

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

**Testimony in SUPPORT of S.B. 1447  
RELATING TO TOBACCO PRODUCTS**

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

Hearing Date: February 21, 2023

Room Number: Conference Room 229  
& Videoconference

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports Senate Bill 1447  
3 (S.B. 1447) as a social justice and health equity measure to preserve the legal ability of all  
4 Hawaii counties to enact policies that regulate the sale of cigarettes, tobacco products, and  
5 electronic smoking devices (ESDs) in a manner that is more stringent than state law and  
6 responsive to pressing community needs. S.B. 1447 clarifies that county ordinances or  
7 regulations that regulate the sale of cigarettes, tobacco products, and ESDs are null and void only  
8 if they are in direct conflict with or less stringent than state law that governs smoking. The  
9 measure also clarifies that counties retain the authority to adopt ordinances that regulate the sale  
10 of cigarettes, tobacco products, and ESDs, as long as the ordinances do not directly conflict with  
11 and are more stringent than the provisions in state law that governs smoking.

12 The DOH thanks the Senate Committee on Commerce and Consumer Protection for  
13 considering the merits of S.B. 1447 and requests your consideration to return county authority to  
14 protect their keiki from tobacco products as a significant consumer protection issue. According  
15 to Samuel Levin, the Director of the Bureau of Consumer Protection, “Marketers of e-cigarettes  
16 have proven skilled at evading FDA regulation and hooking youth on addictive products.”<sup>1</sup> The

---

<sup>1</sup> Federal Trade Commission. *FTC Report Highlights Dramatic Surge in Sale of Flavored Disposable E-Cigarettes and Menthol E-Cigarette Cartridges Increase Suggests that Youth are Shifting to Substitutes for Banned Flavored E-Cigarette Cartridges*. August 31, 2022. Accessed 2/18/2023: <https://www.ftc.gov/news-events/news/press-releases/2022/08/ftc-report-highlights-dramatic-surge-sale-flavored-disposable-e-cigarettes-menthol-e-cigarette>

1 Federal Trade Commission (FTC) in their key findings from their first report on e-cigarettes,  
2 noted that nicotine concentration in the disposable products increased by 60% from 2015 to 2018  
3 to 39.5 mg/ml, and cartridge-based e-cigarettes also popular with youth had concentrations  
4 between 51 and 61 mg/ml. The use of e-cigarette products with these high concentrations of  
5 nicotine is described by the FTC as raising, “serious public health and safety concerns for users  
6 (including youth and young adults, who are uniquely at risk for long-term, long-lasting effects,  
7 including nicotine addiction, from exposing their developing brains to nicotine).”<sup>2</sup> According to  
8 Dr. Bonnie Halpern-Felsher, PhD, professor of pediatrics at the Stanford School of Medicine, a  
9 Juul pod with 41 mg/ml is equivalent to nicotine from smoking one and a half to two packs of  
10 cigarettes.<sup>3</sup>

11 Geographic tobacco related disparities are a serious public health problem in Hawaii and  
12 innovative, community-based solutions are needed. While 11.6% of adults in the general  
13 population smoke, adults in Hawaii County have the highest prevalence of smoking at 14.0%.<sup>4</sup>  
14 Smoking within subcommunities throughout the State are even higher such as in Puna/Ka‘u  
15 (16.9%), North Shore/Laie (22.3%), and Nanakuli/Wai‘anae (19.5%).<sup>5</sup> Youth who live on  
16 neighbor islands evidence more current tobacco use than those who live in Honolulu County.  
17 Whereas 28.0% of high school youth in Honolulu County reported current vaping in 2019,  
18 35.4% of peers in Hawaii County, 35.9% in Kauai, and 36.4% in Maui County reported current  
19 vaping.<sup>6</sup>

20 Given the existence of these geographic disparities, there is an urgent need for counties to  
21 have the ability to regulate access to tobacco products especially among youth. According to

---

<sup>2</sup> Federal Trade Commission.

E-Cigarette Report for 2015-2018. Issued 2022. Accessed 2/18/2023: [https://www.ftc.gov/system/files/ftc\\_gov/pdf/E-Cigarette-Report-2015-2018.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/E-Cigarette-Report-2015-2018.pdf)

<sup>3</sup> Stanford Medicine Newsletter. *What parents should know about vaping: An interview with researcher Bonnie Halpern-Felsher.* Fall 2019. Accessed 2-18-2023: <https://med.stanford.edu/communitynews/2019fall/what-parents-should-know-about-vaping.html>

<sup>4</sup> *Hawai‘i IBIS - Query Result—Hawaii’s Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (n.d.). Retrieved February 7, 2023, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

<sup>5</sup> *Hawai‘i IBIS - Query Result—Hawaii’s Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (n.d.). Retrieved February 7, 2023, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

<sup>6</sup> HHDW. (2019). *Hawaii-IBIS - Query Result—Hawaii’s Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, State-level.* [http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr\\_HS\\_ST.html](http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html)

1 Julie Aoki in the Journal of Law and Medical Ethics, “From a health equity standpoint, the use of  
2 local knowledge to forge community-specific solutions enables localities to employ a targeted  
3 approach to combat health disparities and ensue equitable access to better public health.”<sup>7</sup> As  
4 youth e-cigarette use grows as a public health problem, Hawaii’s counties must be empowered to  
5 to respond to the request from communities that are most affected.

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

12 The DOH supports S.B. 1447 as an important public health and social justice measure to  
13 support community-based innovations to protect and advance the health and opportunities for  
14 keiki wherever they live in Hawaii.

15 Thank you for the opportunity to testify.

16 **Offered Amendments:** None

---

<sup>7</sup> Julie Ralston Aoki et al., *Maximizing Community Voices to Address Health Inequities: How the Law Hinders and Helps*, 45 J. Law Med. Ethics, 11 (2017)



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

## **SENATE BILL 1447 RELATING TO TOBACCO PRODUCTS – OPPOSE**

### **Written Testimony**

Tuesday, February 21, 2023 @ 10:00 AM  
Conference Room 229 & Videoconference

Aloha Petroleum, Minit Stop, and Par Hawaii support strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we respectfully oppose SB 1447 and its impact on piecemeal enforcement, regulation, and applicability to regulate the sale of tobacco products in Hawaii.

