is also evidenced by the significant spending budgets that major tobacco companies allocate towards advertising. According to recent Federal Trade Commission (FTC) reports on tobacco marketing, the five largest tobacco companies spend approximately \$8.4 billion per year, which equates to over \$23 million every day, to promote their products, and entice young kids ([FTC](#)). However, as outrageous as that figure may sound, nothing garners more disgust than when Lorillard Tobacco-now Reynold American the 2nd

largest tobacco company in the U.S.-exec TL Archey said “The base of our business is the high school student.” That said, it’s no wonder that 95% of smokers start before the age of 21 ([NCBI](#)).

To make matters worse, BIG tobacco focuses its marketing efforts on low-income areas that are economically vulnerable. Simply put, they exploit the health and wellbeing of their users in the pursuit of personal gain. Sales representative from R.J. Reynolds Tobacco said it best, “We don’t smoke that sh*t. We just sell it. We reserve the right to smoke for the young, the poor, the black and stupid” (The Times). This, in and of itself, is a social justice issue. And because of this, tobacco use and tobacco-related illnesses have been affecting Hawai‘i’s communities disproportionately. Strategic targeting and aggressive marketing by the tobacco industry, which for years has labeled Hawai‘i as “the menthol State,” is a major factor in Hawai‘i’s youth e-cigarette use, increasing for both high school and even middle school students. In fact, In Hawai‘i, one in three high school students and one in five middle school students report “current use” of e-cigarettes, thus contributing to the fact that e-cigarette use is the highest among Native Hawaiian and Pacific Islander youth like myself ([YRBS](#)). Truly, we are in the midst of a youth vaping epidemic, and the targeted marketing by these tobacco empires are to blame ([NCBI](#)).

If this bill is passed, I hope to see a significant decrease in the number of teens using e-cigarettes which will hopefully spell the end of the youth vaping epidemic and will protect my peers who are already facing a global pandemic.

In closing, I’d like to share a personal story of a high school student that gets addicted to vaping via flavored tobacco products, more specifically menthol. This soon grows into a much larger nicotine addiction which leads to the use of other drugs. Nicotine rewires the brain making users more likely to use and become addicted to other drugs, and this is exactly what happened. The nicotine addiction soon turns into a harder drug addiction, and while this student graduates and goes on to USC, within a matter of months, they are expelled and sent back home because of their drug addiction. But the story doesn’t end there. They now have a prison record and live on the streets. This, someone, was a very close family friend of mine. Thus, I am writing this today to ensure that this can never happen to anyone else. Thank you.

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HB-1563

Submitted on: 1/31/2024 7:13:38 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

In support of [HB 1563](#). Thank you.

HB-1563

Submitted on: 1/31/2024 8:11:29 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay Ihara	Individual	Support	Written Testimony Only

Comments:

My name is Jay Ihara and I'm in strong support of HB 1563

Local governments need the ability to pass evidence-based policies to address the needs of their community. Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions. Some of Hawai'i's most successful tobacco policies started at the local level, including smoke-free air laws. Since 2018, only the state can enact regulations on the sale of tobacco products. The City and County of Honolulu and Hawai'i County have passed legislation on ending the sale of flavored tobacco, but these laws cannot go into effect until county authority is restored.

HB-1563

Submitted on: 1/31/2024 8:13:14 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gracie Flores	Individual	Support	Written Testimony Only

Comments:

- Electronic smoking devices play a major role in the increased rates of youth nicotine addiction which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions 21 at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.
- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

Date: January 31, 2024

To: The Honorable Della Au Belatti, Chair
The Honorable Jenna Takenouchi, Vice Chair
Members of the House Committee on Health & Homelessness

Re: **Support for HB 1563**, Relating to Tobacco Products

Hrg: Friday February 2, 2024 at 8:30 am via Videoconference Conference Room 329

Aloha House Committee on Health & Homelessness,

As a parent, community member and healthcare professional I am writing in **strong support of HB 1563**, which repeals existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations; and, allows counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking.

Local governments need the ability to pass evidence-based policies to address the needs of their community.

Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that address the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

Some of Hawai'i's most successful tobacco policies started at the local level, including smoke-free air laws and raising the age of tobacco purchase to 21.

Since 2018, only the state has been able to enact regulations on the sale of tobacco products. During this time the youth vaping epidemic (now in its 7th year) has continued without the most affected counties (neighbor islands) being able to implement local solutions.

The City and County of Honolulu and Hawai'i County recently passed legislation on ending the sale of flavored tobacco products, but these laws cannot go into effect until county authority is restored.

I **strongly support HB 1563**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB-1563

Submitted on: 1/31/2024 9:26:06 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle K.	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT of this bill because I believe counties will be more proactive than the state in addressing the issue of smoking and vaping, especially among kids. Any action taken towards fewer people inhaling harmful smoke is much appreciated. Thank you for your kind consideration!

HB-1563

Submitted on: 1/31/2024 11:13:12 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Donita Garcia	Individual	Support	Written Testimony Only

Comments: Local governments need the ability to pass evidence-based policies to address the needs of their community. Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions. Some of Hawai'i's most successful tobacco policies started at the local level, including smoke-free air laws. Since 2018, only the state can enact regulations on the sale of tobacco products. The City and County of Honolulu and Hawai'i County have passed legislation on ending the sale of flavored tobacco, but these laws cannot go into effect until county authority is restored.

HB-1563

Submitted on: 1/31/2024 12:01:27 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Maddalynn Seseapasara	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in full support of this bill for a few reasons;

- Nicotine has a very high dependency rating (6/7), even higher than heroine (5/7) or alcohol (3/7).
- UCSF has found that salt-based nicotine (which includes all **disposable** vapes) is absorbed 5.2 times more into the bloodstream than nicotine from cigarettes, these flavored products are what is driving up youth vaping and why we are seeing many vaping related lung injuries (31,000 cases of vaping related lung injuries across all age groups in 2022).

these are just a few of why I support this bill.

Mahalo,

Maddalynn Seseapasara

HB-1563

Submitted on: 1/31/2024 12:07:49 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

HB1563, which proposes taxing e-cigarettes as tobacco products, is a bill with significant economic and public health benefits. Thus, I strongly support this bill. By equating e-cigarettes with traditional tobacco products in terms of taxation, this bill not only levels the playing field but also generates essential revenue for public services. The taxation of e-cigarettes ensures that this rapidly growing industry contributes its fair share to the public coffers, providing funds for crucial programs such as healthcare, education, and infrastructure.

From an economic standpoint, taxing e-cigarettes helps address potential negative externalities associated with their use, such as increased healthcare costs due to vaping-related illnesses. The revenue generated from this tax can be allocated to healthcare services, thereby mitigating the financial burden on the public healthcare system. Moreover, this tax policy creates a more equitable market environment by preventing price distortions that might otherwise favor e-cigarettes over traditional tobacco products.

Beyond economic considerations, taxing e-cigarettes as tobacco products is a proactive step towards protecting public health. It sends a clear message about the potential risks associated with vaping, discouraging usage among the younger population. The revenue generated can also be invested in educational campaigns and smoking cessation programs, contributing to a healthier and more informed society. Overall, HB1563 represents a thoughtful approach to both economic and public health concerns, providing a comprehensive strategy to address the challenges posed by the growing popularity of e-cigarettes.

HB-1563

Submitted on: 1/31/2024 12:08:47 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I believe county businesses have the best ability to determine who to sell tobacco to.

HB-1563

Submitted on: 1/31/2024 1:10:39 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I am in strong support of HB1563.

We need to end tobacco preemption. When laws are preempted, they have no force or effect. In the case of tobacco control, local (or county-level) control is very important. Because of the importance of local control, the tobacco industry and its allies have historically used, and continue to use, preemptive strategies to prevent smoke-free laws, youth access, retailer licensing restrictions, advertising and promotion regulations, and similar policies.

When a state has preemption, it takes away the “local voice” and invalidate many local tobacco control policies that represent years of effort. Moreover, once enacted, preemptive laws are traditionally difficult to repeal, and can affect the legal and advocacy landscape for years. When comparing states with and without preemption, research has shown that preemption has resulted in health and social norm disparities.

Our local voice has been preempted for too long. We have a serious tobacco and vaping epidemic occurring, especially with our youth.

Please support HB1563 so we can get back our local voice in regards to tobacco control. Maui, Kauai, and the Big Island have a strong voice and have been successful in the past with protecting our people, including our youth, from the harms of tobacco. Please give us our voice back.

Sincerely,

Kristin Mills

Maui resident, parent, epidemiologist, and health educator

HB 1563

I am writing as a neighbor island pediatrician in support of HB 1563, to reverse preemption of County powers to regulate health issues locally. Since 2018, when the State Legislature voted for this usurpation of County regulation of the sale of tobacco products, the Legislature, at the urging of the tobacco lobby, has found itself unable to enact a tobacco flavor ban . This measure has been proven to greatly reduce electronic tobacco use in children in other states that have been less reluctant to protect their children. Already Hawaii has one of the highest rates of vaping in the country, and the neighbor islands are suffering even more. Our schools are staggering under the burden of electronic devices. And yet, our counties are prohibited from enacting any tobacco control measures whatsoever. Previously this was not the case, and Kauai in particular has had great success in decreasing cigarette use among teens.

