



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
H.B. NO. 756, RELATING TO HEALTH.

BEFORE THE:
HOUSE COMMITTEE ON HEALTH.

DATE: Friday, January 31, 2025 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Chelsea Okamoto, Deputy Attorney General

Chair Takayama and Members of the Committee:

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

This bill will prohibit retailers from selling flavored nicotine products and mislabeling e-liquid products as nicotine-free, and it will establish fines of up to \$1,000 for each offense to be deposited to the credit of the general fund. This bill also authorizes the Department of Health to appoint, commission, or contract for services of inspectors and establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position.

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

The Department recommends the following:

- (1) The Department recognizes the tobacco industry's constant innovation and new cooling sensation products have emerged on the market to circumvent flavor bans in other states. To address these new products, the Department recommends amending the definition of "distinguishable" on page 6, lines 1-2, and "flavored nicotine product" on page 7, lines 5-12, to mirror House Bill No. 1116 (2025)

(H.B. No. 1116) (see page 7, lines 20-21, and page 9, lines 1-14) to read as follows:

"Distinguishable" means perceivable to the sense of smell, taste, or touch, or more than one or all of these.

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

- (1) A taste or odor distinguishable by an average consumer, other than the taste or odor of tobacco, before, during, or after the consumption of the nicotine product, or more than one or all of these, including but not limited to, any tastes or odors relating to fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb, or spice; or
- (2) A cooling or numbing sensation distinguishable by an average consumer before, during, or after the consumption of the nicotine product, or more than one or all of these.

Additionally, to incorporate these cooling sensation products into the flavor ban, the Department recommends amending the wording of subsection (b) of the proposed new section 321-B on page 9, line 19, to page 10, line 5, to mirror the wording of the corresponding subsection in H.B. No. 1116 (see page 12, lines 1-12) to read as follows:

(b) A statement or claim, including but not limited to text, color, or images on the nicotine product's labeling or packaging that is used to explicitly or implicitly communicate that the nicotine product has a flavor other than tobacco, or that the nicotine product imparts a cooling or numbing sensation, made by a manufacturer or an agent or employee of the manufacturer, and directed to consumers or the public shall be prima facie evidence that the nicotine product is a flavored nicotine product. This includes but is not limited to public statements that a product has a minty or cooling effect, such as describing the product as "chill", "ice", "fresh", "arctic", or "frost".

- (2) The Department recommends inserting in the proposed new section 321-A a definition of "inspector," mirroring the definition in H.B. No. 1116 (see page 9, lines 15-17), which reads as follows:

"Inspector" means a person appointed, commissioned, or contracted by the department for the enforcement of this part pursuant to section 321-C.

- (3) The definition of "nicotine" is embedded in the definition of "nicotine product" on page 7, lines 19-21. The Department recommends separate definitions of "nicotine" and "nicotine product" for clarity. Further, for enforcement purposes, the Department recommends the definition of "nicotine" to mirror H.B. No. 1116 (see page 9, line 20, to page 10, line 2) and the definition of "nicotine product" to mirror the definition of "tobacco product" in H.B. No. 1116 (see page 10, line 11, to page 11, line 4) to read as follows:

"Nicotine" means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived, and includes nicotinic alkaloids and nicotine analogs.

"Nicotine product" means:

- (1) Any product containing, made of, or derived from nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
 - (2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether the substance contains nicotine; or
 - (3) Any component, part, or accessory of any item described in paragraph (1) or (2), whether any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.
- (4) The Department recommends eliminating the specific reference to "chapter 11-266.1, Hawaii Administrative Rules" on page 10, lines 12-13, and refer instead to

section 342J-4, Hawaii Revised Statutes (HRS). If the Hawaii Administrative Rules change, the citation codified in the statute would also need to be changed. We recommend referencing the HRS to avoid the necessity of future statutory revisions.

- (5) For interim rule implementation purposes, the Department recommends amending the proposed new “§321-D Administrative rules.” section on page 11 by adding a subsection (c) to mirror H.B. No. 1116 (see page 14, lines 13-18) to read as follows:

(c) The department may amend the interim rules adopted pursuant to subsection (b), exempt from chapter 201M and the public notice and public hearing requirements of chapter 91; provided that any amended interim rules shall remain in effect until January 1, 2032, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.

- (6) To prevent delegation of final decision-making authority to a contracted inspector, the Department recommends adding in the proposed new section 321-E a reference to section 26-36, HRS, on page 12, line 4, to read as follows:

§321-E Contract for services. Subject to section 26-36, the department may contract the services of a third party in accordance with chapter 103D for enforcement, inspections, or any other services needed to administer this part.

