

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
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**Testimony in SUPPORT of H.B. 1778  
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:** The fiscal impact of a ban on flavored tobacco products in Hawaii would  
2 result in modest reductions in Hawaii's tax revenues while at the same time leading to  
3 reductions in chronic diseases and health care spending, including Medicaid spending in the  
4 state.

5 **Department Position:** The Department of Health (DOH) supports this measure and offers  
6 amendments to assist with implementation and enforcement.

7 **Department Testimony:** The DOH supports House Bill 1778 (H.B. 1778) that prohibits the sale  
8 of flavored tobacco products and synthetic nicotine products (including menthol), prohibits the  
9 mislabeling as nicotine-free any e-liquid products containing nicotine, and restores county  
10 authority to enact stricter regulations on the sale of tobacco products. The Department prefers  
11 the language in H.B. 2441 and S.B. 3130 which would provide the DOH with the necessary  
12 supports and resources to implement and enforce a ban on flavored tobacco products.

13 The absence of protective policies to act as a preventive buffer between the promotion  
14 of enticing electronic smoking devices (ESDs), also known as e-cigarettes, and youth,  
15 contributed to the ongoing marketing and unrestricted access to nicotine. The latest estimate  
16 (2017-2019) of current e-cigarette use among Hawaii's high school students was 23.4% and

1 13.4% of Hawaii’s middle school students.<sup>1,2</sup> Some neighbor islands have higher prevalence  
2 with Hawaii County at 29.8%, Maui County at 28.6%, and Kauai County at 27.4% of high school  
3 students who report current use.<sup>3</sup> Native Hawaiian high school youth had higher proportions of  
4 e-cigarette users than any other race or ethnicity, consistent with the greater availability and  
5 presence of e-cigarette retailers on neighbor islands.<sup>4 5</sup>

6 The unrestricted promotion of e-cigarettes has addicted a new generation of young  
7 people to nicotine, increased exposure to harmful substances and likelihood for smoking  
8 cigarettes in the future.<sup>6</sup> Research shows that in 2022, more than 90% of disposable ESDs- to  
9 lure youth and young adults come in many flavors- contained the highest levels of nicotine,  
10 compared to 0% in 2017.<sup>7</sup> The price of e-cigarettes with high nicotine content has either  
11 decreased or remained the same in this time period, while lower nicotine content devices were  
12 more expensive.<sup>8</sup> Increased marketing and availability of high concentrations of nicotine raises  
13 serious public health and safety concerns because of the long-term effects on adolescent brain  
14 development.<sup>9</sup> Comprehensive evidence-based prevention policies are needed that restrict  
15 flavored tobacco products and regulate e-cigarettes.

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<sup>1</sup> HHDW. (2017-2021). Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, State-level. [http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr\\_HS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html)

<sup>2</sup> HHDW. (2017-2021). Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, Middle Schools, State-level. [http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr\\_MS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_MS_ST.html)

<sup>3</sup> HHDW. (2017-2021). Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, County-level. [http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr\\_HS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html)

<sup>4</sup> Civil Beat, “You Don’t Need to Go Far To Buy E-Cg Devices in Hawaii,” October 31, 2019.

<sup>5</sup> HHDW. (2017-2021). Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, County-level. [http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr\\_HS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html)

<sup>6</sup> US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. pdf icon [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.

<sup>7</sup> Ali, F. R. M., Seaman, E. L., Crane, E., Schillo, B., & King, B. A. (2023). Trends in US E-cigarette Sales and Prices by Nicotine Strength, Overall and by Product and Flavor Type, 2017–2022. *Nicotine & Tobacco Research*, 25(5), 1052–1056. <https://doi.org/10.1093/ntr/ntac284>

<sup>8</sup> Ali, F. R. M., Seaman, E. L., Crane, E., Schillo, B., & King, B. A. (2023). Trends in US E-cigarette Sales and Prices by Nicotine Strength, Overall and by Product and Flavor Type, 2017–2022. *Nicotine & Tobacco Research*, 25(5), 1052–1056. <https://doi.org/10.1093/ntr/ntac284>

<sup>9</sup> Federal Trade Commission, Bureau of Consumer Protection. Federal Trade Commission E-Cigarette Report for 2015-2018. Issued 2022.

1 Alluring flavored tobacco products continue to drive the youth vaping epidemic.  
2 Approximately 89% of U.S. youth who currently use e-cigarettes use flavors.<sup>10</sup> The most  
3 reported flavors among those who use disposable e-cigarettes continue to be fruit, followed by  
4 candy, mint, and menthol.<sup>11</sup> Among students who currently use tobacco products, 57.9% of  
5 e-cigarette users reported using products with the term “ice” or “iced” in it.<sup>12</sup>

6 Menthol flavors are too often exempted from tobacco control policies.<sup>13</sup> Menthol is an  
7 organic compound that has cooling, analgesic, and irritative properties, which can change the  
8 way the brain registers the sensations of taste and pain and when in cigarettes can make  
9 harmful chemicals more easily absorbed in the body.<sup>14,15</sup> Menthol also facilitates absorption by  
10 masking the harshness of cigarette smoke, making it easier to inhale. The availability of  
11 menthol cigarettes likely increases experimentation and progression to regular smoking and the  
12 availability of menthol increases the likelihood of addiction for youth smokers.<sup>16,17</sup> Exempting  
13 menthol perpetuates social injustice as menthol flavoring has been used by the tobacco  
14 industry to appeal and market to youth, racial minorities, and marginalized populations. The  
15 tobacco industry has targeted minority groups such as the lesbian, gay, bisexual and  
16 transgender (LGBT) community, Asian Americans, Pacific Islanders, Native Hawaiians, and

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<sup>10</sup> Birdsey, J. (2023). Tobacco Product Use Among U.S. Middle and High School Students—National Youth Tobacco Survey, 2023. *MMWR. Morbidity and Mortality Weekly Report*, 72. <https://doi.org/10.15585/mmwr.mm7244a1>

<sup>11</sup> Birdsey, J. (2023). Tobacco Product Use Among U.S. Middle and High School Students—National Youth Tobacco Survey, 2023. *MMWR. Morbidity and Mortality Weekly Report*, 72. <https://doi.org/10.15585/mmwr.mm7244a1>

<sup>12</sup> Birdsey, J. (2023). Tobacco Product Use Among U.S. Middle and High School Students—National Youth Tobacco Survey, 2023. *MMWR. Morbidity and Mortality Weekly Report*, 72. <https://doi.org/10.15585/mmwr.mm7244a1>

<sup>13</sup> *The importance of strong local flavored tobacco policies*. (n.d.). Truth Initiative. Retrieved February 1, 2021, from <https://truthinitiative.org/research-resources/emerging-tobacco-products/study-highlights-importance-strong-local-flavored>

<sup>14</sup> U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

<sup>15</sup> U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998

<sup>16</sup> U.S. Food and Drug Administration, Tobacco Products Scientific Advisory Committee. Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations. March 23, 2011. Available at: <https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

<sup>17</sup> U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013. Available at: <http://purl.fdlp.gov/GPO/gpo39032>

1 African Americans.<sup>18,19,20</sup> From 1980 to 2018, menthol cigarettes were found to be responsible  
2 for 10.1 million more smokers, 3 million life years lost, and 378,000 premature deaths.<sup>21</sup>  
3 Moreover, in the same time period, African Americans made up 50% of all life-years lost to  
4 menthol smoking.<sup>22</sup> Based on the intentional marketing practices of the tobacco industry,  
5 menthol use is also high among those with behavioral health conditions and those who are  
6 socioeconomically disadvantaged.<sup>23</sup> According to the 2021 Behavioral Risk Factor Surveillance  
7 System (BRFSS) data, 70.5% of adults who smoke cigarettes in Hawaii use menthol.<sup>24</sup> Eighty-  
8 seven percent of Native Hawaiian adults and 83.6% of Filipino adults who smoke in Hawaii  
9 report using menthol,<sup>25</sup> which are significantly higher than the state average, and correlates to  
10 higher smoking-related chronic conditions for the targeted communities.

11 The DOH supports H.B. 1778 as a long-awaited measure to protect Hawaii's next  
12 generation from lifelong addiction to tobacco use by prohibiting the sales, distribution, and  
13 mislabeling of all flavored tobacco and synthetic nicotine products. The Department also offers  
14 technical amendments for clarity.

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

16 **Offered Amendments:** The Department prefers the language in H.B. 2441 and S.B. 3130 which  
17 would provide the DOH with the necessary supports and resources to implement and enforce a  
18 ban on flavored tobacco products.

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<sup>18</sup> Washington, H. (2002). *Burning Love: Big Tobacco Takes Aim at LGBT Youths* | *AJPH* | Vol. 92 Issue 7. American Journal of Public Health. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.7.1086>

<sup>19</sup> Muggli, M. E., Pollay, R. W., Lew, R., & Joseph, A. M. (2002). Targeting of Asian Americans and Pacific Islanders by the tobacco industry: Results from the Minnesota Tobacco Document Depository. *Tobacco Control*, 11(3), 201–209. <https://doi.org/10.1136/tc.11.3.201>

<sup>20</sup> Primack, B. A., Bost, J. E., Land, S. R., & Fine, M. J. (2007). Volume of Tobacco Advertising in African American Markets: Systematic Review and Meta-Analysis. *Public Health Reports*, 122(5), 607–615.

<sup>21</sup> Le TT, Mendez D. An estimation of the harm of menthol cigarettes in the United States from 1980 to 2018. *Tobacco Control*. 2022;31(4):564-568. doi:[10.1136/tobaccocontrol-2020-056256](https://doi.org/10.1136/tobaccocontrol-2020-056256)

<sup>22</sup> Mendez D, Le TTT. Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018. *Tob Control*. Published online September 16, 2021:tobaccocontrol-2021-056748. doi:10.1136/tobaccocontrol-2021-056748

<sup>23</sup> National Survey on Drug Use and health, 2018

<sup>24</sup> Hawai'i Health Data Warehouse- BRFSS (2021)

<sup>25</sup> Hawai'i Health Data Warehouse – BRFSS (2021)

1 The Department also offers amendments on Section 2, page 11 lines 7 to 9, to replace the  
2 existing text with the language outlined below:

3 The cost of proper disposal of [~~tobacco products~~] electronic smoking devices and e-liquids as  
4 hazardous waste pursuant [~~to the rules adopted by the department~~] to Chapter 11-266.1,  
5 Hawaii Administrative Rules, shall be borne by the retailer.



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

**Date:** 02/02/2024  
**Time:** 08:30 AM  
**Location:** 329 VIA VIDEOCONFERENCE  
**Committee:** House Health &  
Homelessness

**Department:** Education

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

**Title of Bill:** HB 1778 RELATING TO TOBACCO PRODUCTS.

**Purpose of Bill:** Prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine. Repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations. Effective 1/1/2025.

**Department's Position:**

The Hawaii State Department of Education (Department) supports HB 1778, which prohibits the sale of flavored tobacco products, including products with menthol and mislabeled e-liquid products that contain nicotine. This measure also repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern, preempting county ordinances and regulations.

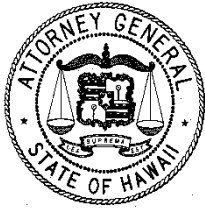
The 2021 Hawaii Youth Risk Behavior Survey data indicate that 14.8% of high school students and 6.7% of middle school students use e-cigarettes, and 15.8% of high school students and 5% of middle school students smoke menthol cigarettes. There are also increasing concerns from our school principals that youth vaping rates are rising and the detrimental impact that this is having on school campuses. The 2023 National Youth Tobacco Survey confirmed that e-cigarettes are the most commonly used device among U.S. youth.

Flavored tobacco products, including flavored e-cigarettes, are more appealing to young people. Most e-cigarettes contain nicotine and other ingredients, such as heavy metals, volatile organic compounds, and ultrafine particles that are harmful to health. Exposure

to nicotine during periods of significant brain development, such as adolescence, can impact learning, memory, and attention. Vaping may also increase the risk of addiction to other drugs.

Taking steps to regulate flavored tobacco products and address the youth vaping epidemic is critical to support the health of our students and their families.

Thank you for the opportunity to provide testimony on HB 1778.



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1778, 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  
Chelsea N. Okamoto, Deputy Attorney General

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Chair Belatti and Members of the Committee:

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

This bill will prohibit retailers from selling flavored tobacco products and mislabeling e-liquid products as nicotine-free and will establish fines of up to \$1,000 for each offense to be deposited to the credit of the general fund. This bill will also repeal section 328J-11.5, Hawaii Revised Statutes (HRS), which preempts county ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Hawaii's youth has been disproportionately affected by the nationwide vaping epidemic. The Department supports the Department of Health (DOH)'s administrative enforcement of the ban on the sale and distribution of flavored tobacco products and efforts to prevent Hawaii's youth from being targeted by and addicted to flavored tobacco products.

The Department recommends amending the definition of "flavored tobacco product" (page 7, line 20, through page 8, line 10) as follows:

"Flavored tobacco product" means any tobacco product that imparts:

- (1) A taste or odor distinguishable by an ~~ordinary~~ average consumer, other than the taste or odor of tobacco, either before ~~or~~, during, or after the consumption of the tobacco product, or



more than one or all of these, including but not limited to any tastes or odors relating to fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb, or spice; or

- (2) A cooling, tingling, or numbing sensation distinguishable by an [ordinary] average consumer before, during, or after the consumption of the tobacco product~~[-]~~, or more than one or all of these.

The Department recommends this wording because odors, tastes, or sensations can occur not only during consumption of a tobacco product, but at all times – before, during, or after the consumption of a tobacco product.

Further, the Department recommends amending the definition of “retail tobacco location” (page 8, lines 17-18) as follows:

"Retail tobacco location" means any premises where tobacco products are sold or distributed to a consumer~~[-]~~, including but not limited to any store, bar, lounge, cafe, stand, outlet, vehicle, cart, location, vending machine, or structure.

The Department recommends this wording to encapsulate less commonly thought of business locations, such as vehicles and vending machines.

Currently, this bill does not include authority for the DOH to conduct inspections. As the bill references inspectors seizing products (page 11, lines 3-9), the Department recommends adding a new section such as below:

**§321-C Inspectors; authority and access to records.** (a) The director of health may appoint, commission, or contract for services of a third party one or more inspectors as the exigencies of the enforcement of this part may require. Persons appointed, commissioned, or contracted for services under this part shall have and may exercise all the powers and authority outlined in the rules adopted pursuant to section 321-D (see below for the suggested wording for section 321-D).

(b) Information necessary to investigate violations of this part shall be made available to the department and any appointed, commissioned, or contracted inspectors of the department.

Further, as the bill references rules being adopted by the DOH for seizure and destruction of contraband products (page 11, lines 3-9), the Department recommends adding a new section that grants the DOH rule-making powers. The Department defers to the DOH on the deadline that should be inserted for interim rules to be adopted.

The recommended wording reads as follows:

**§321-D Administrative rules.** (a) The department shall adopt rules pursuant to chapter 91 to effectuate the purposes of this part.

(b) No later than \_\_\_\_\_, the department shall adopt interim rules, which shall be exempt from chapter 201M and from the public notice and public hearing requirements of chapter 91, to effectuate the purposes of this part; provided that the interim rules shall remain in effect until January 1, 2031, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.

(c) The department may amend the interim rules adopted pursuant to subsection (b), exempt from chapter 201M and the public notice and public hearing requirements of chapter 91; provided that any amended interim rules shall remain in effect until January 1, 2031, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.”

If the inspection authority and rule-making power wording referenced above are both adopted, the Department also recommends adding letters for the new sections (such as 321-A, 321-B, etc.) for the ease of cross-reference and recommends inserting wording directing the revisor of statutes to substitute appropriate section numbers for the letters to read as follows:

In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

The Department also recommends adopting savings clause wording to read as follows:

This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

We respectfully ask the Committee to pass this bill with the suggested amendments and thank you for this opportunity to testify.

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



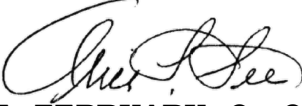
Director of Council Services  
David M. Raatz, Jr., Esq.

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](http://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  
HB1778, 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.

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February 2, 2024

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

Re: HB 1778 – RELATING TO TOBACCO PRODUCTS

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

Hawaii Medical Service Association (HMSA) appreciates the opportunity to support HB 1778, which prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine; and repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

HMSA supports the efforts of the legislature to address the growing epidemic of teen vaping in Hawaii and recognizes that banning flavored nicotine products is an effective means of accomplishing this. We also support efforts to allow counties to develop and adopt county ordinances and regulations that are the most appropriate for unique needs of their communities.

Thank you for the opportunity to support HB 1778.

Sincerely,

Dawn Kurisu  
Assistant Vice President  
Community and Government Relations



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 1778, Relating to Tobacco Products**

Chair Belatti, Vice Chair Takenouchi, and committee members thank you for this opportunity to provide testimony on HB 1778, which prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine and repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

**Kaiser Permanente SUPPORTS HB 1778.**

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.

Kaiser Permanente supports efforts to ban flavored tobacco because it is consistent with our policies that encourage our Hawai'i members statewide and the broader community, to refrain from using tobacco products. Prohibiting the sale of all flavored tobacco products is a positive step to preventing another generation of young people from living with a lifetime of addiction and the lasting health complications that result from tobacco use.

Kaiser Permanente's clinicians routinely caution patients, especially youth and their parents and guardians, about the harmful effects of nicotine products. To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products.

Kaiser Permanente is committed to prevention and addressing health disparities. Together we can make progress towards these goals and put an end to manipulative practices like using attractive flavors to entice young people to use these products, putting profit ahead of the health of our families, friends, and neighbors.

Each day, hundreds of children in the United States try flavored tobacco products in some form. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens.

To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. Flavored tobacco plays a key role in convincing young people to try these products. 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.

Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens. There are many risks of vaping for teens and young adults, including:

- Inhaled nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products;
- Known short-term health effects and unknown long-term effects; and
- Flavoring and other ingredients may be toxic, and vaping still has negative second-hand smoke effects.

We are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe HB 1778 is a significant step in restricting access to these dangerous products. Passage of this legislation would continue the Hawai'i State Legislature's long-standing national leadership in tobacco control policy innovation. This legislation is a positive step toward preventing another generation of young people from living with a lifetime of addiction.

Mahalo for the opportunity to testify in **STRONG 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 1778, 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 1778**, relating to tobacco products. This bill will prohibit the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine and repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

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 1778.





**Testimony to the House Committee on Health and Homelessness  
Friday, February 2, 2024; 8:30 a.m.  
State Capitol, Conference Room 329  
Via Videoconference**

**RE: HOUSE BILL NO. 1778, 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. 1778, 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.

The bill, as received by your Committee, would:

- (1) Prohibit the sale of flavored tobacco products, including products with menthol, and mislabeled e-liquid products that contain nicotine; and
- (2) Repeal language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

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

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



## **HB1778 Prohibits Flavored Tobacco**

### 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 HB1778:**

*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.

- In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai’i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai’i BRFSS, 2008).
- Flavored products are driving this epidemic, where 85% of youth e-cigarette users use flavored products.
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

HSAC supports enacting legislation to protect our susceptible youth.

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



## HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

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

Vonnell Ramos, President  
Cyd Hoffeld, Vice President  
Sione Ford Naeata, Treasurer  
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 1778 RELATING TO TOBACCO PRODUCTS

Hawaii Youth Services Network (HYSN) supports HB 1778 Relating to Tobacco Products.

Hawaii has a high rate of youth vaping. Banning the sale of flavored tobacco products 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

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Island Energy Services, LLC

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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 1778, 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 1778 which, in part, 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.



January 31, 2024

To: COMMITTEE ON HEALTH & HOMELESSNESS  
Rep. Della Au Belatti, Chair  
Rep. Jenna Takenouchi, Vice Chair

Re: SUPPORT of HB1778 - Relating to Tobacco Products

Hrg: Friday, February 2, 2024, 8:30am

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. Therefore, as stewards of public health, HPHA is also advocating for equity in all policies.

HPHA supports HB1778 as the bill aims to curtail the youth vaping epidemic.

In Hawai'i, 14.8% of high school students and 6.7% of middle school students still report "current use" of e-cigarettes. With 8 in 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting our keiki.

Thank you for allowing HPHA the opportunity to provide testimony on this important matter.

Respectfully submitted,

Holly Kessler  
Executive Director



## HIPHI Board

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

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State of Hawai'i, Deputy Public Defender

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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 for HB1778, Relating to Tobacco Products

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

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute,<sup>i</sup> is in **strong support** of **HB1778**, which would end the sale of all flavored tobacco products, including menthol cigarettes, statewide. We want to thank this Committee for considering such an important and timely policy.

81% of Hawai'i youth who use tobacco started with a flavored product.<sup>ii</sup> Candy, sweet, and menthol-flavored tobacco products attract youth and make the nicotine tolerable, while the high levels of nicotine hooks them onto these dangerous products. A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to increased smoking initiation among youth and young adults, more significant addiction, and decreased success in quitting smoking. By ending the sale of all menthol and other flavored tobacco products, the Legislature can prioritize the health and safety of our state.

Flavored tobacco products have such a negative impact on public health that over 375 localities have passed restrictions on the sale of flavored tobacco products, and at least 190 of those communities restrict the sale of menthol cigarettes as well as other flavored tobacco products.<sup>ii</sup>

### Flavored products are driving youth use.

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

Tobacco companies use menthol as a calculated tactic to hook new consumers. Menthol's cooling properties mask the harshness of tobacco. It is heavily marketed to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol cigarettes<sup>iv</sup>. Menthol flavoring contributes to greater nicotine dependence because it increases the number of nicotonic receptors in the brain.<sup>v</sup>

## Hawai'i voters support e-cigarette regulations.

In a December 2023 poll<sup>vi</sup> of Hawai'i registered voters conducted by Ward Research Inc., 92% of respondents said that school aged children vaping or using e-cigarettes is a major problem; 85% support a law prohibiting all flavors, including menthol, of tobacco products and e-cigarettes; and, 92% believe that the use of e-cigarettes or vaping devices is harmful for Hawai'i's children, teens and families.

By passing this legislation, the state sends a strong, clear message to the public that it is committed to uplifting the health and well-being of its residents and showing that community health is more important than tobacco profits for tobacco companies.

Thank you for this opportunity for us to share our **strong support of HB1778**, and we respectfully ask that you consider passing this measure.

Mahalo,



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

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

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

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

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

<sup>v</sup> <https://www.lung.org/blog/menthol-addiction>

<sup>vi</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=707 Hawai'i registered voters (maximum sampling error +/- 3.7%), conducted between October 6 to November 29, 2023.

## COMMITTEE ON HEALTH & HOMELESSNESS

Rep. Della Au Belatti, Chair

Rep. Jenna Takenouchi, Vice Chair

Friday, February 2, 2024

8:30 AM – Room 329

### Testimony In Support of House Bill 1778 Relating To Tobacco Products

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

**The American Lung Association calls on the State Legislature to support House Bill 1778 to restrict the sales of flavored tobacco products to protect youth. Tobacco use remains Hawai'i's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.**

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

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

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

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



- 4. No tobacco product should be exempt from this policy:** while it's tempting to carve out exemptions for certain types of tobacco products, tobacco companies have a history of exploiting those loopholes. In some markets where cigars have been exempted from similar restrictions, they have simply retooled their products to qualify under available exemptions. In addition, different classifications for different tobacco products can lead to confused retailers and unbalanced enforcement, leaving our keiki vulnerable for addiction.

