



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in OPPOSITION to S.B. 2109
RELATING TO UNLAWFUL SHIPMENT OF TOBACCO PRODUCTS**

SENATOR JARRETT KEOHOKALOLE, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date: February 14, 2024

Room Number: Conference Room 229
and Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation
2 (DOTAX) regarding any fiscal implications of a large cigar and pipe tobacco exemption to the
3 unlawful shipment provision of §245-16.5 Hawaii Revised Statutes (HRS).

4 **Department Position:** The DOH opposes this measure.

5 **Department Testimony:** The DOH respectfully opposes Senate Bill 2109 (S.B. 2109) which
6 proposes to amend §245-16.5, HRS by exempting large cigars and pipe tobacco sold through
7 the internet from shipping restrictions to consumers in the State provided that all applicable
8 state taxes on the products are paid.

9 There is no public health justification for exempting cigars or pipe tobacco from
10 regulations designed to reduce the burden of tobacco use in Hawaii. Cigar smoking is not a safe
11 alternative to cigarette smoking.^{1,2} Cigar smoke contains the same toxic substances as cigarette

¹ National Cancer Institute. [Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9](#). Smoking and Tobacco Control Monograph No. 9. Bethesda (MD): National Institutes of Health, National Cancer Institute, 1998 [accessed 2015 Oct 19].

² Campaign for Tobacco-Free Kids. The Rise of Cigars and Cigar-Smoking Harms. January 3, 2024. Retrieved from <https://assets.tobaccofreekids.org/factsheets/0333.pdf>

1 smoke³ and is strongly associated with certain cancers including oral, esophageal, laryngeal,
2 and lung cancers and the risk for head and neck and esophageal cancer increases when
3 combined with alcohol.^{4,5,6} The National Academies of Sciences, Engineering, and Medicine
4 Committee studying the health effects of premium cigars also finds evidence is growing
5 associating cigars with pancreatic cancer. Researchers at the FDA Center for Tobacco Products
6 published a study in 2019 stating that nearly 200,000 cardiovascular conditions and cancer
7 cases were attributable to former exclusive cigar smoking among U.S. adults aged 35 years and
8 older.⁷ A large cigar may contain as much tobacco as a whole pack of cigarettes.⁸

9 Among middle and high schoolers in 2023, cigars were the third most used tobacco
10 product.⁹ The ways in which mass media and cigar marketing strategies connect and emphasize
11 tobacco use with social status and influence can make young people want to try these
12 products.¹⁰ A study presented at the Society for Research on Nicotine and Tobacco provided
13 preliminary confirmation that premium cigar use is being reported by young adults (18-29
14 years), and is not restricted to older adults.¹¹

³ *Harmful Chemicals in Tobacco Products*. (n.d.). Retrieved February 8, 2024, from <https://www.cancer.org/cancer/risk-prevention/tobacco/carcinogens-found-in-tobacco-products.html>

⁴ The National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Board on Population Health and Public Health Practice; Committee on Patterns of Use and Health Effects of "Premium Cigars" and Priority Research; Mead AM, Geller AB, Teutsch SM, editors. *Premium Cigars: Patterns of Use, Marketing, and Health Effects*. Washington (DC): National Academies Press (US); 2022 Mar 10. 5, Health Effects of Premium Cigars. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK586217/>

⁵ National Cancer Institute. *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*. Smoking and Tobacco Control Monograph No. 9. Bethesda (MD): National Institutes of Health, National Cancer Institute, 1998 [accessed 2015 Oct 19].

⁶ American Cancer Society. *Cigar Smoking*. Atlanta: American Cancer Society [cited 2015 Oct 19].

⁷ Rostron, B. L., Corey, C. G., & Gindi, R. M. (2019). Cigar smoking prevalence and morbidity among US adults, 2000–2015. *Preventive Medicine Reports*, 14, 100821. <https://doi.org/10.1016/j.pmedr.2019.100821>

⁸ Baker, F., S.Ainsworth, J.T. Dye, et al., *Health Risks Associated with Cigar Smoking*, *Journal of the American Medical Association*, 284(6):735-740, 2000.

⁹ Birdsey J, Cornelius M, Jamal A, et al. [Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023](https://doi.org/10.1182/2023.03.1100). *MMWR Morb Mortal Wkly Rep* 2023; 72(44):1173–1182.

