

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 1447
RELATING TO TOBACCO PRODUCTS**

SENATOR GLENN WAKAI, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

Hearing Date: February 10, 2023

Room Number: Conference Room 225
& 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 (ESD) 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 ESD 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 ESD, 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 Geographic tobacco-related disparities are a serious public health problem in Hawaii and
13 innovative, community-based solutions are needed. While 11.6% of adults in the general
14 population smoke, adults in Hawaii County have the highest prevalence of smoking at 14.0%.¹
15 Smoking within subcommunities throughout the State are even higher such as in Puna/Ka'u

¹ *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>

1 (16.9%), North Shore/Laie (22.3%), and Nanakuli/Wai‘anae (19.5%).² Youth who live on
2 neighbor islands evidence more current tobacco use than those who live in Honolulu County.
3 Whereas 28.0% of high school youth in Honolulu County reported current vaping in 2019,
4 35.4% of peers in Hawaii County, 35.9% in Kauai, and 36.4% in Maui County reported current
5 vaping.³

6 Given the existence of these geographic disparities, there is an urgent need for counties to
7 have the ability to regulate access to tobacco products especially among youth. According to
8 Julie Aoki in the Journal of Law and Medical Ethics, “From a health equity standpoint, the use of
9 local knowledge to forge community-specific solutions enables localities to employ a targeted
10 approach to combat health disparities and ensue equitable access to better public health.”⁴ As
11 youth e-cigarette use grows as a public health problem, Hawaii’s counties must be empowered to
12 to respond to the request from communities that are most affected.

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

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

22 Thank you for the opportunity to testify.

23 **Offered Amendments:** None

² *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>

³ 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

⁴ 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)



**Testimony to the Senate Committee on Public Safety and
Intergovernmental and Military Affairs
Friday, February 10, 2023; 3:05 p.m.
State Capitol, Conference Room 225
Via Videoconference**

RE: SENATE BILL NO. 1447, RELATING TO TOBACCO PRODUCTS.

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 1447, RELATING TO TOBACCO PRODUCTS.

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

This bill, as received by your Committee, would:

- (1) Clarify that county ordinances or regulations regulating 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; and
- (2) Reaffirm the authority of each county to adopt ordinances regulating the sale of cigarettes, tobacco products, and electronic smoking devices so long as the ordinances are more stringent than State law.

We note that this bill is substantively similar to measures proposed by the Hawaii Association of Counties -- House Bill No. 117, and Senate Bill No. 208.

Testimony on Senate Bill No. 1447
Friday, February 10, 2023; 3:05 p.m.
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FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco harms our citizenry on a generational basis with people experimenting at even earlier ages. Because of this, the HPCA supports efforts that would improve enforcement of existing regulation and create disincentives for consumers to use these products.

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

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

Accordingly, we ask for your favorable consideration of this measure.

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

SB-1447

Submitted on: 2/8/2023 1:04:40 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
John Foronda	Testifying for HI FIVE OHM VAPE CO, LLC	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to SB1477, a bill that aims to allow counties to set their own regulatory ordinances for tobacco products, including vaping products.

While I appreciate the intent behind this bill to give counties more control over regulating tobacco products, I believe that it is misguided. Allowing each county to set its own regulations will result in a patchwork of inconsistent and potentially conflicting rules, making it difficult for businesses to operate and for consumers to understand what is and isn't allowed. This will also put some vaping users at a disadvantage compared to other residents in terms of access to vaping products, as certain counties may have stricter regulations and limited availability.

Moreover, this bill has the potential to cause a dramatic drop in state tax collections. The inconsistency of regulations from county to county could result in a fragmented market that makes it difficult for businesses to operate, leading to a decrease in revenue generated from taxes on tobacco and vaping products.

In addition, the uncertainty of regulatory laws in the marketplace will make small businesses hesitant to provide jobs and become viable businesses. This could have a negative impact on the local economy, as small businesses are often the backbone of a thriving community.

In conclusion, I strongly urge you to vote against SB1477 and instead work to establish consistent, statewide regulations that protect public health, ensure access to vaping products for all residents, and maintain the viability of small businesses. Thank you for your consideration.