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

We are concerned that **granting individual counties the ability to pass ordinances that are stricter than State law may result in varying restrictions from county to county that make compliance and enforcement for retailers difficult.** Having a uniform statewide law is preferred.

Alternatively, on February 10, 2023, the U.S. Food and Drug Administration's (FDA) Center for Tobacco Products (CTP) held a public webinar titled "FDA's Rulemaking Process and Planned Tobacco Product Standards to Prohibit Menthol as a Characterizing Flavor in Cigarettes and Flavors in Cigars<sup>1</sup>."

Thank you for the opportunity to testify in opposition and ask that the committee allow the FDA to continue to advance their agenda on regulating tobacco products.

---

<sup>1</sup> February 10, 2023 Webinar: FDA's Rulemaking Process and Planned Tobacco Product Standards to Prohibit Menthol as a Characterizing Flavor in Cigarettes and Flavors in Cigars  
<https://www.fda.gov/tobacco-products/ctp-newsroom/webinar-fdas-rulemaking-process-and-planned-tobacco-product-standards-prohibit-menthol>



fightcancer.org

American Cancer Society  
Cancer Action Network  
2370 Nu'uuanu Avenue  
Honolulu, HI 96817  
808.460.6109  
www.fightcancer.org

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

Hearing Date: Tuesday, February 21, 2023

**ACS CAN SUPPORTS SB 1447 – RELATING TO TOBACCO PRODUCTS.**

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

Thank you for the opportunity to SUPPORT SB 1447: RELATING TO TOBACCO PRODUCTS.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit.

Lung cancer remains the leading cause of cancer deaths in Hawaii with an estimated 1,400 adults dying from smoking every year.<sup>i</sup> There are 21,000 keiki who are alive now that will die prematurely due to smoking-related disease.<sup>ii</sup> Tobacco use remains the leading preventable cause of death nationwide. Communities suffer when counties are unable to enacting stronger tobacco control laws. Since preemption, a tobacco industry tactic, was enacted in 2018, Hawaii has continued to see the increase of youth use of electronic smoking devices and e-cigarettes.

Counties in Hawaii have been successful in passing tobacco related policies such as smoke-free air laws and Tobacco 21 before the Hawaii State Legislature followed shortly afterwards. Hawaii Island was the fourth jurisdiction in the nation to pass Tobacco 21 before the state legislature enacted this statewide. Giving counties the ability to quickly address the unique health needs of their communities will result in better overall health. This measure does not affect taxes, only the state can collect taxes. Furthermore, the counties currently support this measure as it was a part of the Hawaii Association of Counties legislative package.

To make the intent of the bill clear, ACS CAN recommends repealing the entire section [~328J-11.5] or to remove and stricken 328J-11.5 (b) on page 5 line 18 to page 6 line 2, which then will clearly express that counties can pass local laws that are more stringent than state laws.

Local governments are uniquely positioned to meet the needs of the people in their communities. ACS CAN supports their ability to pass laws that are proven to promote good health, well-being, and equality. Preserving local control is needed to pass innovative and proactive public health policies. ACS CAN works at the local, state, and federal levels; thus, it supports each level of government's ability to implement policies for cleaner, safer, healthier communities. The right of local governments to pass public health policies stronger than state laws must be preserved to continue future advocacy efforts to reduce suffering and death from cancer.

Thank you for the opportunity to comment on this important matter. Should you have any questions, please do not hesitate to contact Cynthia Au at 808.460.6109, or [Cynthia.au@cancer.org](mailto:Cynthia.au@cancer.org).

---

<sup>1</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20, 2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

<sup>11</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20, 2023. <https://www.tobaccofreekids.org/problem/tll-us/hawaii>



February 23, 2023

**Chairman of the Board**  
Jason Fujita

**President**  
Zia Khan, MD

**Board Members**  
Rick Bruno, MD, FACEP  
Greg Christian  
Jackie De Luz  
Michael Lui, MD  
Ben Morgan  
Michael Rembis, FACHE  
Andrew S. Rosen  
Ben Salazar  
David Underriner  
Jennifer Walker

*Serving Hawaii since 1948*

**Our Mission:**  
"To be a relentless force for a world of longer, healthier lives."

For more information on the AHA's educational or research programs, visit [www.heart.org](http://www.heart.org) or contact your nearest AHA office.

## **American Heart Association Testimony in Support of SB 1447, "Relating to Tobacco Products"**

The American Heart Association SUPPORTS SB 1447.

SB 1447 would amend a law passed during the 2018 State Legislative Session through House Bill 1895, which underwent last minute changes and did not receive a public hearing or allow public comment, and amended an otherwise well-meaning and worthy bill to fund needed kidney dialysis centers in the state, with a provision that harms public health and helps the tobacco industry. This provision blocks (preempts) county governments in Hawaii from passing their own ordinances to reduce tobacco use, including measures addressing the sale of candy-flavored tobacco products and menthol cigarettes that attract kids.

Most of Hawaii's most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii's counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law.

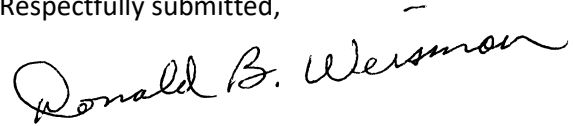
The tobacco industry for years, on the other hand, has attempted to advance state legislation that would preempt local government's home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments to be able to address important health issues that affect their communities. Tobacco, which remains the leading preventable cause of death in Hawaii, certainly qualifies as a public health threat deserving of both local and state policy attention.

The American Heart Association believes that local governments should be able to determine their own needs for tobacco policies, and the state legislature should support those efforts by establishing a floor, not a ceiling, on what local governments can do to address those needs. Some 1,400 Hawaii residents die each year from tobacco use, and 21,000 kids alive today in Hawaii will die prematurely from tobacco use if nothing is done to reduce it.