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

Because of the evidence presented, **we strongly recommend that there are no exemptions for any tobacco products or flavors, including menthol, in HB1778.**

The original version of the bill made it clear that the Honolulu City and County Council had a clear mandate to curb youth vaping. By cutting out all exemptions it gives the clearest and most effective path for the Council to ensure that future generations of youth will not be addicted to tobacco products.

The American Lung Association in Hawai'i urges Councilmembers to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of HB1778 with the suggested amendments.

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

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



Testimony in **OPPOSITION** to HB1778

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 testimony in opposition to HB1778, Hawai'i's effort to prohibit the sale of flavored tobacco products; and remove statewide preemption regarding the sale and distribution of tobacco products.<sup>1</sup> 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. Put simply, there is no legal, factual, or scientific basis to prohibit the sale of flavored cigars and/or pipe tobacco and doing so would be detrimental to Hawai'i businesses and deprive adult cigar consumers of their right to a legal product.

The Proposed Flavor Ban seeks the same sweeping action of banning flavors and removing adult consumers' ability to choose across nearly all categories of tobacco products – but such draconian measures are simply not justified for cigars or pipe tobacco, as there is no youth epidemic of use of these products. CAA estimates that flavored cigars represent up to 47% of the cigar market, and nearly all pipe tobacco can be considered flavored simply based on the process that is used to manufacture the product. Hawai'i embracing the concept of prohibition and passing HB1778 would not accomplish anything except deeply harming Hawai'i businesses selling these products to adult tobacco consumers and depriving these same consumers of the products of their choice. It would be a deeply flawed decision. In fact, while many states have

<sup>1</sup> CAA submits these comments to solely address the impropriety of the Proposed Flavor Ban as applied to cigar and pipe tobacco products. CAA does not address herein the propriety of the Proposed Flavor Ban as it would apply to other categories of tobacco products.





considered such draconian action, only two states (Massachusetts and California) have fully prohibited flavored cigars, and only one state (Massachusetts) has prohibited flavored pipe tobacco.

Critically, the provisions of HB1778 are not supported by scientific data when examined in relation to cigars and pipe tobacco. Surveys conducted or funded by government agencies all show that youth usage of cigars, *including flavored cigars*, is at historic lows, and youth usage of pipe tobacco is nearly unmeasurable. In fact, youth usage of cigars, including flavored cigars, is at an all-time low both in Hawai'i and nationwide. In Hawai'i, the most recent survey data available from 2019 showed that high school usage of all cigars was 2.8%.<sup>2</sup> While updated data is not available for Hawai'i, nationwide there have been steep declines in youth usage of cigars since 2019. Nationwide, the National Youth Tobacco Survey tells us that in 2023, youth usage of cigars was at 1.6% and in 2022, youth usage of flavored cigars was at 0.83%.<sup>3</sup> This is compared to the 20.4% of Hawai'i youth who currently use alcohol<sup>4</sup> and the 17.2% who currently use marijuana.<sup>5</sup> While youth usage of tobacco products is unacceptable, youth usage of cigars is not at epidemic levels, and youth usage of pipe tobacco is not tracked.

Evidence from other localities demonstrates that if a flavor ban is enacted consumers will purchase products from an illicit market, and that flavor bans can increase youth *cigarette* smoking rates. A study done after a flavor ban was instituted in San Francisco, CA found that found that San Francisco's flavor ban was associated with more than doubled odds of recent smoking among underage high school students relative to other districts.<sup>6</sup>

The Proposed Flavor Ban does nothing but restrict the choices of adult tobacco consumers, damage Hawai'i businesses, and encourage unregulated illicit-market sales. Flavored cigars and pipe tobacco are sold through licensed businesses that are vigilant at age verifying purchases of such products. Imposing a prohibition on the legal sale of these products will do nothing but

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<sup>2</sup> Hawai'i Youth Tobacco Survey [https://hhdw.org/report/query/result/yts/CurrCigar/HS\\_ST.html](https://hhdw.org/report/query/result/yts/CurrCigar/HS_ST.html)

<sup>3</sup>Birdsey J. et al. Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023 MMWR Morb Mortal Wkly Rep 2023;72; Consilium Sciences, Evaluation of Flavored Cigar Products as They Relate to Questions of Public Health– Supplement #2 to October 2020 Report, Nov. 6, 2023, on file with White House Office of Management and Budget as part of CAA meeting on Tobacco Product Standard: Characterizing Flavors in Cigars, Nov. 6, 2023.

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

<sup>5</sup> [https://hhdw.org/report/query/result/yrbs/DrugUseMarj30/DrugUseMarj30\\_HS\\_ST.html](https://hhdw.org/report/query/result/yrbs/DrugUseMarj30/DrugUseMarj30_HS_ST.html)

<sup>6</sup> Abigail Friedman, *A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California*, *JAMA Pediatrics* 175:8; 863-865 (2021).





drive adult consumers to purchase these products through an untaxed illicit market. While Hawai'i is in a unique situation from other states and does not have direct border states for smuggling such as Massachusetts or California, data has shown that a flavor ban does not actually change behavior, it just changes where consumers purchase their products. We have seen this exact situation in Massachusetts due to the flavor ban imposed there in 2020. The data shows that the flavor ban has done little to alter consumer consumption behavior – other than to force Massachusetts consumers to purchase flavored tobacco products in other states.<sup>7</sup> The Tax Foundation stated this upon analyzing the impact of the Massachusetts flavor ban

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

In calendar year 2023, Hawai'i cigar excise tax revenues were in excess of \$1.9 million.<sup>9</sup> Should these products be prohibited almost half of this revenue would be lost, as well as the additional loss of sales tax revenue collected on the sale of these products. In Hawai'i, tobacco excise tax revenue is used to fund things such as the Hawai'i Cancer Research Fund, the Emergency Medical Systems Fund the Community Health Centers Fund. HB1778 would deprive these critical funds of necessary excise tax dollars and do more harm to Hawai'i residents than the continued sale of flavored cigars and pipe tobacco to adult tobacco consumers.

HB1778 also seeks to remove the statewide preemption provisions relating to the sale and distribution of tobacco products. Again, this is a critically misguided effort. Rather than have consistent, statewide rules that ensure all Hawai'i retailers have the same playing field for the sale of these products, HB1778 seeks to remove these assurances so that economic success will depend simply on the address of a store. There is no need to disrupt statewide legislation to let localities regulate these products in disparate ways. Similarly, small businesses should not be subject to different economic circumstances simply because one is located in one county, and one in another. Each should be able to rely on only having to follow statewide laws and regulations related to the sales of tobacco products. If different geographic locations have different laws and regulations, it will create compliance and enforcement challenges for the

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

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

<sup>9</sup> <https://files.Hawai'i.gov/tax/stats/monthly/2023cy-tob.pdf>





many small businesses in the state. Further, not having cohesive statewide laws also encourages the growth of an illicit market.

Just this past month the state of Ohio legislature achieved a veto override of Governor DeWine's veto of similar legislation. The Senate President said the importance of retaining statewide preemption "is a matter of commerce" and that the state collects taxes on tobacco and "return that money to localities" for things like schools and parks.<sup>10</sup> Hawai'i should regulate consistently and in a manner in which its small businesses can rely. Removing preemption in this area will do nothing but hurt local businesses in the state.

CAA thanks the committee for the opportunity to present our argument and we oppose HB1778 as it is misguided and is a solution in search of a problem.

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<sup>10</sup> [President Huffman on Completing Veto Override and Reacts to False News Coverage • President's Podcast \(spotify.com\)](#) at 14:05.



To: House Committee on Health and Homelessness  
Re: **HB 1778 – 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 strong support of HB 1778, relating to tobacco products.** This bill would end the sale of all flavored tobacco products, and thus is essential to address the current youth vaping epidemic and protect our keiki. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life.

In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).<sup>1</sup> Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 70.5% of Hawai'i adult smokers use menthol cigarettes (Hawai'i BRFSS, 2021).<sup>2</sup> Furthermore, Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed by other Pacific Islanders (27.9%).<sup>3</sup>

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

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<sup>1</sup> CDC. "National Youth Tobacco Survey (NYTS)." *Smoking and Tobacco Use*, 2019, [www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](http://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm)

<sup>2</sup> "Hawai'i IBIS – Query Result – Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data – Cigarettes – Usually Smoke Menthol." *Hhdw.org*, 2021, [hhdw.org/report/query/result/brfss/SmokeMenthol/SmokeMentholCrude11\\_.html](http://hhdw.org/report/query/result/brfss/SmokeMenthol/SmokeMentholCrude11_.html). Accessed 26 Jan. 2024.

<sup>3</sup> "Hawai'i IBIS – Summary Health Indicator Report – E-Cigarettes – Current Smoking, High School." *Hhdw.org*, 30 Mar. 2023, [hhdw.org/report/indicator/summary/VaporCurr\\_HS.html](http://hhdw.org/report/indicator/summary/VaporCurr_HS.html). Accessed 26 Jan. 2024.



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**To: Committee on Health & Homelessness**

**Re: Relating to Tobacco Products**

**Date: February 2, 2024**

**Time: 8:30 a.m.**

**Place: Conference Room 329**

**Position: Oppose**

Good morning, Chairperson Della Au Belatti, Vice Chair Jenna Takenouchi and members of the Committee on Health & Homeless. I am Curtis Higashiyama Government Affairs Manager and I appreciate this opportunity to testify.

ABC Stores is in **Opposition** to HB1778. Prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine. Repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations. Effective 1/1/2025.

Thank you for the opportunity to testify. Selling legal, age-restricted products responsibly is our top priority as a retailer of tobacco products. It is our responsibility to ensure these products do not get into the hands of minors and that our employees only sell tobacco products to adults over the age of 21 years old. In fact, we spend numerous hours training employees in how to properly check IDs, and other age verification protocols. As a company we also have in place policies covering the proper selling of age restricted products such as tobacco along with the consequences if procedures are not followed. As part of the training the employees are introduced to the proper usage of the registers handheld scanners to properly scan ID's using our current technology of age verification and for those that can't, a detailed manual process is reviewed during training. Compliance checks are also completed weekly through a process called "Store Night Visits" conducted by our District Managers and others in Operations. These visits check on numerous operations of our stores which includes a check on proper procedures being followed for sales of age-restricted products.

While in a report from the Hawaii Department of Health, The Hawaii Tobacco Prevention and Control (TPC) Plan 2030, the last report in 2021 has decreasing trends as compared to a previous report in 2019, in teens who smoked cigarettes and in teens who use e-cigarettes. In the report it is also shown teens in more than 57% of the respondents got their cigarettes and e-cigarettes from social sources, family members and friends as compared to getting the products from retailers in 7% of those surveyed While a ban on retailers will affect 7% of the youth surveyed action is needed on the 50%+. We ask for consideration also of the impact such a prohibition will have on the black market as seen in California, the elimination of a sector of Hawaii's industry and its jobs, limiting choices for adults, and loss in state revenues.

As a company with multiple locations and in different regions, repealing the preemptive of county ordinances and regulations will make compliance and enforcement for retailers difficult. We are concerned that having individual counties pass differing ordinances will



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make compliance and enforcement difficult not only for retailers but also the administration. As stated above we take seriously the selling of tobacco products as it is an age restricted item. We are the front line to properly selling, not selling, and preventing access to those who are underage. We strongly encourage efforts be placed on current enforcement programs instead of potentially having different programs dependent on locality to prevent the availability of any tobacco product from getting into the hands of our youth.

Thank you for the opportunity to testify in opposition to HB1778.

Mahalo,  
Curtis Higashiyama  
ABC Stores  
Employee Relations and Government Affairs





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

**February 2, 2024**

**Re: HB 1778 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 1778. This measure prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine; repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations; and is effective 1/1/2025.

It is our understanding that the majority of e-liquids available worldwide are “flavored.” Because many do not contain tobacco, e-liquids have no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. These flavored e-liquids are enjoyed by many adults as well as menthol cigarettes, cigars, chewing and pipe tobacco.

This bill would essentially ban all e-liquids as well as flavored tobacco products and compel people to purchase these goods online or on the illegal black market or on military bases or try to make it themselves. Those who try to DIY a liquid may be subjected to harm if not done correctly and will 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.

**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 currently 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. However, adults that are 21 and older are currently able to purchase these items and enjoy them like menthol cigarettes or an electronic vaping device with their favorite flavored e-liquid.

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. 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. Many of minors are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the illegal 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.

Hawaii businesses are already over regulated. **A measure that allows counties to decide 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.**

**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.



Chair - Della Au Belatti

Vice Chair - 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 giving us the opportunity to submit testimony in **support of HB 1778**.

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 6 years.

Hawai'i is facing a youth vaping epidemic. Hawai'i high school and middle school students have disproportionately high use rates of e-cigarette products. Containing toxic chemicals like nicotine and formaldehyde, these products have long-term health impacts, significantly harming the developing brain, altering nerve cell functioning, and negatively impacting heart and lung function. Without policy action, over 21,000 Hawai'i youth alive today will die from tobacco-related illness if smoking rates don't change.

Central to the youth vaping epidemic is an industry with a troubling history in our island home. From exploiting Native Hawaiian labor on tobacco plantations to the image of sexualized "hula girls" on cigarette advertisements, Big Tobacco has capitalized on Hawai'i's unique culture and legacy of colonialism to turn a profit off the backs of the most vulnerable. Of those groups, youth have often been the most targeted, in Hawai'i and beyond.

For many, commercial tobacco use has manifested into a coping mechanism, creating a temporary sense of relaxation to deal with struggles like anxiety, body dysmorphia, and even intergenerational trauma, increasing dependence on the device while preserving the underlying symptoms—making e-cigarettes a deadly tool for profit in a worsening crisis of youth mental health. Today, consistent with the countless stories of Hawai'i

youth fighting nicotine addiction or watching their friends and family do so, Big Tobacco is exploiting our people, our culture, and our vulnerabilities through the use of flavored tobacco products.

Aloha Sun Juice, Lilikoi Lychee, Pass-O-Guava Nectar, Luau Punch, and POG are just a few of the more than 15,500 e-cigarette flavors, often designed specifically to entice local youth. It comes as no surprise, then, that 81% of youth who ever used tobacco started with a flavored product, and 97% of youth who vape currently use a flavored product.

Menthol in particular, one of the most popular flavors among Hawai'i youth, uses added chemicals to create a cooling sensation that, coupled with its minty flavor, makes it easier to start vaping and harder to quit. The industry, which considers Hawai'i a "Menthol State," has invested heavily in promoting these products across the islands, driving public health disparities in Native Hawaiian and Pacific Islander communities, with 78% of smokers from these communities using menthol cigarettes. Flavors, then, are the pinnacle of Big Tobacco's modern design for Hawai'i—creating devices that specifically market to and addict the communities whose systemic vulnerabilities are a direct consequence of the history of exploitation they participate in.

The industry won't go down without a fight. Spending \$26 million annually on marketing and hundreds of thousands on lobbying in Hawai'i alone, the tobacco industry's relentless presence in daily life on the islands isn't an accident—it's intentional.

**Banning the sale of *all* flavored tobacco products** would work to end this deadly cycle of addiction, manipulation, and exploitation. It's not just Hawai'i youth that support this. A 2023 Ward Research poll of registered voters in Hawaii found that the vast majority of voters agree too, Over 70% support a ban on all flavored tobacco products, including menthol cigarettes. We have also received endorsements from over a hundred different organizations, listed below.

Last, both the City and County of Honolulu and County of Hawai'i have passed bills to end the sale of flavored tobacco products but we need you to pass HB1778 for these bills to take effect.

**It's time to put people over the profits of Big Tobacco. It's time to protect our keiki.**

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





## TESTIMONY IN SUPPORT OF HB 1778

TO: Chair Belatti, Vice-Chair Takenouchi, and Members  
FROM: Michael Paul, Certified Tobacco Treatment Specialist  
DATE: February 2, 2024 (8:30 AM)

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Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 1778, which would prohibit the sale of flavored tobacco products in the state.

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 through its [Hawai'i's Last Drag](#) (HLD) program. I proudly work as one of HLD's certified tobacco treatment specialists (CTTS). 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.

Over the course of my professional experience as a CTTS, I encounter more people who use e-cigarettes and have never smoked than I have former smokers that have switched to e-cigarettes/vapes. Overwhelmingly these "never smokers" cite the flavors of these products, typically disposable vapes, as the reason they started using them.

Flavors make the delivery of nicotine, a highly addictive substance, more palatable to new users. I have frequently seen younger people swapping vapes to try each other's flavors, tying a social component into increased physical dependence. Disposable vapes, which can be bought at any ABC store or 7-Eleven, use salt-based nicotine. UCSF found that [salt-based nicotine](#), which is used in all disposable vapes as well as Juul, produced 5.2 times the blood nicotine concentration of cigarettes.

[One study](#) found that "Nicotine increases the motivation for flavor conditioned reinforcers and the present studies show that tobacco flavor additives can interact with nicotine to promote more nicotine self-administration. The interaction between flavors additives and nicotine may promote nicotine exposure and subsequently dependence."



Combined with high concentrations of nicotine, flavors that our brains already associate with pleasure create a level of dependence unmatched in any other legally available over the counter product.

People who smoke menthol flavored cigarettes have a more challenging time quitting smoking than those that do not smoke menthols. Understanding this, tobacco companies continue to target specific populations like Native Hawaiians, African Americans, and LGBTQ+ persons, increasing health disparities in communities that already face significant obstacles to their health and well-being, including access to preventative health care services. [The Hawai'i Tobacco Quitline](#) found that 81% of Native Hawaiians that enrolled in their program were using menthol cigarettes, compared to 55% for all other enrollees.

Menthol is added to nearly all cigarettes, not just those that are menthol flavored. Per the CDC, "[almost all the cigarettes sold in the United States contain some natural or lab-created menthol.](#)" Menthol has a cooling effect and reduces the harshness of tobacco smoke, even at levels so low that no menthol flavor is detectable. Menthol does this by stimulating the trigeminal nerve, the largest cranial nerve, and our olfactory receptors effectively giving a "one -two punch" straight to our brain.

Tobacco companies know how effective menthol is when it comes to driving nicotine dependence. Studying their [publicly available documents](#) reveals they know menthol has a high impact on satisfaction even at low levels of nicotine. More industry-wide documentation has been gathered [here](#).

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. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

**Hawaii State Legislature**  
**House Committee on Health & Homelessness**  
**Testimony: H.B. 1778**  
**Guy Bentley, Director of Consumer Freedom, Reason Foundation**  
**February 2, 2024**

Chair Belatti and members of the committee thank you for the opportunity to submit testimony on H.B. 1778.

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

The intention behind this measure to limit tobacco use, especially among youth, is to be applauded. However, the track record of such prohibitions should raise significant concern that the proposed ban would promote further inequalities in the criminal justice system, and increase the illicit tobacco trade while failing to improve public health.

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

Massachusetts became the first state in the nation to ban flavored tobacco products in 2020. According to the Tax Foundation, Massachusetts lost \$125 million in tobacco tax revenue in its 2021 fiscal year.<sup>1</sup> Massachusetts has the third-highest rate of inbound cigarette smuggling. The state's Multi-Agency Illicit Tobacco Task Force is seizing so many flavored tobacco products that their most recent report requested more space to store them and asked for new criminal penalties to make it easier for them to crack down on smuggling and those possessing flavored tobacco products with intent to sell.<sup>2</sup>

Flavored tobacco bans in other countries have yielded similar unintended results. According to a study published by the *Journal of Law and Economics*, Canadian provinces' menthol prohibition implemented from 2015-17 significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking as they substituted products rather

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<sup>1</sup> Ulrik Boesen. "Massachusetts Flavored Tobacco Ban: No Impact on New England Sales." Tax Foundation. February 3, 2022.

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

<sup>2</sup> Commonwealth of Massachusetts. "Annual Report of Multi-Agency Illegal Tobacco Task Force." February 28, 2023. <https://www.mass.gov/doc/task-force-fy23-annual-report/download>

than quit.<sup>3</sup> “Difference-in-differences models using national survey data return no evidence that provincial menthol cigarette bans affected overall smoking rates for youths or adults,” wrote the study’s authors.

The world’s largest experiment in menthol prohibition is the European Union, which includes 27 countries and had a population of 447 million people as of 2020. The EU menthol ban became effective in May 2020. Before the ban, Poland had the largest menthol cigarette market in the EU, making up 28 percent of total menthol sales. An analysis of Poland funded by the Norwegian Cancer Society in partnership with the Polish Ministry of Health found no statistically significant decline in cigarette sales in Poland after the ban.<sup>4</sup> “We find that menthol cigarette sales fell at least 97% after the menthol cigarette ban across Poland and standard cigarette sales replaced them,” write the study’s authors.

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

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

H.B. 1778 would ban the sale of several products that the FDA has deemed to be net beneficial to public health and authorized for sale. For example, Swedish Match’s General Snus Wintergreen Portion White Large, General Nordic Mint Portion White Large - 12ct, General Mint Portion White Large, and General Dry Mint Portion Original Mini have also obtained Modified Risk Grant Orders from FDA. These orders allow Swedish Match to inform the public about the benefits of switching from cigarettes to these reduced-risk products. According to the FDA, the claim “Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis” is scientifically accurate.<sup>6</sup>

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<sup>3</sup> Christopher Carpenter, Hai V. Nguyen. “Intended and Unintended Effects of Banning Menthol Cigarettes.” *The Journal of Law and Economics*. August 2021.

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

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

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

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

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

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

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

If Hawaii passes House Bill 1778 into law and bans these products prior to the FDA concluding its review, it would limit consumer access to products the FDA may deem as positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project, 57 percent of vapers said they would continue vaping if flavors were banned while half said they would find a way to get their preferred flavor. Of most concern to public health officials and lawmakers should be the finding that close to one in five vapers said if their preferred flavor was banned they would stop vaping and smoke traditional cigarettes instead.<sup>7</sup>

While prohibiting e-cigarette flavors other than tobacco may seem an attractive solution to reduce youth vaping, policymakers should recognize that, according to the 2022 National Youth Tobacco Survey (NYTS) by the Centers for Disease Control and Prevention (CDC), 86 percent of high schoolers are not using e-cigarettes at all and 98 percent are not smoking combustible cigarettes. Data released by the CDC also shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason why young people say they start vaping is curiosity, followed by peer influence or family members. Availability in flavors, such as mint, candy, fruit, or chocolate, comes as a very distant third in the survey.<sup>8</sup> Fortunately, youth tobacco use in Hawaii is at an historic low and youth vaping has fallen by more than 50 percent since 2019, according to the Youth Risk Behavior Surveillance System.

Research suggests banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents. In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University’s Abigail Friedman found that after the flavored tobacco ban was enacted, San

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<sup>7</sup> Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States.” *Addictive Behaviors*. Volume 125. February 2022.

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

<sup>8</sup> Wang TW, Gentzke AS, Creamer MR, et al. “Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019.” *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. [https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6\\_down](https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down)

Francisco area youth were twice as likely to smoke compared to young people in similar jurisdictions that had not enacted tobacco flavor bans.<sup>9</sup> “While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health,” found Friedman.