Please give our counties back the ability to address our local tobacco issues and protect our children.

Linda Weiner, MD
Pediatrician, Kauai

HB-1563

Submitted on: 1/31/2024 3:02:18 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

Aloha Health and Homelessness Committee Members,

I am in strong support of HB1563 due to local governments needing the ability to pass evidence based policies to address the needs of their community. Some of Hawaii's most successful tobacco policies started at the local level, including smoke free laws. The City and County of Honolulu and Hawaii County have already passed legislation on ending the sale of flavored tobacco. This bill will help them to be enacted on.

Mahalo for your consideration

Valerie Smalley

HB-1563

Submitted on: 1/31/2024 3:58:54 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tin Shing Chao	Individual	Support	Written Testimony Only

Comments:

I am in STRONG SUPPORT of Passing of HB1563.

HB-1563

Submitted on: 1/31/2024 5:10:19 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Colleen Fox	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB1563. Please restore the ability of the counties to create stricter policies around tobacco use. Honolulu and Hawaii counties have already moved to ban flavored vapes. It's only the state that is holding us back from implementing policies to reduce tobacco use and protect keiki within our communities. Please restore authority to the counties to regulate tobacco products by passing HB1563.

Mahalo,

Dr. Colleen Fox

Honolulu

HB-1563

Submitted on: 1/31/2024 4:05:28 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this bill that allows for local enhancement of tobacco laws

February 2, 2024

Aloha Chair Belatti, Vice Chair Takenouchi and Members of the Committee.

My name is Lillian Tao, and on the behalf of the youth of Hawaii, I strongly urge you to support HB1563 repealing the language preventing counties from regulating tobacco sales.

As a middle schooler, who has grown up in Hilo and is currently attending one of the few public schools, I have personally witnessed how the use of tobacco has detrimentally affected our education. Everyday, me and my classmates endure the constant pervasive consequence of tobacco use in our community. Whether it was another peer, teacher, idol, or loved one hooked or killed, it would always result in grief, frustration, or disbelief. Never would it result in the “happiness” advertised by tobacco companies. These discussions often lead to families and classes distracted or troubled by the potential danger they put themselves, or their children, in for education.

It is shocking to learn that a group of my friends plan to move schools solely on the purpose of avoiding these tobacco-related issues despite it meaning leaving family, friends, sports, and their familiar concept of “home” behind. And as I recall, a handful of my classmates had been homeschooled by their relatives. They had to sacrifice their jobs in order to prevent the dangers public school shouldn’t possess. As stated by King Kamehameha III “Mine [Hawaii] is the kingdom of education” which highlights that education is deserved by all in a safe area, uninterrupted by factors such as tobacco.

The extent of disruption of tobacco continues in public spaces. Areas created for family and leisure, containing countless youth including infants, are now subject to play in heavy, toxic, fumes involuntary. It is nearly impossible to now find a variety of safe yet enjoyable places, untainted with smoke, where I can bring my friends or simply spend time with my family.

Tobacco is responsible for more than 480,000 preventable deaths annually. By passing HB1563, we can not only save countless lives, but also direct the tobacco funding of \$241.4 billion per year towards helping our community and achieving success. Let us achieve a healthy community and genuine happiness tobacco rids of.

Thank you for this opportunity to testify,
Lillian Tao
Hilo, HI

Chair Della Belatti, Vice Chair Jenna Takenouchi and Members of the Committee on Health and Homelessness

I strongly support HB1563. I have been around Vaping Education since I was in the 5th grade but the peer pressure we get when in school is intense. At most high schools it is the social norm to see your peers vaping and I got caught up in it . I ended up buying a vaping device from a classmate. Vaping was something I tried due to peer pressure and needing stress relief. The flavors made it easy to use like it was another candy product.

I am happy to announce I am now vape free. It was really hard to quit and the easy access to vaping devices made it a struggle. The hard part was dealing with the withdrawals when I was not able to vape. It made me very moody and unable to focus at school. My grades declined. I made the choice to quit and stay tobacco free.

I am faced with the challenge of walking away from peers that are offering me a hit of their vapes daily. But I feel healthier and my grades are much better. The smell and the flavors made it so easy to take a hit. The nicotine addiction is what scared me and made me realize it is a drug and we need to keep it away from the youth. I want to ban flavors in our state so no kid feels pressured into vaping. Protect our future and the younger children from falling victim to these candy flavored drugs like I did.

Thank you for your time.

Daniel Valera
Senior at Honoka'a High

Chair Della Belatti
Vice Chair Jenna Takenouchi
and Members of the Committee on Health and Homelessness

I am writing in strong support of HB1563 and I wanted to share why I decided to make a statement.

Among the counties, Hawaii County has the highest rate of teens who use electronic cigarettes. Approximately 21.5%. You might think that it is a small percentage, but I assure you that it is a considerable amount. It is greater than the state, which has 14.8%, and the United States, which has 18%. This can be avoided. If we pass laws to end the sale of flavored tobacco products, it will stop many kids from ever starting and from experiencing major severe health effects later. We have passed a bill in Hawaii County to do this but need the state to restore the counties authority to regulate tobacco sales. I acknowledge that it is not easy but if we take this step now we can make a difference. As a student from Hilo, I believe that passing this bill would be the best choice for our community.

Thank you for the chance to testify.

Roxan Barlam

Chair - Della Belatti
Vice Chair - Jenna Takenouchi
Members of the Committee on Health and Homelessness

I support HB 1563 and giving back the authority of counties to regulate tobacco sales.

It's clear to me that tobacco companies are targeting kids with these flavored products when we now have a local vape shop in walking distance from my school. Everyday I see people vaping even middle schoolers.

This issue is important to me for many reasons. One, it is not cool. Nothing about vaping is cool. Two, what are the benefits from vaping? There are none, all you're getting is messed up lungs, raw throats, unhealthy heart, and slowing down your brain growth. Not to mention that it also can cause anxiety and even more stress, despite promises to be a "stress reliever".

Another thing I notice is definitely the addiction, every day I see people in the bathroom, you got one ? you got one? I like try um. The addiction is so bad that people are selling to students for crazy prices. 50-70\$ some people are willing to drop just so they can have a temporary device. I have had friends that have gone broke because that's all they cared about, I have had family members and friends kicked off sports teams and clubs for getting caught vaping because they couldn't resist it. Athletically it kills them, they are unable to run, hurting their lungs and causing them to burn when trying to run.

At the end of the day kids are following trends set by people they look up to, and are exposed to in their environment. These become the standards in today's society. If we want the YOUTH to stop, we need to end the sale of all flavored tobacco products, have those we look up to be good role models, change the ENVIRONMENT, and rewrite the STANDARDS to reflect a healthy Hawai'i.

Carmine Taetuna-Fautanu
Kealakekua, Hawaii

Chair Belatti, Vice Chair Takenouchi and Members of the Committee on Health and Homelessness

I am writing in support of HB1563. Tobacco is the leading cause of preventable death in the world. Ending the sale of flavored tobacco products would help change this. Hawai'i county has taken action to do so, but we need you to return the authority to the county.

Flavored tobacco products have negatively impacted my community. Some examples I have seen is that my friends are always smoking it and it seems like they can't go one day without it . All you see is smoke or them hitting their vapes. I have also seen it affect my family. It's important that menthol be included because it's a flavor found in most vapes.

The high levels of nicotine in vapes is affecting my friends academics big time. They can't think because of all that nicotine. In P.E or any type of physical activity they have hard time breathing & don't last as long as they did before.It has impacted my friends and family members. They don't act like how they used to before they started vaping. I tried it once and it made me sick and my mindset changed.

Please support HB1563

Kawekiu Aniu
Keaau

Chair Belatti, Vice Chair Takenouchi and Members of the Committee on Health and Homelessness

Hi, thank you for taking the time to read my testimony for HB1563. I strongly support HB1563. I am a 8th grader attending Honoka'a High & intermediate. We worked hard to help pass a law in our county but without your help, it can't take effect.

Every day I see so many of my peers vaping. It seems so normal like its legal for them to be walking down the street puffing away on these pods. They think it is safer then cigarettes because it smells and taste like candy. They are so addicted to vaping they end up taking hits right in the middle of class. I see friends of mine struggling to focus on school and sports because they are so addicted. I believe if we ban flavors in the state of Hawai'i our youth would not be interested in vaping.

Mahalo,

Adam Valera

Chair Della Belatti
Vice Chair Jenna Takenouchi
Members of the Committee on Health and Homelessness

I am writing in support of HB1563.

I have heard multiple times in my life, even when I was younger, that vapes were healthier than cigarettes. Flavored tobacco like vapes plays a key role in making these products attractive to youth while sounding harmless.

It's important that we include menthol, my parents are smokers and have smoked all my life. They smoked menthol cigarettes, but they have recently switched. Still, it still lingers with me, would they have even started if there hadn't been menthol cigarettes?

At school our bathrooms get locked all the time, impacting all students, not just those using them to vape. I know several students that have been suspended due to their nicotine addiction.

Please end the sale of flavored tobacco products in Hawaii, and allow the counties to pass stricter laws than the state regarding tobacco sales.

Josie Vierra-Naleieha
Pukalani, Maui

Chair Belatti, Vice Chair Takenouchi and Members of the Committee on Health and Homelessness.