SB 447 would correct the last minute provision added to legislation in 2018 which provided the tobacco industry its long sought goal to funnel important, progressive tobacco-control policies only through the state legislative level. There it can focus its resources to defeat those measures, and away from the counties where the industry struggles to compete with community grassroots support for those issues.

The American Heart Association urges your support of SB 1447 and asks that state legislators return county home rule on what is among the most vital public health issues back to local communities.

Respectfully submitted,

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

Donald B. Weisman  
Government Relations/Communications and Marketing Director





February 20, 2023

To: Members of the Hawaii Senate Commerce and Consumer Protection Decision Committee

From: Americans for Tax Reform

Dear Senator,

On behalf of Americans for Tax Reform (ATR), a non-profit organization which advocates in the interests of taxpayers and consumers throughout the United States, **I urge you to reject SB 1447. It is simply good governance that matters of this magnitude be decided at the state level, due to both the level of increased scrutiny, transparency and accountability it provides, but also the direct impact local regulation of tobacco can have on state tax revenue.** Retaining regulatory consistency and uniformity throughout the state in terms of tobacco policy will safeguard residents and businesses from poorly thought-out local restrictions and will protect the state's revenue stream in uncertain economic conditions. **As such, it is imperative that this proposal does not pass.**

**This misguided legislation encourages local governments to pass harmful regulations on reduced-risk nicotine products like e-cigarettes,** which are shown to be 95% [less harmful](#) than cigarettes and the most effective tool for smoking cessation. The local regulations that SB 1447 would allow for can be expected to lead to drastic increases in cigarette smoking in Hawaii, leading to a clear increase in tobacco related mortality.

It is the fundamental responsibility of state governments to protect their citizens. At times, these threats can come from local government officials. In the instance of tobacco harm reduction policies, local government officials act without the degree of scrutiny and accountability found at the state level. Similarly, lacking the expertise in healthcare policy, local restrictions and levies may act contrary to all available science and data, serving to restrict the ability of smokers to quit smoking with the help of reduced risk tobacco alternatives.

Studies have repeatedly shown that flavored vapes, which SB 1447 would allow localities to 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 [study](#) from ten of the world's top experts in cancer prevention and public health.

A [study](#) from Dr. Abigail Friedman at the Yale School of Public Health found that youth smoking doubled when San Francisco imposed a flavor ban in 2018. Before San Francisco's flavor ban, the city had lower youth smoking rates than comparable counties like New York and Los Angeles. After the flavor ban, San Francisco's youth smoking rate rose to 6.2% while comparable districts had an average rate of 2.8%. **SB 1447 would allow for localities**

722 12<sup>th</sup> Street N.W.

Fourth Floor

Washington, D.C.

20005

T:(202)785-0266

F:(202)785-0261

[www.ATR.org](http://www.ATR.org)

**to create public health disasters like in San Francisco.** Voting for SB 1447 would be inviting a public health disaster, like the one that occurred in San Francisco, into Hawaii.

It is important to note that, contrary to some arguments made by opponents of this bill, “local control” at its core is about safeguarding individual liberties and restricting the growth of government; it is not a free pass for cities to do whatever they want. Localities are just as capable of being conduits for heavy-handed laws that will harm citizens. When that is at stake, state action is not only appropriate to safeguard individual freedoms – it is essential.

Additionally, prohibitions on e-cigarettes and tobacco products promote a black market for the products. Multi-million-dollar crime syndicates, that also engage in human trafficking and money laundering, flood the black market with unsafe products that produce revenue used to fund terrorism. For this reason, the US State Department has explicitly called tobacco smuggling a “[threat to national security](#)”.

Paradoxically local bans may therefore increase youth smoking in the state: By definition, criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

#### **About E-Cigarettes and Vapor Products:**

- Traditional combustible tobacco remains one of the leading preventable causes of death in Hawaii. The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine. While highly addictive, nicotine is a relatively benign substance like caffeine and nicotine use “does not result in clinically significant short- or long-term harms”.
- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. In recent years, advancements in technology have created a more effective alternative: vapor products and e-cigarettes. These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.
- The [CDC](#) has found that only 3.1% of youths use e-cigarettes daily, disproving the myth of an ongoing “youth vaping epidemic.”

#### **Benefits of E-Cigarettes and Vapor Products:**

- Vapor products have been [proven to be at least 95% less harmful than combustible cigarettes](#). A comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.
- E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. According to one [study](#), a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of

achieving complete cessation compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.

- The Cochrane Review, the gold standard of medical meta-analysis, has identified “high certainty evidence” that e-cigarettes are more [effective](#) than nicotine replacement therapies at helping those who smoke quit.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. Due to increased access to vaping, the U.S. adult smoking [rate](#) has plummeted to 13.7% as of 2018.
- An [analysis](#) by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. SB 1447 will have a tremendously negative impact on public health and would fail to decrease socioeconomic disparities by reducing adult access to products shown to improve public health.
- Evidence demonstrates that flavors play no role in youth uptake of vaping. Academic studies have found that teenage non-smokers “willingness to try plain versus flavored varieties did not differ” and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. National Youth Tobacco Survey results have shown [no increase in nicotine dependency](#) among youths since flavored products entered the market.
- A large-scale [analysis](#) from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if a majority of cigarette smokers switched to vaping. **This would save more than 28,600 lives in Hawaii.**

For the reasons outlined above, in the interests of public health, protecting small businesses, and preventing the spread of smuggling cartels, we call upon you to **accept the science and vote against SB 1447**. Over 25,000 lives quite literally depend upon it.

Sincerely,

Tim Andrews  
*Director of Consumer Issues*  
Americans for Tax Reform

**SB-1447**

Submitted on: 2/19/2023 2:52:46 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tommy Noyes	Testifying for The Friends of Kamalani & Lydgate Park	Support	Written Testimony Only

Comments:

**Kindly accept this STRONG** support for SB 1447.

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.