According to a 2020 study by Yale School of Public Health researchers, e-cigarette flavors are positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.<sup>10</sup> The prestigious Cochrane Review concluded e-cigarettes are more effective than traditional nicotine replacement therapies in helping smokers quit smoking cigarettes.<sup>11</sup> Prohibition of flavored e-cigarettes, which are overwhelmingly the preferred choice for adult vapers, risks worsening public health by driving vapers to smoke while also fueling illicit markets and hurting local economies by forcing the closure of Hawaii vape shops.

The proposed ban on safer alternatives to cigarettes in non-tobacco flavors carries the potential of negative consequences for the health of Hawaii’s citizens and the state’s economy.

Thank you for your time.

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

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<sup>9</sup> Friedman AS. “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California.” *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

<sup>10</sup> Abigail S. Friedman, PhD; SiQing Xu, BS. “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation.” *JAMA*. June 5, 2020.

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

<sup>11</sup> Cochrane Review. “Updated Cochrane Review shows electronic cigarettes can help people quit smoking.” November 17, 2022.

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



February 2, 2024

**To: Chair Belatti, Vice Chair Takenouchi and Members of the House Committee on Health and Homelessness**

From: Hawaii Association of Health Plans Public Policy Committee

Date/Location: February 2, 2024; 8:30 am/Conference Room 329 & Videoconference

**Re: Testimony in support of HB 1778 – Relating to Tobacco Products**

The Hawaii Association of Health Plans (HAHP) respectfully supports HB 1778.

HAHP is a statewide partnership that unifies Hawaii's health plans to improve the health of Hawaii's communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

A study conducted by the CDC in 2019 showed that almost one in three high school students in Hawaii vape regularly.<sup>1</sup> Another study cited by the National Institutes of Health showed that a ban on the sale of flavored tobacco products could help to reduce that number.<sup>2</sup> The member organizations of HAHP support and appreciate the efforts of our legislators to ban the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine in order to protect our youth from the numerous health issues that can result from nicotine use.

We also recognize that allowing Hawaii's counties to adopt their own ordinances in regard to the sale of nicotine products gives them the ability to implement ordinances that are more stringent than the provisions in state law. For these reasons, we strongly support HB 1778.

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

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

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<sup>1</sup> <https://livinghealthy.hawaii.gov/tobacco-free/vaping/>

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/>



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

[hicopd@gmail.com](mailto: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 HB1778, Relating to Tobacco Products: Ending the Sale of Flavored Tobacco**

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 HB1778**, Relating to Tobacco Products which would prohibit the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine.

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.

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life.
- In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFS, 2008).
- Flavored products are driving this epidemic, where 85% of youth e-cigarette users use flavored products.
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Please help protect the lungs and lives of our people from flavored and mislabeled nicotine products. We urge you to please **vote in favor of HB1778 pass it out of committee so our keiki and community will be protected via no more flavored and mislabeled nicotine products.** 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





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Testimony from:

Jeffrey S. Smith, Senior Fellow, Integrated Harm Reduction, R Street Institute

R Street Testimony in opposition of HB 1778, a bill to Prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine.

February 02, 2024

Hawai'i House Committee on Health and Homelessness

Chairwoman Belatti and members of the committee,

My name is Jeff Smith, and I am a senior fellow on the Integrated Harm Reduction team at the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas. Our efforts to promote tobacco harm reduction are why we have a particular interest in HB 1778.

The R Street Institute has long-standing concerns about the health-related consequences of inhaling combustible cigarettes and has been a staunch advocate for limiting the sale of nicotine-related products to those who are 21 years of age and older. We strongly support varied pathways for quitting smoking which include access to a wide array of alternative, reduced-risk, nicotine products including Electronic Nicotine Delivery Systems (ENDS), Heated Tobacco Systems (HnB), and Oral Tobacco and Nicotine Products (Snus).

We believe HB 1778 would greatly hamper adult smokers on their journey to a smoke-free life. Along with varied product types, access to a wide variety of flavors has been shown to be a key attribute that helps adult smokers switch away from cigarettes. Removing access to flavored alternatives would greatly curtail the positive movement toward reducing the consumption of combustible products for the citizens of Hawai'i.

About a decade ago, scientific evidence emerged demonstrating the importance of non-tobacco-flavored reduced-risk products. In 2015, researchers reported that 66 percent of those who independently chose to switch to novel ENDS products were able to completely stop smoking cigarettes.<sup>1</sup> Most of the study participants attributed their success, which was verified by exhaled carbon monoxide readings, to the availability of non-tobacco- and non-menthol-flavored ENDS products.

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<sup>1</sup> Tackett, Alayna P, William V Lechner, Ellen Meier, DeMond M Grant, Leslie M Driskill, Noor N Tahirkheli, and Theodore L Wagener. "Biochemically Verified Smoking Cessation and Vaping Beliefs among Vape Store Customers." *Addiction* 110, no. 5 (2015): 868-74. <https://onlinelibrary.wiley.com/doi/abs/10.1111/add.12878>



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The appeal and likelihood of use of multiple flavor varieties of ENDS among adult current, former, and never-tobacco users have also been investigated, suggesting potential benefits for current cigarette users without posing a substantial risk of initiation by tobacco non-users, including young adults.<sup>2</sup> In fact, in locations where flavor bans are put into place, smoking rates rise (in both adult and underage consumers).<sup>3</sup>

Simply put, flavors help people quit smoking and stay smoke-free.

Unfortunately, around the same time, the underage use of vapes (both nicotine and non-nicotine) began to increase.<sup>4</sup> All agree that reducing youth access to any nicotine product—flavored or not—must be a priority.<sup>5</sup> Because certain flavors, like fruit, candy, dessert, and menthol, are particularly appealing to young adults and adolescents, who are more likely to initiate and continue smoking flavored products, deterring and preventing use is critically important.<sup>6</sup> To help address this concern, on Dec. 20, 2019, Tobacco 21 (also called “T21”) was signed into law as an amendment to the Federal Food, Drug, and Cosmetic Act.<sup>7</sup> This law made it illegal for anyone under the age of 21 to purchase any tobacco or nicotine product and it has drastically decreased the use of such products among underage individuals. The existence of this law is a primary driver for the reduction of youth vaping across the country.<sup>8</sup>

Since the establishment of T21, youth ENDS use rates have dropped. In Hawai’i, lifetime e-cigarette use among Hawai’i high schoolers declined by 32.9 percent to 32.4 percent between 2019 and 2021, with

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<sup>2</sup> McDowell, Elliott H, Leiye Yue, Jennifer T Lyden, and William R Bagwell. "Appeal and Likelihood of Use of Multiple Flavor Varieties of Bidi® Stick Electronic Nicotine Delivery Systems among Adult Current, Former, and Never Tobacco Users in the United States." (2022). <https://www.researchsquare.com/article/rs-1962398/v1>

<sup>3</sup> Friedman, Abigail, Alex C Liber, Alyssa Crippen, and Michael Pesko. "E-Cigarette Flavor Restrictions' Effects on Tobacco Product Sales." Available at SSRN (2023). [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4586701](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4586701)

<sup>4</sup> Farzal, Zainab, Martha F Perry, Wendell G Yarbrough, and Adam J Kimple. "The Adolescent Vaping Epidemic in the United States—How It Happened and Where We Go from Here." JAMA Otolaryngology—Head & Neck Surgery 145, no. 10 (2019): 885-86. <https://jamanetwork.com/journals/jamaotolaryngology/article-abstract/2748897>

<sup>5</sup> Farzal, Zainab, Martha F Perry, Wendell G Yarbrough, and Adam J Kimple. "The Adolescent Vaping Epidemic in the United States—How It Happened and Where We Go from Here." JAMA Otolaryngology—Head & Neck Surgery 145, no. 10 (2019): 885-86. [https://jamanetwork.com/journals/jamapediatrics/article-abstract/2592300?utm\\_campaign=scite&utm\\_source=scite&utm\\_medium=referral](https://jamanetwork.com/journals/jamapediatrics/article-abstract/2592300?utm_campaign=scite&utm_source=scite&utm_medium=referral)

<sup>6</sup> van der Eijk, Yvette, Xian Yi Ng, and Jeong Kyu Lee. "Cross-Sectional Survey of Flavored Cigarette Use among Adult Smokers in Singapore." Tobacco Induced Diseases 19 (2021). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8173988/>

<sup>7</sup> U.S. Food & Drug Administration, “Tobacco 21”, <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>

<sup>8</sup> CDC/FDA, National Youth Tobacco Survey, [https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm?s\\_cid=mm7244a1\\_w](https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm?s_cid=mm7244a1_w)



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current use decreasing by 51.6 percent to 14.8 percent among high school students. In 2021, approximately 7,760 Hawai’ian high school students were vaping, compared to 83,012 Hawai’ian adults aged 18 and over who were currently vaping. This indicates that for every individual high schooler vaping in 2021 in Hawai’i, more than ten adults were using e-cigarettes.<sup>9</sup> What the Hawai’i data leaves out, and what the NYTS discovered, is that the overwhelming majority of e-cigarettes used by youth were products that are illegally in the marketplace, most of which have been imported illegally from China. These products have not filed applications with the FDA or did and had their application denied. There are a wide variety of brand names associated with these illegal vapes, including Elf Bar, Kangvape, FUME, and Mr. Fog, but the packaging can also be changed by the importer to represent additional brand names and marketing imagery. Attempting to track and enforce all of the hundreds of potential brands of illegal products would be a very difficult task.

Current, federally-funded initiatives are attempting to better evaluate the role of flavors in smoking cessation at the population level by standardizing research measures. We should anticipate that there will eventually be FDA-authorized flavored reduced-risk products available for adult consumers to help support them on their journey toward a combustion-free life. A broad-reaching flavor ban, such as the one that HB 1778 would implement, would act to block any future FDA-CTP-approved flavored product from being legally marketed in Hawai’i.

A more proactive approach at this time would be to establish a state product registry such as described in HB 2794. The establishment of a product registry will clearly identify to both retailers and those in law enforcement which products are legal to sell, and which ones should be cleared from the shelves. Product registries – also known as directories - have been adopted in several states (ex. Alabama, Louisiana, and Oklahoma), and are currently being considered by several others across the country.

Additionally, there are multiple tools to address underage use, from enforcement for purchasing to targeted prevention campaigns. Recently, localities have even gone so far as to install vape detectors in schools.<sup>10</sup>

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<sup>9</sup> Ambrose, Bridget K, Brian L Rostron, Sarah E Johnson, David B Portnoy, Benjamin J Apelberg, Annette R Kaufman, and Conrad J Choiniere. "Perceptions of the Relative Harm of Cigarettes and E-Cigarettes among Us Youth." *American Journal of Preventive Medicine* 47, no. 2 (2014): S53-S60. [https://www.ajpmonline.org/article/S0749-3797\(14\)00183-4/fulltext](https://www.ajpmonline.org/article/S0749-3797(14)00183-4/fulltext)

<sup>10</sup> Mia Nelson, "Lynchburg City Schools installs vape detectors in high schools," ABC 13 News, March 16, 2023. <https://wset.com/news/local/lynchburg-city-schools-installs-vape-detectors-ec-glass-heritage-high-school-vaping-tobacco-thc-weed-pen-dr-derrick-brown-director-student-services-lcs-virginia-march-2023>.



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The R Street Institute urges you to consider all facets of how access to reduced-risk products impact the health of Hawai'iian citizens as you review HB 1778. In 2022, the rate of Hawai'iian adults who smoke has dropped from over 15 percent in 2011 down to 10 percent in 2022.<sup>11</sup> In 2022, an estimated 100,573 Hawai'iian adults (or nearly 9 percent) were currently using e-cigarettes. This is over a 20 percent increase from 2021 where just over 7 percent reported current e-cigarette use.<sup>12</sup> These data are clear for the state of Hawai'i; adult smokers are migrating away from cigarettes toward less harmful ENDS products and that is a clear public health win for the state. The passage of HB 1778 would stop this positive trend in its tracks.

Thank you,

Jeffrey S. Smith, PhD  
Senior Fellow, Integrative Harm Reduction  
R Street Institute  
jsmith@rstreet.org

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<sup>11</sup> Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System.  
<https://www.cdc.gov/brfss/brfssprevalence/index.html>

<sup>12</sup> Ibid.



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 HB1778, Relating to Tobacco Products**

Hrg: February 2, 2024 at 8:30am

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

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to **SUPPORT HB1778** which would prohibit the sale of most flavored tobacco products in Honolulu pending the repeal of statewide preemption on local tobacco laws. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see cities and counties continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

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

**Prohibiting the sale of flavored tobacco products in retailers is a critical step that will help protect keiki living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction.** Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently

placed in retail outlets. **Eight out of ten youth who have ever used a tobacco product started with a flavored product.**<sup>1</sup>

**Data released at the beginning of 2024, show that policies that prohibit the sale of flavored e-cigarettes reduce the sale of e-cigarettes.**<sup>2</sup> There is no evidence to support industry claims that e-cigarette flavor restrictions will lead to increases in smoking. States that have prohibited flavored e-cigarettes also experience declines in cigarette sales.<sup>3</sup> And finally, states with comprehensive laws that prohibit the sale of all flavored tobacco products, including menthol cigarettes, experience the greatest declines in total cigarette sales.

**The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result.** Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product. This issue is about protecting our kids, saving lives, and advancing health equity.

**Thank you for your consideration on HB1778. This policy has the strong potential to save lives on Oahu.**

Sincerely,



Alexandria Felton  
Regional Advocacy Director, Southwest  
Campaign for Tobacco-Free Kids  
afelton@TobaccoFreeKids.org

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

<sup>2</sup> CDC Foundation & Information Resources, Inc., "Monitoring U.S. E-Cigarette Sales: State Trends," <https://www.cdcfoundation.org/programs/monitoring-e-cigarette-use-among-youth>. Data from Information Resources, Inc. (IRI), which includes e-cigarette sales data from convenience stores, gas stations and other retail store chains. Sales from the internet and tobacco-specialty stores, including vape shops, are not included.

<sup>3</sup> CDC Foundation & Information Resources, Inc., "Changes in US and State Cigarette Sales Following Flavored Tobacco Sales Restrictions (2018-2023)," <https://www.cdcfoundation.org/programs/monitoring-e-cigarette-use-among-youth>.

## Appendix

### A1: Examples of Flavored Tobacco Products



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



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: Support for HB 1778, Relating to the Youth Vaping Epidemic

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

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Thank you for the opportunity to submit testimony in SUPPORT of HB 1778 which would prohibit the sale and distribution of flavored tobacco products including menthol.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults.

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

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

The banning of flavored tobacco products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products including menthol in the State of Hawai'i.

Mahalo,  
Student Health Advisory Council





February 2, 2024

## Testimony on Hawaii's [HB 1778](#) - "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, HB 1778 will do more harm than good if passed. Enacting a flavor ban for vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that [studies have shown vaping to be 95% less harmful than smoking](#) and that adults who use flavored vaping products are [2.3 times more likely](#) to quit smoking cigarettes, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawaii.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a healthier 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 cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually.

If the goal of this bill is to protect youth from tobacco use, it's important to look at [data from the Journal of the American Medicine Association](#) that shows that when flavored vaping products are banned, combustible smoking rates **increase** for youth aged 18 and younger. This unintended consequence would only exacerbate the problem Hawaii is trying to fix, while simultaneously harming adult consumers, making this particular bill unviable in achieving its desired outcomes.

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

Other states have implemented and enforced flavor bans, such as Massachusetts and California, and the results weren't what public health officials were hoping for. In [Massachusetts](#), illegal smuggling of products increased, store owners and employees earned substantially less, and the state lost over \$114 million in lost tax revenue..

California suffered a similar fate, a [study](#) looking at the effects of the ban by analyzing empty discarded packs, found that the ban had little effect on product availability considering 98%





of the vaping products found were flavored. Frighteningly, international smuggling from China has helped fill the void with over 9,000 different vaping devices being illegally sold in the US, areas with flavor bans being particularly lucrative places to sell. I urge Hawaiian legislators to learn from these failed policies and ensure that your constituents don't suffer from a similar result.

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.

Although this bill is well-intentioned, the proposed flavor ban is simply misguided. If this committee wishes to protect public health throughout the state then I respectfully encourage you to reject this bill and to start adopting evidence based policies that embrace tobacco harm reduction.

Thank you for your time and attention to this matter.

Sincerely,

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



Hearing on 2-2-24

**Testimony in Strong Opposition to House Bill 1778**

Dear House HLT Committee,

The Hawaii Smokers Alliance STRONGLY OPPOSES HB 1778) relating to the ridiculous prohibition of flavors for vaping and tobacco products on retailers, constituents, and visitors that enjoy e-cigarette.

The pernicious House Bill 1778 is strongly opposed for the following reasons:

1. This flavor ban will place local retailers at a massive disadvantage when they now have to compete with online, smuggled, or person to person transactions. The vape products have a much higher value to volume ratio than most traditional tobacco products making them highly prone to smuggling, mailing, or in person transport from the mainland. Making the flavored products not available in stores will close many a retailers' door.
2. Combining with the flavor ban with last years' tax increase, local vape retailers as well as more of our rapidly disappearing civil liberties are doomed.
3. In addition HB1778, will also be immediately countered by simply adding flavoring not intended for vaping into the product. This flavoring will not have been tested for compatibility and could certainly cause health risks that otherwise would not occur.
4. Simply put, this bill WILL NOT WORK because of the ease of subverting it. The only people that will "win" are anti-smoking lobbyists that get a performance bonus for passing HB1778.
5. Additionally, the major of users of these products are Democrats. We simply can't understand why the majority party would attack its' own voters with a bill such as this and turn people away from their own party or to more reasonable Democrats wanting to gain office in the primaries. How about actually representing constituents that love these products instead?

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

Sincerely,

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

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



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**Osa Tui, Jr.**  
President

**Logan Okita**  
Vice President

**Lisa Thompson**  
Secretary-Treasurer

**Ann Mahi**  
Executive Director

## TESTIMONY TO THE HAWAII HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

Item: **HB1778 - 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** HB1778 which prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine and repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

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.

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.

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.



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 HB1778 – 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 flavor prohibition and restricting online sales **have not and will not** yield the results that lawmakers are proposing.

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 SB894 for the following:

### **Effects of Flavor Bans**

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California (“Vaping Up, Smoking Increasing Among Teens in San Francisco – Despite Bans,” *Tobacco Harm Reduction 101*, July 28, 2020, <https://www.thr101.org/research/2020/vaping-up-smoking-increasing-among-teens-in-san-francisco-despite-bans>. ).

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use. Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette. (Centers for Disease Control and Prevention, “San Francisco, CA 2017 Results,” *High School Youth Risk Behavior Survey*, 2017, <https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=SF>)

Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019. Worse,



despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette.

Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019. An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco’s flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years. (Yong Yang et al., “The Impact of a Comprehensive Tobacco Product Flavor Ban in San Francisco Among Young Adults,” *Addictive Behavior Reports*, April 1, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/#!po=0.961538>.) Although the ban did have an effect in decreasing vaping rates, the authors noted “a significant increase in cigarette smoking” among participants aged 18 to 24 years old.

Other municipal flavor bans have also had no effect on youth e-cigarette use. (“Flavor Bans Do Not Reduce Youth E-Cigarette Use,” *Tobacco Harm Reduction 101*, 2019, <https://www.thr101.org/research/2019/flavor-bans-do-not-reduce-youth-e-cigarette-use>) For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

### **Youths Are Not Relying On Internet for E-Cigarette Products**

Despite many claims, most youth are not purchasing tobacco and vapor products online. Indeed, in analysis of state Youth Risk Behavior Surveys, youth are relying on social sources – including friends and family members – to obtain vapor products.

**Arkansas** In 2019, among all Arkansas high school students, only 1.1 percent of reported using the internet to get their own vapor product. Alternatively, 7.3 percent of Arkansas high school students reported borrowing them and 5.1 percent reported that someone else bought them. (Arkansas High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, [http://dese.ade.arkansas.gov/public/userfiles/Learning\\_Services/School\\_Health\\_Services/YRBS/2019/2019ARH\\_Detail\\_Tables.pdf](http://dese.ade.arkansas.gov/public/userfiles/Learning_Services/School_Health_Services/YRBS/2019/2019ARH_Detail_Tables.pdf))

**Maryland** In 2018, among all Maryland high school students, only 1.3 percent reported using the internet to get their own electronic cigarette or vapor product. Further, 9.7 percent of Maryland high school students reported borrowing vapor products, and 4.3 percent reported that someone else bought them. (Maryland High School Survey, “2018 Youth Risk Behavior Survey Results,” 2018, <https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDH%20Detail%20Tables.pdf>)

**Montana** In 2019, among all Montana high school students, 0.7 percent reported using the internet to get their own electronic cigarette or vapor product. Moreover, 10.6 percent of Montana high school students reported borrowing vapor products and 6.9 percent reported giving “someone else money to buy them for me.” (Montana Office of Public Instruction, “2019 Montana Youth Risk Behavior Survey High School Results,” 2019, [http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019\\_MT\\_YRBS\\_FullReport.pdf?ver=2019-08-23-083248-820](http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820))



**New Hampshire** In 2019, among all New Hampshire high school student, 0.5 percent reported using the internet to get their own electronic cigarette or vapor product. Further, 13.9 percent of New Hampshire high school students reported borrowing vapor products, and 5.8 percent reported that someone else bought them. (New Hampshire High School Survey, “2019 Youth Risk Behavior Survey Results,” 2019, <https://www.education.nh.gov/sites/g/files/ehbemt326/files/files/inline-documents/2019nhdetailables.pdf>)

**Vermont** In 2019, among Vermont high school students that reported current e-cigarette use and were under the age of 18, only 3 percent reported using the internet to get obtain vapor products. Further, 52 percent of Vermont high school students that were current e-cigarette users reported borrowing them and 26 percent reported giving “someone else money to buy them.” (Vermont Department of Health, “2019 Vermont Youth Risk Behavior Survey Statewide Results,” March, 2020, [https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS\\_YRBS\\_statewide\\_report.pdf](https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS_YRBS_statewide_report.pdf))

### **Menthol Bans Have Little Effect on Smoking Rates, Lead to Black Markets, Lost Revenue and Will Create Racial Tension**

Beyond e-cigarettes, policymakers’ fears about the role of menthol and flavorings in cigarettes and cigars are overblown and banning these products will likely lead to black markets.