Sincerely,

John Foronda

February 8, 2023

To: Members of the Hawaii Senate Public Safety, Intergovernmental and Military Affairs Committee

From: Americans for Tax Reform

Dear Representative,

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 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



February 08, 2023

From: Scott Rasak, VOLCANO Vape Shops
Chief Operating Officer

RE SB1447 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO. is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 90 full-time workers to support sales of our products in Hawaii. We service thousands of adult Hawaii consumers who legally purchase vaping products.

We stand in opposition to SB1447 for the following:

- County level tobacco regulations fragment the market for vaping products potentially putting some vaping users at a disadvantage to other Hawaii residents in access to vaping products.
- State will see a dramatic drop in tax collections
- Small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii.

Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Scott Rasak
Chief Operating Officer
VOLCANO Vape Shops
330 Sand Island Access Rd. #400
Honolulu, HI 96819
scott@volcanoecigs.com

SB-1447

Submitted on: 2/8/2023 2:29:19 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Tashia Manaba	Testifying for Savage Vapes 808 INC.	Oppose	Written Testimony Only

Comments: - County level tobacco regulations fragment the market for vaping products potentially putting some vaping users at a disadvantage to other Hawaii residents in access to vaping products. - State will see a dramatic drop in tax collections - Small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws.

SB-1447

Submitted on: 2/8/2023 4:05:01 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
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.



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

Committee on Public Safety and Intergovernmental and Military Affairs

Friday, February 11, 2023, 3:05 p.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.



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

February 8, 2023

Honorable Chair Senator Glenn Wakai
Honorable Vice-Chair Senator Brandon J C Elefante
Members of the House Labor & Government Operations

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

Dear Chair Wakai, Vice Chair Elefante, and members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs,

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.

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.

- 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



The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs

SENATE BILL 1447 RELATING TO TOBACCO PRODUCTS - OPPOSE

Friday, February 10, 2023 @ 3:05 PM
Conference Room 225 & 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, as early as January 31, 2023, Brian King, Director of FDA's Center for Tobacco Products announced that the **FDA is currently drafting the final rules and is committed to completing the rulemaking process in 2023¹.** We encourage the legislature to consider taking the lead from the FDA as they consider comprehensive and consistent rules governing tobacco products, and therefore request that the committee consider holding this measure.

Thank you for the opportunity to testify in opposition.

¹ By Brian King, Director of FDA's Center for Tobacco Products January 31, 2023
<https://www.fda.gov/tobacco-products/ctp-newsroom/looking-back-looking-ahead-fdas-progress-tobacco-product-regulation-2022>



February 10, 2023

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For more information on the AHA's educational or research programs, visit 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.

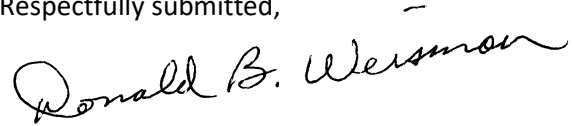
The tobacco industry for years, on the other hand, has attempted to advance state legislation that would preempt local government's home rule on tobacco issues. In fact, former Governor John Waihee vetoed such a bill after it passed through the legislative process citing the need for county governments 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



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 10, 2023
Re: SB 1447 RELATING TO TOBACCO PRODUCTS**

Good afternoon, Chair Wakai and members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs. 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.



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
www.papaolalokahi.org

Senate Committee of Public Safety and Intergovernmental and Military Affairs

Senator Glenn Wakai, Chair

Senator Brandon J. C. Elefante, Vice Chair

RE: SB 1447 – RELATING TO TOBACCO PRODUCTS

Position: SUPPORT

Dear Chair Wakai, Vice Chair Elefante, and Member of the Committee on Public Safety and Intergovernmental and Military Affairs,

Papa Ola Lokahi (POL) testifies in **SUPPORT** of **SB 1447**, which clarifies the reach of county ordinances or regulations, and repeals the preemption that regulates the sale of cigarettes, tobacco products, and electronic smoking devices. Additionally, Papa Ola Lōkahi supports efforts that aim to protect the health of our communities, such as limiting access to tobacco products, including electronic smoking devices and other vapor products, which are known to increase the risk of adverse health outcomes.