- (7) The Department also recommends adopting the repeal of the preemption statute contained in section 3 of H.B. No. 1116 (see page 15, lines 1-13) as a more comprehensive response to the proliferation of flavored tobacco products.

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



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

January 31, 2025

The Honorable Representative Gregg Takayama, Chair
House Committee on Health
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Takayama, and Committee members

SUBJECT: HB756 Relating to Health

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB 756**, which prohibits the sale of flavored nicotine products and the mislabeling of e-liquids as nicotine free. Establishes penalties for violations. Authorizes the Department of Health to appoint, commission, or contract for services of inspectors. Establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position.

This bill is a vital step in our state's commitment to protecting all communities from the dangers of nicotine use and addiction. The tobacco industry has long targeted vulnerable populations, using aggressive yet appealing marketing tactics in promoting flavored nicotine products. These flavored nicotine products disproportionately affect minors, individuals with developmental or intellectual disorders (I/DD), low-income communities, and racial minorities. **HB 756** establishes a strong framework to prevent access to nicotine products in our communities.

The proposed legislation banning flavored nicotine products can positively impact individuals with intellectual or developmental disabilities by reducing their risk of addiction, improving health outcomes, and decreasing exposure to harmful substances. Nicotine use can be attributed to severe effects on the developing brain. According to the 2016 U.S. Surgeon General's report on e-cigarette use, nicotine consumption during adolescence interferes with the development of brain circuits responsible for attention, learning, and the risk of addiction.

HB756 Relating to Health

January 31, 2025

Page 2 of 2

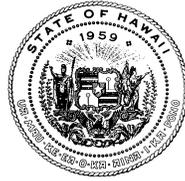
In Hawai'i, smoking-related diseases lead to approximately \$526 million in healthcare expenses and result in 1,400 deaths each year. This has a direct effect on the development of Hawaii's youth. It has been reported that 81% of youth in Hawai'i who have used tobacco products report that their first experience was with a flavored product. Addressing these considerations will help protect vulnerable populations while promoting the overall public health in Hawai'i.

Thank you for the opportunity to submit testimony in **strong support of HB 756.**

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus". The signature is written in a cursive, flowing style.

Daintry Bartoldus
Executive Administrator



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

Testimony in SUPPORT of H.B. 756
RELATING TO HEALTH

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: January 31, 2025

Room Number: Conference Room 329
and Videoconference

1 **Fiscal Implications:** The fiscal impact of a ban on flavored nicotine products in Hawaii would
2 result in modest reductions in Hawaii's tax revenues while at the same time leading to
3 reductions in chronic diseases and health care spending, including Medicaid spending in the
4 state.

5 **Department Position:** The Department of Health (DOH) supports House Bill 756 (H.B. 756).

6 **Department Testimony:** H.B. 756 is a critical public health measure that prohibits the sale of
7 flavored nicotine products (including menthol), prohibits the mislabeling as nicotine-free any
8 e-liquid products containing nicotine, allocates funding to the DOH for the purposes of
9 establishing two inspectors and a hearings officer, and imparts authority to the DOH to adopt
10 interim administrative rules.

11 Over the past decade, the vaping crisis in Hawaii has evolved and expanded to both
12 younger and older age groups. The latest estimates show that current use of e-cigarettes
13 among high school youth is at 13.2% which is down slightly from 14.8% in two years prior,
14 however, middle school e-cigarette use jumped significantly in that same timeframe from 6.7%

1 to 10.3%.^{1,2} Moreover, it can be noted that there was a rise in middle school e-cigarette use for
2 every other e-cigarette indicator including ever use (12.8% to 16.9%), frequent (1.8% to 2.7%),
3 and daily use (1.2% to 2.0%).^{3,4,5}

4 Overall adult vaping has also risen from 7.2% in 2021 to 8.8% in 2022⁶, however of most
5 concern is prevalence among young adults. The latest estimates are that 27.4% of those ages
6 18-24 years old and 16.8% of those 25-34 report current e-cigarette use.⁷ The trends indicate
7 that youth who were exposed to e-cigarettes in high school and middle school in 2018, when
8 vaping was declared a national epidemic⁸, are now the young adults who report current vaping.

9 Anecdotally, reports from educators in elementary schools in Hawaii are reporting
10 children as young as second grade being caught possessing e-cigarettes. The changing nature of
11 the vaping crisis, shifting to younger ages, and rise in use among those in middle school and
12 young adults raises concerns about the failure of current efforts to curb this public health issue
13 among future generations.