Data from the National Health Interview Survey (NHIS) finds nearly a third of all American adult smokers smoke menthol cigarettes. In a 2015 NHIS survey, “of the 36.5 million American adult smokers, about 10.7 million reported that they smoked menthol cigarettes,” and white menthol smokers “far outnumbered” the black and African American menthol smokers. (Brad Rodu, “Who Smokes Menthol Cigarettes?” *Tobacco Truth*, December 4, 2018, <https://rodutobaccotruth.blogspot.com/2018/12/who-smokes-menthol-cigarettes.html>)

Although lawmakers believe banning menthol cigarettes will deter persons from smoking those, such a ban will likely lead to black markets. A 2012 study featured in the journal *Addiction* found a quarter of menthol smokers surveyed indicated they would find a way to purchase, even illegally, menthol cigarettes should a menthol ban go into place. (RJ O’Connor *et al.*, “What would menthol smokers do if menthol in cigarettes were banned?” *Addiction*, April 4, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/>)

Further, there is little evidence that smokers would actually quit under a menthol ban. A 2015 study in *Nicotine & Tobacco Research* found only 28 percent of menthol smokers would give up cigarettes if menthol cigarettes were banned. (Olivia A. Wackowski, PhD, MPH, *et al.*, “Switching to E-Cigarettes in the Event of a Menthol Cigarette Ban,” *Nicotine & Tobacco Research*, January 29, 2015, [https://www.researchgate.net/publication/271592485\\_Switching\\_to\\_E-Cigarettes\\_in\\_the\\_Event\\_of\\_a\\_Menthol\\_Cigarette\\_Ban](https://www.researchgate.net/publication/271592485_Switching_to_E-Cigarettes_in_the_Event_of_a_Menthol_Cigarette_Ban))

Moreover, there is no evidence to suggest that menthol cigarettes lead to youth tobacco use. Analysts at the Reason Foundation examined youth tobacco rates and menthol cigarette sales. The authors of the 2020 report found that states “with more menthol cigarette consumption relative to all cigarettes have *lower* rates of child smoking.” Indeed, the only “predictive relationship” is between child and adult smoking rates, finding that “states with higher rates of adult use cause higher rates of youth use.” (Guy Bentley and J.J. Rich, “Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?” Policy Study, Reason Foundation, January 30, 2020, <https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>)

Lawmakers should take note that menthol sales bans will strain minority communities. Although white Americans smoke more menthol cigarettes than black or African Americans, “black smokers [are] 10-11 times more likely to smoke” menthol cigarettes than white smokers. (D. Lawrence *et al.*, “National patterns and



correlates of mentholated cigarette use in the United States,” *Addiction*, December, 2010, <https://www.ncbi.nlm.nih.gov/pubmed/21059133>)

Given African Americans’ preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences. A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market. (National Research Council, “Understanding the U.S. Illicit Tobacco Market: Characteristics, Policy Context and Lessons from International Experiences,” *The National Academies Press*, 2015, <https://www.nap.edu/download/19016>)

The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, “having a higher share of non-white households was associated with a lower probability of finding a local tax stamp” and “neighborhoods with higher proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes.”

Lawmakers in New Hampshire should reexamine the case of Eric Garner, a man killed in 2014 while being arrested for selling single cigarettes in the city. In a 2019 letter to the New York City council, Garner’s mother, as well as Trayvon Martin’s mother, implored officials to “pay very close attention to the unintended consequences of a ban on menthol cigarettes and what it would mean for communities of color.” Both mothers noted that a menthol ban would “create a whole new market for loosies and re-introduce another version of stop and frisk in black, financially challenged communities.” (Carl Campanile, “Menthol cig ban will lead to more stop-and-frisk: Moms of Garner, Martin,” *New York Post*, October 16, 2019, <https://nypost.com/2019/10/16/menthol-cig-ban-will-lead-to-more-stop-and-frisk-moms-of-garner-martin/>)

### **Conclusion & Policy Recommendations:**

It is disingenuous that lawmakers would purport to protect public health yet restrict access to safer products. Rather than restricting access to tobacco harm reduction products and flavored vapor products, lawmakers should encourage the use of e-cigarettes and work towards earmarking adequate funding for smoking education and prevention programs.

- To address youth use of age-restricted products, as well as adult use of deadly combustible cigarettes, Hawaii must allocate additional funding from revenue generated from newly implemented tobacco tax and settlement payments.
  - Hawaii’s education and health departments must work with tobacco and vapor product retailers to ensure there are no sales of age-restricted products to minors. Any solution to address such strategies must include all actors – not only proponents of draconian prohibitionist policies.
  - Lawmakers’ must face the reality of a larger illicit market in the wake of a ban on flavored tobacco and vapor products – prohibition does not automatically translate into reduced use, just different markets.
- HB1778 will deny current combustible tobacco smokers vital products needed to help them quit smoking. Furthermore, a flavor ban would no doubt force the closure of over 50+ businesses in Hawaii and immediate loss in employment as well as retail leases and supporting businesses. It’s the small independent vape shops which play a vital role in helping adults make a successful transition off tobacco cigarettes, not convenience stores.





- To date there is no manufacturer that sells as successful line of unflavored eliquid to legal adult users 21+. These products rely heavily on their ability to offer flavor diversity to adults to increase their success in secession rates from tobacco cigarettes.
- A flavor ban would force a black market “Do it yourself” experimental market due to the massive adult population who currently use these products in Hawaii. Currently, all products being distributed by Hawaii vape shops are third party batch tested and registered with the FDA with assigned TP numbers. The factories manufacturing the products that currently sit on the shelves are quality controlled. The black-market conditions which would arise from the passing of this bill would inflict a huge quality void in the market and expose the adult population to greater risks. The unintended consequences of this bill outweigh the hypothetical gain.
- Flavored alcohol products remain in plentiful abundance at every retail outlet even with high rates of youth usage, associated death and disease, in addition to all the addiction and abuse of those items as well. The vapor category is being held to a different standard in regards to flavors on the retail market. Its potential to be a risk reduction tool is proven to assist adults in a path off of using the known killer of tobacco cigarettes and should be supported instead of denied the single largest public health with of our lifetime.





- HB1778 states in its justification that the bill and its regulations are needed to curb youth usage. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use e-cigarettes are doing so to replace the use of traditional tobacco.

- o <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes

- o [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)

- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for these products, not tighter regulations that steers vapers back towards tobacco cigarettes

- o <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.

- o <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththat-vaping-is-as-toxic-as-smoking/article/2646804>

- o [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.

- o [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/E-cigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Scott Rasak  
Chief Operating Officer  
VOLCANO Vape Shops



VOLCANO®

197 Sand Island Access Rd. #213  
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**TAXPAYERS  
PROTECTION  
ALLIANCE**

**Testimony before the Hawaii House Committee on Health & Homelessness  
Regarding the Regulation of Tobacco and Tobacco Harm Reduction Products  
Lindsey Stroud, Senior Fellow  
Taxpayers Protection Alliance  
February 1, 2024**

Chairwoman Belatti, Vice-Chairwoman Takenouchi, and Members of the Committee:

Thank you for your time today to discuss banning flavored tobacco and vapor products. My name is Lindsey Stroud and I'm a Senior Fellow at the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis, and dissemination of information on the government's effects on the economy.

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

**Key Points:**

- Hawaii youth use of cigarettes is at record lows and youth vaping has declined since peaking in 2019.
- In 2021 (among Hawaii high school students), 14.8 percent were currently using vapor products and three percent were currently smoking combustible cigarettes.
- Between 1993 and 2021, smoking use declined by 89.4 percent
- Youth vaping peaked in 2019 in Hawaii when 48.3 percent of high schoolers reported ever trying an e-cigarette and 30.6 percent reported current use.
- Between 2019 and 2021, lifetime e-cigarette use among Hawaii high schoolers declined by 30.6 percent to 32.4 percent of students. Current use decreased by 51.6 percent to 14.8 percent of Hawaii high school students.
- In 2019, 30.6 percent of Hawaii middle schoolers reported ever trying an e-cigarette and 17.7 percent were currently vaping.
- Between 2019 and 2021, lifetime e-cigarette use among Hawaii middle schoolers declined by 58.2 percent to 12.8 percent of students. Current use decreased by 62.1 percent to 6.7 percent of students.
- More adults are using combustible cigarettes and vapor products than Hawaii youth.
- For every high school student smoking in 2021 in Hawaii, more than 73 adults were currently smoking. For every high schooler vaping in 2021 in Hawaii, more than 10 adults were using e-cigarettes.

- Hawaii lawmakers are not limiting adult access to other age-restricted products Hawaii youth are more likely to use, including alcohol and marijuana.
- In 2021 (among Hawaii high school students), 16.6 percent had reported currently using alcohol, 12 percent were currently using marijuana, and 8.3 percent reported current binge drinking.
- Hawaii youth are not using e-cigarettes because of flavors.
- In 2017 (among Hawaii high school students who had ever used an e-cigarette), only 26.4 percent cited flavors as a reason for use, compared to 26.4 percent who had cited “other.”
- In 2022, 12.4 percent of Hawaii adults were currently smoking cigarettes, which was a 22.8 percent increase from 2021 and represents 26,863 additional adults smoking. More than one-fifth (20.3 percent) of adults who earned \$25,000 or less were currently smoking in 2022, compared to only 6.2 percent of adults earning \$50,000 or more per year.
- In 2022, 8.8 percent of Hawaii adults were currently using e-cigarettes, which was a 20.5 percent increase from 2021 and represents 17,560 additional adults vaping.
- In three out of four states with current flavored tobacco and vape bans, smoking rates among young adults increased, while nationally, they decreased on average.
- An illicit market is thriving on internet marketplaces from New York City to California.
- Hawaii woefully underfunds tobacco control programs.
- In 2022, Hawaii collected more than \$123 million in cigarette taxes and tobacco settlement payments. Yet, the state allocated only \$7.4 million in state funding towards tobacco control programs, including cessation efforts, education, and youth prevention. In 2022, for every one dollar the state received in tobacco monies, it spent only six cents on tobacco control efforts.

### **Hawaii Tobacco Product Use at Record Lows, Vapor Product Use Steadily Declining**

In the Aloha State, youth vaping has halved since 2019 and youth use of cigarettes is at record lows.

In 2021, according to the Center for Disease Control and Prevention’s Youth Risk Behavior Survey (YRBS), tobacco product use is at record lows among Hawaii youth.<sup>1</sup>

In 2021, among Hawaii high school students:

- 14.8 percent were currently using e-cigarettes and/or vapor products
- Three percent were currently using combustible cigarettes

Not including e-cigarettes, these are some of the lowest levels of cigarette use ever recorded among Hawaii high school students.

In 1993, nearly three in ten (28.2 percent) Hawaii high schoolers were currently smoking combustible cigarettes. Between 1993 and 2021, smoking use declined by 89.4 percent.

Youth use of e-cigarettes has gained lawmakers' focus in recent years. The Hawaii YRBS first inquired about e-cigarette use in 2015, when 45.1 percent of high schoolers had reported ever-trying an e-cigarette and 25.1 percent reported current use.

Youth vaping peaked in the Aloha State in 2019 when nearly half (48.3 percent) of Hawaii high school students reported having ever used an e-cigarette and nearly one-third (30.6 percent) reported current use. Between 2019 and 2021, lifetime e-cigarette use among Hawaii high schoolers declined by 32.9 percent to 32.4 percent of students. Current use decreased by 51.6 percent to 14.8 percent of Hawaii high school students.

Tobacco and vapor product use is also down among middle school students in the Aloha State.<sup>2</sup>

In 2021, among Hawaii middle school students:

- 6.7 percent were currently using e-cigarettes/vapor products
- 1.9 percent were currently smoking cigarettes

These are some of the lowest levels of cigarette use ever recorded among Hawaii high school students.

In 1999, 12.3 percent of Hawaii middle schoolers were currently smoking combustible cigarettes. Between 1999 and 2021, current smoking use declined by 84.6 percent.

In 2019, 30.6 percent of Hawaii middle school students had ever tried an e-cigarette and 17.7 percent were currently using e-cigarettes. Between 2019 and 2021, lifetime e-cigarette use among Hawaii middle schoolers declined by 58.2 percent to 12.8 percent of students. Current use decreased by 62.1 percent to 6.7 percent of students.

It should be noted that there are far more adults using cigarettes and e-cigarettes, compared to Hawaii high school students.

In 2021, approximately 1,573 Hawaii high school students were smoking, compared to an estimated 114,853 Hawaii adults aged 18 and over who were currently smoking. For every high school student smoking in 2021 in Hawaii, more than 73 adults were currently smoking. In 2021, approximately 7,761 Hawaii high school students were vaping, compared to 83,012 Hawaii adults aged 18 and over who were currently vaping. For every high schooler vaping in 2021 in Hawaii, more than 10 adults were using e-cigarettes.

### **Youth Use of Other Age-Restricted Products Is Not Met with Bans**

It is interesting lawmakers are pushing forward with prohibitionist policies related to tobacco products, while allowing adult access to other age-restricted products which are more commonly used by youth.

According to the YRBS, in 2021, among Hawaii high school students:<sup>3</sup>

- 16.6 percent were currently drinking alcohol
- 14.8 percent were currently using vapor products
- 12 percent were currently using marijuana
- 8.3 percent were currently binge drinking
- Three percent were currently using combustible cigarettes

### **Flavors Are Not Main Driver of Youth E-Cigarette Use**

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

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

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

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

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

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

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

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

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

This is similar to national data. According to the 2021 NYTS, among U.S. middle and high school students were currently using e-cigarettes in 2021:

- 43.5 percent reported using them to get a high and/or buzz
- 43.2 percent had used them because they were feeling anxious, stressed and/or depressed
- 27.6 percent reported using them because a friend and/or family member had
- 19 percent reported “other”
- 13.2 percent reported using them because of flavors
- 10.3 percent reported using them because they were less harmful than other tobacco products

Lawmakers should refrain from prohibitionist policies which fail to take into consideration the declines in youth tobacco and vapor product use, as well as the actual reasons why youth are using e-cigarettes.

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

In 2022, according to the CDC’s Behavioral Risk Factor Surveillance Survey, an estimated 141,716 adults (or 12.4 percent) of Hawaiians were currently smoking. This is a 22.8 percent increase from 2021 when 10.1 percent reported current cigarette use. There were 26,863 additional adults smoking in 2022 compared to 2021.

Smoking rates were highest among 25–44-year-olds, with 14.2 percent reporting current use. Among all adults earning \$25,000 annually or less in 2022, more than one-fifth (20.3 percent) reported currently smoking, compared to only 6.2 percent of adults who earned \$50,000 or more per year.

In Hawaii, multiracial (non-Hispanic) adults reported smoking at a greater percentage of their identified race at 15.1 percent. This is compared to 14.3 percent of Native Hawaiian and/or Pacific Islander adults, 11.4 percent of Hispanic adults, 10 percent of White adults, 8.6 percent of Black adults and 6.5 percent of Asian adults.

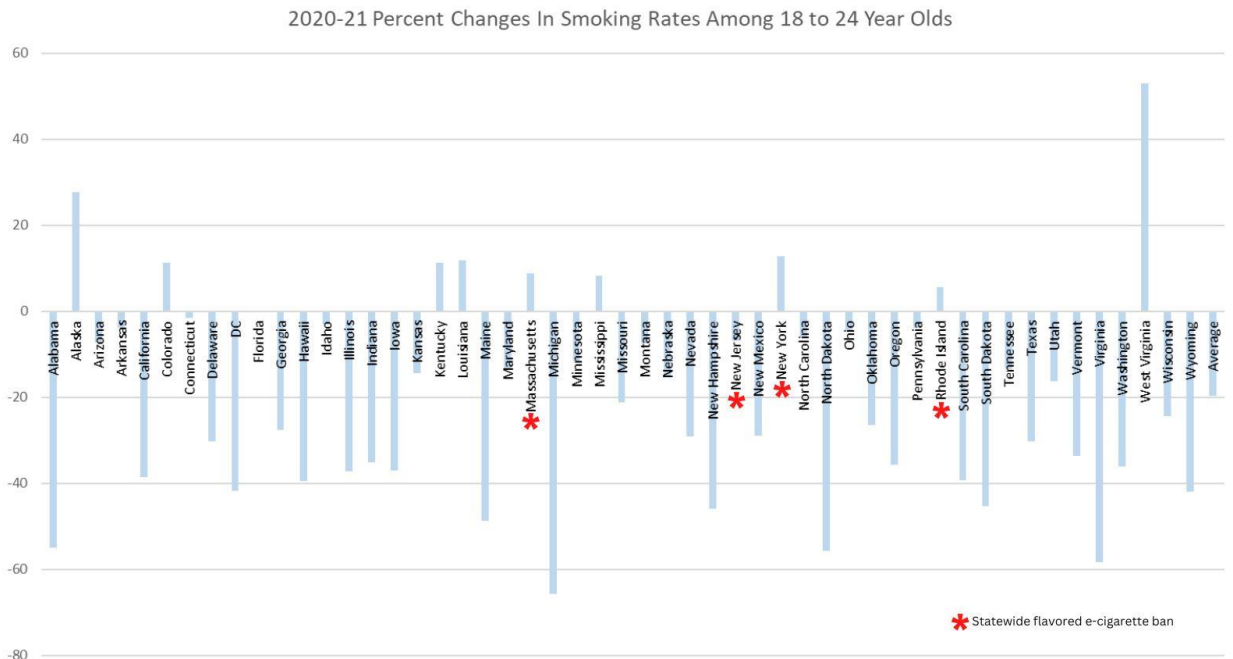


Yet, Asian adults made up a larger percentage of Hawaii’s total adult smoking population. In 2022, Asian adults accounted for 26.7 percent of Hawaii’s current smoking population, compared to Multiracial (non-Hispanic) adults, who made up 25.8 percent. White adults made up 23.7 percent, of Native Hawaiian/Pacific Islander accounted for 13 percent, Hispanic adults made up 9.3 percent, and Black adults accounted for 1.4 percent of Hawaii’s adult smoking population in 2022.

In 2022, an estimated 100,573 Hawaii adults (or 8.8 percent) were currently using e-cigarettes. This is a 20.5 percent increase from 2021 when 7.3 percent reported current e-cigarette use. There were an estimated 17,560 additional adults vaping in 2022 compared to 2021.

**Current Flavor Bans Led to Increases in Young Adult Smoking Rates**

As of January 2024, five states have active statewide bans on the sale of flavored vapor products, including two states which have also banned the sale of flavored traditional tobacco products. Opponents claim that prohibition will work to reduce smoking and thus liberate resources for states due to reduced health care costs attributed to smoking. Yet, evidence from existing states find flavor bans correlate with increases in young adult smoking, all the while states lose revenue and neighboring states lose profit.<sup>12</sup>



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

Among all states (minus Florida), smoking rates among adults aged 18 to 24 years old decreased by 19.7 percent on average between 2020 and 2021. Only nine states saw young adult smoking rates increase during the same period. Alarming, three of those states are home to flavored e-cigarette bans. Lawmakers should avoid pushing prohibitionist flavor policies forward. In Massachusetts, 7.4 percent of 18- to 24-year-olds were current smokers in 2021. This is an 8.8 percent increase from 2020's 6.8 percent. In New York, young adult smoking rates increased by 12.7 percent from 5.5 percent in 2020 to 6.2 percent in 2021. In Rhode Island, between 2020 and 2021, smoking rates among young adults aged 18 to 24 years old increased by 5.7 percent. Of the then-four states with active flavored e-cigarette bans, only New Jersey saw a reduction (6.8 percent) in young adult smoking rates. This is significantly lower than the average rate of reduction among all U.S. young adults.

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

The Massachusetts flavored tobacco and vape ban went into effect in 2020. Between 2020 and 2021 state excise tax revenue decreased by 22.3 percent, representing a loss of over \$106 million. Meanwhile, smoking rates among all adults only decreased by 4.5 percent (11.1 percent of adults in 2020 to 10.6 percent in 2021).

Neighboring New Hampshire saw an 11.5 percent reduction in adult smoking rates between 2020 and 2021, yet cigarette excise tax revenues increased by 14.4 percent during the same period. Given the poor effects of flavored tobacco bans on young adult smoking and the failed experiment in Massachusetts, lawmakers should refrain from restricting the sales of flavored tobacco and vapor products.

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

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


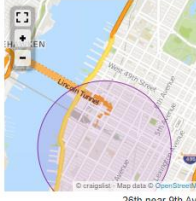
One study examining a possible menthol ban found that at least 25 percent would “find a way to buy a menthol brand.”<sup>13</sup> An experiment examined current e-cigarette users under a hypothetical flavor ban found that banning “vaping products from the marketplace may shift preference towards purchasing vaping products in the illegal marketplace.”<sup>14</sup> An international survey of vapers from Canada, the United Kingdom, and the United States, found that over one-fourth (28.3 percent) “would find a way to get their banned flavor(s).”<sup>15</sup>

There is already a booming marketplace online. Examples are relatively easy to find. A Craigslist ad in New York City offers for sale a variety of flavored e-liquid products, from peach to cotton

candy.<sup>16</sup> The seller informs the potential customer to “[i]nteract with [them] the same way [one] would a sales person.” Alarming, this seller is not interested in providing potential customers with information regarding the products that they may be consuming, noting that any questions about their “cost, date purchased, where purchased, why selling is no one’s concern.” In California, which recently enacted a ban on flavored tobacco and vapor products, “menthol man” is offering to deliver menthol cigarettes for \$15 a pack.<sup>17</sup>

reply favorite hide flag share Posted 12 days ago

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

condition: new  
more ads by this user

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

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

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

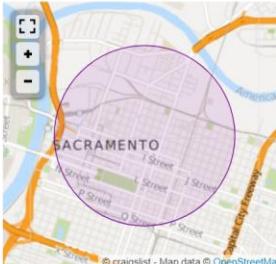
NO DELIVERY Available, Only Pick Up @ 26th Street & 9th Ave., Manhattan. Call [\(show contact info\)](#) Only, All text email messages will not be acknowledged!

reply favorite hide flag share Posted 15 days ago

**menthol man delivery service (Sacramento)**

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

- do NOT contact me with unsolicited services or offers



delivery available

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

In January 2021, the FDA worked with other federal agencies and seized 42 shipments of counterfeit disposable vapor products from China.<sup>18</sup> In March 2021, Customs and Border Protection officers in Chicago seized \$1.5 million in counterfeit vapes.<sup>19</sup>

In 2022, officials in Australia, China, Singapore, and the United Kingdom have all reported massive seizures of counterfeit vapor products.<sup>20 21 22 23</sup> The illicit products are so prevalent that

a vapor product company has been actively working with government officials in China and has successfully shut down more than 20 factories manufacturing counterfeit vapes.<sup>24</sup>

### **Flavor Bans Wont Address Growing Mental Health Crisis Among Youth**

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

In 2021, among Hawaii middle school students:

- 26.9 percent had “ever seriously thought about killing themselves”
- 20.3 percent had “ever made a plan about how they would kill themselves”
- 10.5 percent reported having ever “tried to kill themselves”

In 2021, among Hawaii high school students:

- 34.8 percent reported persistent feelings of sadness and/or hopelessness
- 16.6 percent had “made a plan about how they would attempt suicide” in the 12 months prior
- 7.4 percent had “actually attempted suicide” in the 12 months prior

Given that the most cited reasons for using e-cigarettes is to self-medicate either through obtaining a buzz and/or mitigating feelings of anxiety, depression and/or stress, banning flavors in tobacco and vapor products will not address the rising mental health crisis facing Hawaii youth.

### **Hawaii Woefully Underfunds Tobacco Control**

If lawmakers truly want to address youth use of tobacco products and help adults quit smoking deadly combustible cigarettes, they ought to spend more funding on tobacco control programs.

In 2022, the Aloha State collected nearly \$85.1 million in state excise tax revenue from combustible cigarettes.<sup>25</sup> This was a 13.3 percent decrease from 2021’s \$98.1 million. Between 2002 and 2022, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$38.4 million in settlement payments in 2022, a 2.4 percent increase from 2021’s \$37.5 million, or an additional \$900,000. Since 2002, the Aloha State collected more than \$966 million in tobacco settlement payments.