I am writing in support of HB1563. I have always believed that flavored tobacco was used to target kids. Because all of my friends had different kinds of flavored vapes and menthol vapes with them. And i'm wondering why they make vapes that's shaped like pens? Is it really necessary to make them look like objects that can be hidden? Why do adults need to hide a certain item when they reach the qualification age to smoke..? Is it actually for adults? Flavors are targeting kids in many ways. But people are hiding their heads in bags acting like they're blind.

I see how it impacts my community. Nicotine addiction can cause money loss in a negative way, and affect people creating by stress when they don't have their vape. My dad smoked a lot and it affected many things in our family. It made us spend so much money on a box that's like \$12-24. Then he would get so grumpy just for not smoking for like an hour.

We helped pass a bill on Hawaii Island, we need the State to do the same or give the power back to protect kids here.

Toloumu
Pahoa Village

Chair Della Belatti
Vice Chair Jenna Takenouchi
Members of the Committee on Health and Homelessness

I strongly support HB1563,

The peer pressure we get when in school is intense and I got caught up in vaping when I was in 11th grade. Vaping was something I tried due to peer pressure and needing stress relief. As a high schooler it is the social norm to see your peers vaping. The flavor made it easy to use like it was another candy product. My first flavor was Blue Raspberry. I ended up buying a vaping device from a classmate.

The smell and the flavors made it easy to take a hit. The nicotine causes the addiction and that addiction is what scared me and made me realize it is a drug. The hard part was dealing with the withdrawals when I was not able to vape. It made me very moody and unable to focus at school. My grades declined.

I am happy to announce I am now vape free, it was really hard to quit and the easy access to the vaping devices made it a struggle. Daily I am still faced with the challenge of walking away from peers that are offering me a hit of their vape with the latest flavor. But I made the choice to quit and stay nicotine free. I feel healthier and my grades are much better. I now help with educating other youth about the dangers of tobacco use and know we need to keep it away from them. I want to ban flavors in our state so no kid feels pressured into vaping.

Protect our future and the younger children from falling victim to these flavored drugs like I did.

Thank you for your time.

Daniel Valera, Senior at Honoka'a High

Chair Belatti, Vice Chair Takenouchi and Members of the Committee

I support HB1563 and am asking the Committee to allow the counties to have the power to regulate tobacco sales.

Megan Boaz

Hilo

Chair Della Au Belatti, Vice Chair Jenna Takenouchi
Members of the Committee on Health and Homelessness

I am testifying in strong support of HB1563

I support allowing countries' the ability to regulate tobacco sales. This is because government in these areas would know more about their people and factors that come into play with how much tobacco use affects their people.

I also believe flavored tobacco products are targeting kids. Examples of this would be through the labeling that they choose on their products such as bubble gum, birthday cake, and lolly pop.

Around my community, like my school, I have seen the use of nicotine in students my age. Nicotine causes many problems, one of the most known is anxiety. This nicotine induced anxiety is sure to cause students problems in their academics and social life in and out of school. From what I have seen around my campus most students that use nicotine also have the most trouble in school and academics.

What I don't support are youth penalties. Most youth who get into tobacco are influenced through peer pressure and unethical targeting like flavors. Poor and underdeveloped neighborhoods can fall victim to nicotine products distributed and introduced in their communities. These people need help, not punishment.

Thank you for the opportunity to testify on this important issue.

Marc Okada
Ewa Beach

Chair Representative Della Au Belatti, Vice Chair Representative Jenna Takenouchi
and Members of the Committee on Health and Homelessness

I support HB1563 to restore the counties ability to regulate tobacco sales.

Ending the sale of flavored tobacco products that attract kids is a step Hawaii should take. We have set an example on the Big Island – hopefully making a statement large enough to create statewide action. Please restore the counties ability to regulate tobacco sales or end the sale of all tobacco products in Hawaii.

I constantly see bright & colorful packaging aimed to target the younger generations. These include fruity flavors and bright packaging that appeal to kids--resembling candy. It is important to include menthol in the bill because menthol flavors act as a significant contributor to the teen vaping epidemic. They lure in the younger generation, broadening their teen audience . When the younger generation is targeted, under-developed body parts are damaged, making the effects of vaping worse for teens than adults.

As I've grown up, I have experienced many issues within the teen-vaping epidemic. As I have entered high school, this issue has become prominent. I constantly see friendships collapse, even having the means of my friendships tested. Nicotine addiction hurts relationships; when someone is dependent on something, and they don't have it, it becomes irritating for them--creating aggression and hurting friendships. Secondly, I see the effects of nicotine addiction in other sectors. People become addicted, hurting their lungs and body. When this happens, I consistently notice loss of hobbies, especially sports.

Thank you for your attention to this issue.

Oscar Amos
Kamuela HI

Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health & Homelessness

I support HB1563 because someone very dearly to me smokes cigarettes and they are in their 50's and I hope they live to their 100's instead of being a victim of cancer.

Please support the counties and let them regulate tobacco sales so they can end the sale of flavored tobacco products.

Flavored tobacco products target kids with candy flavored vapes. Menthol is a flavor that many people like and it makes people continue to use tobacco products and harms themselves and people around them.

The youth should not be at fault for using tobacco products because flavored products are tempting and the youth does not know any better, they should be informed of the health hazards and they should be heavily persuaded to stop using such products.

Elaine Nguyen

Keaau

Chair Della Au Belatti, Vice Chair Jenna Takenouchi and
Members of the Committee on Health and Homelessness

I support HB1563 and ending the sale of flavored tobacco products. My mom and brother vape a lot and I think the smell is really annoying. I believe flavored tobacco products are targeting kids for example cherry cola and cotton candy. It is important to include menthol flavors in the ban because people enjoy menthol flavor.

Please end the sale of flavored tobacco products to help protect people from addiction and allow the county to pass its own bills

.

Mahina Ocean
Pahoa

January 31, 2024

Chair Della Au Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health & Homelessness

In strong support of HB1563

The City and County of Honolulu has passed a bill to end the sale of flavored tobacco. Please stand with students, teachers and parents and take care of this at the state level or restore the counties authority to regulate tobacco sales by passing stricter laws than the state.

Flavored tobacco has clearly been used to target kids, even as an adult I see these products being promoted on Youtube. Kids love flavors and many of these products come in candy flavors that entice them.

As a teacher I see the impact these nicotine products have on kids academically and with their social connections. They become withdrawn and don't realize how addicted they are. It's not just students, I see young adults using these products without realizing the effects too.

The simplest solution is to remove flavored tobacco products from the market and stop the cycle of addiction and related health problems they cause. The county has taken a stand, please support these efforts and restore their authority.

Sharice White

Kapolei

Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health and
Homelessness

In Support of HB 1563

I believe flavored tobacco targets kids because of all the flavors they come in and they look like everyday objects. I don't hang around people that vape and no one in my family smokes but I think we need to get tobacco off of our streets to improve the health and way our people live. Youth are the future and we don't want them having black lungs.

Asian Karymsakov

Pahoa

Chair Della Au Belatti
Vice Chair Jenna Takenouchi
Members of the Committee on Health & Homelessness

In support of HB1563

Please supporting HB1563 and give the authority back to the counties. I believe the local people should be allowed to tackle local kine problems.

The only reason most kids vape is because they "taste good." While some adults still like these things, it makes more sense for kids to like the sweet candy flavors. The biggest example I saw was this flavoring that looked exactly like warhead candies.

I think the biggest problem flavored tobacco causes is just their addiction. It gets in the way of everything. People become aggressive. They don't pay attention and they have horrid health. All of which are horrible traits for any extracurriculars you want to do.

Most of my immediate family who are older than 20 vape quite a lot. My parents used to smoke cigarettes and they sometimes still do. However, there was a time where my father misplaced his disposable vape and he got like super aggressive and it was horrifying. I know that it was only the fact that he was addicted and felt restless without it. I'm safe and I somewhat understood, but I'd still like that to not happen. This is the reality of nicotine addiction.

Thank you for listening to me

K. Palma

Chair Belatti, Vice Chair Takenouchi and Members of the Committee

I support HB1563 to return the ability of the county to regulate tobacco sales.

My county has passed a flavor ban, but unless you take action it won't matter. Communities should do whatever they can to help the ones around them have a better and more successful life, please let my community make that decision for itself if the State will not do so.

I believe tobacco companies are targeting kids. I say this because the companies are making flavors that taste like candy, which kids love. They also make the packaging familiar to look colorful and appealing to kids.

It's important that menthol is included in any flavor ban because people might just switch to menthol flavors, which then wouldn't stop them from vaping, making the ban not as effective as it can be. Hawai'i County has done this, please allow the law to begin.

Lucia Speerschneider

Chair Della Au Belatti
Vice Chair Jenna Takenouchi
Members of the Committee on Health & Homelessness

My name is Ariana Kadarusman and I support HB1563.

Ending the sale of flavored tobacco products can help stop students from even starting to use them and help those that are addicted quit. If the State isn't going to take action you should let the counties decide if they want to. Hawaii County did but we need your support to return the power back to them.

Flavored tobacco products are clearly targeting kids like me. You see flavors like bubble gum and cotton candy in vapes especially. These sugary flavors are just the type to attract kids. It is important to me that menthol flavors be included in the ban because it will reduce the youth usage of tobacco products which will save lives.