This measure will give back the power to the counties to regulate the sale of tobacco products.

The counties in Hawai'i have shown a record of successful efforts in passing tobacco related policies such as smoke-free air laws and Tobacco 21.

When it comes to regulating the sale of tobacco, the state preempted the counties in 2018. Prior to that Hawai'i Island was the fourth jurisdiction in the nation to pass Tobacco 21.

Giving counties the ability to quickly address the unique health needs of their communities will result in better overall health.

This measure doesn't affect tax—only the state has the ability to collect taxes.

There won't be confusion from county to county. Counties were once able to regulate point of sale for tobacco products, which did not result in confusion.

Finally, the counties support this measure as it was part of the Hawai'i Association of Counties legislative package.

Mahalo for reading this testimony!

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



Hawaii COPD Coalition  
700 Richards St., Suite 2410  
Honolulu, HI 96813  
[hicopd@gmail.com](mailto:hicopd@gmail.com)  
(808)699-9839

February 18, 2023

Honorable Chair Senator Jarrett Keohokalole  
Honorable Vice-Chair Senator Carol Fukunaga  
Members of the Senate Committee on Commerce and Consumer Protection

RE: **Strong Support for SB1447, Relating to Tobacco Products (Preemption)**

Dear Chair Keohokalole, Vice Chair Fukunaga, and members of the Senate Committee on Commerce and Consumer Protection,

This measure is extremely critical to the health of the children and adults of our counties, and our entire state as well. **Please strongly support and vote in favor of SB1447**, which will allow counties to retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices (ESDs).

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers and requiring support from society than they or any of us would like.

***Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and one in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019! Of these youth, 8 in 10 youth currently using 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.

- Counties have been successful in passing tobacco related policies such as smoke free air laws and Tobacco 21.
- Regarding the sale of tobacco, the state preempted the counties in 2018. Since that time, there has been NO meaningful policy to address the regulation of electronic smoking devices that has happened at the state level.
- Giving counties the ability to quickly address the unique health needs of their communities will result in better overall health.

- This measure does NOT affect tax. Only the state has the ability to collect taxes.
- There will be NO confusion from county to county. Counties were previously able to regulate point of sale for tobacco products which did NOT result in confusion.
- The counties strongly support this measure, as it was part of the Hawaii Association of Counties legislative package.

Please help allow the counties to consider and pass the laws that are needed to protect the health of the children and adults residing in each county. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill. **Please vote in favor of SB1447 and pass it out of committee so it can become law.**

Very truly yours,

*Valerie Chang*

Valerie Chang  
Executive Director



## HIPHI Board

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

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

Debbie Erskine  
Treasurer  
ARCH-MEPS Consulting LLC, Owner

Keshia Adolpho, LCSW  
Na'au Healing Center

Camonia Graham - Tutt, PhD  
University of Hawai'i - West O'ahu

Carissa Holley, MEd  
Hale Makua Health Services

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

Garret Sugai  
HMSA

Kathleen Roche, MS, RN, CENP  
Kaiser Permanente

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

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

## HIPHI Initiatives

Coalition for a  
Tobacco-Free Hawai'i

Community Health  
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol-Free  
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: February 18, 2023

To: Senator Jarett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Members of the Committee on Commerce and Consumer Affairs

Re: Strong Support SB 1447 Relating to Tobacco Products

Hrg: Tuesday, February 21, 2023, at 10:00 AM, Conf Rm 229

---

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 SB 1447**, which addresses the state's preemption of county ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices by enabling the counties to enact ordinances more stringent than state law.

## Preemption Benefits Industry

HRS §328J-11.5, Statewide Concern, was added by the state legislature in 2018, when Act 206 (HB1895) was signed into law. This new chapter restricts a county's ability to protect the health of their residents through future laws and regulations by restricting oversight of the sales of tobacco, other tobacco products, or electronic smoking devices (ESDs) to the state. A county cannot pass policies that would help support their community's health.

Preemption in a known tobacco industry strategy. The tobacco industry works to preempt local-level governments from passing tobacco-related policies so they can focus on fighting statewide legislation. This action creates a more favorable situation for the tobacco companies because it is easier to address one statewide policy versus a policy in each county.

Examples of impact on counties:

- Preempts a county's ability to take legislative and regulatory action through retail and sales strategy to protect their children, youth, and adults.
- Preempts public health, evidence-based strategies by restricting local policies and regulations on pricing and access, which are

- proven to reduce tobacco consumption and initiation (which could include the sale of tobacco in pharmacies and creating flavor
- restrictions). Thousands of youth will never start using tobacco products because of this policy, thousands of lives will be saved, and the state will save hundreds of millions in healthcare costs.

**Restoring the county's authority will protect local residents and address disparities.**

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. For instance, all counties passed the clean indoor air law (smoke-free workplaces) before the state passed legislation, and Hawai'i Island raised the age to 21 to purchase tobacco products first; in fact, they were the 4th jurisdiction in the nation to do so.

But now, the law curtails county power to enact any future policies relating to the sale of tobacco and electronic smoking devices. This inability to act is of particular concern, as high school students on the neighbor islands are experimenting and using ESDs at higher rates than the state average. Furthermore, teen use rates continue to rise as policies are not implemented to regulate these products at the point of sale. From 2015 to 2019, there was more than a 5% increase in high school students who currently use ESDs.<sup>ii</sup> The rates in Hawai'i County, 56.5%, and Maui County (58.1%) are extremely high compared to Honolulu at 44.5%.

We applaud the Legislature for helping to strengthen our county's authority on tobacco sales by amending the current law. Not addressing preemptive language prohibits counties from advancing tobacco selling and access laws and stops their ability to provide protections to county residents. The counties become dependent on the state to choose to pursue tobacco control policies.

Thank you for the opportunity to strongly support SB 1447, and we respectfully ask you to pass this measure.