¹⁰ Centers for Disease Control and Prevention. (2023, November 2). Youth and tobacco use. Centers for Disease Control and Prevention. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

¹¹ Coleman B.N., C.G. Corey, C.D. Delnevo, et al. *Use of Flavored Cigars, Cigarillos, and Little Filtered Cigars: Findings from the 2012-13 National Adult Tobacco Survey*, presented at the Conference for the Society for Research on Nicotine and Tobacco (2014).

1 There are no safe tobacco products¹², and there is no safe level of exposure to tobacco
2 smoke.^{13,14,15} Smoking is the leading cause of preventable death and disease in the United
3 States¹⁶, claiming 1,400 lives in Hawaii each year¹⁷, and exacting an excess of \$611 million in
4 annual medical costs directly attributable to smoking.¹⁸ Cigar smoking has many of the same
5 negative health consequences as cigarettes yet they are often less restricted.¹⁹

6 The DOH respectfully opposes S.B. 2109 and any exemptions for large cigars or pipe
7 tobacco from regulations designed to reduce the burden of tobacco use in Hawaii.

8 Thank you for this opportunity to testify.

9 **Offered Amendments:** None

¹² *Is Any Type of Tobacco Product Safe?* (n.d.). Retrieved February 8, 2024, from <https://www.cancer.org/cancer/risk-prevention/tobacco/is-any-type-of-smoking-safe.html>

¹³ US Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta, GA: US 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.

¹⁴ US Department of Health and Human Services. [The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General](#). Atlanta, GA: US 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; 2006.

¹⁵ US Department of Health and Human Services. [A Report of the Surgeon General: How Tobacco Smoke Causes Disease: What It Means to You](#). Atlanta, GA: US 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; 2010.

¹⁶ U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2017 Apr 20].

¹⁷ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. November 2023. Accessed <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

¹⁸ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. November 2023. Accessed <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

¹⁹ Campaign for Tobacco-Free Kids. The Rise of Cigars and Cigar-Smoking Harms. January 2024. <https://assets.tobaccofreekids.org/factsheets/0333.pdf>



Senate Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

Hearing Date: Wednesday, February 14, 2024

ACS CAN OPPOSES SB 2109: RELATING TO UNLAWFUL SHIPMENT OF TOBACCO PRODUCTS.

Cynthia Au, Government Relations Director – Hawaii Guam
American Cancer Society Cancer Action Network

Thank you for the opportunity to **OPPOSE** on SB 2109: RELATING TO UNLAWFUL SHIPMENT OF TOBACCO PRODUCTS. The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support fact-based policy and legislative solutions designed to eliminate cancer as a major health problem. We support all efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent youth from starting to use tobacco and help adults already addicted to tobacco to quit.

ACS CAN opposes tobacco products being shipped directly to consumers. All tobacco products and all tobacco retailers should be regulated in the same manner. By exempting cigar shipments, this expands tobacco products being delivered directly to consumers. Shipments directly to consumers should be prohibited and only allowed to in state brick and mortar licensed retailers where consumer’s identification is properly checked to verify that they are over the age of 21. This exemption may allow easy access for youth to access to large cigars or pipe tobacco products.

Disparities in Youth Cigar Use

An estimated 500,000 U.S. students currently used cigars in 2022, making cigars the second most popular tobacco product among youth.¹ Male high school students are also more likely than female high school students to currently use cigars (3.5 percent vs 2.1 percent). These disparities are in part due to a higher volume of exposure to tobacco promotion and advertising as well as higher tobacco retail outlet density in communities of color, which is clearly a health equity issue.

Flavored Cigars

Cigars, cigarillos, and little cigars are all sold in many flavors that are appealing to young people, such as menthol, banana, mango, grape, Tropical Twist, Purple Swish and chocolate. Flavored cigars are very popular among youth and young adults. A 2015 study found that 74 percent of youth who used cigars reported flavoring as a primary reason for using them.^{ii,iii} In 2021, 44.4 percent of students who currently use cigars reported using flavored cigars in the past 30 days (41.1% for high school students and 59.9% for middle school students.)^{iv} Importantly, flavored cigars can also serve as a gateway for people who do not use tobacco products to start using tobacco. A 2019 longitudinal study found that, among youth aged 12-17 who began using cigars during the study period, 45.2 percent reported that their first product was flavored.^v This same study found that young adults aged 18-24 who start with flavored cigars are more likely to regularly use cigars compared to those who start with unflavored cigars.

To prevent youth from accessing cigars and pipe tobacco products, please consider not exempting these tobacco products from being shipped directly to consumers. All tobacco products, including cigars and pipe tobacco, should be taxed and regulated in the same manner.