Nicotine addiction impacts my community directly. I see other students becoming suspended and too hyper focused on their next hit. They can't function well without it, and that affects their academics negatively. They tend to get into bad groups of people who then influence them to make worse decisions.

Many of my friends who got into vaping or using tobacco products stopped hanging out with me and made new friends. A handful of them started failing classes and became obsessed with finding new substances.

We need your help to stop this from happening to anyone else.

Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health and Homelessness

I am writing in support of HB1563 because I believe that flavored tobacco products including menthol are targeting kids. Because it's flavored it sounds safe but it still injures your lungs and it still gets you addicted.

Nicotine addiction impacts students at school. Academics can be affected by vaping because they will be in the bathroom forever and miss class time. It also affects your academics by making you get distracted and students try to hide it.

It doesn't just affect people at school. I have some uncles that vape when i work with my dad. The vape clouds blow my way, it smells so good, but i know I have to close my mouth and nose and hold my breath because I'm not taking any chances of my lung getting damaged.

Please help protect us from flavored tobacco and addiction.

Kenai Lagadon

Luke Itomura
Aiea, Hawaii

February 2, 2024

Chair Representative Belatti, Vice Chair Representative Takenouchi
Committee on Health and Homelessness

TESTIMONY IN STRONG SUPPORT OF HB1563

Aloha Chair Belatti, Vice Chair Takenouchi and the Committee on Health and Homelessness,

I am Luke Itomura, a freshman at Punahou School, and I am testifying to express my strong support for HB1563. Today, I stand alongside numerous Hawaii youth united against the alarming youth-flavored vaping epidemic that threatens our health and future. We collectively believe that passing this legislation is an essential step in protecting the health and future of the youth. We, along with community members, on Oahu and Hawai'i Island have helped to pass county level bans to address this issue. But these laws can not go into effect until the State repeals the preemption language from 2018 to restore the counties ability to regulate tobacco sales and pass stricter laws than the state.

At just 13 years old, I was offered a flavored vape by another youth for the first time. This youth smoker used many tactics to peer pressure me into trying it. Their main tactic was telling me it was a delicious Hawaiian Sun flavor; a local favorite. At that moment, I realized how easy it is to fall for the appeal of flavored vapes. My friends in the sixth grade had also mentioned that they were offered flavored vapes. For people as young as twelve, flavors like watermelon or Jolly Rancher are an enticing death trap. What starts as innocent curiosity can turn into a lifelong addiction filled with lung cancer, strokes, heart disease, and countless other diseases. There is no other product on the market that kills 50% of its users ([WHO, 2023](#)). If we take no action, 21,000 youth alive today will eventually die of tobacco-related illnesses.

Passing HB1563 is crucial because Hawaii must protect its keiki, and fight back against the sneaky marketing tactics of big tobacco companies. HB1563 will act as a barrier preventing youth from being used by companies like Big Tobacco, who specifically target youth with their marketing in social media, magazines, and stores. Tobacco companies strategically market flavors to youth to create a lifetime customer. In fact, 1 in 3 Hawaii high school students regularly vape, with 97% using flavored flavored products. Why play with the health of the youth, just so the tobacco industry can thrive? Eliminating the sale of flavored tobacco products will reduce these statistics because flavors make it easier to start and harder to quit.

Massachusetts is a great example of a flavored tobacco ban being effective. In 2020, Massachusetts implemented the first statewide sales restriction on all flavored tobacco products, including menthol cigarettes. American Cancer Society researchers have found that Massachusetts' policy resulted in an overall decrease in cigarette sales and smoking rate compared to states without a ban ([American Cancer Society](#), 2023). Since flavored tobacco bans have proven to be effective, Hawaii needs to act now because, in 2017, data from the [CDC](#) found that Hawaii had the highest reported vaping rate among middle school students and the second-highest vaping rate among high school students in the nation. As youth, we see this problem directly in schools, with teachers having to take time out of class to confiscate vapes and give lectures, and school bathrooms having to be locked because of vaping. Moreover, a study conducted by Stanford University revealed that prohibiting flavored tobacco products has many advantages, including savings in healthcare expenses, a reduction in our carbon footprint, increased labor productivity, and reduced consumption of scarce physical resources ([BMJ Journals](#), 2013). 73% of Hawaii registered voters support this cause, justifying that this is a highly wanted policy ([Ward Research](#)).

Flavored tobacco has no place in the hands of the youth. Passing HB1563 is the first step in securing a tobacco-free future.

Thank you for your time and consideration.

Mahalo,

Luke Itomura



Photo of Collected Vapes from Schools Across Hawaii

Chair Della Belatti, Vice Chair Jenna Takenouchi
Members of the Committee on Health and Homelessness

I am testifying in support of HB1563.

I think that counties should be able to make their own decisions if the state doesn't do something to protect youth from flavored tobacco.

Students are getting addicted to tobacco because of the flavors. Getting rid of flavors, including menthol, can help to reduce use of e-cigarettes and other tobacco products.

Vaping impacts my community, at school I see students getting suspended and into bad groups of people because of their addiction. It affects their academics in a negative way. When someone smokes cigarettes around me I feel uncomfortable. We need your help, please support HB1563.

Thank you for the opportunity to testify.

Angeline Dacuycuy
Pahoa

February 2, 2024
Chair Della Au Belatti
Vice Chair Jenna Takenouchi
Members of the Committee on Health & Homelessness

I am testifying in strong support of HB1563.

The City and County of Honolulu has taken steps to end the sale of flavored tobacco on our island. But we need the state to restore the authority of the counties to regulate tobacco sales.

I strongly believe that flavored tobacco products are targeting kids. Throughout the years, the statistics have increased drastically as they target middle and high school students. Students around my community possess such products and affect those around them with the sweet smelling aerosol that they think is just flavored air.

It's important to include menthol in the processes of banning flavors in both e-cigarettes and other tobacco products because it is so popular with youth. When e-cigarettes are utilized, one's health is on the line and menthol makes it easier to start and harder to quit. Honolulu's law would accomplish this if it's allowed to take effect.

Within school, nicotine use may not be visibly seen amongst the students by faculty and staff, but students, like myself, see it almost everyday. Students use their bathroom breaks to get a fix before heading back to class. This affects them academically as they miss their time in class which could later lead to have them fall behind. In sports, their decreased lung capacity makes it difficult to breathe efficiently hindering their performance. Finally, nicotine addiction can result in becoming distant from one's family, friends and peers.

Personally, I witness the use of e-cigarettes everywhere I go. I have friends who think it's cool, when in reality, it is not. My friends who do it for the fun of it, have changed in ways I could have not have imagined. My friend used one and since then, I became distant with them as they cared less for school and sports because of e-cigarettes. I wish to lessen the use of e-cigarettes so I can lessen my chances of losing those I love the most. In addition, I have a younger sister who is one I wish to not lose and one that is still in the process of growing to become a young lady. For the sake of her future and other

children that are to come, I wish to stop the use of nicotine products so future generations can live a healthy and nicotine-free life.

Please support SB1563.

Jaelyn Natividad
Honolulu

February 2, 2024

Chair - Representative Della Au Belatti
Vice Chair - Representative Jenna Takenouchi
Members of the Committee on Health and Homelessness

In support of HB1563

It is crucial for the State to restore the county's authority to regulate tobacco sales. This includes the implementation of stricter laws that govern the sale and distribution of vaping products and other flavored tobacco. Empowering counties with the ability to enforce stringent regulations have proven effective in preventing underage access to the market. It is through a combination of putting an end to flavored tobacco and incorporating enhanced county regulation that we can hope to curb the youth vaping epidemic, fostering a healthier environment for our keiki to grow and thrive.

The City and County of Honolulu and Hawai'i County have passed laws to end the sale of flavored tobacco products in their communities. Please stand in support of the youth and community partners that worked so hard to make this happen and pass HB1563.

Samantha Lay
Honolulu HI

HB-1563

Submitted on: 2/1/2024 6:38:27 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caitlyn Albino-Rapanot	Individual	Support	Written Testimony Only

Comments:

I support this bill because I see so many young children still in middle or highschool kids smoking vapes like it's normal and I want that to end. Getting our control back for the sake of savings the next generations is needed.

HB-1563

Submitted on: 2/1/2024 7:38:34 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shani Carvalho	Hamakua-Kohala Health	Support	Remotely Via Zoom

Comments:

I strongly support HB1563 to restore local control back to the counties to regulate tobacco sales.

HB-1563

Submitted on: 2/1/2024 9:22:07 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keshia Madriaga	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair and vice chair,

I, Keshia Madriaga, a student of Hawaii Island youth Academy strongly support HB 1778. To end the sales of all flavored tobacco products in the state of Hawaii.

Flavored tobacco products, such as menthol cigarettes and fruit-flavored e-cigarettes, are enticing and attractive to young people. Studies have shown that flavored tobacco products make it easier for young people to start smoking, and once they start, it becomes incredibly difficult for them to quit. This is particularly troubling as tobacco use is the leading cause of preventable death and disease in our country.

It is crucial that we take action to protect our young people from the harmful effects of tobacco use. Banning flavored tobacco products is a step in the right direction towards achieving this goal. By removing these enticing products from the market, we can prevent young people like myself from ever starting to use tobacco in the first place.