Mahalo,



Peggy Mierzwa  
Policy & Advocacy Director  
Hawaii Public Health Institute

---

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

<sup>ii</sup> <https://www.hawaiihealthmatters.org/indicators/index/dashboard?id=83016762154173692>





**Testimony of the  
Hawai'i State Association of Counties  
S.B. No. 1447  
Relating to Tobacco Products**

Committee on Commerce and Consumer Protection

Tuesday, February 21, 2023, 10:00 a.m.

The Hawai'i State Association of Counties (HSAC) supports S.B. 1447, which clarifies that counties retain the authority to regulate the sale of tobacco products and electronic smoking devices as long as the ordinances are more stringent than the provisions of the state smoking laws.

Act 206, Session Laws of Hawaii 2018, was enacted as a state law to uniformly regulate the sale of cigarettes, tobacco products, and electronic smoking devices. The Act, however, nullified county ordinances and policies restricting the sale of tobacco products. Despite the passage of Act 206, the Hawai'i Youth Risk Behavior Survey found that tobacco use and the use of electronic smoking devices continues to increase.

S.B. 1447 will reauthorize the counties to restrict the sale of tobacco products, providing another level of enforcement.

For these reasons, the Hawai'i State Association of Counties strongly supports S.B. 1447 and requests your favorable consideration of this measure.



Date: February 18, 2023

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

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

Re: **SUPPORT for SB1447, Relating to Tobacco Products**

Hrg: February 21, 2023 at 10am

---

Dear Chair Keohokalole, Vice Chair Fukunaga and Members of the Committee:

The Campaign for Tobacco-Free Kids **strongly supports SB1447** to end the state's prohibition on local governments in Hawai'i from enacting laws to prevent youth tobacco use. This harmful language preempting local laws has been in state statute since 2018 (HRS§ 328j-11.5), and it's long-past time to overcome the tobacco industry's opposition to its removal.

SB1147 would protect keiki from tobacco addiction, save lives and advance health equity by allowing Hawai'i communities to enact their own targeted tobacco control solutions. Passage would make state law the floor for tobacco control regulations, rather than retain provisions that establish state law as the ceiling.

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

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

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

Research shows that 80% of youth who have ever used tobacco started with a flavored product, and the use of flavored e-cigarettes, in particular, has become a national epidemic. In Hawai'i, 30.6% of high school students and 17.7% of middle school students use e-cigarettes, according to the 2019 Hawai'i State and Counties Youth Risk Behavior Surveys.

E-cigarette usage is even higher among high school students in the Hawai'i (35.4%), Kaua'i (35.9%) and Maui (36.4%) counties and among middle schoolers in Hawai'i (20.3%), Kaua'i (22.5%) and Maui (18.7%) counties, demonstrating the need for local communities to pass the tobacco-control ordinances they deem will better address their particular needs.

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

The Campaign for Tobacco-Free Kids urges Hawai'i policymakers to become leaders in discouraging the state's youth from starting to use tobacco by passing SB1447.

Mahalo for your consideration,

Lindsey Freitas  
Campaign for Tobacco-Free Kids HI

**SB-1447**

Submitted on: 2/18/2023 5:02:09 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Kingdon	Individual	Support	Written Testimony Only

Comments:

Legislators:

I write asking for your support of SB1447.

By restoring power back to the counties and by ending preemption, counties will once again be able to pass point of sale policies that benefit their unique communities and effectively protect the public's health.

Thank you for your consideration.

David Kingdon, MPH, Paramedic

**SB-1447**

Submitted on: 2/18/2023 9:41:29 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Aloha,

My name is Bryan Mih and I am a parent, pediatrician, and the medical director of the Kapi'olani Smokefree Families Program. For the health of our keiki and their families, it is vitally important to support SB 1447. E-cigarettes or "vapes" are addicting increasing numbers of keiki to nicotine. The ability of each county to introduce new rules has a proven track record of improving the health of our population. These include increasing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

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

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

Please support this important measure. Mahalo for your consideration.

Sincerely,

Bryan Mih, MD MPH FAAP

Pediatrician

Medical Director, Kapi'olani Smokefree Families

**SB-1447**

Submitted on: 2/19/2023 6:44:56 AM

Testimony for CPN on 2/21/2023 10:00:00 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. Thank you.

**SB-1447**

Submitted on: 2/18/2023 4:55:17 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

This is another business unfriendly bill.

**SB-1447**

Submitted on: 2/19/2023 9:16:28 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

- Electronic smoking devices play a major role in the increased rates of youth nicotine addiction which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- In the 2019 Youth Risk Behavior Survey (YRBS) on Hawai‘i public school students by county1:
  - City and County of Honolulu: 16.4%
  - Hawai‘i Island County: 20.3%
  - Kaua‘i County: 22.5%
  - Maui County: 18.7%
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions2 at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce health care costs associated with tobacco-related illnesses.
- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.
- **Please Support SB1447**

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717



**SB-1447**

Submitted on: 2/19/2023 9:19:03 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
May Rose Dela Cruz	Individual	Support	Written Testimony Only

Comments:

Dear Senator Jarrett Keohokalole and Senator Carol Fukunaga,

As a concerned Hawai'i resident and public health researcher, I am submitting testimony in **STRONG SUPPORT to SB 1447.**

Since Act 206 was signed into law, counties could not pass policies that would help support their community's health. The counties have shown a record of success in passing tobacco related policies such as smoke-free air laws and Tobacco 21. These policies are important because tobacco use disproportionately affect our Native Hawaiian, Pacific Islander, and Filipino communities. In Hawai'i, 38.8% of current smokers are Native Hawaiian, Pacific Islander, and Filipino (Hawai'i BRFSS, 2020). Tobacco-free lifestyles for these communities will reduce their risk of coronary heart disease, lung cancer, and other chronic diseases which disproportionately impact them.

Giving our counties the ability to quickly address the unique health needs of these communities and other communities will result in better overall health for Hawai'i's people. This bill will clear confusion and counties will be able to once again regulate point of sale for tobacco products. This measure is supported by the counties as part of the Hawai'i Association of Counties legislative package.