While Hawaii collected more than \$123 million in tobacco-related monies in 2022, the state allocated only \$7.4 million in state funding towards tobacco control programs, including

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(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

cessation, education, and youth prevention efforts, which was a 6.4 percent decrease in funding from 2021's \$7.9 million. This amounts to 8.7 percent of taxes and 19.3 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

<sup>1</sup> Centers for Disease Control and Prevention, "Youth Risk Behavior Survey," High School Students, 2021. Accessed January, 2024. <https://nccd.cdc.gov/Youthonline/App/Results.aspx?LID=VT>.

<sup>2</sup> Centers for Disease Control and Prevention, "Youth Risk Behavior Survey," Middle School Students, 2021. Accessed January, 2024. <https://nccd.cdc.gov/Youthonline/App/Results.aspx?LID=VT>.

<sup>3</sup> Centers for Disease Control and Prevention, *supra* note 1.

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

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

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

<sup>7</sup> Montana Office of Public Instruction, "2019 Montana Youth Risk Behavior Survey High School Results," 2019, [http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019\\_MT\\_YRBS\\_FullReport.pdf?ver=2019-08-23-083248-820](http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820).

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

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

<sup>10</sup> Hawaii Department of Health, "2019 Hawaii Youth Risk Behavior Survey Statewide Results," March, 2020, [https://www.healthHawaii.gov/sites/default/files/documents/pdf/CHS\\_YRBS\\_statewide\\_report.pdf](https://www.healthHawaii.gov/sites/default/files/documents/pdf/CHS_YRBS_statewide_report.pdf).

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

<sup>12</sup> Lindsey Stroud, "Statewide Flavored E-Cigarette Bans Have Led to Increases in Young Adult Smoking," *Townhall*, October 21, 2022, <https://townhall.com/columnists/lindseystroud/2022/10/20/statewide-flavored-e-cigarette-bans-have-led-to-increases-in-young-adult-smoking-n2614807>.

<sup>13</sup> Richard J. O'Connor *et al.*, "What would menthol smokers do if menthol in cigarettes were banned? Behavioral intentions and simulated demand," *Addiction*, April 4, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/>.

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<sup>18</sup> U.S. Food and Drug Administration, “CBP, FDA Seize Counterfeit, Unauthorized E-Cigarettes,” January 13, 2021, <https://www.fda.gov/news-events/press-announcements/cbp-fda-seize-counterfeit-unauthorized-e-cigarettes>.

<sup>19</sup> U.S. Customs and Border Protection, “CBP Officers in Chicago Capture \$1.5 Million in Counterfeit Vaping Pens,” March 11, 2021, <https://www.cbp.gov/newsroom/local-media-release/cbp-officers-chicago-capture-15-million-counterfeit-vaping-pens>.

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<sup>22</sup> Vapor Voice, “Singapore Seizes Nearly \$1 Million in Illegal Vapes,” June 2, 2022, [https://vaporvoice.net/2022/06/02/singapore-seizes-nearly-1-million-in-illegal-vapes/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=singapore-seizes-nearly-1-million-in-illegal-vapes](https://vaporvoice.net/2022/06/02/singapore-seizes-nearly-1-million-in-illegal-vapes/?utm_source=rss&utm_medium=rss&utm_campaign=singapore-seizes-nearly-1-million-in-illegal-vapes).

<sup>23</sup> Charlotte Lillywhite, “Massive £100k shipment of dodgy vapes seized near Heathrow Airport,” *MyLondon*, August 9, 2022, <https://www.mylondon.news/news/west-london-news/massive-100k-shipment-dodgy-vapes-24708471>.

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# Tobacco & Vaping 101:

## Hawaii 2024

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

### Key Points:

- In 2022, an estimated 141,716 adults (12.4 percent) were currently smoking. This is a 22.8 percent increase from 2021 and represents 26,863 additional adults smoking.
- In 2022 (among all Hawaii adults), three percent of 18- to 24-year-olds, 14.2 percent of 25–44-year-olds, 11.6 percent of 45–64-year-olds, and 5.7 percent of adults aged 65 years or older were currently smoking combustible cigarettes.
- Among all adults earning \$25,000 or less in 2022, 20.3 percent were currently smoking compared to only 6.2 percent of adults earning \$50,000 or more.
- Among all smoking adults in Hawaii in 2022, 26.7 percent were Asian, 25.8 percent were Multiracial (non-Hispanic), 23.7 percent were White, 13 percent were Native Hawaiian/Pacific Islander, 9.3 percent were Hispanic, and 1.4 percent were Black.
- In 2022, 100,573 Hawaii adults (8.8 percent) were currently using e-cigarettes. This is a 20.5 percent decrease from 2021 and represents 17,560 additional adults vaping.
- Among all vaping adults in Hawaii in 2022, 32.2 percent were 18 to 24 years old, 49.8 percent were 25 to 44 years old, 15 percent were 45 to 64 years old and 2.9 percent were 65 years or older.
- In 2021, for every one Hawaii high school student who was smoking, more than 73 adults were currently using cigarettes.
- In 2021, for every one Hawaii high school student who was vaping, more than 10 adults were currently using e-cigarettes.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2018 and 2022, smoking rates among Hawaii adults aged 18 to 24 years old decreased by 77.1 percent.
- Cigarette excise taxes in Hawaii disproportionately impact low-income and low-educated persons, while failing to significantly reduce smoking rates among that class.
- The percentage of Hawaii adults earning \$25,000 or less that were decreased by only 33.1 percent between 2011 and 2022, while the percent of adults earning \$50,000 or more that were smoking decreased by 45.3 percent during the same period.
- Among Hawaii adults who did not graduate high school, smoking rates decreased by 18.5 percent, and rates among adults with a college degree decreased by 44.1 percent.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2022, for every \$1 the state received in tobacco monies, it spent \$0.06 on tobacco control efforts.

# Tobacco & Vaping 101: Hawaii 2024

## Adult Combustible Cigarette and E-Cigarette Use

In 2022, according to data from the annual Behavioral Risk Factor Surveillance System survey, conducted by the Centers for Disease Control and Prevention, an estimated 141,716 adults (or 12.4 percent of Hawaiians) were currently smoking. This is a 22.8 percent increase from 2021 when 10.1 percent reported current cigarette use. There were 26,863 additional adults smoking in 2022 compared to 2021.

In 2022 (among all Hawaii adults), three percent of 18- to 24-year-olds, 14.2 percent of 25–44-year-olds, 11.6 percent of 45–64-year-olds, and 5.7 percent of adults aged 65 years or older were currently smoking combustible cigarettes.

Among all adults earning \$25,000 annually or less in 2022, more than one-fifth (20.3 percent) reported currently smoking, compared to only 6.2 percent of adults who earned \$50,000 or more per year.

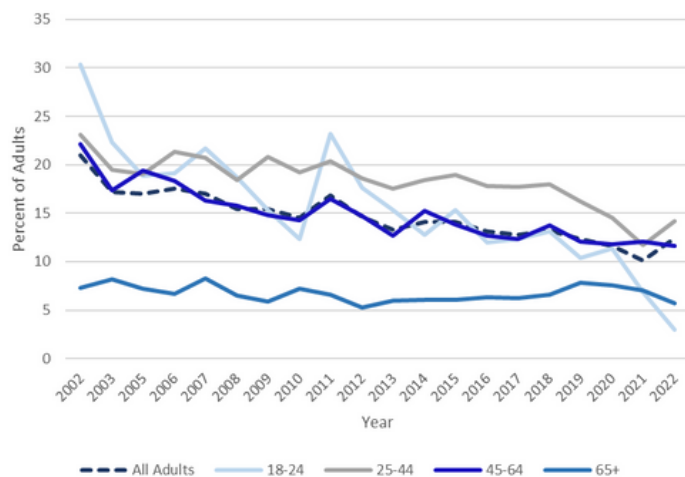
In Hawaii, Multiracial (non-Hispanic) adults reported smoking at a greater percentage of their identified race at 15.1 percent. This is compared to 14.3 percent of Native Hawaiian and/or Pacific Islander adults, 11.4 percent of Hispanic adults, 10 percent of White adults, 8.6 percent of Black adults and 6.5 percent of Asian adults.

Yet, Asian adults made up a larger percentage of Hawaii’s total adult smoking population. In 2022, Asian adults accounted for 26.7 percent of Hawaii’s current smoking population, compared to Multiracial (non-Hispanic) adults, who made up 25.8 percent. White adults made up 23.7 percent, of Native Hawaiian/Pacific Islander accounted for 13 percent, Hispanic adults made up 9.3 percent, and Black adults accounted for 1.4 percent of Hawaii’s adult smoking population in 2022.

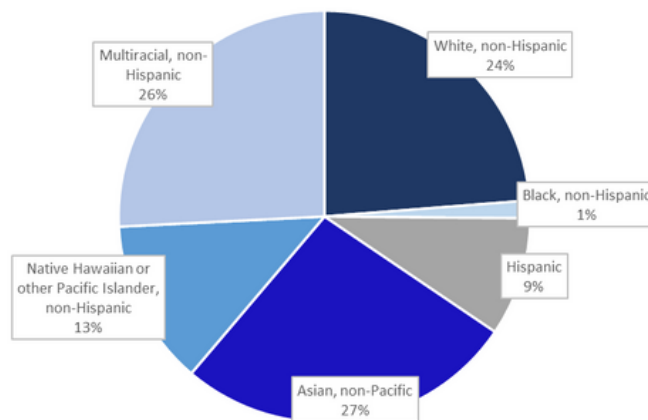
In 2022, an estimated 100,573 Hawaii adults (or 8.8 percent) were currently using e-cigarettes. This is a 20.5 percent increase from 2021 when 7.3 percent reported current e-cigarette use. There were an estimated 17,560 additional adults vaping in 2022 compared to 2021.

Among Hawaii adults currently using e-cigarettes in 2022, 32.2 percent were 18 to 24 years old, 49.8 percent were 25 to 44 years old, 15 percent were 45 to 64 years old and 2.9 percent of current e-cigarette users in Hawaii in 2022 were 65 years or older. Among adult e-cigarette users in Hawaii in 2022, 67.8 percent were 25 years or older.

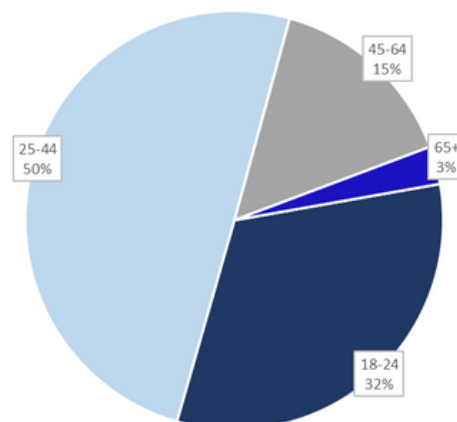
Adult Smoking Rates by Age  
Hawaii



Percent of Adults Who Smoke, by Race  
Hawaii 2022



Percent of Adults Who Vape, by Age  
Hawaii 2022





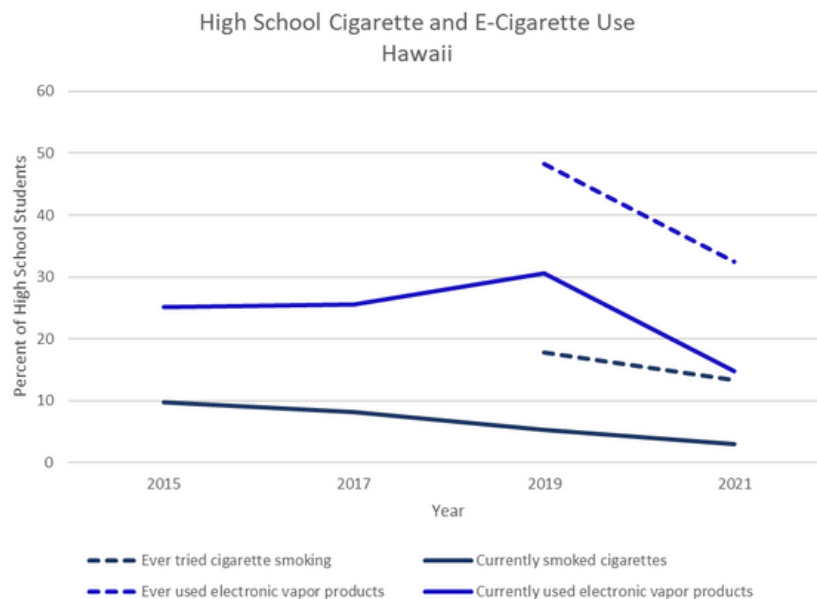
# Tobacco & Vaping 101:

## Hawaii 2024

### Youth Combustible Cigarette and E-Cigarette Use

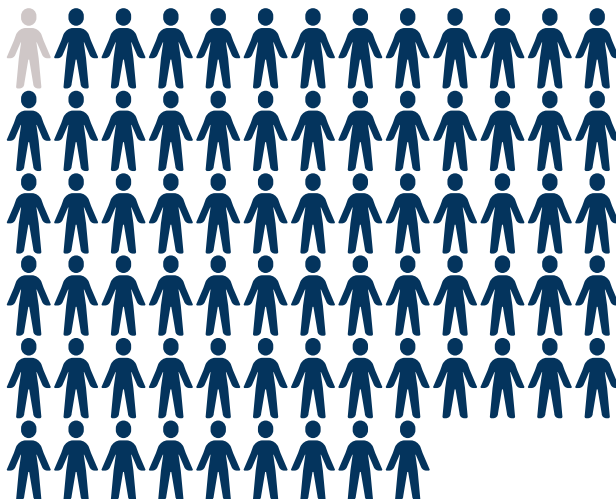
Youth smoking rates are at historic lows in the Aloha State. In 2021, 13.3 percent of high school students reported ever trying combustible cigarettes, while three percent reported currently smoking, or having used the product on at least one occasion in the 30 days prior. In 2021, approximately 1,573 Hawaii high school students were smoking, compared to an estimated 114,853 Hawaii adults aged 18 and over who were currently smoking. For every one high schooler student smoking in 2021 in Hawaii, more than 73 adults were currently smoking.

Youth vaping peaked in the Aloha State in 2019 when nearly one half (48.3 percent) of Hawaii high school students reported having ever used an e-cigarette and nearly one-third (30.6 percent) reported current use. Between 2019 and 2021, lifetime e-cigarette use among Hawaii high schoolers declined by 32.9 percent to 32.4 percent of students. Current use decreased by 51.6 percent to 14.8 percent of Hawaii high school students. In 2021, approximately 7,760 Hawaii high school students were vaping, compared to 83,012 Hawaii adults aged 18 and over who were currently vaping. For every one high schooler vaping in 2021 in Hawaii, more than 10 adults were using e-cigarettes.



### Youth to Adult Smoking Ratio

Hawaii 2021



### Youth to Adult Vaping Ratio

Hawaii 2021



**Key**

- = 1 High School Student
- = 1 Adult 18 years or older

# Tobacco & Vaping 101:

## Hawaii 2024

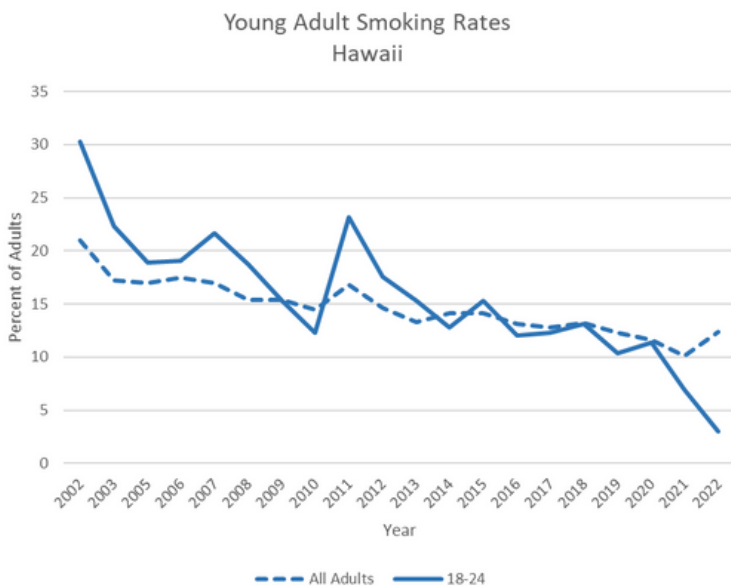
### Young Adult Cigarette Use

The introduction of e-cigarettes has not led to increases in young adult cigarette smoking, but rather, correlates with significant declines.

In 2012, e-cigarettes were available in every major U.S. market. That same year, 17.6 percent of Hawaiians aged 18 to 24 years old were currently smoking. In 2018, public health purported a so-called “youth vaping epidemic,” and 13.1 percent of young adults in the Aloha State were smoking. Between 2012 and 2018, young adult smoking rates declined by 25.6 percent. Further, since 2018, young adult smoking rates have decreased another 77.1 percent, with average annual declines of 26.7 percent.

In 2016 (among 18- to 24-year-olds), 12 percent and 9.8 percent were currently using combustible cigarettes and e-cigarettes, respectively. Between 2016 and 2022, current cigarette use among young adults decreased by 75 percent while vapor product use increased by 179.6 percent.

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

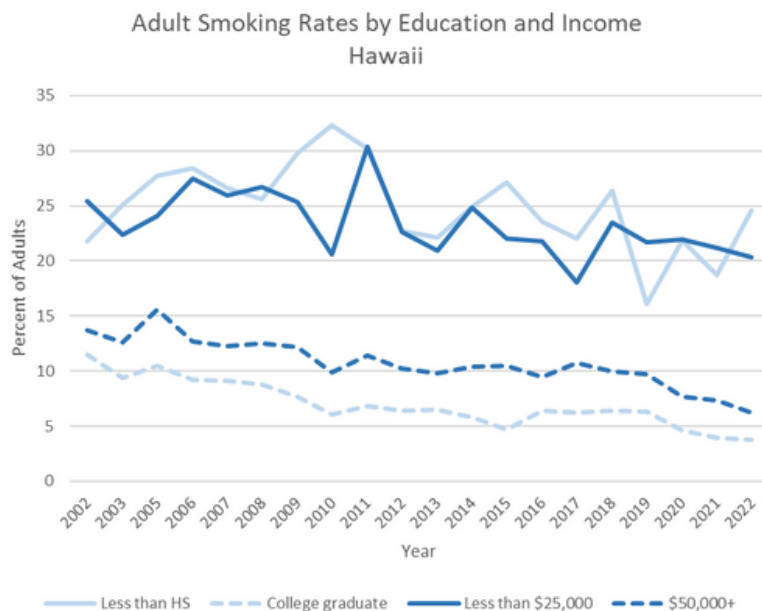


### Effects of Cigarette Excise Taxes

Hawaii last increased its state cigarette excise tax in 2011 from \$3.00 to \$3.20-per-pack. Lawmakers often justify excise taxes on cigarettes to deter persons from using combustible cigarettes. These taxes not only disproportionately harm lower income and lower educated adults, the taxes also fail to significantly reduce smoking rates among those persons.

The percent of Hawaii adults earning \$25,000 or less that were smoking decreased by only 33.1 percent between 2011 and 2022, while the percent of adults earning \$50,000 or more that were smoking decreased by 45.3 percent during the same period. Among Hawaiians who did not graduate high school, smoking rates decreased by 18.5 percent, and rates among adults with a college degree decreased by 44.1 percent.

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



# Tobacco & Vaping 101: Hawaii 2024

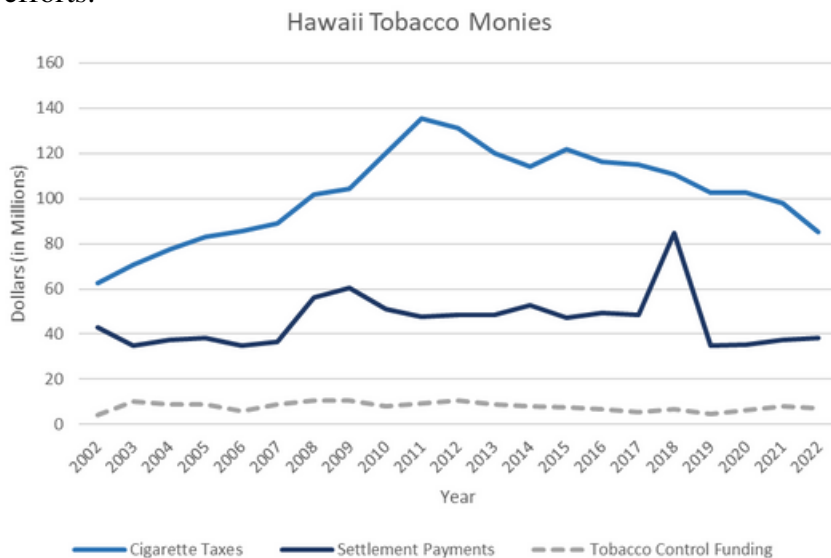
## Tobacco Monies

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

In 2022, the Aloha State collected \$85.1 million in state excise tax revenue from combustible cigarettes. This was a 13.3 percent decrease from 2021's \$98.1 million, or \$13 million less. Between 2002 and 2022, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$38.4 million in settlement payments in 2022, a 2.4 percent increase from 2021's \$37.5 million, or an additional \$900,000. Since 2002, the Aloha State collected more than \$966 million in tobacco settlement payments.

While Hawaii collected an estimated \$123.5 million in tobacco-related monies in 2022, the state allocated only \$7.4 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 6.4 percent decrease in funding from 2021's \$7.9 million. This amounts to 8.7 percent of taxes and 19.3 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



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2. Data on race and age was compiled using population data from the Annie E. Casey Foundation (<https://datacenter.kidscount.org/>) and Demographic data from the CDC to cross reference the racial population. Then, data from Smoking and Race, and E-Cigaretts and Age, was used to determine the percent of adults who were smoking in 2022.
3. Data on youth tobacco and vapor product use comes from the CDC's Youth Risk Behavior Survey, accessed in November, 2023. [https://www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm).
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**HB-1778**

Submitted on: 2/1/2024 11:58:40 AM

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

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

Comments:

I will testify virtually



**February 2, 2024**

**RE: HB 1778**

Members of the House Committee on Health and Homelessness,

Thank you for the opportunity to write on behalf of our members in Hawai'i expressing our concerns and opposition to HB 1778, which would prohibit sales of low-risk nicotine or tobacco products in flavors other than tobacco--even if they receive a marketing granted order from the US Food and Drug Administration. This bill would also repeal the requirement that tobacco and nicotine regulations be implemented statewide, allowing local governments to impose stricter laws regardless of the confusion they may cause for consumers, retailers, and law enforcement. Proposals such as this are hasty reactions to an emotionally fueled issue that is only being made worse by well-meaning, but misguided attempts to eradicate nicotine use.

The proposal to ban the sale of vapor products sold in flavors other than tobacco will deny people who smoke access to the most popular low-risk smoking replacement product in decades. We think it is a mistake to focus on the issue of flavors to the exclusion of underlying factors affecting youth use. Socioeconomic status, trauma, peer pressure, stress, depression, and a natural inclination toward taking risks all motivate young people to experiment with potentially harmful behaviors and coping strategies. None of these factors are addressed by laws banning flavored nicotine products or any other measures that deal strictly with limiting access to substances like nicotine and other drugs. Prohibitions such as what's proposed in HB 1778 are more likely to make things worse for the same people it is intended to protect.