Data from the 2019 Youth Risk Behavior Survey found that Hawai‘i has one of the nation's highest youth vaping rates, with 30.6% of high school students reporting they currently use electronic smoking products. With the availability of flavored tobacco products, our youth are being targeted at younger ages to become the next generation of adult smokers. If we are to protect the health and safety of our youth and future generations, we must continue to examine policies and take meaningful action to ensure policies are meeting the needs of our communities.

We must also examine the existing disparities and ensure policies are aimed at closing the health disparity gap between racial groups. The 2019 Youth Tobacco Survey (YTS) found racial inequity, with 63.8% of Native Hawaiian high school youth and 37.6% of Native Hawaiian middle school youth reporting they have tried vaping. Native Hawaiian high school students reported active use of vapor products more than nearly all other racial groups in Hawai‘i, and the same survey found that Native Hawaiian high school youth report using vapor products more frequently (20+ days within the last 30 days) than their non-Native Hawaiian counterparts at 17% and 10.4%, respectively. One in three Native Hawaiian youth cites the availability of flavors as the reason they use vape products, underpinning the need to curb tobacco companies' ability to make these products easily accessible. We must also consider that our youth's neural development is at risk, and that using tobacco products during this developmental stage puts them at increased risk of developing a nicotine addiction.

It is evident that the use of tobacco products not only increases adverse health outcomes but also exacerbates these outcomes among vulnerable groups and deepens health disparities. This bill aims to limit tobacco companies' reach in our communities and allows counties to create and implement preventive policies that

address their unique needs. Given the success of county level-policies in passing progressive tobacco-related policies, such as smoke-free air laws and Tobacco21, it behooves the state to support county efforts to create protective policies that address the unique needs of their communities. Further, we mustn't allow private interests to create environments in our communities that negatively impact the health outcomes of those most vulnerable in our communities, our keiki.

Mahalo piha for the opportunity to provide testimony in **STRONG SUPPORT** of **SB 1447**, and for helping to safeguard the health and safety of the keiki and communities of Hawai'i.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.



Date: February 10, 2023

To: Senator Glenn Wakai, Chair and Senator Brandon Elefante, Vice Chair
Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs

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

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

Hrg: February 8th, 2023 at 3:05pm

Dear Chair Wakai, Vice Chair Elefante 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 nunui for your consideration,

A handwritten signature in black ink, appearing to read "Liza Ryan Gill". The signature is written in a cursive, flowing style.

Liza Ryan Gill

Campaign for Tobacco-Free Kids HI



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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 8, 2023

To: Senator Glenn Wakai, Chair
Senator Brandon Elefante, Vice Chair
Members of the Community Public Safety and Military

Re: Strong Support SB 1447 Relating to Tobacco Products

Hrg: Friday, February 10, 2023, at 3:05 PM, Conf Rm 225

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute 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 country 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 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.ⁱⁱ 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 testify. We strongly support SB 1447 and respectfully ask you to pass this measure.

Mahalo,



Peggy Mierzwa
Policy & Advocacy Director
Hawaii Public Health Institute

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

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

SB-1447

Submitted on: 2/7/2023 4:56:49 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Anton	Individual	Oppose	Written Testimony Only

Comments:

This bill will only cause more of **my protected constitutional rights to use tobacco** to be taken away.

SB-1447

Submitted on: 2/7/2023 5:17:33 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Winters	Individual	Oppose	Written Testimony Only

Comments:

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.

SB-1447

Submitted on: 2/8/2023 10:26:00 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
April Pacheco	Individual	Oppose	Written Testimony Only

Comments:

This bill wants to give further leverage to attack constituents that smoke and vape to counties. It also creates a regulatory mess for businesses trying to comply with already out of control regulation.

SB-1447

Submitted on: 2/8/2023 12:07:43 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I believe allowing individual counties to set their own tobacco regulations is silly. It's been shown at other states that these types of rules are too easy to go around. This is just a time wasting bill for everyone.