Please vote in support of SB1447. Mahalo for allowing me to submit my testimony.

Aloha,

Dr. May Rose Dela Cruz, DrPH

## SB1447

I am writing in support of SB 1447, to reverse preemption of County powers to regulate health issues locally. Since 2018, when the State Legislature voted for this usurpation of County control of our local health issues, among other local powers, the Legislature, at the urging of the tobacco lobby, has found itself unable to enact any tobacco regulation, including a flavor ban and electronic cigarette taxation. The measures have been proven to greatly reduce electronic tobacco use in children in other states who have been less reluctant to protect their children. Already Hawaii has one of the highest rates of vaping in the country, and the neighbor islands are suffering even more. Our schools are staggering under the burden of electronic devices. And yet, our counties are prohibited from enacting any tobacco control measures whatsoever. Previously this was not the case, and Kauai in particular has had great success in decreasing cigarette use among teens.

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

Linda Weiner, MD  
Pediatrician, Kauai

**SB-1447**

Submitted on: 2/19/2023 3:32:55 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Vape products are SAFE and helping me cut back on my tobacco use.

Date: February 19, 2023

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

Re: **Support for SB1447**, Relating to Tobacco Products

Hrg: Tuesday February 21, 2023 at 10:00am Conference Room 229 & Videoconference

Aloha Senate Committee on Commerce and Consumer Protection,

As a parent, community member and healthcare professional, I am writing in **strong support of SB1447**, which clarifies that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than state law that governs smoking; and, clarifies that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not directly conflict with and are more stringent than the provisions in state law that governs smoking.

Hawaii counties have played a leadership role in passing tobacco-related policies, such as smoke-free air laws and raising the age of tobacco purchase to 21 years (Tobacco 21).

In 2018, the state preempted counties specifically from regulating the sale of tobacco products due in large part to misinformation from the tobacco lobby.

**SB1447** will return this ability for counties to best serve the unique needs of their communities, resulting in quicker, effective responses to local situations and better overall health.

Much as the tobacco lobby would like the Leg to believe, this measure will not lead to confusion between counties. Until 2018, counties regulated point of sale for tobacco products and there was no confusion from county to county.

And, this measure does not affect taxes on tobacco products, which are set by the state.

**SB1447** has support from the counties as part of the Hawaii Association of Counties legislative package.

I **strongly support SB1447**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

**SB-1447**

Submitted on: 2/19/2023 8:16:22 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

,

S.B.1447

February 21, 2023

Committee on Commerce & Consumer Protection

Chair: Senator Keohokalole

Vice Chair: Senator Fukunaga

## **Testimony in Strong Support of S.B. 1447, Relating to Tobacco Products**

Chair Keohokalole, Vice Chair, Fukunaga Members of the Committee on Commerce & Consumer Protection, I am Julian Lipsher, testifying as a private citizen in strong support of S.B. 1447.

It is an indisputable science-based fact that smoking cigarettes, tobacco use and nicotine remain the leading cause of death and disease in Hawaii. Despite this, tobacco companies have strategized numerous ways to delay and deflect implementation of sound public health policies. They question the science, they quarrel with implementation, they contribute heavily to the campaigns of candidates running for elected office.

Yet their influence has been often blunted at the county level where the elected officials are closer to the voters and the problems are more clearly recognized. So how to get around this obstacle that thwarts industry profits? Preemption. Promote the passage of laws where the state occupies the entire field of regulation, where local voices and county councils are taken out of the picture.

Turning back the clock over a decade ago in Hawaii, the State Legislature had not acted on bills to protect citizens from exposure to tobacco smoke. In a relatively short time all Hawaii counties passed forms of protective measures. This effort demonstrated the need and popularity for state action and a

comprehensive state law was subsequently enacted that we all benefit from today.

Now the issue is vaping. Again, it has been almost a decade without action. We know the counties will act, the industry knows the counties will act. So in 2018 they were able to attach a preemption clause to a needed kidney dialysis bill which passed despite strong opposition to this provision added late in the session.

Repealing preemption would restore local control, allow local voices to be more readily heard and county councils to be able to take actions to protect the public's health when action at the state level has stalled.

I urge the Committee to consider passing S.B. 1447. Thank you for the opportunity to provide testimony.

Julian Lipsher  
jdlipsher@hawaii.rr.com

**SB-1447**

Submitted on: 2/20/2023 9:02:25 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

This type of legislation (SB1447) will cause instability and confusion for businesses and customers. Please keep your word when you passed this a few years back and keep it equal statewide.



**SB-1447**

Submitted on: 2/20/2023 9:59:28 AM

Testimony for CPN on 2/21/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shani Carvalho	Individual	Support	Written Testimony Only

Comments:

I, Shani Carvalho STRONGLY support SB1447.



TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 21, 2023

Re: SB 1447 RELATING TO TOBACCO PRODUCTS

Good morning, Chair Keohokalole and members of the Senate Committee on Consumer Protection & Commerce. 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 and is a statewide, not for profit trade organization committed to supporting 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, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We are strongly opposed to SB 1447 Relating to Tobacco Products. This measure clarifies that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than state law that governs smoking. Clarifies that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not directly conflict with and are more stringent than the provisions in state law that governs smoking.

**Hawaii businesses are already over regulated. A measure like this could lead to double taxation in the guise of fees and other operational restrictions. Businesses with locations on the neighbor islands would also have a harder time to track the laws.** Many of our local business 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, having different laws on the various islands would 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 they maybe unaware it's a violation on that island and it may lead to an arrest or fine.**

Mahalo again for this opportunity to testify.