The leading indicator of whether or not a young person will smoke is if they live with a parent who smokes. Hawai'i can do more to promote healthy behaviors among young people by encouraging parents who smoke to switch completely to a low-risk, smoke-free alternative. In order to achieve a rapid and enduring transition to safer nicotine products, people who smoke must have access to products they enjoy. This necessitates the availability of a diverse range of flavored smoke-free products. For these and the following reasons CASAA is urging the committee to reject any proposal to ban flavored smoke-free products in Hawai'i.

## **A flavor ban will deprive people who smoke access to life saving products**

- **The availability of enjoyable smoke-free nicotine products is helping millions of people quit smoking.**

It is very disappointing that some of the comments the committee will hear on this proposal callously dismiss the experiences of millions of people who quit smoking<sup>1</sup>, or are on their way to living smoke-free by switching to a safer nicotine product like vaping. You are being asked to disbelieve the experiences of surgical patients who will have better outcomes after switching to vaping,<sup>2</sup> parents and grandparents who will be around longer for their children, and young adults who are quitting before lasting damage is done, or who will never take up smoking because vaping is a better, safer alternative to combustible cigarettes.<sup>3</sup>

You are right to be skeptical of claims that vaping is unhelpful because just as we all know someone who has died early due to smoking, we are also increasingly more likely to know someone who quit by switching. Enjoyable, flavored products are being linked to positive outcomes in both people *trying* to quit<sup>4 5</sup> and those who quit by accident.<sup>6</sup>

- **A ban on flavored vapor products will force independent vape shops to close.**

We defer to data being presented by trade representatives from the vapor industry with regard to sales data, but it is our understanding that a majority of purchases involve e-liquid in flavors other than tobacco by people older than the federal minimum legal sales age of 21. To date, we are unaware of any retailer or manufacturer that sells a popular line of unflavored e-liquid.

It is unlikely that specialty vapor retailers will be able to remain open if they are restricted to selling just vapor devices and tobacco flavored e-liquid. It is the diversity of vapor products that both supports independent businesses and provides a customizable experience to people who are attempting to transition to a smoke-free lifestyle.

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<sup>1</sup> Clive Bates, The Counterfactual, E-cigarette risk perceptions – an American crime scene, February 3, 2022. Accessed from <https://clivebates.com/e-cigarette-risk-perceptions-an-american-crime-scene/>, February 8, 2023.

<sup>2</sup> Nolan M, Leischow S, Croghan I, et al. Feasibility of Electronic Nicotine Delivery Systems in Surgical Patients. *Nicotine Tob Res.* 2016;18(8):1757-1762. doi:10.1093/ntr/ntw003

<sup>3</sup> Zhu S, Zhuang Y, Wong S, Cummins S E, Tedeschi G J. E-cigarette use and associated changes in population smoking cessation: evidence from US current population surveys *BMJ* 2017; 358 :j3262 doi:10.1136/bmj.j3262

<sup>4</sup> Friedman AS, Xu S. Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation. *JAMA Netw Open.* 2020;3(6):e203826. doi:10.1001/jamanetworkopen.2020.3826

<sup>5</sup> Eva C. Rest, Kristin N. Brikmanis, Robin J. Mermelstein, Preferred flavors and tobacco use patterns in adult dual users of cigarettes and ENDS, *Addictive Behaviors*, Volume 125, 2022, 107168, ISSN 0306-4603, <https://doi.org/10.1016/j.addbeh.2021.107168>.

(<https://www.sciencedirect.com/science/article/pii/S0306460321003531>)

<sup>6</sup> Kasza KA, Edwards KC, Kimmel HL, et al. Association of e-Cigarette Use With Discontinuation of Cigarette Smoking Among Adult Smokers Who Were Initially Never Planning to Quit. *JAMA Netw Open.* 2021;4(12):e2140880. doi:10.1001/jamanetworkopen.2021.40880

- **Vapor product specialty shops (vape shops) play a vital role in helping people who smoke switch to a low-risk alternative**

Vape shops are a source of peer-to-peer support that is not effectively replicated by current tobacco control interventions. Vape shops provide knowledgeable staff who offer individualized attention to help customers find devices and e-liquid flavors that will help them successfully make the switch. Just as important, vape shops provide a space for peer-to-peer support among people who used to smoke and people who are transitioning to a smoke-free product.

By way of background, vapor retailers and manufacturers in the United States are prohibited by federal law from marketing e-cigarettes as smoking cessation products or even less harmful than cigarettes.<sup>7</sup> Customers, however, are bound by no such law. It is not uncommon to hear customers exchange successful quit smoking stories between one another in a vape shop. To the casual observer, sharing such a story might not seem like much, but between people who are recovering from a multiyear or multi-decade cigarette addiction, it can mean the difference between living a smoke-free life or returning to the devil they know.

By comparison, vapor retailers in the United Kingdom are not subject to the same limitations on marketing communication in face-to-face transactions. Research conducted in the UK demonstrates that people who shop for vapor products in specialty vapor shops have a remarkable quit rate of >40% after 12 months.<sup>8</sup> Other than quitting “cold turkey,” no other smoking cessation intervention comes close to the success rate found in the UK. And while the retail environment studied in the UK is not a 1:1 match with vapor shops in the United States, when we consider customer-to-customer interactions within the retail environment, which are not regulated by federal law, it stands to reason that the results found in the UK may be generalizable to consumers in the United States.

For the foregoing reasons we respectfully urge the committee to reject HB 1778, the proposal to ban flavored vapor products prior to scientific review. This legislation will place unnecessary barriers in front of people who would otherwise be improving their health.

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<sup>7</sup> 21 USC 387k: Modified risk tobacco products, accessed from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section387k&num=0&edition=prelim>

<sup>8</sup> Polosa, Riccardo et al. “Quit and smoking reduction rates in vape shop consumers: a prospective 12-month survey” *International journal of environmental research and public health* vol. 12,4 3428-38. 24 Mar. 2015, doi:10.3390/ijerph120403428

## Recommendations

- We urge committee members to refocus their attention on the most pressing concern of reducing the early death and disease attributed to smoking by seeking ways the state can help promote safer alternatives to people who smoke, especially among people from historically underserved communities.
- Effective substance use prevention starts by empowering young people with strong social skills, critical thinking, and healthy coping strategies. People are generally resourceful and, historically, find ways to circumvent prohibitions on tobacco, drugs, and alcohol. Strong life skills training during adolescence has a greater potential to positively shape a young person's life well into adulthood.<sup>9</sup>

Thank you for considering our comments.

Sincerely,



Alex Clark

CEO

The Consumer Advocates for Smoke-free Alternatives Association

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<sup>9</sup> Society of Addiction Psychology, "The Life Process Program," Stanton Peele, July 10, 2020. Accessed from <https://addictionpsychology.org/conference-calls/life-process-program>, Feb. 7, 2023.





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 1778 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), a California-based e-cigarette manufacturer that does significant business in the state of Hawaii. I am aware that HB1778 as it relates to tobacco products aims to ban the sale of vapor and all flavored nicotine products other than tobacco.

BLVK E-Liquid strongly opposes this bill. Adult smokers that have made the switch away from cigarettes in favor of electronic cigarettes typically achieve their transition with flavored nicotine products such as open system e-liquid bottles or closed system disposable devices.

If this bill passes, the following ramifications will occur in short order:

- The emergence and proliferation of a massive black market as thousands of products will circulate to adult smokers and children alike. Age-restricted vape shops will no longer maintain the only avenue of accessibility in a black market.
- 99% of all e-cigarette products sold are flavored, thus the ban would eliminate an entire industry.
- A flavor ban would result in the loss of hundreds of Hawaii jobs and shutter businesses which in turn would result in tens of millions of dollars in lost tax revenue for the state.
- A flavor ban would severely limit consumer choice for adult smokers as an alternative to combustible tobacco.

As a former cigarette smoker myself, I have found the existence of flavors to help psychologically rewire the brain to alleviate tobacco cravings. Fast forward eleven years and I have successfully weaned myself off cigarettes and eventually nicotine altogether. This



achievement to live a happier and healthier life wouldn't have been possible if flavored e-liquids were outlawed. As a business and more importantly, as a human being, I would want the availability of flavors to be afforded to as many current adult smokers as possible.

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 ultimately benefits public health. I urge you to oppose HB1778 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

**HB-1778**

Submitted on: 2/1/2024 10:26:05 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chien-Wen Tseng	Individual	Support	Written Testimony Only

Comments:

To our respected legislators,

Please support HB 1778 to end the sale of flavored tobacco products. I am a family physician and last week I took care of two patients in the hospital with lung cancer from smoking. One was a mom with her son next to her whose cancer had progressed despite treatment. The other was an otherwise healthy grandfather with his wife and daughter that we had to give the new diagnosis of wide-spread lung cancer instead of pneumonia. These were wonderful people from our community who started smoking many years ago when they were young. Nicotine is addictive it is clear that flavored tobacco including flavored vaping will harm entire generations in Hawai'i. Please use your leadership to support HB 1778. I really would like to see us prevent this health harm in our community.

Mahalo,

Chien-Wen Tseng, MD MS MPH

**HB-1778**

Submitted on: 1/31/2024 12:04:44 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 fully support this bill for a number of reasons, so are;

- 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).
- This flavor ban would include menthol. Tobacco companies have used menthol to target every priority population our agency serves (I wish that was hyperbole, but unfortunately, we have the receipts). This includes making HI a test market for new menthol cigarettes throughout the 20th century. Folks who use menthol products have a much harder time quitting smoking, and menthol is used as a cooling agent in non-menthol cigarettes to make them easier to smoke. 81% of Native Hawaiians enrolled to the Hawaii Tobacco Quitline smoke menthol cigarettes, compared to 55% for all other enrollees.
- This bill will only affect commercial products and will not affect nicotine replacement therapies.

Thank you for your time and have a great day.

Maddalynn Seseapasara

**HB-1778**

Submitted on: 2/1/2024 10:09:59 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a parent, pediatrician, and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawai'i has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki. On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

To whom it may concern,

[loganlau@stanford.edu](mailto: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 HB1778.

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 2<sup>nd</sup>

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-1778**

Submitted on: 1/31/2024 7:12:12 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HB1778. Thank you.

**HB-1778**

Submitted on: 1/31/2024 8:10:31 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:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).<sup>1</sup> Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 70.5% of Hawai‘i adult smokers use menthol cigarettes (Hawai‘i BRFSS, 2021).<sup>2</sup>
- Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed by other Pacific Islanders (27.9%).<sup>3</sup>

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1. CDC. “National Youth Tobacco Survey (NYTS).” *Smoking and Tobacco Use*, 2019, [www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](http://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm).
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**HB-1778**

Submitted on: 1/31/2024 8:14:59 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jay Ihara	Individual	Support	Written Testimony Only

Comments:

My Name is Jay Ihara and I'm in strong support of HB 1778

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

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 70.5% of Hawai'i adult smokers use menthol cigarettes (Hawai'i BRFSS, 2021). Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed by other Pacific Islanders (27.9%) (Hawaii Health Data Warehouse, 2023).

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 1778**, 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 1778**, which prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine; repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

Hawai'i is in the midst of a youth vaping epidemic that has been underway for more than seven (7) years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

Flavored products are driving this epidemic, where 85% of youth e-cigarette users use flavored products.

Flavors in tobacco products entice our youth, while the nicotine alters the development of their brains, keeping them addicted for life.

Ending the sale of all flavored tobacco will advance health equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. This prevalence of menthol use is due to the tobacco industry's underhanded history of marketing menthol cigarettes to youth and people of color.

Menthol is notorious for its ability to mask the harshness of tobacco, making it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco-related harm in our communities, we must remove mint and menthol along with all other flavors.

Ending the sale of all flavored tobacco products will reduce the appeal of these products, protect our keiki from a lifetime of addiction and advance health equity.

I **strongly support HB 1778**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

**HB-1778**

Submitted on: 1/31/2024 8:48:25 AM

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

Submitted By	Organization	Testifier Position	Testify
Alice Luck	Individual	Support	Written Testimony Only

Comments:

I am writing in support of this measure to protect the health of our keiki. 27% of our high school students and 16% of our middle school students on Kauai regularly use vape products. Many of them are drawn to first use by the flavored products. This measure will cut down on the number of youth who vape. The American Psychiatric Association notes that when teens use nicotine, it may also increase the risk for current and future addiction to other drugs. Using e-cigarettes is associated with worsening symptoms of depression. Youth who use e-cigarettes are more likely to have a history of depression and more frequent use is associated with a greater likelihood of experiencing depression. The Surgeon General notes risks include **nicotine addiction, mood disorders, and permanent lowering of impulse control**. Nicotine also changes the way synapses are formed, which can harm the parts of the brain that control attention and learning.

With 8 in 10 kids starting with a flavored tobacco product, a major way to address young people’s use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting our keiki.

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).<sup>1</sup> Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 70.5% of Hawai‘i adult smokers use menthol cigarettes (Hawai‘i BRFSS, 2021).<sup>2</sup>
- Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed by other Pacific Islanders (27.9%).<sup>3</sup>

**HB-1778**

Submitted on: 1/31/2024 9:19:03 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diane Y Omura	Individual	Support	Written Testimony Only

Comments:

Jan. 31 2024

Honorable representatives:

My name is Diane Omura, and I am a retired health educator from the island of Maui.

Kids are very gullible and even though they know that they are smoking a bunch of chemicals which will eventually kill them, if it tastes good, they will continue to experiment with new flavors and get addicted in the process. Using flavoring to lure kids is an unacceptable marketing strategy and allowing this to continue is unethical.

This is why I appreciate your attention to the role flavors play in getting youth to use tobacco products. We know that smoking cigars, cigarettes, and vaping causes chronic lung injury. We know that chewing tobacco causes oral cancers. While I was still working, my students joined us in advocating for flavor bans. Please listen their pleas.

May I urge that all flavored tobacco products be included in this bill and to disregard any added amendments, if any. Stay focused to the original HB 1778 to keep flavored tobacco products out of our hands of children. Thank you for your time and consideration.

Sincerely,

Diane Omura



**HB-1778**

Submitted on: 1/31/2024 9:22:35 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michelle K.	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT for this bill because any action taken towards fewer people smoking and vaping is much appreciated. Kids need our protection from harmful inhalation of smoke and getting rid of flavored tobacco products is a positive step towards a healthier community. Thank you for your consideration!

**HB-1778**

Submitted on: 1/31/2024 9:49:02 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

I support passage of this bill.

Interesting enough, I would use the exact same language with similar examples of pognant social and health concerns for legalization of recreational marijuana.

**HB-1778**

Submitted on: 1/31/2024 11:13:59 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donita Garcia	Individual	Support	Written Testimony Only

Comments: Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction. Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol. Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 70.5% of Hawai‘i adult smokers use menthol cigarettes (Hawai‘i BRFSS, 2021). Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed by other Pacific Islanders (27.9%) (Hawaii Health Data Warehouse, 2023).

**HB-1778**

Submitted on: 1/31/2024 11:51:45 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
RoAnn Viloría	Individual	Support	Written Testimony Only

Comments:

I wholeheartedly endorse HB1778 as a crucial measure to prohibit the sale of flavored tobacco. The use of flavored tobacco products, particularly among our youth, has reached alarming levels. These enticing flavors serve as a gateway for young individuals to initiate tobacco use, putting their health at risk. By enacting this legislation, we demonstrate our commitment to prioritizing public health and mitigating the adverse effects of flavored tobacco on our communities.

The evidence is clear—flavored tobacco products contribute significantly to the youth smoking epidemic. HB1778 represents a necessary intervention to break the cycle of addiction before it begins. The positive impact on public health, especially among our vulnerable youth population, cannot be overstated. Let us unite in support of this bill, taking a decisive stance against the marketing tactics that lure our young citizens into a potentially life-altering habit.

In conclusion, passing HB1778 is not just a legislative duty; it is a commitment to the well-being of our communities. By ending the sale of flavored tobacco, we send a message that the health and future of our keiki take precedence over profit margins. I urge each of you to stand on the right side of history and support this critical legislation for the greater good of our society.

**HB-1778**

Submitted on: 1/31/2024 12:10:35 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Loren L.	Individual	Support	Written Testimony Only

Comments:

I support this bill because I believe flavored tobacco products are a gateway to tobacco addiction for youth.

**HB-1778**

Submitted on: 1/31/2024 1:04:51 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 HB1778. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

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

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet and minty e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 8 out of 10 youth who ever used tobacco products started with a flavored product, and more than half of youth tobacco users use menthol products.

I ask the committee to please support HB1778 and prohibit the sale of **ALL** flavored tobacco and electronic smoking devices, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

This bill also requires tobacco and vaping companies to use transparent and clear wording that these products indeed do contain nicotine. Currently, youth get confused and think they are using products that are nicotine-free, which is in fact not true.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco and electronic smoking devices (including menthol, mint, and wintergreen) have the greatest appeal to youth. We must end the sale of these products and create better transparency that these products include a great amount of addictive nicotine.

Sincerely, Kristin Mills, M.S., M.A.

Epidemiologist and Public Health Educator

## TESTIMONY HB 1778

I am a long-time Kauai pediatrician, and I am writing in that role to strongly support HB 1778 banning flavored tobacco products and mislabeling e-liquids as nicotine-free. We are in the midst of a vaping epidemic in Hawaii, with startling statistics – 1/3 of high school students and about 1/5 of middle school students are regular vapers. E-cigarettes and other flavored products are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. Menthol is particularly harmful in vaping liquids and cigarettes because of its ability to mask the harshness of tobacco, thereby making it more palatable. This is a recipe for ever increasing medical costs to treat the long-term consequences of nicotine addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids to children is to prevent the sale of flavored tobacco products in the first place.

Menthol is also a health equity issue. In Hawaii, 78% of native Hawaiians and Pacific Island smokers use menthol cigarettes. Tobacco companies particularly target specific ethnic groups and children in advertising menthol. Shockingly, 42% of Native Hawaiian students use e-cigarettes.

There is a clear-cut way to greatly reduce flavored tobacco use by our most precious resource – our keiki. That is to eliminate access to all flavored vaping liquids and menthol by legislation. There is absolutely no reason to avoid this responsibility. We owe it to our children



Linda Weiner, MD  
Kauai Pediatrician

**HB-1778**

Submitted on: 1/31/2024 3:17:08 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee Members,

As a Tobacco Treatment Specialist who has worked in the field of cessation here in Hawaii for 20 years I strongly support this bill. Ending the sale of flavored tobacco will advance health equity here in the islands where Native Hawaiian/Pacific Islanders have been targeted. Initially by the use of menthol which is used by 70.5 % of this population. Also by the use of flavors which is used by 85% of the youth population who use e-cigarettes.

This is not a harmless addiction. It impacts on a persons physical and emotional well being. Anything, that we can do as a society to prevent people from starting and assist those that are addicted to quit is a step in the right direction for the population here in Hawaii.

Mahalo

Valerie Smalley

**HB-1778**

Submitted on: 1/31/2024 3:44:58 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Molly Mamaril	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Health & Homelessness,

I am writing in strong support of HB 1778 which would prohibit the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine. It would also repeal language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

We are still in the midst of a youth vaping epidemic. In Hawai'i, 14.8% of high school students and 6.7% of middle school students still report "current use" of e-cigarettes. With 8 in 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting our keiki.

Mahalo for your consideration,

Molly Mamaril

Kaimuki resident, Oahu

**HB-1778**

Submitted on: 1/31/2024 4:04:22 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this bill, lets keep working to phase out tobacco use

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 HB1778 ending the sale of flavored tobacco and 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 HB1778, 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 HB1778. 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 HB1778 and I wanted to share why I decided to make a statement.

From what I've seen amongst my peers, I realized that many users use tobacco as a stress reliever or the curiosity of trying one of the thousands of flavors and quickly become addicted. Recently during class a student was vaping and while the other students snickered, soon enough, he got caught and was in trouble. Disrupting his and everyone else's education.

I've hung around individuals who've vaped. Of course, they never coerced me into doing it but I wonder what the reason is that they would smoke. While flavored vapes didn't affect me, I am sure that it affected individuals who made the decision to try it. 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 1778** and ending the sale of flavored tobacco products in Hawai'i. It's clear to me that they 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 HB1778. 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.

Tobacco is the leading cause of preventable death in the world. Ending the sale of flavored tobacco products would help change this.

Please support HB1778

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 HB1778. I strongly support HB1778. I am a 8th grader attending Honoka'a High & intermediate. 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 HB1778.

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 HB1778. 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 HB1778,

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 Razberry. 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 HB1778 and am asking the Committee to end the sale of all flavored tobacco products in Hawai'i and to allow the counties to have the power to regulate tobacco sales.

Megan Boaz

Hilo

Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health and Homelessness

Aloha,

My name is RJ Arconado, a Junior at Lahainaluna High School. I am writing to express my **support for HB1778**, a step aimed at ending sales of flavored tobacco products.

The pervasive availability of flavored tobacco products has contributed to a concerning rise in youth tobacco usage. The “flavors” that mask the dangerous contents of tobacco products are targeted towards the youth, leading to a concerning increase of addiction. By supporting HB1778, we have the opportunity to protect the health and well-being of our future leaders.

Hawaii has one of the highest vaping rates amongst teens. After all, companies come out with flavors that appeal to a younger demographic. A shocking fact was made to me by a middle school student, stating that middle schoolers were caught vaping, shutting down bathrooms. These harmful flavors can overtime affect memory, cognition and damage our body’s vessels.

I urge you to consider the long-term impact of flavored tobacco on the health of the public and support HB1778. Let us prioritize the wellbeing of our community, and work towards a healthier, smoke-free Hawaii.

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

I am testifying in strong support of HB1778

I 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.

I also 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.

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 HB1778 to end the sale of all flavored 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.

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.

Oscar Amos  
Kamuela HI

Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health & Homelessness

I support HB1778 because someone very dear 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.

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.

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

Elaine Nguyen

Keaau

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

I support HB1778 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 HB1778**

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

Sharice White

Kapolei

Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health and  
Homelessness

### **In Support of HB 1778**

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 HB1778

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.

Please help by supporting HB1778 and either end the sale of flavored tobacco or give the authority back to the counties. I believe the local people should be allowed to tackle local kine problems.

K. Palma

Chair Belatti, Vice Chair Takenouchi and Members of the Committee

**I support HB1778** to end the sale of flavored tobacco products in Hawaii. 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 include 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.

I see kids in the bathroom during class time vaping, when instead they could be using the time to learn and do their work for a good future. Because they are addicted, they have to keep buying vapes again and again, costing them money which they shouldn't be using.

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.

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 HB1778.

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.

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.



Chair Della Belatti

Vice Chair Jenna Takenouchi

Members of the Committee on Health and Homelessness

I am writing in support of HB1778 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 HB1778**

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 HB1778. 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.

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 HB1778 is crucial because Hawaii must protect its keiki, and fight back against the sneaky marketing tactics of big tobacco companies. HB1778 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 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 HB1778 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 HB1778.

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.