SB-1447

Submitted on: 2/8/2023 12:26:56 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
zach pollard	Individual	Oppose	Written Testimony Only

Comments:

Flavors is what helped me quit smokeing tobbaoco products 8 years ago, I had a hard time breathing smoking tobbaoco products vaping is a way better more healthier alternitve for nicotine, vaping has improved my breathing and i can actually run and excersize, then before while using tobbaoco products. If its because youth vaping there should be a fine for under age caught with electronic nicotine devices, or vaping products if you will the goverment would make profit off those fines. Going after flavors would put people out of business and take away jobs creating higher unemployment when right now unemployment is actually down to 3.4% which is pretty low for the US

SB-1447

Submitted on: 2/8/2023 1:14:45 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Decoito	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1447 as it will fragment the market for vaping product putting some vaping users at a disadvantage to other Hawaii residents in access to vaping products. Also, the State may see a dramatic drop in tax collections.

SB-1447

Submitted on: 2/8/2023 1:23:08 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelli Schroeder	Individual	Oppose	Written Testimony Only

Comments:

I would like to oppose this bill.

SB-1447

Submitted on: 2/8/2023 1:42:29 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Wells	Individual	Oppose	Written Testimony Only

Comments:

Opposed to the passage of SB1447. The legislature should maintain control of this issue and not flip-flop over it. Please maintain a consistant standard for us.

SB-1447

Submitted on: 2/8/2023 2:06:42 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Why are we trying to futher Fragment the market and make this more complicated?!?!?

The state sets the laws just leave it at that. This doesnt make any sense.

I strongly oppose This

SB-1447

Submitted on: 2/8/2023 2:35:09 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelby Pakele	Individual	Oppose	Written Testimony Only

Comments:

I, Shelby Pakele , stand with the opposing side of the SB1447.

SB-1447

Submitted on: 2/8/2023 3:15:36 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Please stop the attacks

SB-1447

Submitted on: 2/8/2023 3:20:06 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I OPPOSE THIS BILL

SB-1447

Submitted on: 2/8/2023 3:21:14 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

County level tobacco regulations fragment the market for vaping products potentially putting some vaping users at a disadvantage to other Hawaii residents in access to vaping products.

State will see a dramatic drop in tax collections

Small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws

SB-1447

Submitted on: 2/8/2023 3:23:11 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Erin Alicia Wiggins	Individual	Oppose	Written Testimony Only

Comments:

i oppose

SB-1447

Submitted on: 2/8/2023 3:24:36 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Caedence Pang-Ching	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws

SB-1447

Submitted on: 2/8/2023 3:27:02 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Chelsey Leialoha	Individual	Oppose	Written Testimony Only

Comments:

County level tobacco regulations fragment the market for vaping products potentially putting some vaping users at a disadvantage to other Hawaii residents in access to vaping products. State will see a dramatic drop in tax collections. Small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws.

SB-1447

Submitted on: 2/8/2023 3:28:06 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Aloha! I disagree with an oppose bill SB1447.

SB-1447

Submitted on: 2/8/2023 3:30:41 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Riley	Individual	Oppose	Written Testimony Only

Comments:

businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws

SB-1447

Submitted on: 2/8/2023 3:41:16 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill because it is nonsensical considering tobacco and nicotine sales are legal on the federal level. Putting the decision into the hands of local politicians would be in my opinion unfair to the citizens of the county of Hawaii. There has been an increase number of bills recently targeting the tobacco and nicotine sales industry in Hawaii for what sounds good on paper but in application does not work. Hawaii is a smokers state and for the people of legal age the idea of banning or disallowing the sale of nicotine is a big no no for us. If at the federal level, nicotine and tobacco products are legal for people 21 and over then I think the State of Hawaii should follow the federal laws rather than try to ban sales or allow it to be a by county ordinance.

I hope you take this testimony into consideration and also oppose SB 1447!

SB-1447

Submitted on: 2/8/2023 3:47:08 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws

SB-1447

Submitted on: 2/8/2023 4:07:39 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheyenne DeVera	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to Senate Bill 1447, which aims to allow counties to set their own regulatory ordinances for tobacco products, including vaping products.

As we are all aware, the use of vaping products has risen dramatically in recent years, particularly among young people. It is imperative that we take a strong and consistent approach to regulate these products in order to protect the health and well-being of our citizens. Allowing counties to set their own regulations will create a patchwork of inconsistent laws that will be difficult to enforce and will put the health of our communities at risk.

In addition, this bill fails to recognize the role that these products play in the larger tobacco industry. The marketing and sale of these products are often designed to appeal to young people and the lack of consistent regulation will only serve to make it easier for the industry to target our youth.