**LATE**

**COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**  
**Senator Jarrett Keohokalole, Chair**  
**Senator Carol Fukunaga, Vice Chair**

**Tuesday, February 21, 2023, 10:00 AM**  
**Room 329**

### **Testimony in Strong Support of Senate Bill 1447 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 Hawai'i officials to support Senate Bill 1447 which clarifies that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than state law that governs smoking.**

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>1</sup>

Preemption is a legal concept where a higher level of government restricts or even eliminates the authority of a lower level of government to regulate an issue. Federal laws can preempt state and local laws, and state laws can preempt local laws. As a practice, preemption can slow or stop community solutions addressing a wide range of health and social issues including tobacco, food, alcohol, and climate change.<sup>2</sup>

Enacting policies at the local level is one of the best ways to make progress in tobacco control. In fact, many tobacco control policies that have succeeded in Hawai'i have in fact been passed and tested at the local level, including smoke-free workplaces, smoke-free restaurants, restricting sales of tobacco to those 21 and over. We need to enact laws that are proven to reduce tobacco use.

By blocking the power of local elected officials to protect youth and failing to take any meaningful action at the state level, we risk another generation addicted to deadly tobacco products. Preventing local control over the sale and marketing of tobacco products has been a favorite tactic of the tobacco industry to stop the passage of effective policies to reduce tobacco use and save lives.

Hawai'i is a full diversity, where the needs of different counties vary widely. Because of this, we must give local governments the ability to develop the best laws to protect their citizens. The American Lung Association believes that local governments should be allowed to respond to public health issues, like the youth e-cigarette epidemic, in ways that work for their communities.

<sup>1</sup> American Lung Association. *State of Tobacco Control – Hawai'i*. 2020

<sup>2</sup> Pertschuk, M, Pomeranz, JL, Aoki, JR, Larkin, MA, Paloma, M. Assessing the Impact of Federal and State Preemption in Public Health: A Framework for Decision Makers. *J Public Health Management Practice*. 2012

The American Lung Association in Hawai'i urges legislators to continue to support and advocate for policies to protect youth from tobacco use by allowing local governments to create solutions that work for them. We urge for your support of Senate Bill 1447.

Pedro Haro  
Executive Director  
American Lung Association in Hawai'i  
[pedro.haro@lung.org](mailto:pedro.haro@lung.org)



**LATE**

Senator Jarret Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Members of the Committee on Commerce and Consumer Protection

The Coalition for a Tobacco-Free Hawaii's Youth Council, **strongly supports SB1447**, allowing the counties to enact ordinances stricter than state law.

Today, Hawai'i is facing a youth vaping epidemic. In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. The numbers are even worse for the neighbor islands and counties should be able to regulate the sale of tobacco products that are disproportionately impacting their communities.

Please give back the counties authority to protect their people from the predatory marketing of the tobacco industry and repeal preemption.

**LATE**

**SB-1447**

Submitted on: 2/20/2023 4:51:06 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	Written Testimony Only

Comments:

The Hawaii Smokers Alliance is strongly opposed to SB1447. A few years ago, this legislature give its' promise to make tobacco type legislation easier to follow and uniform across throughout the State. While we oppose most of the tobacco legislation passed in the last 25 years, at least the current version of HRS **gives equal treatment under the law.**

**We respectfully ask the legislature and this committee to keep its' word of honor on this issue and not go back on its' promise.**

Mahalo.

**LATE**

Date: February 20, 2023

To: Senator Jarret Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Members of the Committee on Commerce and Consumer Protection,

Committee on Public Safety and Intergovernmental and Military Affairs

Re: Strong support for SB 1477 Relating to Electronic Smoking Devices

Hrg: Tuesday, February 21, 2023; 10 am; Conference Room 229 & Videoconference

Aloha, my name is Nicole Ledward. I am a BSW student at the University of Hawai'i at Mānoa Thompson School of Social Work. I am submitting written testimony in support of SB 1477 Relating to Electronic Smoking Devices.

Electronic smoking devices are still fairly new and not much is known about the long term consequences of use. This [website](#) offers helpful data and factual information relating to vaping related diseases. This [systematic review](#) and [journal article](#) offers further evidence on the dangers of electronic smoking devices and the illnesses associated with its use. Going over these articles, I found compelling reasons to discourage the use of electronic smoking devices, even as a method to quit smoking cigarettes. Much of the arguments made in opposition focus on putting profits before people, I ask to put the health of our community before profits.

I am also a mother of 5 children. 4 of my children are ages 20, 18, 17 and 16. I began finding electronic smoking devices in their possession since the youngest of the 4 was in elementary school. They are all using these products and I confiscate them every time I find them, but they still are accessing them. My children claim that they use these devices because they taste good, they can blow big clouds and it relaxes them. All of my children suffer from chronic illnesses in their respiratory tract as a result of using these products. Regulating the sale of these products is essential to protect the health of our youth. Where will they be in 20 years?

To conclude, I ask that this bill be passed into law. There is no matter more important than the health of our youth, they are our future.

Mahalo nui loa for accepting my testimony,

Nicole Ledward

Senate District 2

House District 3

**LATE**

Date: February 20, 2023

To: Senator Jarret Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Members of the Committee on Commerce and Consumer Protection,

Committee on Public Safety and Intergovernmental and Military Affairs

Re: Strong support for SB 1477 Relating to Electronic Smoking Devices

Hrg: Tuesday, February 21, 2023; 10 am; Conference Room 229 & Videoconference

Aloha, my name is Nicole Ledward. I am a BSW student at the University of Hawai'i at Mānoa Thompson School of Social Work. I am submitting written testimony in support of SB 1477 Relating to Electronic Smoking Devices.

Electronic smoking devices are still fairly new and not much is known about the long term consequences of use. This [website](#) offers helpful data and factual information relating to vaping related diseases. This [systematic review](#) and [journal article](#) offers further evidence on the dangers of electronic smoking devices and the illnesses associated with its use. Going over these articles, I found compelling reasons to discourage the use of electronic smoking devices, even as a method to quit smoking cigarettes. Much of the arguments made in opposition focus on putting profits before people, I ask to put the health of our community before profits.

I am also a mother of 5 children. 4 of my children are ages 20, 18, 17 and 16. I began finding electronic smoking devices in their possession since the youngest of the 4 was in elementary school. They are all using these products and I confiscate them every time I find them, but they still are accessing them. My children claim that they use these devices because they taste good, they can blow big clouds and it relaxes them. All of my children suffer from chronic illnesses in their respiratory tract as a result of using these products. Regulating the sale of these products is essential to protect the health of our youth. Where will they be in 20 years?