Another reason I support HB1778 is that i think that counties should be able to make their own decision if the state doesn't do something.

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 HB1778.

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.

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.

Jaelyn Natividad

Honolulu

**HB-1778**

Submitted on: 1/31/2024 3:51:33 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tin Shing Chao	Individual	Support	Written Testimony Only

Comments:

I am in **STRONG SUPPORT** of **PASSING** the HB 1778 to correct and end sales of tobacco and related products to our Keiki. Keiki is our future we need to protect them from addiction of these tobacco products. Some people only looks for profits and does not put Public Health and Keiki health in the first priority. . As legislators you need to put our health and keiki's health on top of your mind and make this a priority to pass this HB 1778. Thanks.

**HB-1778**

Submitted on: 1/31/2024 5:01:44 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Fox	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB1778, I support the banning of flavored tobacco products, including menthol flavors. Flavors in tobacco products entice users, particularly youth, while the nicotine keeps them hooked through adulthood.

Similar to strategies used by Big Tobacco in the past, flavored vapes are designed to attract children through their sweet flavors, cute names, and candy-like packaging. We are seeing an epidemic of middle and high school vaping with these flavored vapes. Even elementary age kids are getting caught vaping in the schools. Kids as young as 11, dependent on nicotine and tobacco, are getting referred for treatment.

These flavored products don't just get the attention of kids, they attract and sustain adult users as well. Though the average e-cigarette user starts at age 13, it's a problem that continues throughout adulthood. Banning flavored tobacco protects adults as much as it does our keiki. Flavored tobacco is intended to make nicotine and tobacco use more tolerable, which only supports continued use.

Despite their marketing, vapes are not FDA approved cessation devices for adults. In fact, the high dosage of nicotine delivered through vapes make them more addictive than even cigarettes. We don't need to make these dangerous products more enticing through flavors.

Recently, our previous wins in the battle against tobacco use have been diminished because of the sharp increase in vaping. The industry has changed tactics and we need to respond before even more people develop addiction. Banning flavored tobacco products is a positive first step in protecting the health of our community.

Thank you for your efforts to protect our community.

Dr. Colleen Fox,

Honolulu

**HB-1778**

Submitted on: 1/31/2024 7:37:31 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kate Shower	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in support of HB 1778, in relation to ending the sale of flavored tabaco product. By allowing companies to use flavors that are typically sweet or marketed towards a younger audience. We all allowing students, a vulnerable and easily influenced population to subjection to the highly addictive chemical called nicotine. Teens don't understand how harmful these product truly are because of their sweet flavor and "harmless" marketing. We need to put Hawaii children first and not the interest of a multi million dollar industry. Thank you for your consideration.



**Representative Belatti, Chairs  
Representative Takenouchi, Vice Chair  
House Committee on Health**

**Janelle Todd-Hesse RN, BN DNP-S  
University of Hawaii – Hilo  
PO Box 121, Hakalau, HI 96710**

**February 2, 2024, at 08:30 AM Room 329 Via Videoconference**

**Support for HB 1778 and SB 2691:  
Flavored Tobacco Products; Misabeled E-liquid Products; Sale; Prohibition**

Chair Belatti, Vice Chair Takenouchi, and Committee on Health and Homelessness members thank you for the opportunity to testify in support of HB 1778.

I am Janelle Todd-Hesse, a Doctor of Nursing Practice student at the University of Hawai'i-Hilo. I support HB 1778 regarding flavored tobacco products; mislabeled e-liquids; sale; and prohibition.

Flavored tobacco, such as menthol cigarettes and fruit-flavored e-cigarettes, are particularly appealing to young people and can serve as a gateway to nicotine addiction. The alluring flavors, combined with aggressive marketing by tobacco companies, have significantly contributed to the rise in youth smoking rates. Numerous studies have shown that flavored tobacco products increase the likelihood of initiation and regular use among adolescents, leading to lifelong addiction and associated health risks over time. Moreover, these products disproportionately affect minority communities, further increasing their risks of lifelong chronic illness. Banning flavored tobacco not only protects young people from being targeted by predatory marketing practices but also addresses social justice issues related to health disparities. By eliminating access to these appealing options, individuals are believed to be less likely to continue or start using these dangerous products, ultimately improving public health outcomes in Hawaii.

In conclusion, I am grateful for the opportunity to voice my support for HB 21778. I support this legislation prohibiting flavored tobacco as a crucial safeguard of public health while promoting health equity.

February 2, 2024

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

In support of HB1778

The rising prevalence of youth vaping in Hawaii has become a critical concern that demands immediate attention. As a resident deeply invested in the well-being of our community, I've observed with growing apprehension, the increasing number of adolescents succumbing to the allure of vaping. The availability and popularity of vaping products have played a significant role in this concerning trend, capturing the attention and interest of young minds, aka our keiki. Flavors, which are often designed to mimic familiar tastes from candies to fruits, not only mask the inherent risks of nicotine but ultimately contribute to the normalization of vaping among youth.

To tackle this pervasive issue, it is imperative to abolish the sale of flavored tobacco products. These flavors act as a gateway for adolescents, enticing them into a habit that can have serious long-term health consequences and hinder their development. By eliminating the availability of flavored options, we can disrupt the cycle of addiction and discourage young individuals from engaging in this detrimental behavior. Such a measure would not only protect our community of youth, but also prevent vaping from becoming more widely and socially acceptable.

In addition to prohibiting flavors from hitting the shelves at our local stores, 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 will be more 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. Flavored vaping may try to dance its way into our lives, but let us put an end to this party by taking sufficient action.

Samantha Lay  
Honolulu HI

**HB-1778**

Submitted on: 2/1/2024 7:39:53 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shani Carvalho	Hamakua-Kohala Health	Support	Written Testimony Only

Comments:

I strongly support HB1778 that would end the sale of all flavored tobacco products.

**HB-1778**

Submitted on: 2/1/2024 7:58:51 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jensel Merice Jose	Individual	Support	In Person

Comments:

**Chair Belatti**

**Vice Chair Takenouchi**

**Members of the Committee on Health & Homelessness**

**My name is Jensel Merice Jose, I am a Junior attending Kohala High School and I am writing to you today to ask you to support HB1778 to end the sale of all flavored tobacco products in Hawai'i and restore the counties authority to regulate tobacco sales.**

**I support this bill because of my own personal experiences with watching vapes destroy the people around me. I may live in a small town isolated from others, but that doesn't mean that vaping hasn't affected my school, my community, and even my own home. Vaping in Kohala is destroying our youth and makes me fear for our future.**

**My heart aches knowing that vaping has gotten to the point where the student leaders of Kohala High School have been influenced to vape at such a young age. Our school has a leadership class specifically for our Student Ambassadors. In that class of roughly 25 students, only about 3 of us don't/have never vaped.**

**In that same class last year, I watched one of the ambassadors beg another ambassador for their vape. For a brief moment our teacher walked out of the classroom to use the bathroom, trusting that he could leave us unattended— as soon as he walked out of the door, one of the ambassadors pulled out his vape and started to use it; once the other ambassador saw the vape, she ran up to him and practically begged him for it; saying things like, "Give it to me!", "Please, I need it!". That's how bad their addiction is.**

**One of the other ambassadors in our school, who is seen as the “picture perfect student” who always got a 4.0 GPA, a class officer, a part of clubs, and would volunteer when help was needed, vapes. None of us would have ever expected her to vape. But because of who she was friends with and the flavors available, she tried it and is now addicted. It’s now a regular necessity in her life.**

**Strawberry Milk, Blue Raspberry, Watermelon Lime, Vanilla Custard, the list goes on and on. I’m asking that you please support us in banning the sale of flavored tobacco products that are so clearly targeting the youth. If it’s the law that you need to be 21 years old to purchase tobacco products, why do the companies get to target the youth with all these flavors that sound and taste like candy?**

**Youth tend to go towards vape because of the luring flavors. Think about it, would you rather be breathing smoke or breathing candy? Vape companies are purposely mimicking these flavors knowing that it attracts the youth; and if you start giving it to them at a young enough age, they’ll become addicted by the time they can legally purchase one whenever they want.**

**I understand that adults have the right to vape and tobacco flavors would still be available to them under the bill. But we need to protect the youth.**

**The human brain is still developing until the age of 25, so what happens when an underaged child uses products that contain nicotine? It can disrupt the formation of brain circuits that control attention, learning, and susceptibility to addiction. Not only is nicotine harmful to a developing brain— it’s also highly addictive. It only takes 5 mg of nicotine a day to cause a minor to get a nicotine addiction and a singular Elf Bar can have 650 mg of nicotine or the same as 590 cigarettes.**

**Youth are often asked to “Be the Change”. But how can we if so many of us are addicted to nicotine? How can we expect children to withstand the targeting of a huge industry if they are providing brightly colored vapes that fit perfectly into our hands and give us constant access to any flavor we desire?**

**Help protect us from an industry that would profit from our addiction. End the sale of all flavored tobacco products in Hawai'i or restore the counties authority to protect their communities.**

**Jensel Merice Jose**

**Hawi, Hawai'i**

**HB-1778**

Submitted on: 2/1/2024 9:08:16 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kenneth matsuda	Individual	Support	Written Testimony Only

Comments:

**Chair Belatti**

**Vice Chair Takenouchi**

**Members of the Committee on Health & Homelessness**

**My name is Kenneth Kiyomi Ka Hanakahi A Kohala Matsuda, I am a junior attending Kohala High School and I'm writing to you today asking you to support HB1778 to end the sale of all flavored tobacco products in Hawai'i and restore the counties authority to regulate tobacco.**

**I am in full support of this bill because I have seen the impact of this nationwide epidemic. I've seen children as young as 10 hit a vape, all because of the flavors which are obviously targeted to the youth of today. Tobacco companies don't make these flavors for existing customers, but to set up new customers. These flavors are designed to hook kids and keep them hooked for life inturn giving the tobacco companies lifelong customers.**

**I've seen my fellow classmates freakout when they couldn't find their vapes. They are addicted and can't focus without their vapes, almost all my classmates that vape started at a younger age. After asking them they say it's because of the flavors, they only do it for the flavor in the beginning but then get hooked on the harsh chemicals.**

**Please support this bill and protect our Kekei so that they and us have a future to look forward to.**

**HB-1778**

Submitted on: 2/1/2024 6:35:06 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caitlyn Albino-Rapanot	Kualapuu Conversion Charter Elementary School	Support	Written Testimony Only

Comments:

I am supporting this bill for the safety of my children and the future generation to come. I do not want any of them getting hurt and these vapes causing long term illnesses for them.



**HB-1778**

Submitted on: 2/1/2024 8:22:39 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tyler Pascual	Individual	Support	In Person

Comments:

**Chair Belatti**

**Vice Chari Takenouchi**

**Members of the Committee on Health & Homelessness**

**Aloha my name is Tyler Pascual, I am a Junior attending Kohala High School and I am writing to you today to ask for your support HB1778 to end the sale of all flavored tobacco products in Hawai'i and restore the county's authority to regulate tobacco sales.**

**I support this bill because I see vaping as a growing epidemic and a constant struggle for minors to avoid. Big tobacco companies are constantly targeting minors with their marketing ads by constantly producing new flavors like watermelon-lime, strawberry cheesecake, and Hawaiian punch. According to the CDC in 2022, more people died from a tobacco-related illness than homicide, car crashes, and COVID-19 combined.**

**As a student attending Kohala High School, I am constantly seeing students hiding behind other students to vape as soon as the teachers look away. This epidemic has gone too far. This problem has gotten so bad that our school decided to revoke our bathroom privileges last year. They locked up all our bathrooms and wouldn't allow us to enter the bathrooms unless a security guard came with us. Luckily, our bathrooms are open now, but imagine being a student and needing to use the bathroom but being denied of permission to go— all because too many students are deciding to use the bathroom as a free space to vape.**

**Protect our keiki. We're asking you to please support HB1778 to end the sale of flavored tobacco products in Hawai'i or restore the counties' authority to protect their communities and to stop big tobacco companies from targeting our youth.**

**Tyler Pascual,**

**Kapaau, Hawaii**

**HB-1778**

Submitted on: 2/1/2024 10:38:52 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Briann Starkey	Individual	Support	Written Testimony Only

Comments:

**My name is Briann Piliana Starkey and I am a Hawaiian Immersion Special Education teacher at Kula Kaiapuni o Kualapuu Public Conversion Charter School.**

**I am testifying in SUPPORT of HB 1778. For being a General Educaiton teacher for many years, it has been common recently for 10 -12 year olds, fourth, fifth and sixth graders, to get caught with tobacco products (vape) in school. The common answer is that it either belongs to their family member. Either an older sibling, older cousin or their parents.**

**I support this bill that prohibits the sale of flavored tobacco products so the youth of today don't think that it is cool or good for them.**

**In conclusion I am testifying in STRONG SUPPORT of HB 1778.**

**HB-1778**

Submitted on: 2/1/2024 12:34:13 PM

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

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

Comments:

**STRONGLY SUPPORT HB1778**

Nicotine is as addictive as heroine and cocain combined.

Stop the insanity.

[www.WeAreOne.cc](http://www.WeAreOne.cc)

**HB-1778**

Submitted on: 1/31/2024 5:34:37 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paul Azuma	Vape Kings LLC	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB1778. As owner/operators of local Vape Shops on Oahu for the last 10 years, we've always remained compliant with State laws regarding the use and sale of ESDs and E-liquids. We have never sold Combustible Tobacco (Cigarettes/Cigars/ RYO Tobacco), and rely on Flavored products to stock 99% of our shelves. Not only would a flavor ban put us out of business, it would leave our customers with no other option but to turn to the black market, or risk ordering from unregulated online retailers. It is also likely that many would return to Combustible Tobacco products.

To be clear, this bill will not prevent Hawaii Residents from using Tobacco Products, it will only serve to close local businesses. These are tax revenue generating businesses, that employ local residents. Instead of a flavor ban, why aren't laws like SB975 SD2 HD3 CD1 (2023) being amended to put tax revenue towards funding programs regarding cessation and addiction, or better yet, funding programs to combat youth tobacco initiation? Whether minors start smoking, or vaping, isn't funding needed to combat the issue itself?

With more and more Flavored Alcohol Products being added to grocery and liquor store shelves statewide, it is clear that flavors are popular with adults. I don't see any flavor bans for Alcohol products, why? Why has the vaping industry in Hawaii being penalized for the indiscretions of Big Tobacco? We did not create the problem, we could be the solution.

**HB-1778**

Submitted on: 1/30/2024 6:53:53 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Monika Lopez	Individual	Oppose	Written Testimony Only

Comments:

Leave our flavors alone.

**HB-1778**

Submitted on: 1/31/2024 11:13:33 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brian Santiago	Individual	Oppose	Written Testimony Only

Comments:

Please stop taking away our rights to choose the flavors of products we enjoy. Also this bill will be a small business killer for vape retailers and employees.

**HB-1778**

Submitted on: 1/31/2024 11:53:55 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sean Anderson	Individual	Oppose	Written Testimony Only

Comments:

This bill, again, is an attempt to punish responsible adults who have had success in quitting the use of traditional tobacco.



**HB-1778**

Submitted on: 1/31/2024 1:11:09 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dillon Rellez	Individual	Oppose	Written Testimony Only

Comments:

There is no difference between selling flavored vapes and flavored alcohol. We should just treat vape like alcohol. There would be way less problems.

**HB-1778**

Submitted on: 1/31/2024 1:11:41 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

Submitted on: 1/31/2024 1:12:13 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

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

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

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

Comments:

I Oppose This Bill, to Prohibit the sale of Flavored Tobacco Products & Mislabeled E-Liquid Products Containing Nicotine.

**HB-1778**

Submitted on: 1/31/2024 1:18:41 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ellen benton	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it penalizes adults who have quit smoking traditional cigarettes by switching to vaping. As an adult, I should be able to choose what type of flavor I wish to use while vaping. As a former menthol cigarette smoker, I typically prefer menthol and minty vape flavors so by banning flavors I would not be able to vape any longer. I noticed that this bill was apart of something called the "keiki caucus" and it struck me as odd. Tobacco and nicotine products are only legally allowed for purchase by persons 21 years if age and older. Therefore, I view this bill as a personal attack on vape users who are of legal purchasing age.

I urge you to oppose this bill for the sole reason that it penalizes adults from partaking in a safer alternative to traditional cigarettes.

**HB-1778**

Submitted on: 1/31/2024 1:41:59 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
VALENTINO MIRANDA-KEPA	Individual	Oppose	Written Testimony Only

Comments:

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 HB1778

**HB-1778**

Submitted on: 1/31/2024 2:17:08 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eric Heaukulani	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure!

**HB-1778**

Submitted on: 1/31/2024 2:22:29 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Autumn Masi	Individual	Oppose	Written Testimony Only

Comments:

- 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-1778**

Submitted on: 1/31/2024 2:39:42 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
HANALEI BENN	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because I feel like it not only will hurt alot of companys and jobs but it can also result in tens of millions of dollars in tobacco related taxrevenue fallouyt for the state.not to mention the increase on black market sales.

**HB-1778**

Submitted on: 1/31/2024 2:41:15 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ASHLEY MATTOS	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill!

**HB-1778**

Submitted on: 1/31/2024 3:42:32 PM

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

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

Comments:

This is Allowing counties to make their own tobacco laws creates a patchwork of tobacco laws and confusion in the market while also Increasing black market sales and youth access dramatically

**HB-1778**

Submitted on: 1/31/2024 3:55:54 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Quinntin Kaawa	Individual	Oppose	Written Testimony Only

Comments:

I oppose to this measure for the following reasons!

Limiting adults choice for an alternative to combustible tobacco. A flavor ban will result in tens of millions of lost revenue in tax for the state. Flavor bans fuel black markets as seen In California. I oppose

**HB-1778**

Submitted on: 1/31/2024 4:02:22 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

Submitted on: 1/31/2024 4:15:22 PM

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

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

Comments:

I oppose this bill. These products provide an alternative to smokers who want to quit and it helped me. Don't punish those who use these products...instead find other avenues to prevent teens and children from using.

**HB-1778**

Submitted on: 1/31/2024 4:18:43 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

Submitted on: 1/31/2024 4:25:42 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jadine L Brown	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.



**HB-1778**

Submitted on: 1/31/2024 4:35:25 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
PAUL LACUESTA	Individual	Oppose	Written Testimony Only

Comments:

strongly oppose.

**HB-1778**

Submitted on: 1/31/2024 4:40:19 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
DANALI	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 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-1778**

Submitted on: 1/31/2024 4:41:30 PM

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

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

Comments:

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**HB-1778**

Submitted on: 1/31/2024 4:48:41 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Choe	Individual	Oppose	Written Testimony Only

Comments:

Hawaii is again in a situation that can look at other states to see how similar policies are working. Just like the state's response to COVID learning from other mainland states who were in different/future phases of the pandemic. Hawaii should look again at other states to learn from their mistakes.

California banned flavors and that did not stop the flavored sales. What resulted was things being sold illegally or on the streets from brands that are not as reputable or safe. As an adult, I believe we are free to make choices on things like flavors just like with alcohol.

Final point would be the recent 70% tax on vaping that was passed in Hawaii. Most people who vape use flavored products and banning flavors would severely reduce the amount of tax revenue the state could earn and put towards things like education, childcare, mental health, homelessness, and infrastructure.

**HB-1778**

Submitted on: 1/31/2024 4:56:13 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

Submitted on: 1/31/2024 4:58:32 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 you see it; how about letting me decide for me?

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 combustible 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.

You do this every year with gun control, now with vaping? When does it end? Please be the change we want to see a transparent legislature that has the people's best interest in mind. Oppose this stupidity. Thank you.

**HB-1778**

Submitted on: 1/31/2024 5:06:06 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharon Manarpaac	Individual	Oppose	Written Testimony Only

Comments:

Stop trying to limit access for myself as well as many to these products. Further more, stop trying to take away our livelihood. It is not retailers or employees of retailers who sale these devices to minors. I work in a shop that is 100% ID Checked. Instead of pin pointing the issue on our industry, punish those people who purchase for underage. It's as simple as that.

**HB-1778**

Submitted on: 1/31/2024 5:07:05 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jon Figueroa	Individual	Oppose	Written Testimony Only

Comments:

This law will basically shut down many businesses in Hawaii and cause a lot of people to go back to smoking regular cigarettes. I quit smoking regular cigarettes for 10 years now this law will take away the options on tobacco flavors and e liquid for vaping . Please reconsider this law I don't want to go back to smoking regular cigarettes!  
bad enough the cost of living here is crazy

we gotta pay to drive our own cars (registration &safty)

Now with this becoming a law we will not have a choice!!!



**HB-1778**

Submitted on: 1/31/2024 5:11:19 PM

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

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

Comments:

Freedom to choose should be ours. Seems like non smokers have all the benefits to the flavor ban. Give us the choices to make as adults and penalize the places that sell to under age kids.

**HB-1778**

Submitted on: 1/31/2024 6:03:23 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Timothy Eagleson	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members of the Legislative Body,

My name is Tim Eagleson, and I come 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-1778**

Submitted on: 1/31/2024 6:24:38 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
PATRICK BROWN	Individual	Oppose	Written Testimony Only

Comments:

I feel that prohibiting the sale of these products is not the best solution. In the past prohibition has only created conditions in which in criminal pursuits can flourish. Adults who choose to use nicotine products should have access to a selection of regulated nicotine products at a fair market price.

**HB-1778**

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

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Owens	Individual	Oppose	Written Testimony Only

Comments:

Very Opposed. :(

**HB-1778**

Submitted on: 1/31/2024 8:19:16 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

Submitted on: 1/31/2024 10:03:57 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shorrel Lui	Individual	Oppose	Written Testimony Only

Comments:

I strongly advocate against flavor bans on vape products based on the following points:

The experience in California highlights that flavor bans lead to a thriving black market, exacerbating the issue instead of solving it.

A staggering 99% of vape products are flavored, making a ban tantamount to eliminating an entire industry and jeopardizing countless jobs in Hawaii.

Such a ban would not only shutter businesses but also result in the loss of hundreds of jobs, negatively impacting the local economy.

The financial repercussions are substantial, with the state potentially losing tens of millions of dollars in tax collection, further straining resources.

Adults should have the freedom to choose alternatives to combustible tobacco, and flavor bans impede this choice.

It's worth noting that flavored alcohol, in high demand among adults, continues to be sold widely in grocery and liquor stores throughout the state, highlighting an inconsistency in regulatory measures.



**HB-1778**

Submitted on: 2/1/2024 12:08:16 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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 Hawai'i 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-1778**

Submitted on: 2/1/2024 1:19:03 AM

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

Submitted By	Organization	Testifier Position	Testify
M KAUHAIHAO	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern,

The following are points I agree with.

- 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 Hawai'i 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

Additionally, I feel that adults have the right to choose the method of cessation of nicotine products as they choose. This and other similar laws are targeted primarily due to abuse of such products in our youth. **THIS IS AN ISSUE OUTSIDE OF PRODUCT SALES.** Adults with children who are able to access these products are part of the problem. Yes, that sounds archaic in these times, but the reality is that if we are to bann everything that the youth today abuse, then we are in line to eliminate vehicles, over the counter medication, sugary foods and drinks, as well as cell phones, internet and basically all technology. Where will it end. Flavored nicotine products are nothing new, but they are a healthier and much more environmentally respectful than cigarettes. Nicotine is not going away; however, responsible adults who monitor their children as well as their own property should be free to make their own choices in this issue.