I urge our policymakers to recognize the urgent need for action and to support HB 1778. By ending the sale of flavored tobacco products, we can protect our young people, improve public health, and create a brighter future for our community. Let's work together to make our island a place where healthy living is prioritized and where our young people are not lured into a dangerous and addictive habit.

Mahalo for your time!

HB-1563

Submitted on: 2/1/2024 12:39:54 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

SUPPORT **HB1563**

www.WeAreOne.cc

HB-1563

Submitted on: 2/1/2024 1:05:17 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chani Chung	Individual	Support	Written Testimony Only

Comments:

I strongly believe that this bill should be passed because of one reason. Local governments are the ones that create and implement new public health strategies, all of which help the needs of their community. For example, some of Hawai'i's most successful tobacco policies started locally, leading to different laws such as smoke-free air laws. This shows how important it is to get this bill passed and get county authority restored to keep our communities healthy for generations.

HB-1563

Submitted on: 2/1/2024 10:16:20 AM

Testimony for HLT on 2/2/2024 8:30:00 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 this bill. E-cigarettes or “vapes” are addicting increasing numbers of keiki to nicotine. The ability of each county to introduce new rules has a proven track record of improving the health of our population. These include increasing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Once young people are addicted to nicotine, it is extremely difficult to quit.

By allowing counties to enact stricter tobacco and nicotine control regulations than those found at the state level, we can more effectively protect the health of our keiki and their families. There is nothing more important than the health of our young people.

Please support this important bill. Mahalo for your consideration.

Sincerely,

Bryan Mih, MD MPH FAAP

Pediatrician

Medical Director, Kapi’olani Smokefree Families

HB-1563

Submitted on: 1/31/2024 4:09:18 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shane Uyeda	Individual	Comments	Written Testimony Only

Comments:

I am a cigarette smoker and I don't feel that the state or county has any rights to ban my tobacco buying rights. I roll my own and don't buy name brands because it's healthier and cheaper for me. Yes smoking is bad but I'm gonna be 51 this year and have been smoking since I was 14. My health is great according to my doctor in which I seen twice this month. Blood work was all in the green. So yes I oppose this.

HB-1563

Submitted on: 1/30/2024 6:56:56 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Monika Lopez	Individual	Oppose	Written Testimony Only

Comments:

All people in Hawaii should have equal protection under the law from the nanny state.

HB-1563

Submitted on: 1/31/2024 11:17:44 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Santiago	Individual	Oppose	Written Testimony Only

Comments:

Bill 1563 is a dirty trick to take people's rights away at the county level as well. I am STRONGLY OPPOSED!

HB-1563

Submitted on: 1/31/2024 11:51:26 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Anderson	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to this bill.

HB-1563

Submitted on: 1/31/2024 12:33:48 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
VALENTINO MIRANDA-KEPA	Individual	Oppose	Written Testimony Only

Comments:

Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market. Increases black market sales and youth access dramatically Results in tens of millions of dollars in tobacco related tax revenue fallout for the state please Oppose Bill HB1563

HB-1563

Submitted on: 1/31/2024 12:40:23 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ellen benton	Individual	Oppose	Written Testimony Only

Comments:

Strongly urge you to oppos this bill!

HB-1563

Submitted on: 1/31/2024 12:41:27 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I strongly oppose this measure. Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market. It Increases black market sales and youth access dramatically. Results in tens of millions of dollars in tobacco related tax revenue fallout for the state. I oppose!

HB-1563

Submitted on: 1/31/2024 12:45:10 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

This bill allows counties to make their own tobacco laws and creates a patchwork of tobacco laws and confusion in the market all while increasing black market sales and youth access dramatically.

HB-1563

Submitted on: 1/31/2024 12:45:36 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dillon Rellez	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. This is only creating confusion in the market. Now vapes are being sold in the black market to young kids, please stop making these bills. These bills are helpful to no one.

HB-1563

Submitted on: 1/31/2024 12:49:37 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Autumn Masi	Individual	Oppose	Written Testimony Only

Comments:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state.
- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically

Results in tens of millions of dollars in tobacco related tax revenue fallout for the state

HB-1563

Submitted on: 1/31/2024 1:00:02 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state

HB-1563

Submitted on: 1/31/2024 1:00:52 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state

HB-1563

Submitted on: 1/31/2024 1:06:39 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
H Gardner	Individual	Oppose	Written Testimony Only

Comments:

I Oppose The Bill HB1563 Relating To Tobacco Products.

HB-1563

Submitted on: 1/31/2024 1:32:07 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Azuma	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB1563. Nicotine consumption is a statewide concern, and giving individual counties the authority to further impose their own set of arbitrary restrictions, will only create confusion in the marketplace. Why repeal an existing law that is already in place to regulate this industry statewide? The efforts of lawmakers, especially with so many more pressing matters like homelessness and mental health, are being wasted on this bill.

Unregulated online sales from out of state, and the Black Market, will ultimately capitalize on this confusion, and public health will surely suffer. With the state receiving revenue through a 70% Tobacco Tax already in effect since January 1, how will each county enforce any regulations they set forth? Is any of this revenue being put towards any county level, regulatory enforcement? Furthermore, is any of this newly generated tax revenue budgeted for cessation or addiction programs already in place? If any law should be amended, SB975 SD2 HD3 CD1 (2023) would be a much more effective place to start.

This bill does nothing to benefit the residents of Hawaii, please do not waste anymore time and tax payer money on a bill that is flawed and pointless.

HB-1563

Submitted on: 1/31/2024 1:53:54 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Naomi Muronaka	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-1563

Submitted on: 1/31/2024 2:01:49 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
HANALEI BENN	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, by banding this bill gives the black market the ability to increase by 60%. which will not only hurt the ones of age and wanting to smoke but it also increases the youth access dramatically. Everyone is so worried about the youth getting their hands on it you'll eventually drive them straight towards that. I think a better idea would be to give them tickets or some kind of law. Like when a underage is caught drinking they get a ticket and have to go through court etc. the same should go for vaping, even down to the adult that buys it for them. Instead you punish the ones following the rules.

HB-1563

Submitted on: 1/31/2024 2:16:56 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I strongly oppose this bill!

HB-1563

Submitted on: 1/31/2024 3:29:54 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsea oneza	Individual	Oppose	Written Testimony Only

Comments:

Vaping helped me quit smoking cigarettes because it didn't leave a smell like cigarettes do and it actually has made a difference in my health because you don't have a smokers cough from vaping you develop a smokers cough from cigarettes and it's something that won't go away until you stop smoking cigarettes. Vaping has helped me not needing that nicotine fix after having a hard day or even a stressful moment and they have different percentages to help people that are just starting to want to completely get off it helped me when they finally had zero nicotine in vapes and I completely stopped smoking for almost four years now even got myself to completely stop vaping as time went on. Also, I believe that flavors shouldn't be banned because it helps people stay away from cigarettes and keeps people happy for not having that tobacco smell after smoking a cigarette. I believe that vaping is better than smoking a cigarette because no smell and people will actually want to be around you when you don't smell like a cigarette because even though you can spray perfume after smoking a cigarette it doesn't necessarily mask the smell of the cigarette versus a vape you don't have to try to hide the smell after smoking it.

HB-1563

Submitted on: 1/31/2024 3:47:33 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Quinntin Kaawa	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure. Allowing counties to make there own tobacco laws create a patchwork of tobacco laws and confusion in the market. It increases black market sales and youth access dramatically. Results in tens of millions of dollars in tobacco related tax revenue fall out for the state. I oppose

HB-1563

Submitted on: 1/31/2024 4:00:31 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state
- Flavor bans fuel a massive black market as seen in California
99% of all vape products sold are flavored, thus this ban would eliminate and entire industry
- A flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses
- Flavor bans would result in tens of millions of dollars in lost tax collection for the state
- Limiting adults choice for an alternative to combustible tobacco
- Flavored alcohol remains in high demand among adults and sold at all grocery stores and liquor stores state wide

HB-1563

Submitted on: 1/31/2024 4:13:20 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I oppose this bill. As always, you choose to punish those who use products and are adults instead of tackling more difficult issues and problems.

HB-1563

Submitted on: 1/31/2024 4:17:05 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Norberto Dumo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, as a citizen of age this bill will directly affect me and affect my rights to choose. Bill should reflect your target consumers which are the underaged not the people who legally have the right to choose.

HB-1563

Submitted on: 1/31/2024 4:24:59 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jadine L Brown	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-1563

Submitted on: 1/31/2024 4:34:04 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
PAUL LACUESTA	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose.

HB-1563

Submitted on: 1/31/2024 4:39:26 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
DANALI NISHIDA	Individual	Oppose	Written Testimony Only

Comments:

Testimony in opposition:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state
- Flavor bans fuel a massive black market as seen in California
99% of all vape products sold are flavored, thus this ban would eliminate and entire industry
- A flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses
- Flavor bans would result in tens of millions of dollars in lost tax collection for the state
- Limiting adults choice for an alternative to combustible tobacco
- Flavored alcohol remains in high demand among adults and sold at all grocery stores and liquor stores state wide

HB-1563

Submitted on: 1/31/2024 4:42:02 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

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HB-1563

Submitted on: 1/31/2024 4:42:37 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Choe	Individual	Oppose	Written Testimony Only

Comments:

Allowing the state counties to make their own tobacco laws will create confusion in the population. This will also most likely increase illegal and black market sales between counties and the rest of the United States. Finally, with the recent start of the 70% tax I believe the state will lose millions of dollars that it can use to fund things like education.