I urge you to consider the negative consequences of this bill and to vote against its passage. Instead, we should work towards creating a comprehensive and uniform approach to regulating tobacco and vaping products at the state level. This will ensure that all of our citizens are protected and that the health of our communities is not put at risk.

Thank you for your time and consideration.

SB-1447

Submitted on: 2/8/2023 4:21:04 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill.

SB-1447

Submitted on: 2/8/2023 4:22:49 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill! Why, beacuse small businesses will be hesitant to provide jobs and viable businesses in a marketplace with uncertain regulatory laws and not to mention how dramatic the state will see a drop in tax collections.

SB-1447

Submitted on: 2/8/2023 4:44:45 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

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SB-1447

Submitted on: 2/8/2023 5:40:16 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill because small businesses may shut down and how can the owners make a living. I strongly oppose .

SB-1447

Submitted on: 2/8/2023 5:43:00 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bill Patterson	Individual	Oppose	Written Testimony Only

Comments:

Don't know why the legislature wants this bill. If the legislature can't figure stuff out for themselves, then it might as well just disband and let the counties run everything. If I was in charge of the Senate I would want to call my own shots and not have some city council ruin my legislation.

SB-1447

Submitted on: 2/8/2023 8:01:51 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

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

SB-1447

Submitted on: 2/8/2023 8:47:50 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Peggy Brandt	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1447 because regulatory power being concentrated at the state and higher levels gives \$\$ lobbyists unfair advantage and takes away the voice of the communities. Please return the right to regulate tobacco products to the county and local levels.

SB-1447

Submitted on: 2/8/2023 10:42:21 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Bryan Mih and I am a parent, pediatrician, and the medical director of the Kapi'olani Smokefree Families Program. For the health of our keiki and their families, it is vitally important to support 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: 2/9/2023 7:13:59 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I strongly support this bill

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 in 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: 2/9/2023 7:49:04 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Dear PSM ,

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: 2/9/2023 7:55:36 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Brittany Chambrella	Individual	Support	Written Testimony Only

Comments:

As an educator and former health care employee, I have seen the damage tobacco and vapes can cause our community firsthand. Give power back to counties to address the health needs of their communities. Local government needs to be able to make these decisions, rather than give the problem to someone else to solve. The higher branches of government are already overburdened with problems, and this is an issue that counties can realistically solve within a short amount of time.

S.B.1447
February 10,2023

Committee on Public Safety & Military Affairs
Chair: Senator Wakai
Vice Chair: Senator Elefante

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

Chair Wakai, Vice Chair Elefante, Members of the Committee on Public Safety & Military Affairs, I am Julian Lipsher, Chair of the Hawaii Public Health Institute's Coalition for a Tobacco Free Hawaii's Policy Committee and formerly with the Department of Health focusing on tobacco prevention & control and chronic disease, testifying as a private citizen in 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 and in the nation. 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 of laws once passed, they contribute heavily to the campaigns of candidates running for elected office, mainly at the state and national level.

Yet their influence has been difficult and often blunted at the local 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 increased sales and 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 and local ordinances cannot be enacted.

Turning the clock back in Hawaii, the State Legislature had not acted on bills to protect citizens from exposure to tobacco smoke. Efforts then centered on the counties to enact such ordinances. 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 the use of e-cigarettes and vaping. It has now been almost a decade where bills have been proposed at the state level, yet no substantive action has resulted. We know the counties will act, yet in 2018 the tobacco industry was able to attach a preemption clause to a needed kidney dialysis bill which passed despite strong opposition to this provision added by the tobacco industry late in the session.

Repealing preemption would allow local voices to be more readily heard and county councils to be able to take actions to protect people when action at the state level has stalled. It would restore local control and become a valuable demonstration and proving ground for state action.

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

Julian Lipsher
jdlipsher@hawaii.rr.com

Chair Wakai of the Senate Committee on Public Safety and Intergovernmental and Military Affairs

Subject: Senate Bill 1447 Relating to Tobacco Products.

Hearing Date: February 10th, 2023

My name is Bransen Hatakenaka, and I am a junior from Hilo High testifying in support of SB1447.

As a student strongly concerned about the impacts of vaping on our youth and education system, I believe it is important that the counties of Hawaii are able to enact their own policies regarding tobacco use.