I could not be more PRO vapes and e-liquids (flavored or not). We need to stand up for individual rights to choose. and not make laws because adults are not monitoring the target audience who abuse it.

I am an adult, I choose NOT to smoke; but I DO want our rights as citizens to stay firm and break down the weaker issues having to do with lack of parental supervision, consequences for youth participation and a community at odds with the wrong enemy/issue.

Mahalo,

MCJK

**HB-1778**

Submitted on: 2/1/2024 4:29:11 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gabby Constantino	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I strongly oppose HB1778 to ban sale of all flavored vaping products. While I agree that protecting keiki should be the number one priority, I don't foresee this bill having an ideal outcome.

When I was 16, vaping became insanely popular amongst my friends and in my school. But before vaping, alcohol was very popular. Kids were bringing "hard" lemonades and teas to school. Some then driving home after school or going to practice. I don't think either product is appropriate for kids, but in my experience, if kids don't have vapes they will go back to alcohol, which also has all kind of "fun" flavors. The difference is we don't see nicotine influenced accidents and crimes. But we do see many alcohol influenced accidents and crimes. I worry this bill will backfire on our keiki. In hindsight, we should be addressing WHY our keiki are feeling compelled to indulge in dangerous behaviors and address the root issues at hand.

**HB-1778**

Submitted on: 2/1/2024 8:24:39 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
kainalu keaunui	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure. 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-1778**

Submitted on: 2/1/2024 10:09:15 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 am writing to express my strong opposition to HB1778, which proposes a ban on flavored vape products in our state. While I understand the importance of addressing public health concerns, I believe that this proposed legislation may have unintended consequences that should be carefully considered.

Firstly, I would like to draw your attention to the experience in California, where flavor bans have been implemented. Unfortunately, these bans have led to the proliferation of a massive black market for flavored vape products. Instead of achieving the intended health outcomes, such bans often drive consumers towards unregulated and potentially dangerous alternatives. Learning from these challenges, I urge you to consider alternative approaches that prioritize regulation and harm reduction over outright prohibition.

It is crucial to recognize that a significant majority, 99%, of all vape products sold are flavored. Implementing a complete ban on flavored products would effectively eliminate an entire industry, resulting in the loss of hundreds of jobs and the closure of businesses across Hawaii. The economic impact of such a decision would be severe and wide-ranging, affecting both employees and entrepreneurs who contribute to the state's prosperity.

Moreover, the financial implications of a flavor ban extend beyond individual businesses. The state stands to lose tens of millions of dollars in tax revenue, further straining our resources and potentially impacting essential services. In a time when fiscal responsibility is paramount, it is essential to consider the broader economic consequences of legislation that may lead to job losses and reduced revenue for the state.

Beyond economic considerations, it is important to acknowledge the role of flavored vape products as an alternative for adults seeking to transition away from combustible tobacco. By limiting their choices, we risk undermining harm reduction efforts and potentially driving individuals back towards more harmful forms of nicotine consumption. It is crucial to strike a balance between protecting public health and preserving individual autonomy.

Lastly, it is worth noting that flavored alcohol remains highly popular among adults and is readily available at grocery stores and liquor stores statewide. If flavored products are deemed acceptable in other industries, it raises questions about the consistency and fairness of singling out vape products for a ban.

In conclusion, I respectfully urge you to reconsider the proposed flavor ban in [HB1778]. I believe that a more nuanced approach, focused on regulation, education, and harm reduction, would better serve the interests of public health and the economic well-being of our state.

Thank you for your time and consideration. I trust that you will weigh these concerns thoughtfully as you make decisions that will impact the lives and livelihoods of many in our community.

Sincerely,

Jason Grehawick

**HB-1778**

Submitted on: 2/1/2024 10:22:54 AM

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

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

Comments:

I as a adult vapor yes I could quit smoking in general but for the past year I been vaping I don't like regular tobacco flavors and with flavor vaping it helps me easier to quit the patches and lozenges don't work for me flavored vapes help me decrease my smoking habits to where I'm almost at the point of quitting but as it helps me it probably helps other adults thats why I say a flavor ban should not be approved.



Good morning, Chairwoman Au Bellati and Members of the Committee,

I wanted to join you in person to ask you to oppose House Bill 1778 and House Bill 1563. Unfortunately, I was not able to find anyone to work my shift this morning, so I am joining you virtually instead.

My name is Gene Oak. I own Keolu Bear, a neighborhood store in Kailua. I have owned my store for 5 years and I am very proud of my perfect record of only selling tobacco products to adults 21+. As a father, I take my responsibilities to check ID very seriously. I have invested in technology and training to support with checking ID. I was one of the first retailers in Hawaii to start scanning IDs for age restricted sales.

I am asking you to oppose 1778 and 1563 because:

National data shows that youth cigarette smoking has declined to historic lows. This happened without a policy of prohibition. Regulations meant to prevent underage use can only work if tobacco products are distributed and sold through licensed, legal businesses like mine.

Plus, Hawaii should not create a patchwork of local tobacco regulatory powers. Local tobacco laws and regulations are problematic because they risk state tax revenues, they create confusion and complexity for retailers and our customers, and they increase burdens on state enforcement.

I take my role in the community very seriously and I would like to contribute in as many ways as possible. If you would like to spend some time at retail, I would like to host you in my store.

House Bill 1778 and 1563 are not good for Hawaii or for Hawaii retailers. Please oppose them.

Thank you.

**HB-1778**

Submitted on: 2/1/2024 10:41:49 AM

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

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

Comments:

I strongly object to this bill being passed, if it passed it would eliminate an entire industry and many businesses would close down, leaving many jobless.

As someone who smoked 2 packs a day for years, having flavored vape products saved my life, literally. Without these being available, many will go back to tobacco products and lose their lives.

Alcohol is readily available in flavored options, there is no reason vapes should not be offered in flavored options as well if sold responsibly.

As stated above, I strongly disagree with this bill!

**HB-1778**

Submitted on: 2/1/2024 11:00:55 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Yates	Individual	Oppose	Written Testimony Only

Comments:

Based on first hand experience while visiting as well as friends from my navy days flavor bans have fueled a massive black market in California which we can only assume like with most prohibited goods would also happened here.

Another factor to consider is that 99% of all vape products sold are flavored, thus this ban would eliminate and entire industry as well as eliminating hundreds of jobs that are already hard to come by in this economy.

Flavor bans would result in tens of millions of dollars in lost tax collection for the state and we already know the state after Covid needs tax revenue more than a witch hunt for a product that is no different from alcohol or cigarettes all of which have flavor available and for the most part are easily accessible anywhere you go on the islands.

This also goes about limiting adults choice for an alternative to combustible tobacco that in all seriousness is a more dangerous subject health wise than flavored liquids for vape.

In conclusion I ask that this ban is not passed as I think socially and economically it would devastating as it would increase alcohol and cigarettes consumptions which are still allowed to enhance their products with flavors.

**HB-1778**

Submitted on: 2/1/2024 11:55:27 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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-1778**

Submitted on: 2/1/2024 12:59:24 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sabrina Spencer	Individual	Oppose	Written Testimony Only

Comments:

Enough Already! Stop this bill and its' unfair discrimination against our lifestyles.

**HB-1778**

Submitted on: 2/1/2024 1:01:57 PM

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

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

Comments:

In opposition of this bill I submit the information. I am a over age of 21, and should be able to make my choices . Not have anyone tell me flavors of anything I can not use. Regulation of freedom of choice. Flavor ban doesn't work. Kills business. Opens black markets. Tryng to protect the youth with a flavor ban doesn't work as follows:

[ABC7 -Team reporter](#) [Stephanie Sierra.](#)

**Is the ban working?**

**March 31 2023**

While the statewide ban went into effect in December last year, several other cities and counties already had flavored tobacco bans in place - including Sunnyvale.

The I-Team asked an 18-year-old high school student to accompany us to check out several smoke shops in Sunnyvale. We watched the young man walk into the store and followed shortly after to hear the conversation with the store clerk.

He asked to buy Menthol Juul pods - one of many flavored tobacco products included in the state and local city ban. The student told the I-Team that the store clerk had them in stock.

"As I was paying I gave her my vaccine card," the teen told the I-Team. "She said I need a physical ID." The sale didn't take place. But once he got back into the car, the 18-year-old was able to go online and order 19 different options of flavored tobacco with 50mg of nicotine. The store clerk told him in the store they allow online pick-up orders, which is not allowed under local city ordinance.

**CA's tobacco black market**

If you ask well-informed critics, they say strict or not, the ban simply doesn't make sense. In part because of the apparent loophole; anyone can seemingly access illegal products with just a few clicks."It's so easy," said retired Assistant Director with the ATF, Richard Marianos. Marianos has conducted enforcement operations involved in criminal tobacco trafficking. He says the state's ban lacks an enforcement strategy and because of that the demand for the tobacco black market in California is one of the highest across the U.S.

"The black market is alive and well in California," said Marianos.

Marianos says former ATF investigators have conducted a market survey to see how effective the ban is in different California communities. He says teams made purchases to try and identify problem areas across Northern California.

"Seven out of the 10 places they visited they were able to purchase contraband, illegal products with impunity," Marianos said. "That's an issue that seven out of 10 are just selling to anybody."

One flavored tobacco product well-known in the black market across the U.S. is starting to gain popularity in California. It's called 'gummies' and experts worry the product is attractive to kids.

[Boston University](#)

THE BRINK

MARCH 6, 2015

- [LISA CHEDEKEL](#)

### **Young Drinkers of Flavored, Supersized Alcohol at Increased Risk**

**Underage drinkers of flavored alcoholic beverages who exclusively consume the supersized versions are more than six times as likely to report suffering alcohol-related injuries as underage youths who drink other types of alcoholic beverages, according to a new study co-authored by School of Public Health (SPH) researchers.**

The study, published in the [\*American Journal of Public Health\*](#), is believed to be the first study to document an association between the consumption of different types of flavored alcoholic beverages by youth ages 13 to 20, risky drinking behaviors, and self-reported injuries related to alcohol consumption. In previous studies by the same research team, which includes the Center on Alcohol Marketing and Youth at the Johns Hopkins Bloomberg School of Public Health, nearly half of underage drinkers in the US reported having consumed flavored alcoholic beverages in the past 30 days.

Flavored alcoholic beverages, also known as alcopops, can be classified into three categories: malt-based flavored beverages (e.g., Mike's Hard Lemonade or Smirnoff Ice); spirits-based premixed, ready-to-drink cocktails (e.g., Jack Daniel's Country Cocktails); and supersized alcopops (e.g., Four Loko or Joose). Supersized alcohol beverages can contain the equivalent of between four and five alcoholic drinks.

For their study, the researchers surveyed 1,031 underage youth, ages 13 to 20, who had consumed at least one drink of alcohol during the past 30 days between December 2011 and May 2012. In an online, self-administered survey, respondents identified what brands of alcohol they had consumed in the past 30 days, the number of days on which each brand was consumed, and the typical number of drinks of each brand that were consumed on those days.

Heavy episodic drinking was reported by nearly 70 percent of pre-mixed/ready-to-drink cocktail users, by about 75 percent of supersized alcopop users, and by almost 80 percent of those who consumed more than one type of flavored alcoholic beverage—compared with 45 percent of non-flavored alcohol users. Consumption of any combination of two or more

**flavored alcoholic beverage was also strongly associated with reports of heavy episodic drinking, fighting, and alcohol-related injuries.**

**“These findings raise important concerns about the popularity and use of flavored alcoholic beverages among young people, particularly for the supersized varieties,” said study author Alison Albers, an assistant professor of community health sciences at SPH. “Public health practitioners and policymakers would be wise to consider what further steps could be taken to keep these beverages out of the hands of youth.”**

**Drink size does not appear to be the only factor at work. The researchers found that among underage drinkers, those who reported three types of exclusive flavored-alcoholic beverage use—pre-mixed/ready-to-drink cocktails only, supersized alcopops only, and any combination of two or more flavored alcoholic beverages—were more likely to consume a higher number of drinks per day, to drink more days in a month, and to engage in heavy episodic drinking.**

**Alcohol is the most commonly used drug among youth in the US and is responsible for the deaths of approximately 4,300 underage persons each year.**

**Besides Albers, researchers on the study include: Michael Siegel and William DeJong, professors of community health sciences at SPH; David Jernigan and Rebecca Ramirez of the Bloomberg School; and Craig Ross of Fiorente Media, Inc.**

**Funding came from the National Institute on Alcohol Abuse and Alcoholism.**



**HB-1778**

Submitted on: 2/1/2024 1:28:54 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathryn Behling	Individual	Oppose	Written Testimony Only

Comments:

Kids are going to find any other way to experiment or do things they're not supposed to. This is the wrong focus and will negatively impact me. I oppose.

**HB-1778**

Submitted on: 2/1/2024 2:04:43 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jake J. Watkins	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee,

If the plan was to make enemies out of people that use these products at election time, your're doing a great job of it.

Respected committee members, my name is Michelle and I'm the manager of Discount Smoke Shop Hawaii in Kailua, Hawaii. We are a small family owned, neighborhood business. I have managed this store for 13 years. I am also a mom of 3 wonderful sons.

Thank you for the opportunity to provide public testimony today and for your commitment to doing what is best for the entire state.

I'm gravely concerned about the proposal to ban the sale of flavored tobacco products including menthol cigarettes, cigars, and smokeless tobacco. I am also deeply concerned about the proposal to repeal existing laws that preempted local ordinances, effectively creating a patchwork of regulations that will vary dramatically across small geographical areas. It is crucial to the future of our store that I be here today to advocate on behalf of small businesses like mine who would face significant economic hardship if you move forward with either of these proposals.

According to numerous government data sources, youth smoking rates are at historic lows. We have seen that education, prevention, and cessation support work to reduce tobacco use. Hawaii should strengthen its commitment to proven solutions like these, not policies like prohibition that have a record of failure.

Thank you for your kind attention and cooperation.

**HB-1778**

Submitted on: 2/1/2024 3:31:25 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,

I am Dustin Hirayama and I am writing you to strongly oppose HB1778. While we share the concern about tobacco use and its associated public health risks, we believe that the proposed ban on flavored tobacco products, including menthol, is not the right approach. Our opposition is grounded in the following key points:

**Unsuccessful Flavor Bans Elsewhere:** There is substantial evidence from jurisdictions that have implemented similar flavor bans, indicating that such prohibitions have not yielded the intended results. In places like California, Massachusetts, New Jersey, New York, and Rhode Island, where flavored tobacco products have been banned, the black market for these products has flourished. Prohibition often leads to underground markets, where consumers can obtain unregulated and potentially more harmful products.

**Impact on Adult Smokers:** While the bill emphasizes the initiation of youth into tobacco use, it fails to consider the impact on adult smokers who may be using flavored products as a harm reduction tool. Adult smokers, particularly those trying to quit, often rely on reduced-harm alternatives like flavored vaping products. Banning these products could hinder smoking cessation efforts and force adults back to more harmful combustible tobacco products.

**Disproportionate Impact on Retailers:** Small businesses, including local retailers, will be disproportionately affected by this ban. These establishments heavily rely on the sale of flavored tobacco products, and a sudden prohibition would lead to significant economic consequences, potentially resulting in job losses and business closures.

**Increased Enforcement Challenges:** The bill proposes fines for retailers who violate the ban, but enforcing such a prohibition poses significant challenges. The illicit market for flavored products may thrive, making it difficult for law enforcement to distinguish between legal and illegal products. This could divert resources from more critical public safety concerns.

**Individual Freedom and Personal Choice:** Adults have the right to make informed decisions about their own choices, including the use of flavored tobacco products. Prohibiting these products infringes on individual freedoms and limits personal choices, creating a paternalistic approach that may not be effective in addressing the root causes of tobacco use.

**In conclusion, while we share the goal of reducing tobacco-related harm, we believe that HB1778 is not the right solution. We recommend a more comprehensive and evidence-based approach that considers harm reduction strategies and addresses the root causes of youth initiation. Thank you for considering our opposition to this bill.**

**HB-1778**

Submitted on: 2/1/2024 3:45:23 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jael Alexander	Individual	Oppose	Written Testimony Only

Comments:

My name is Jael Alexander and I oppose HB1778.

Good morning, Chairwoman Au Bellati and Members of the Committee,

I am here today to ask you to oppose House Bill 1778 and House Bill 1563.

My name is Patrick Yung, I am the proud father of one daughter. I own Waikiki Old Country Market. I have owned my store for 5 years and I employ 12 Hawaiians.

My store is an important part of our community. We sell groceries, beverages, and a wide assortment of household items.

Retailers, like me, are the first line of defense when it comes to preventing kids from purchasing tobacco products. We take this responsibility very seriously. My dedication to ensuring tobacco products are only sold to adults 21+ is demonstrated by my perfect compliance record.

Banning flavored tobacco products would undermine my ability to operate by significantly impacting my revenue-- it could force many small Hawaii businesses like mine to close.

There are more than 1,200 retailers across Hawaii that sell tobacco. State agencies are best equipped to manage the infrastructure needed to effectively enforce tobacco-related laws and regulations. Plus, having local tobacco laws and regulations that vary across Hawaii would add complexity and confusion for Hawaii retailers like me.

Hawaii has better options that don't hurt licensed retailers – like education, cessation support, and underage prevention. That's what policymakers should focus on.

Please oppose these proposals and continue to work with essential Hawaiian businesses like mine.

Thank you.

**HB-1778**

Submitted on: 2/1/2024 4:36:32 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sean Higa	Individual	Oppose	Written Testimony Only

Comments:

Hello black market if this passes. That means local businesses won't get the sales and the government won't get my sales tax.



**HB-1778**

Submitted on: 2/1/2024 5:05:44 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Parnell	Individual	Oppose	Written Testimony Only

Comments:

As a citizen of Hawaii I stoped smoking cigaretts aprox 9 years . I used these products for aprox 5 years slowly reducing the nicotine level and usage frequency until i eventually had no urge for tobacco use at all .

It is my opinion that the good far outtweighs the negativity of these products used properly .

The medical savings to the state from people not smoking cigs .

The litter from cig butts and nasty smell which i fear would return .

The loss of revenu through taxes on these items

Employment and business factor .

One would hope that this matter be looked at long and hard before placing a ban on something that still has no scientific proof of being harmful and especily not as harmfull as the alternative .

Thank you for your time

Sincerely Scott W. Parnell

**HB-1778**

Submitted on: 2/1/2024 5:18:00 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
P Kuromoto	Individual	Oppose	Written Testimony Only

Comments:

Non tobacco flavors are preferred by adult users of vapor products and are an important part of the ability of vaping to compete with smoking. Vaping is effective tobacco harm reduction and helps people quit smoking.

**HB-1778**

Submitted on: 2/1/2024 5:35:45 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joseph Sarabia	Individual	Oppose	Written Testimony Only

Comments:

This has gone on for years and each year proven in a state that has passed something like this been very unsuccessful. By banning flavors its created turmoil for those who have already transitioned into using vape especially the flavors as a healither alternative than the previous combustibile tobacco that was known to cause them many health concerns. The black market it opens not only would allow the flavors to still be sold but at that point whose to check any ID's like currently done at retail locations. Consider the people the inudstry has already saved and those it will continue to if you allow the flavors to be in poseessoin of us adults who are 21+! Hand me a gun at 18 but not a vape, still concerns me the way some things are seen presently! 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 Hawai'i 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 combustibile tobacco. Flavored alcohol remains in high demand among adults and sold at all grocery stores and liquor stores state wide. Consider the positives of the industry and work to make sure there are as little negative as possible, especially to our youth.

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



**Chair Belatti**  
**Vice Chair Takenouchi**

**House Committee on Health and Homelessness**

**Friday, February 2nd, 2024**  
**8:30 AM**

**TESTIMONY IN STRONG SUPPORT OF HB1778 RELATING TO TOBACCO PRODUCTS**

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

The Hawai‘i State Youth Commission was first created through Act 106 in 2018, “to advise the governor and legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the State.” The Hawai‘i State Youth Commission is in strong support of **HB1778**.

As representatives of the youth of Hawai‘i, the commission is committed to promoting inclusivity, opportunity, and progress in Hawai‘i. This includes the *health* of Hawai‘i’s youth. That is why the commission strongly supports this measure, because its efforts to end the sale and mislabelling of flavored tobacco products is crucial to improving the health and lives of not only Hawai‘i’s youth, but also the communities that they live in, which are negatively affected by tobacco and vape.

As mentioned in the bill, tobacco use remains the leading cause of preventable disease and death in Hawai‘i. In order to address the root cause of this public health threat, we must stop tobacco companies from using flavorings in their products that are deliberately targeted at youth. According to the CDC, in 2023, 90.3% of high school students reported using flavored e-cigarette products.<sup>1</sup> In our state, 1 in 3 students are using these highly addictive nicotine products, which now come in deliberately enticing flavors such as banana, chocolate, passion orange, and bubblegum.<sup>2</sup> We must understand that this tragedy is precisely due to the over 15,000 flavors of vape that are constantly marketed to target, entice, and hook our youth population. It is because of these flavors, that two-thirds of youth tobacco consumers are using these products and are burdened with long-term health consequences as a result.<sup>3</sup> The National Institute on Drug Abuse reports that those who begin tobacco use at a younger age are more likely to develop nicotine dependence and have difficulty quitting.<sup>4</sup> Accompanying this reliance, are early cardiovascular damage, reduced lung function, and stunted brain development. Numerous scientific studies demonstrate that, simply put, no amount of nicotine is safe for youth. So, we must acknowledge that flavored tobacco products are a severe threat and that ending its sales is a critical and necessary step towards a better future for our youth.

As the Youth Commission advocates to support the health, well-being, and development of our state’s next generation of people and leaders, it is necessary that we end the sale of flavored tobacco products and mislabeled e-liquid products containing nicotine. Therefore, the Hawai‘i State Youth Commission strongly urges the committee to **PASS HB1778**.

Mahalo for the opportunity to testify,

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

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[https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/youth\\_data/tobacco\\_use/index.htm#:~:text=In%202021%2C%2080.2%25%20of%20high,tobacco%20product%20during%20that%20time.](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm#:~:text=In%202021%2C%2080.2%25%20of%20high,tobacco%20product%20during%20that%20time.)

<sup>2</sup> <https://www.civilbeat.org/2023/10/why-honolulu-should-end-the-sale-of-flavored-tobacco/>

<sup>3</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6467270/>

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<https://nida.nih.gov/publications/research-reports/tobacco-nicotine-e-cigarettes/how-many-adolescents-use-tobacco#:~:text=Most%20people%20who%20use%20tobacco,dependence%20and%20have%20trouble%20quitting.>



**HB-1778**

Submitted on: 2/1/2024 7:21:32 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shanna Stecher	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am a 43-year-old resident of Hawaii, and I am opposed to this bill. I previously smoked tobacco cigarettes for 19 years. I was able to quit with the help of electronic cigarettes and flavored vapes, 10 years ago. I have no desire to return to traditional tobacco due to the health risks, but I will have to consider it if the flavors are banned. I know that there are risks associated with electronic cigarettes. However, I feel the risk is significantly less than with traditional cigarette products.