HB-1563

Submitted on: 1/31/2024 4:54:18 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steven T Takekoshi	Individual	Oppose	Written Testimony Only

Comments:

Thank you for allowing me the opportunity to provide testimony in opposition to this proposed bill. Please just leave us alone, the legislature is the epitomy of the "Nanny State." Thanks for looking out, but leave me the freedom to choose. Incesent attacks on our rights by a legislature that looks to control otherwise lawful actions and activities for my own good, as if you know best, please...

First allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market.

California's flavor bans fuels a massive black market and with most vape products sold being flavored, increased black market sales make the problem worse and dramatically expand opportunities for youth access through an illegal market. So if you are trying to restrict underage access you are increasing the problem with a supporting vote.

Generally it has been my experience in Hawaii that the legislature loves to tax us. By banning legal sales you will decrease tobacco related tax revenue by millions of dollars and do nothing to address the problems you seek to solve. However, a flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses and eliminate an entire industry. Thanks for the far sighted economic growth plan.

Limiting adults choice for an alternative to combustibile tobacco is a great way of showing how progressive you are, no it really indicates how many within our legislature desire to control the people by self appointing themselves as our protectors.

Please just stop, oppose this stupidity. Thank you.

Steven Takekoshi

Waipahu

HB-1563

Submitted on: 1/31/2024 4:55:35 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Howden	Individual	Oppose	Written Testimony Only

Comments:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state
- Flavor bans fuel a massive black market as seen in California
99% of all vape products sold are flavored, thus this ban would eliminate and entire industry
- A flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses
- Flavor bans would result in tens of millions of dollars in lost tax collection for the state
- Limiting adults choice for an alternative to combustible tobacco
- Flavored alcohol remains in high demand among adults and sold at all grocery stores and liquor stores state wide

HB-1563

Submitted on: 1/31/2024 5:09:36 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

Strongly oppose the flavor ban. It's not fair to smokers who have options to cigarettes. Seems that we are penalized for being smokers and choice is taken away from us.

HB-1563

Submitted on: 1/31/2024 6:01:36 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Timothy Eagleson	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members of the Legislative Body,

My name is Tim Eagleson, and I give testimony before you today not only as a representative of the vaping community/a public health advocate, but also as someone deeply invested in the well-being of our citizens and the economic vitality of our state. I am here to voice my vehement opposition to the proposed ban on flavored electronic cigarettes, a measure that I believe is misguided and counterproductive to its intended goals of improving public health and protecting our youth.

Flavored electronic cigarettes have become a significant factor in the lives of many adult smokers who are desperate to quit combustible tobacco. These flavors are not merely a matter of preference; they serve as a crucial differentiator from the taste of tobacco, helping former smokers to dissociate from the sensory experiences tied to their previous habits. For countless individuals, flavors such as menthol, fruit, and dessert have been the key to a successful transition to a less harmful alternative. A ban on these flavors is not just a ban on a product; it's a ban on a proven pathway to reducing the harm caused by tobacco.

The issues surrounding youth vaping are undeniably serious and deserve our full attention. However, the narrative that flavored e-cigarettes are singularly responsible for youth uptake is not supported by a nuanced understanding of the issue. Youth prevention is best served by stringent enforcement of existing laws, targeted education, and community-based interventions, rather than blanket prohibitions that also penalize adults. We must be careful to not let our efforts to protect the young infringe upon the rights and needs of adult consumers who rely on these products for harm reduction.

Moreover, where flavor bans have been implemented, we have observed an unintended yet predictable rise in black market activity. These illicit markets are void of regulatory oversight, resulting in untested and potentially hazardous products that endanger consumers. By pushing flavored e-cigarettes underground, we not only lose the ability to monitor and ensure product safety, but we also forfeit substantial tax revenue that could be used to fund education, prevention, and cessation programs.

The economic repercussions of a flavor ban are not trivial. The vaping industry is a significant contributor to our state's economy, providing jobs to hundreds, if not thousands, of our residents. These are not faceless entities; they are local businesses that serve and contribute to our

communities. A flavor ban would threaten their survival, leading to job losses, business closures, and a decline in the economic diversity that our state needs to thrive.

It is also critical to address the inconsistency in our approach to flavored products. We allow the sale of flavored alcohol, recognizing that adults have the right to make choices about what they consume. If we are to ban flavored e-cigarettes on the grounds of protecting our youth, then logically, the same rationale should apply to other flavored substances that are potentially harmful. Instead, we must strive for coherence in our policies, balancing risk with personal responsibility and freedom of choice.

In closing, I urge you to consider the far-reaching implications of a flavor ban on electronic cigarettes. We share a common goal of protecting public health and particularly the health of our young people, but the means to achieve this must be carefully weighed against the broader consequences. I appeal to your sense of justice and reason to reject this ban and instead work

HB-1563

Submitted on: 1/31/2024 6:08:39 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
PATRICK BROWN	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1563. I believe it will have too many unintended negative effects.

HB-1563

Submitted on: 1/31/2024 6:34:35 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Owens	Individual	Oppose	Written Testimony Only

Comments:

Very Opposed to hb1563 :(

HB-1563

Submitted on: 1/31/2024 8:11:40 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Brandt	Individual	Oppose	Written Testimony Only

Comments:

I do not believe placing a ban on this particular variation of tobacco product is going to make a difference. It is up to parents to appropriately teach their children or mandate their access to such things. If we ban this we may as well ban everything else. Anything in this life is risky it is up to the adults to govern what happens in their homes. What is going to be banned next? Free speech, Tide Pods, music, cinnamon, movies, tv shows, video games, social media? Just because something is not monitored properly by parents does not mean it should be taken away from the rest of us. Discipline those not governing their homes properly not the rest of the community. Is it unhealthy? Yes. However the choice is up to individuals not you.

HB-1563

Submitted on: 1/31/2024 8:18:33 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I am writing to express my strong opposition to the proposed ban on flavored nicotine products in Hawaii. As a former cigarette smoker of American Spirits for 15 years(since high school), my transition to vaping products has significantly impacted my well-being and financial situation.

Vaping has played a crucial role in my journey toward a healthier lifestyle. The availability of flavored nicotine products has been instrumental in making the switch from traditional cigarettes to vaping more manageable. Flavors have played a pivotal role in breaking the association with the harsh taste of combustible tobacco, making the transition much smoother.

One of the most notable benefits I've experienced since making the switch to vaping is a remarkable improvement in my respiratory health. After years of smoking, I found that vaping not only provided a satisfying alternative but also allowed me to breathe better. This positive change in my lung capacity has had a profound impact on my overall well-being, contributing to a healthier and more active lifestyle.

Moreover, from a financial perspective, vaping has proven to be a more cost-effective option. The ability to choose from a variety of flavored e-liquids has not only made my lifestyle easier, but has also allowed me to manage my expenses more efficiently compared to the consistently rising costs of traditional cigarettes.

While I understand the concerns surrounding youth access to flavored nicotine products, I believe that a complete ban would unfairly impact adults who have successfully transitioned away from combustible tobacco. Rather than an outright ban, I advocate for thoughtful regulations that address concerns about youth access while preserving the choices and benefits that vaping has provided to individuals like myself.

There's also a concern with used cigarettes making its way to our oceans and the effect it has on the ocean life. Vaping products allow for a much cleaner approach in this regard. I'm sure Hawaii would lose financially as well.

If this ban is passed mainly to "help" the youth with temptations, than I'd wish lawmakers would let parents handle their own family. There are many more cons to passing this bill, versus a couple of pros.

I urge you to consider the diverse needs of adult consumers who have benefited from flavored nicotine products and to seek alternative approaches to address youth access without imposing a complete ban. Thank you for considering my perspective on this matter.

Sincerely,
Micah

HB-1563

Submitted on: 1/31/2024 8:48:52 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

I strongly oppose this bill because I feel like how would I financially make income if there are no business for this.

HB-1563

Submitted on: 1/31/2024 10:52:11 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Piilani wilson	Individual	Oppose	Written Testimony Only

Comments:

I oppose let them keep it local

HB-1563

Submitted on: 1/31/2024 11:14:56 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

Chair, and members of the committee, my name is Jazelyn. I oppose Bill HB1563, adults 21 and over should have a choice to choose whether or not to purchase "tobacco smoking devices". Listed below are some of the key points of why I would like to state an opposition on Bill HB1563.