To conclude, I ask that this bill be passed into law. There is no matter more important than the health of our youth, they are our future.

Mahalo nui loa for accepting my testimony,

Nicole Ledward

Senate District 2

House District 3



**LATE**

**SB-1447**

Submitted on: 2/20/2023 12:44:09 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Strongly Opposed.

**LATE**

**SB-1447**

Submitted on: 2/20/2023 2:31:37 PM  
Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Strong Opposition.

Counties should only be able to increase our freedoms, not further take them away.

**LATE**

**SB-1447**

Submitted on: 2/20/2023 3:02:09 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Not only NO, but HELL NO! What kind of a sicko rigs the law to maximize the elimination of people's rights? This kind of legislation needs to stop as I count the days until my mail in ballot arrives.

**LATE**

**SB-1447**

Submitted on: 2/20/2023 4:07:49 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

I'm Alex and I strongly oppose this bill.

**LATE**

**SB-1447**

Submitted on: 2/20/2023 5:16:06 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Dear committee for CPN,

Having different state/county laws causes lots of confusion. The only way to make this bill acceptable is if THE LEAST STRINGENT APPLIES. That way liberties are most protected.

Mahalo,

N. Winters

**LATE**

**SB-1447**

Submitted on: 2/20/2023 5:26:22 PM  
Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Let's keep it the way it is. We need statewide consistency.

**LATE**

**SB-1447**

Submitted on: 2/20/2023 5:49:10 PM

Testimony for CPN on 2/21/2023 10:00:00 AM

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

Comments:

Dear Committee ,

I thought we fixed this problem, now some people are trying cause it again.

Businesses will have to go to court now each time a county passes something to find out what is actually the law. Furthermore, having different standards in each county will cause waste and hardship in doing business.

**SB-1447**

Submitted on: 2/20/2023 7:36:56 PM

Testimony for CPN on 2/21/2023 10:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathleen Hagan	Individual	Support	Written Testimony Only

Comments:

Please support SB1447 Relating to Tobacco Products. In 2018, Act 206 took away the ability of counties to regulate the sale of tobacco; since then, we have had no meaningful statewide regulation to address the lack of regulation, taxation, and sales of tobacco products. We have a youth vaping epidemic here in Hawaii, and the counties can address the health needs of their communities if allowed to do so. Reauthorizing counties to regulate the sale of tobacco products will enable us to address these public health challenges at the local level as we have with great success in the past with clean air laws, minimum age requirements to purchase tobacco, and smoke-free cars with keiki. As a nurse and the parent of a teenager in Maui, I urge you to empower us to once again take action care for our keiki and local communities.

Mahalo,

Kathleen Hagan, MS, APRN-BC, CNE

Paia, Maui



CLIFFORD CHANG, MPH

*RESIDENCE*

4924 Wa'a Street  
Honolulu, HI 96821-1446  
Telephone: (808) 373-3654

*BUSINESS*

Principal  
Clifford Chang Consulting  
4924 Wa'a Street  
Honolulu, HI 96821-1446  
Cell phone: (808) 347-8035

Email: <cliffordchangconsulting@yahoo.com>

**LATE**

Date: February 21, 2023  
To: Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Members of the Committee on Commerce and Consumer Protection  
Re: STRONG Support, for SB 1447 Relating to Electronic Smoking Devices  
Hrg: Tuesday, February 21, 2023; 10:00 am; Conference Room 229 and Videoconference

My name is Clifford Chang, testifying today both as the principal in my public health consulting business, Clifford Chang Consulting, and as a private individual with over 40 years of public health experience. I have been professionally involved in tobacco prevention and control for almost ten years and have continued my direct involvement on a voluntary basis for over fifteen years.

I am testifying in **strong support, for SB 1447**, which clarifies that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than state law that governs smoking. Clarifies that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not directly conflict with and are more stringent than the provisions in state law that governs smoking.

SB 1447 gives back the power to the counties to regulate the sales of tobacco products.

In the past, the counties have been successful in passing tobacco related policies such as smoke-free air laws and restricting sales of tobacco to those 21 years and older. The county ordinances often preceded state-level action by several or more years.

Regarding the sale of tobacco, the state preempted the counties in 2018. Since that time, there has been no meaningful policy to address the regulation of electronic smoking devices that has happened at the state level. Returning to the counties the ability to quickly address the unique health needs of their communities will result in better overall health.

Importantly this measure is supported by all the counties as it is part of the Hawai'i Association of Counties legislative package.

On March 2021, the wife of my best friend from high school died after a long, over 10 year struggle against lung cancer caused by smoking that also metastasized to her brain. Davina was only 62 years of age, leaving behind her husband of 35 years, Paul, their two daughters, and her first granddaughter who was born just prior to her death. Davina was able see and hold her granddaughter just once before passing away.

Davina started smoking in high school and tried to quit repeatedly throughout her life, cut way too short by the insidious, addictive nicotine in tobacco. Davina was one of the strongest people I know. Despite this, it took her multiple attempts to quit, the pull of the nicotine addiction outweighing her resolve. With professional cessation treatment assistance she was finally able to quit, but not before she developed a malignant carcinoma in her lung

which also metastasized to her brain. She underwent multiple surgeries, including a lobectomy and lung removal, numerous bouts of chemotherapy, and numerous clinical trials, before her body succumbed to fluid accumulation in the pleural space of her remaining lung. With the assistance of hospice and palliative care, Davina was able to pass away peacefully and without pain.

Please do what is necessary this legislative session, including the passage of SB 1447, to help keep so many more of our youth from dying, like my friend Davina, from tobacco-related illnesses.

Thank you very much for this opportunity to testify.

Aloha,

A handwritten signature in black ink, appearing to read 'Clifford Chang', with a stylized flourish at the end.

Clifford Chang