Thank you for the opportunity to OPPOSE SB 2109. Should you have any questions, please do not hesitate to contact Government Relations Director Cynthia Au at Cynthia.Au@Cancer.org or 808.460.6109.

ⁱ Park-Lee E, Ren C, Cooper M, Cornelius M, Jamal A, Cullen KA. Tobacco Product Use Among Middle and High School Students - United States, 2022. *MMWR Morb Mortal Wkly Rep.* 2022 Nov 11;71(45):1429-1435. doi: 10.15585/mmwr.mm7145a1. PMID: 36355596; PMCID: PMC9707354.

ⁱⁱ Flavors. Truth Initiative; 2018. <https://truthinitiative.org/sites/default/files/media/files/2019/03/Truth-Flavors-Fact-Sheet.pdf>

ⁱⁱⁱ Ambrose BK, Day HR, Rostron B, et al. Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA.* 2015;314(17):1871. doi:10.1001/jama.2015.13802

^{iv} Gentzke AS, Wang TW, Cornelius M, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. *MMWR Surveill Summ* 2022;71(No. SS-5):1–29.

^v Villanti AC, Johnson AL, Glasser AM, et al. Association of Flavored Tobacco Use With Tobacco Initiation and Subsequent Use Among US Youth and Adults, 2013-2015. *JAMA Netw Open.* 2019;2(10):e1913804. doi:10.1001/jamanetworkopen.2019.13804

SB-2109

Submitted on: 2/8/2024 9:53:12 AM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tommy Noyes	Testifying for The Friends of Kamalani & Lydgate Park	Oppose	Written Testimony Only

Comments:

Aloha Senate Commerce & Consumer Protection Committee members,

Kindly accept this STRONG OPPOSITION to SB 2109.

Since 1994 The Friends of Kamalani & Lydgate Park -- a community service organization -- has worked collaboratively with the County of Kaua'i to encourage physical activity and reduce smoking & tobacco use, particularly among youth.

Despite appealing to a more limited market segment, cigars are tobacco products. There are no public health reasons to allow cigars or pipe tobacco an exemption from the offense of unlawful shipment of tobacco products .

Moreover, it has been clearly established that cigar smoking causes cancer, heart disease, and chronic obstructive pulmonary disease. In fact, large cigars can contain more nicotine, tar, and carbon monoxide than cigarettes.

Mahalo for reading this testimony strongly opposing Senate Bill 2109!

Tommy A. Noyes
General Coordinator
The Friends of Kamalani and Lydgate Park

Date: February 9, 2024

To: The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
Members of the Senate Committee on Commerce and Consumer Protection

Re: **Opposition to SB 2109**, Relating to Unlawful Shipment of Tobacco Products

Hrg: Wednesday February 14, 2024 at 9:30 am Conference Room 229 and Videoconference

Aloha Senate Committee on Commerce and Consumer Protection,

As a parent, community member and healthcare professional I am writing in **strong opposition to SB 2109**, which exempts from the offense of unlawful shipment of tobacco products the shipments of large cigars and pipe tobacco sold to a consumer in the State through the Internet under certain circumstances.

All tobacco products (including cigars and pipe tobacco) cause harm to health. There are no rational public health reasons to allow an exemption for any tobacco products.

Giving an exemption sends our youth a mixed message on the health risks of tobacco products, which we know are many, serious and deadly.

Like smoking cigarettes, cigar smoking causes cancer, heart disease, and chronic obstructive pulmonary disease. Contrary to popular belief, pipe smoking is also unsafe and increases the risk of mouth, lung and bladder cancers.

Smoking cigars or pipe tobacco exposes the smoker to more nicotine, tar, and carbon monoxide than cigarettes, all of which harm the body and compromise health.

Giving some tobacco products an exemption from current law is neither in the public interest nor in any sense maintaining reasonable consumer protection from a group of products that pose clear health dangers with use.

I **strongly oppose SB 2109**, respectfully ask you to reject this bill.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

SB-2109

Submitted on: 2/10/2024 8:02:25 AM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

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

I stand in support of SB2109.

Speaking specifically to pipe tobacco, Native Americans have traditional tobacco practices and ceremonies involving tobacco, usually consumed with use of a pipe. I support this bill in allowing pipe tobacco to be purchased through the internet and shipped to consumers in the State, in order to allow Native Americans living in the State to have more options for acquiring pipe tobacco, some of which may be cheaper, in order for them to perform their traditional and cultural ceremonies.

As a Native Hawaiian who practices traditional and cultural ceremonies, I would hate to be limited by laws that affect who and how I source the materials I need for my ceremonial practices. It is with this intent that I support SB2109.