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state
- Flavor bans fuel a massive black market as seen in California
99% of all vape products sold are flavored, thus this ban would eliminate an entire industry
- A flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses
- Flavor bans would result in tens of millions of dollars in lost tax collection for the state
- Limiting adults choice for an alternative to combustible tobacco
- Flavored alcohol remains in high demand among adults and sold at all grocery stores and liquor stores state wide

HB-1563

Submitted on: 2/1/2024 12:08:47 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Melia Niino	Individual	Oppose	Written Testimony Only

Comments:

- Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market
- Increases black market sales and youth access dramatically
- Results in tens of millions of dollars in tobacco related tax revenue fallout for the state
- Flavor bans fuel a massive black market as seen in California
99% of all vape products sold are flavored, thus this ban would eliminate and entire industry
- A flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses
- Flavor bans would result in tens of millions of dollars in lost tax collection for the state
- Limiting adults choice for an alternative to combustible tobacco
- Flavored alcohol remains in high demand among adults and sold at all grocery stores and liquor stores state wide

HB-1563

Submitted on: 2/1/2024 4:15:53 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kenji akasaki	Individual	Oppose	Written Testimony Only

Comments:

I feel this is a target from big tobacco companies. vaping has helped me quit smoking cigarettes.

HB-1563

Submitted on: 2/1/2024 8:22:52 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
kainalu keaunui	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure. Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market.

It also Increases black market sales and youth access dramatically.

This will Result in tens of millions of dollars in tobacco related tax revenue fallout for the state.

HB-1563

Submitted on: 2/1/2024 8:25:04 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rafael	Ire Hawaii	Oppose	Written Testimony Only

Comments:

Hello, my name is Rafael and I'm here today to testify my opinion on the current bill to ban vape flavors in Hawaii. I feel as if the bill should not go through because if we were to stop vaping flavors the majority would feel as if they should just go back to cigarettes or something potentially worse. While I do feel disposable vapes are not as good, vape juice and refillable vapes only consist 3-4 active ingredients, containing of vegetable glycerin, propylene glycol, extract flavoring and nicotine if you chose. Which all of this was FDA regulated and certified. Just because the younger generation is ruining it doesn't mean you have to do it as well. Our business strives on checking IDs and making sure we even try prevent parents buying for underage children. I fully believe this ban will cause so many people and young adults to choose cigarettes and potentially worse things in place of vaping. Thank you for taking the time to read and considering throwing this ban out.

HB-1563

Submitted on: 2/1/2024 9:13:20 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

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

Comments:

The ingredients used in flavored vape juices have been FDA approved for many many years now. Just because people are getting away with buying vapes for underage kids doesn't mean of age people should not have a flavored option. Getting rid of this will force people to have to go back to smoking cigarettes which have actual carcinogens in them, unlike vape juices.

HB-1563

Submitted on: 2/1/2024 10:14:25 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Grehawick	Individual	Oppose	Written Testimony Only

Comments:

Aloha to all,

I hope this letter finds you well. I am writing to express my strong opposition to HB1563, which proposes to grant counties the authority to establish their own tobacco laws. While I understand the importance of local governance, I believe this approach could have significant negative consequences for both public health and the state's economic stability.

One of the primary concerns with allowing counties to create their own tobacco laws is the potential for a patchwork of regulations, leading to confusion in the market. This fragmentation could create a complex web of compliance issues for businesses and consumers alike, hindering the effective implementation of tobacco control measures. A unified state-wide policy provides clarity and ensures a consistent approach to addressing the challenges associated with tobacco consumption.

Moreover, empowering counties to set their own tobacco laws may inadvertently contribute to an increase in black market sales and youth access. Inconsistencies in regulations across county lines may create loopholes that can be exploited by illicit sellers, exacerbating the existing issues surrounding the availability of tobacco products to underage individuals. We must prioritize measures that protect the well-being of our youth and mitigate the potential for increased black market activity.

Additionally, it is crucial to consider the economic implications of such a decentralized approach. Allowing counties to independently regulate tobacco could result in a substantial fallout of tens of millions of dollars in tobacco-related tax revenue for the state. In a time where fiscal responsibility is paramount, it is essential to maintain a comprehensive strategy that not only prioritizes public health but also safeguards the economic stability of our state.

In conclusion, while I recognize the importance of local autonomy, I believe that a state-wide, standardized approach to tobacco regulation is the most effective means of addressing the complex issues associated with tobacco use. I respectfully urge you to reconsider HB1563 and advocate for a more cohesive and comprehensive state-wide tobacco control policy.

Thank you for your time and consideration. I trust that you will carefully weigh these concerns as you deliberate on this crucial matter.

Sincerely,

Jason Grehawick

HB-1563

Submitted on: 2/1/2024 11:54:44 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jasmin Rios	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha members of the Senate, my name is Jasmin, and I'm expressing my support for our small business owners in Hawaii County. I'm writing to address HB1563 & HB1778.

Implementing a blanket flavor ban, while aiming to protect youth, overlooks individuals like me who use flavored products as a tool to reduce cigarette consumption. Although it was mentioned in the last meeting that this ban doesn't help everyone, it's essential to consider those it does assist. Passing such a ban won't contribute to our efforts to quit tobacco.

Recognizing the importance of safeguarding youth, I want to highlight that retailers already comply with the law by not selling tobacco products to anyone under 21. Instead of a blanket flavor ban, focus should be on addressing the issue of youth accessing disposable flavored vapes, which many local stores do not sell.

Enforcement responsibility lies with those in charge, and bans like this risk pushing sales into unregulated markets, increasing the danger to our youth. The effectiveness of monitoring and preventing online sales to minors raises concerns.

Our local businesses are the heart of our community, and they will suffer financially due to this proposed ordinance. I urge you not to proceed with HB1563 & HB1778 as is. I appreciate the consideration. Mahalo.

HB-1563

Submitted on: 2/1/2024 1:02:25 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sabrina Spencer	Individual	Oppose	Written Testimony Only

Comments:

The legislature passed the current law on this topic not long ago. Let's keep things the way they are now..

HB-1563

Submitted on: 2/1/2024 1:05:10 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Owen Laa	Individual	Oppose	Written Testimony Only

Comments:

It's dumb

HB-1563

Submitted on: 2/1/2024 1:26:38 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathryn Behling	Individual	Oppose	Written Testimony Only

Comments:

This is the wrong fight. Please let me and my husband continue to enjoy vaping nicotine. I have a very stressful life and it's the little bit of pleasure and relief I can access as I am clean and sober and have been for many years. I don't want to go back to cigarettes.

HB-1563

Submitted on: 2/1/2024 11:57:29 AM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaime Rojas	National Association of Tobacco Outlets	Oppose	Remotely Via Zoom

Comments:

I will testify virtually

HB-1563

Submitted on: 2/1/2024 1:58:33 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brynner Achong	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose these bills banning tobacco products. It is my right to choose to use these products and do not hold any Tobacco company liable. A ban should be enforced on underaged individuals and the retail outlets that provide them. Being that I order my products online and need a credit card with proof of age should be sufficient for me to purchase these products.

HB-1563

Submitted on: 2/1/2024 2:06:24 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jake J. Watkins	Individual	Oppose	Written Testimony Only

Comments:

Strongly Opposed.

HB-1563

Submitted on: 2/1/2024 3:20:31 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dustin Hirayama	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Dustin Hirayama, and I am writing you today today to express my strong opposition to HB1563. While we acknowledge the concerns raised regarding the increase in youth tobacco use and the marketing tactics employed by tobacco companies, we firmly believe that this bill is not the appropriate solution. Our opposition is grounded in the following key points:

Unsuccessful County Regulations: The bill suggests that counties have been successful in addressing health needs through local tobacco regulations. However, evidence from other jurisdictions demonstrates the opposite. Counties attempting to create their own tobacco laws have faced numerous challenges and often failed to achieve their intended outcomes. This approach leads to a patchwork of inconsistent regulations that hinders businesses and confuses consumers.

Statewide Uniformity: The current state law, as outlined in section 328J-11.5, recognizes the importance of regulating tobacco products as a matter of statewide concern. Repealing the existing law and allowing counties to create their own regulations undermines the goal of achieving uniformity in addressing tobacco-related issues. A consistent statewide approach is essential to ensure clarity and effectiveness in enforcement.

Preemption and Ambiguity: The bill acknowledges the potential ambiguity in the effectiveness of county ordinances in light of state law. This ambiguity can create legal challenges and confusion for businesses operating across different counties. A clear and uniform regulatory framework at the state level is necessary to avoid conflicting local ordinances and legal disputes.

Flexibility Within Existing Framework: The existing state law already provides flexibility for counties to adopt ordinances that are more stringent than state law. Repealing the current preemption clause may result in unnecessary complexity without offering additional benefits. Counties can collaborate with state authorities to address emerging challenges within the existing legal framework.

In conclusion, while we share the goal of addressing youth tobacco use, we believe that HB1563 is not the appropriate solution. Instead, we recommend strengthening the collaboration between state and county authorities within the current legal framework to

develop effective strategies for combating tobacco-related issues. Thank you for considering my opposition to this bill.

HB-1563

Submitted on: 2/1/2024 3:44:06 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jael Alexander	Individual	Oppose	Written Testimony Only

Comments:

My name is Jael Alexander and I oppose HB1563.

HB-1563

Submitted on: 2/1/2024 4:37:44 PM

Testimony for HLT on 2/2/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Higa	Individual	Oppose	Written Testimony Only

Comments:

The bill will create a confusing mess of regulations.

Alma Cremer
1481 Ainaola Dr.
Hilo, HI 96720
808-365-2371

Dear Chair and Committee Members:

I am a nurse and also a nursing instructor at Hawai'i Community College. I am soon to graduate at UH-Hilo with a Doctor of Nursing Practice.