This bill will allow this while ensuring that additional county measures do not violate the state's current regulations. Furthermore, it would grant the ability of counties to implement unique measures tailored to the challenges they face from the vaping epidemic, potentially trailblazing the way for future statewide measures.

This has been evident in the past, with the county of Hawaii being the first to enact our now state-wide restrictions on smoking/vaping under 21 years of age. As vaping takes a stronger hold in our communities, we need to grant our counties the flexibility needed to take a stand against these harmful substances. Thank you for this opportunity to testify in support of this bill, and for the chance to advocate for our communities.

Bransen Hatakenaka
Hilo, Hawaii 96720

SB-1447

Submitted on: 2/9/2023 11:15:09 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Aloha Committee Members,

I support this bill assuming that the counties would be more successful in addressing the usage of e-cigarettes than the state. Ideally, we want everyone to not use any cigarettes or e-cigarettes products due to their harmful effects on health. If the counties could prevent future addictions among youth, then do your part to pass it. Thank you for your kind consideration!

Mahalo,
Michelle K.

To: Sen. Glenn Wakai, Chair
Sen. Brandon J. C. Elefante, vice chair
Committee on Public Safety and Military Affairs

RE: Strong Support for SB1447, Relating to Tobacco Products

Hrg: February 10, 2023 at 3:05 PM

I, Kathryn Akioka, is in **Strong Support of SB1447**, which will repeal the state preemption of the counties regarding the sale of tobacco that passed in 2018.

I am from the Big Island of Hawaii, a Respiratory Therapist, and Tobacco Treatment Specialist. I am very proud of the work we have done regarding tobacco regulation. Hawaii County lead the nation in passing smoke-free tobacco laws and in raising the age of sale to 21. This lead the state to implementing the same laws as state laws and put Hawaii on the forefront of the nation up until 2018. At that time, the state preemption of the counties regarding the sale of tobacco went into effect. The legislature promised to continue advancing laws that would ban flavored electronic smoking devices (ESDs) and regulation of all tobacco products.

Since 2018, the legislature has not done as they had promised. There has been no progress in regulation of tobacco products, including electronic smoking devices. The State of Hawaii went from being one of the nation's leaders in regards to laws around sale and regulation of tobacco products to the bottom in just 4 years! The American Lung Association's annual report, released last week, gave Hawaii an "F" and placed us at the bottom of state's regulation of Tobacco products.

Preemption needs to be repealed!! Or Hawaii will continue to be at the bottom of the nation regarding Tobacco sale and ESD regulation. The Counties have proven that they can respond quickly to address the unique health needs of their communities and must be given back the abilities that preemption has taken away. This is important enough for the counties that they have included preemption in their Hawaii Association of Counties legislative package.

Please move SB1447 forward! Let the counties restore Hawaii's dignity.

Mahalo,
Kathyrn Akioka, RRT, TTS

SB-1447

Submitted on: 2/9/2023 12:13:05 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael S. Nakasone	Individual	Oppose	Written Testimony Only

Comments:

Opposed. I don't like mixed messages.

SB-1447

Submitted on: 2/9/2023 12:39:02 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Allen Bartolome	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chairs and members,

I am Asking for your support on this bill. 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.

Mahalo for your time,

Allen Bartolome

SB-1447

Submitted on: 2/9/2023 12:59:00 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Support. Thank you.



February 10, 2023

Testimony on Hawai'i SB 1447 — “An Act Relating to Tobacco Products”

Dear Chairs and Members of the Public Safety and Intergovernmental and Military Affairs,

My name is Yaël Ossowski and I am the deputy director of the consumer advocacy group Consumer Choice Center.

With my family, I have been a visitor to your beautiful islands, and know how blessed and proud of this land you all are. Hawaii's heritage and uniqueness as an island state are well recognized, as is the desire of this state's residents to control your own destiny and preserve your way of life.

And in protecting this great state and its residents, this committee is being asked to consider SB1447, a bill that in its title relates to “tobacco products,” but in fact puts safer alternatives to tobacco products, alternatives that do not cause nearly the same harms nor have the same society costs and burdens, at risk.