Mahalo for your time and consideration.

Keoni Shizuma

SB-2109

Submitted on: 2/9/2024 1:39:18 PM

Testimony for CPN on 2/14/2024 9:30:00 AM

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

Comments:

February 9, 2024

The Honorable Senator Jarrett Keohokalole, Chair

The Honorable Senator Carol Fukunaga, Vice Chair

Members of the Senate Committee on Commerce and Consumer Protection

Hawai'i State Capitol

415 South Beretania Street

Honolulu, HI 96813

Re: Oppose SB2109, relating to Unlawful Shipment of Tobacco Products

Aloha Chair Keohokalole and Vice Chair Fukunaga, and Members of the Committee on Commerce and Consumer Protection,

Mahalo for the opportunity to express my opposition to Senate Bill No. 2109. This bill is counterproductive as we address the longstanding challenges and growing concerns surrounding the dangerous tobacco/nicotine situation we are dealing with in our County.

Although the State has done great policy work to establish the offense of unlawful shipment of tobacco products, this bill would exempt some tobacco products (cigars). As a result, this policy will be made more difficult to enforce, and this situation will continue to frustrate our County law enforcement, victims, and their families in our community.

Cigars are tobacco products that cause cancer, heart disease, and chronic obstructive pulmonary disease. There are no "best practices" or public health reasons to allow a cigar exemption, as cigars often contain more nicotine, tar, and carbon monoxide than regular cigarettes.

SB 2109 does not reflect the community's recognition of the urgency to address the dangerous conditions of tobacco use. It is a step in the wrong direction if we are looking to protect the public.

SB 2109

We are two long-time Kauai physicians who strongly oppose SB2109, which creates an exemption for cigars to be shipped. Cigars are a tobacco product which contain even higher levels of carcinogens (nicotine, tar, and carbon monoxide) than cigarettes. Regular cigar smoking can cause heart disease, chronic obstructive lung disease (COPD), and cancer. There is absolutely no public health reason to exclude cigars from the same shipping restrictions as other tobacco products, and further this can create an excuse to start chipping away at restrictions on other tobacco products. Please do not allow any exclusions of tobacco products to the shipping restrictions which were passed in the 2023 legislative session.

Respectfully submitted,
Robert Weiner, MD
Linda Weiner MD

SB-2109

Submitted on: 2/11/2024 5:49:47 PM

Testimony for CPN on 2/14/2024 9:30:00 AM

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

Comments:

support.

SB-2109

Submitted on: 2/11/2024 9:24:56 PM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Moses k Alimoot	Individual	Support	Written Testimony Only

Comments:

I support this bill

SB-2109

Submitted on: 2/11/2024 10:32:33 PM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dereck Duarte	Individual	Support	Written Testimony Only

Comments:

In favor of SB2109

SB-2109

Submitted on: 2/11/2024 10:50:26 PM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Justin ono	Individual	Support	Written Testimony Only

Comments:

I am strongly in favor of bill SB2109

SB-2109

Submitted on: 2/11/2024 11:42:03 PM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawna Duarte	Individual	Support	Written Testimony Only

Comments:

I support SB2109. I feel as legal adults we should be allowed to purchase and ship cigars for ourselves. Like other items we have shipped to ourselves to cut back on the high cost of living. Thank you

SB-2109

Submitted on: 2/12/2024 4:43:54 AM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Kaia	Individual	Support	Written Testimony Only

Comments:

As an avid cigar smoker Ive found the enormous price difference from having the ability to shop online versus locally. As with any online shopping thats available to Hawaii consumers we are always looking for the best deals. I support keeping tobacco and ecigs/vapes out of the hands of our youth but this bill has unintendedly affected a small community that is grossly made up of middle aged males and above. Please consider passing sb2109. Mahalo

SB-2109

Submitted on: 2/12/2024 8:33:24 AM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Justin Bee-Silva	Individual	Support	Written Testimony Only

Comments:

I support this bill

SB-2109

Submitted on: 2/12/2024 8:37:52 AM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mitchell Ryder	Individual	Support	Written Testimony Only

Comments:

I SUPPORT THIS BILL 2109!

SB-2109

Submitted on: 2/12/2024 9:32:28 AM

Testimony for CPN on 2/14/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Zane Duarte	Individual	Support	Written Testimony Only

Comments:

I am in support of this amendment. I feel as an adult of legal age and in an island where most of our items are shipped. We should be able to purchase and ship our cigars like other items we do to Hawaii. For cost effectiveness. Thank you