I am writing regarding HB 1563/SB 2304: Relating to Tobacco Products. I support the Bill because many young children and teenagers are now using e-cigarettes or vaping with flavors. To my knowledge, they can purchase them online. I also researched e-cigarettes or vaping and found out more about the harmful toxic substances in the warm fluid.

I have many young nieces and nephews, and I would like to protect them and other children from obtaining these types of harmful substances. I drive through several young children's school institutions (elementary and high school), and I can see a few young children using vapes. I am hoping that through this Bill, there will be fewer or no children able to access e-cigarettes or vapes.

Respectfully,

Alma Cremer, MSN-ed, BSN, RN

February 1, 2024

To: Members of the Hawaii House Committee on Health and Homelessness
From: Americans for Tax Reform
Re: Oppose HB 1778 and HB 1563

Dear Representative,

On behalf of Americans for Tax Reform (ATR) and our supporters across Hawaii, **I urge you to oppose HB 1778 and HB 1563, both of which would limit access to life saving smoking alternatives.** It is especially important that you oppose the flavor ban component of HB 1778, as it would seriously limit lifesaving, reduced-risk tobacco alternatives such as electronic cigarettes, products that have proven critical to the process of helping adults quit smoking.

Studies have repeatedly shown that flavors in vapor products, which HB 1778 would prohibit, are crucial 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 unflavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health.

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

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

State budgets would also be negatively affected under this legislation. **Tax revenue would take a big hit, as smuggling of illicit products from more liberal jurisdictions facilitates a flourishing black market.** Those products, of course, are sold illegally – and therefore always tax-free. Keeping flavors on the market is not only the right thing to do for current and former Hawaiian smokers looking for a way to quit, but also in the interest of the state government itself.

Real world evidence from Massachusetts demonstrates that flavor bans can come at significant cost to the state. Since Massachusetts implemented a ban on all flavored tobacco products in mid-2020, cross-border purchases and the creation of a booming black market have more than made up for the decline in sales in the Commonwealth. In the first six months since the ban

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was enacted, Massachusetts retailers sold 17.7 million fewer cigarette packets compared to the same period in the prior year, while neighboring Rhode Island and New Hampshire together sold 18.9 million more. It is clear that Massachusetts residents simply stocked up across state lines. **This policy failure is costing Massachusetts more than \$10 million each month in excise tax revenue.** Hawaii must not make the same mistake that has been made in Massachusetts, as residents may seek to order sketchy devices from unregulated online websites, or turn to products smuggled in from the continental U.S. instead.

Preemption Repeal

Repealing preemption would hurt more than 400 businesses and their consumers, pummeling them with a patchwork of new, inconsistent, and damaging local taxes and regulations on reduced risk tobacco alternatives.

At its core, “local control” is primarily a means of safeguarding individual freedoms and restricting the growth of government. It should not be misconstrued as a free pass for cities to do whatever they want. Localities are just as capable of serving as inadvertent conduits for heavy-handed laws that ultimately bring serious harm their residents. **Thus, when the bodily autonomy of a state’s residents is at stake, state action is not only appropriate – it is essential.**

It is the fundamental responsibility of state governments to protect their citizens.

When it comes to tobacco harm reduction policies, local government officials nationwide – unburdened by the constant scrutiny and accountability typically found at the state level – have commonly imposed punitive taxes on the most vulnerable in their communities, ignorant of the harm imposed by such policies on low-income consumers and businesses. Similarly, local bans and heavy-handed regulations may act contrary to all available science and data, serving to restrict the ability of smokers to quit their cancer-causing habit with the help of reduced risk tobacco alternatives. After all, it is not often that local officials have any meaningful expertise in the field of healthcare and harm-reduction studies.

Whether they are imposed at the city or county level, the consequences of new local regulations would quickly spread across the whole state. For instance, blanket bans and higher taxes would incentivize smuggling and the sale of illicit tobacco, adversely affecting state tax collections while manifesting a surge in criminal activity. And restricting the use of electronic cigarettes, proven to be 95% safer than traditional combustible tobacco and twice as effective as alternatives such as patches or gums, could lead to further strains on the state budget thanks to the healthcare costs incurred by people who simply keep smoking instead.

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

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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.**

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been **proven to be 95% safer** than combustible cigarettes and **twice as effective** at helping smokers quit than traditional nicotine replacement therapies.
- 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.
- **Studies have repeatedly shown that flavors, which HB 1778 would ban, are critical to helping adult smokers make the switch to vaping.** Adults who use flavored vapor products are **43% more likely to quit smoking** than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world’s top experts in cancer prevention and public health.
- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. **HB 1778 and HB 1563 will have a tremendous impact on public health and would decrease socioeconomic disparities significantly as it will prevent localities from prohibiting life-saving treatment.**
- **Vapor products would save over 250,000 lives** if a majority of Hawaii smokers made the switch to vaping, extrapolating from a large-scale analysis performed by leading cancer researchers and coordinated by Georgetown University Medical Centre.

Opposing HB 1563 and HB 1778 would protect consumers and businesses across Hawaii, ensure state tax collections are not depressed by misguided local taxes and regulations, and would prevent a patchwork of ordinances that would make Hawaii a more expensive place to do business – all while damaging public health. It is imperative for state lawmakers to use their power to safeguard their constituents from harmful policies. As such, I urge you to **vote No on HB 1563 and HB 1778.** Over 250,000 lives quite literally depend on it.

Sincerely,

Dennis Hull
State Affairs Coordinator
Americans for Tax Reform

335 Merchant Street
Ground Floor #1772
Honolulu, Hawaii 96813
Tel 808- 283-0521
Email frobin47@gmail.com
Send my email 08/21/2023



Dear *Representatives*.

I am the President of Hawaiian Royal Trading Company; I have a total of almost 40 years in business here in Hawaii. I am now a disabled Veteran and would not like to see my business closed because of some confusion that we appeal to children.

I am writing this letter about Bill HB 1563; **I am hoping you will vote against this.**

Please don't lump us all together cigarettes, cigars, pipes, hookah chewing tobacco and vapes, we are all different.

Just imagine this passes, you will encourage mail order and travel between islands to smuggle banned items. If you cannot enforce the laws on the books now, how can they enforce new ones.

I market cigars under the brand Hula Girl Cigars, Volcano Cigars, and the Maui Cigar Company. We are the largest cigar dealer in the State of Hawaii. In past years we have grown tobacco in Kula, Maui; and we import, distribute, wholesale, and retail cigars since 1997. We import almost 1,000,00 cigars a year. Almost 99% of them are taken out of state.

We do not target the youth market.

We manufacture all sizes, flavors, and shapes of cigars; they retail from \$2.00 to over \$50.00. We make over 10 different flavors including the world-famous Hula Girl Kona Coffee Flavored cigar. Our Volcano Brand of Macadamia nut flavored cigars are a popular visitor industry gift. We currently ship these cigars to all 50 states and many foreign countries. We do not target the youth market with our Hawaiian Flavored cigars; our customers are adult smokers who want a chance to enjoy a new and unusual taste, much the same as flavored coffees. The average age of our retail customer is 42. We have over 20,000 customers worldwide that order from our web site. We do not take orders from Hawaii residents. All our customers are age verified.

Our local customers include Duty Free International, ABC stores, Blind Vendors, US Military Bases, ship at sea and hundreds of small and large gift and tobacco shops throughout the Islands. 1000s of people depend on our products for their income.

There are less than 10 Cigar stores left in Hawaii. They all are very mindful not to sell Cigars to underage people and most of them do not sell vapes or blunts or anything that targets youth.

At our previous farm locations in Kula, Maui we grew tobacco that was dried, aged, and exported for use in cigars that are hand rolled in the Philippines and shipped back to the US or direct to our foreign customers.

I do not support the proposed ban on FLAVORED TOBACCO

The State passed a new law this year that puts vapes in the same category as cigars. What a mess now that cigars are associated with vapes. These are different customers. Our cigars are usually purchased as a gift item to take back home for friends and family where they are traditionally enjoyed in a relaxing atmosphere. This tradition has existed since our country was founded in 1620. Without tobacco the USA would not be here.

We do not support vaping.

Vaping is a much different product and purchased by a totally different customer than a cigar. A cigar smoker is not a cigarette or vape user. We don't use chemicals in our products, just natural tobacco, and natural flavors. I can speak from my own experience that after my first cigar 50 years ago I gave up cigarettes. I enjoy a good cigar once a week after dinner in a relaxing social situation. I've never tried vaping. We are responsible businesspeople who sell adult products to adults.

This proposed bill would put us out of business.

We source our raw material worldwide and have a two- or three-year lead time. This proposed legislation would bankrupt us. Our cigars are available at resort shops throughout the Islands and not generally available at small local gas stations or stores. Our marketing efforts are focused on the tourist customer. We do not design our product or flavors for the youth market anywhere. Over the years we have sold millions of cigars and I have never heard from any of our retail store customers about any attempt by a minor to purchase our products. 99% of our cigars are sold to visitors who take them home.

Thank you, Aloha, for this opportunity to offer testimony.

A handwritten signature in black ink, appearing to read 'FR' followed by a long horizontal flourish.

Fred Robinson
President
Hawaiian Royal Trading Company
808-283-0521