While you are not being asked the merit or lawfulness of these nicotine alternative products, you are being asked on how their use, composition, and availability will be governed and regulated, whether by this body and your legislative colleagues, or by the councils and mayors in Hawaii's five counties. Can Kauai or Maui County ban them on their own or should they continue being preempted from doing so?

I speak to you not as a constitutional practitioner, nor a health campaigner, but as a consumer advocate with extensive experience in helping protect the rights of adults to choose safer and less harmful products.

At present, adults in Hawaii benefit from a safe, legal, and competitive market in non-tobacco nicotine alternatives. These products, whether they be vaping devices and liquids, non-tobacco nicotine pouches, or patches and gums, provide adults who have been addicted to smoking to switch to products that can save and radically change their lives.

Previous bills before the legislature have sought to outright ban, restrict, and tax out of existence these very products, while traditional tobacco products remain on the shelves unperturbed.

Over 1,400 Hawaiians lose their lives to smoking-related illnesses each year. As found in [multiple studies](#) and even Public Health England, vapers benefit from 95% less harm than cigarettes.

Fortunately, more than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a better alternative, including our elderly. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually over 65.





If those retirees have their smoking cessation options taken away, it will not only nudge them back to smoking and put their health at risk, but it would cost Hawaii dearly. Smoking-related healthcare costs already cost Hawaiian taxpayers \$141.7 million annually, not to mention the pain of long-term illnesses and deaths experienced by many families.

Our goal should be to expand people's choices to quitting tobacco, not to limit them severely.

The fear of our organization, if SB 1447 is adopted, is that counties will move quickly to deprive these adults of these safer options, unaware of the severe repercussions and harm that would happen.

Again, you are not being asked to judge the effectiveness of nicotine alternatives to wean people off cigarettes and save their lives, but rather whether the State of Hawaii, its legislators, committees, should hold those deliberative discussions and debates with the full facts.

Our policies must be fair, just, and based on scientific evidence. I believe this body, composed of diverse legislators from the entire state, can help make that determination for the residents who depend on you to protect their consumer choice. **We would urge you to vote against SB 1447.**

Thank you for your time.

Yaël Ossowski
Deputy Director
Consumer Choice Center
yael@consumerchoicecenter.org

SB-1447

Submitted on: 2/9/2023 1:50:41 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Helen Barrow	Individual	Support	Written Testimony Only

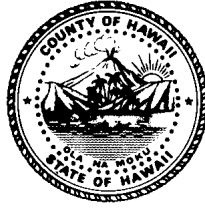
Comments:

Mahalo for the opportunity to submit testimony in support of SB 1447.

Hawaii's counties/ islands need the ability to quickly address the health needs of their ohana and this bill gives that power back to the counties.

Thanks for your consideration in this matter!

Jennifer Kagiwada
Council Member District 2 South Hilo



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

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 9, 2023
TO: Senate Committee on Public Safety and Intergovernmental and Military Affairs
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB 1447

Aloha Chair Wakai, Vice Chair Elefante, and Committee Members,

I am testifying in support of SB 1447 to allow Counties to retain the authority to adopt laws regarding the sale and regulation of tobacco products so long as those laws are not in conflict with and/or are more stringent than State laws. Our communities suffer when State elected officials supersede the rights of County leaders in regards to the health and well-being of our local constituents. The Counties are more able address the needs of our communities in a timely manner. Hawai'i County, in particular, has a good history of helping to pass public health policies such as Tobacco 21 and smoke-free air laws.

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

Mahalo for the opportunity to testify in support of this bill.

Mahalo,

A handwritten signature in black ink, appearing to read 'Jenn Kagiwada'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Jenn Kagiwada

SB-1447

Submitted on: 2/9/2023 3:01:08 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Please consider and pass SB1447 which would give back the power to the counties to regulate the sale of tobacco products.

Counties have been successful in passing tobacco related policies in the past as the smoke-free air laws and Tobacco 21. By approving this bill the counties will again have the ability to quickly address the unique health needs of their communities and it will result in better overall health. Since 2018 when the state preempted the counties there has been no meaningful policy to address the regulation of electronic smoking devices. The counties support this measure as it was part of the Hawaii Association of Counties legislative package.



fightcancer.org

LATE

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

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senator Glenn Wakai, Chair
Senator Brandon Elefante, Vice Chair

Hearing Date: Friday, February 10, 2023

ACS CAN SUPPORT with recommendations 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 with recommendations to strengthen the bill 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.ⁱ There are 21,000 keiki who are alive now that will die prematurely due to smoking-related disease.ⁱⁱ 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 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. Giving counties the ability to quickly address the unique health needs of their communities will result in better overall health. 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 to page 6 line 2, which then will clearly express that counties can pass local laws that are more stringent than state laws. As it is written, it may cause confusion.

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.

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

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

LATE**COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS****Senator Glenn Wakai, Chair****Senator Brandon J.C. Elefante, Vice Chair****Friday, February 10, 2023, 3:05 PM****Room 225****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.¹

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.²

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.

¹ American Lung Association. *State of Tobacco Control – Hawai'i*. 2020

² 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

SB-1447

Submitted on: 2/9/2023 4:34:45 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Anthony Orozco	Individual	Oppose	Written Testimony Only

Comments:

Another business unfriendly bill.

SB-1447

Submitted on: 2/9/2023 7:57:22 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Chris C.K. Arakaki	Individual	Oppose	Written Testimony Only

Comments:

Strongly Opposed.

LATE

SB-1447

Submitted on: 2/9/2023 8:28:04 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ned Garcia	Individual	Oppose	Written Testimony Only

Comments:

The State House should decide.

CLIFFORD CHANG, MPH

RESIDENCE

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BUSINESS

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LATE

Date: February 10, 2023
To: Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair
Members of the Committee on Public Safety and Intergovernmental and Military Affairs
Re: STRONG Support, for SB 1447 Relating to Electronic Smoking Devices
Hrg: Friday, February 10, 2023; 3:05 pm; Conference Room 225 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

SB-1447

Submitted on: 2/10/2023 12:21:56 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jinsan Oak	Testifying for Hui K LLC	Oppose	Written Testimony Only

Comments:

As a small business owner, it is difficult to understand and accept the Bill SB1447 and the purpose. We all understand and agree that there is legal age restrictions on all tobacco related products much like alcohol products. The choice is determined and made by individual adults in buying alcohol products, and should also be same for the tobacco / smoke related products. But instead, we are so focused on banning flavored cigarettes and vapes mainly to prevent minors from smoking or vaping. Why is the Ban only way to prevent this? Why can the reinforcement be in place to prevent some of the bad merchants from neglecting to check IDs? if they are checking IDs for tobacco products, do you believe these same merchants will check IDs for alcohol products? Instead of enforcing these bad merchants, our government's best solution is to ban flavor cigarettes to reduce the minors from smoking or vaping? Will this really prevent our issues with minors while not enforcing the bad merchants? What is our government plans to make up for the lose on taxes from tobacco sales when more than 70% of Hawaii's tobacco sales is from flavor tobacco products? Instead of the Ban, our State should plan to re-enforce the regulations by increasing the penalty and monitoring the merchants better. As a small business owner, I am trying to survive in this post pandemic society and also do the right thing by checking IDs, implementing ID scanners for tobacco and alcohol purchases and etc. If our government bans flavor tobacco products and legalize mariuana as recreational drugs, what do you think our minors will move onto next? Is it really that difficult to figure this out?

SB-1447

Submitted on: 2/10/2023 2:37:00 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Sally Ancheta	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1447, for the counties ability to regulate tobacco/vape products sales. When a state uses preemption, a tobacco industry tactic, to remove power from counties, it prevents counties from enacting stronger tobacco control laws.

The counties are able to quickly address the health needs of their communities, and in Hawai'i have a history of successfully passing policies such as Tobacco 21 and smoke-free air laws.

I coordinated the Raise the Age to 21 campaign with coalition and policy partners, at the county and state level. Collectively with tremendous youth, community and lawmakers support, we were the 4th county in the country to raise the age of sale to 21.

Since then, we have been hampered by pre-emption, not for lack of collective will, to regulate tobacco/vape products at our county level, and we have seen our youth vaping rates increase tremendously since 2015. We need your support to return regulation efforts to both the state and county levels, so we can tackle the youth vaping epidemic, together.

With elementary-aged youth, as young as age 6 years old, caught vaping at school, we need to be able to regulate these products, within our counties, as soon as possible!

Sally Ancheta