14 The absence of protective policies to act as a preventive buffer between the promotion
15 of enticing electronic smoking devices (ESDs), also known as e-cigarettes, and youth,
16 contributed to the ongoing marketing and unrestricted access to nicotine. Nationally, sales data
17 showed that high dose nicotine products with 5% nicotine or higher increased from 5% of total

¹ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level.* (n.d.). Retrieved January 29, 2025, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_HS_CNTY.html

² *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level.* (n.d.). Retrieved January 29, 2025, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html

³ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Ever use, Middle Schools, County-level.* (n.d.). Retrieved January 27, 2025, from https://hhdw.org/report/query/result/yrbs/VaporEver/VaporEver_MS_CNTY.html

⁴ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Frequent use, Middle Schools, County-level.* (n.d.). Retrieved January 27, 2025, from https://hhdw.org/report/query/result/yrbs/VaporFreq/VaporFreq_MS_CNTY.html

⁵ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Daily use, Middle Schools, County-level.* (n.d.). Retrieved January 27, 2025, from https://hhdw.org/report/query/result/yrbs/VaporDaily/VaporDaily_MS_CNTY.html

⁶ *Hawai'i IBIS - Query Result—Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data—E-cigarettes—Current use.* (n.d.). Retrieved January 29, 2025, from <https://hhdw.org/report/query/result/brfss/SmokeECigsCurr/SmokeECigsCurrCrude11.html>

⁷ *Hawai'i IBIS - Query Result—Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data—E-cigarettes—Current use.* (n.d.). Retrieved January 29, 2025, from <https://hhdw.org/report/query/result/brfss/SmokeECigsCurr/SmokeECigsCurrCrude11.html>

⁸ Stein, R. (2018, December 18). Surgeon General Warns Youth Vaping Is Now An "Epidemic." *NPR*. <https://www.npr.org/sections/health-shots/2018/12/18/677755266/surgeon-general-warns-youth-vaping-is-now-an-epidemic>

1 sales in 2017 to 81% in 2022.⁹ According to data from the 2024 National Youth Tobacco Survey,
2 e-cigarettes remain the most commonly used tobacco product by U.S. youth at 5.9%, followed
3 by nicotine pouches at 1.8%. More than 8 out of 10 youth e-cigarette and nicotine pouch users
4 reported using flavored products at 88% and 86% respectively.¹⁰ The most commonly used
5 e-cigarette flavors were fruit, followed by candy, desserts, or other sweets, mint, and
6 menthol.¹¹ For youth nicotine pouch users, the most commonly used flavor was mint followed
7 by fruit.¹²

8 Youth are especially vulnerable to the harm and addictiveness of nicotine.¹³ Nicotine
9 impacts the parts of the adolescent brain responsible for memory, learning, and attention and
10 can also worsen anxiety, irritability, and impulsivity.¹⁴

11 The changing nature of the vaping crisis, shifting to younger ages with notable rise in
12 use among middle schoolers and elevated prevalence in young adults continues to raise
13 concerns about the need for protective measures. The DOH supports H.B. 756 as a critical
14 public health measure to safeguard the health of our children and ensure a healthier future for
15 all residents of Hawaii.

16 **Offered Amendments:** The Department prefers the language in House Bill 1116 (H.B. 1116)
17 and Senate Bill 1435 (S.B. 1435) which would preserve consistency with existing statutory

⁹ Ali, FRM, et al., "Trends in US E-cigarette Sales and Prices by Nicotine Strength, Overall and by Product and Flavor Type, 2017-2022," *Nicotine & Tobacco Research* 25(5):1052-1056, 2023.

¹⁰ Center for Tobacco Products. (2025). Results from the Annual National Youth Tobacco Survey. FDA. <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

¹¹ Center for Tobacco Products. (2025). Results from the Annual National Youth Tobacco Survey. FDA. <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

¹² Center for Tobacco Products. (2025). Results from the Annual National Youth Tobacco Survey. FDA. <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

¹³ *The Effects of Nicotine on The Adolescent Brain—Vaping Side Effects. Get the Facts Here.* - Tobacco Free CA. (n.d.). Retrieved January 28, 2021, from <https://tobaccofreeca.com/e-cigarettes/the-effects-of-nicotine-on-the-adolescent-brain/>

¹⁴ *The Effects of Nicotine on The Adolescent Brain—Vaping Side Effects. Get the Facts Here.* - Tobacco Free CA. (n.d.). Retrieved January 28, 2021, from <https://tobaccofreeca.com/e-cigarettes/the-effects-of-nicotine-on-the-adolescent-brain/>

- 1 definitions and provides necessary updates to the language for DOH implementation and
- 2 enforcement for the restriction on flavored tobacco products.

- 3 Thank you for the opportunity to testify.



HAWAI`I YOUTH SERVICES NETWORK

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Phone: (808) 489-9549

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Vonnell Ramos, President
Cyd Hoffeld, Vice President
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Greg Tjapkes, Secretary

Judith F. Clark, Executive
Director

Network Membership

Access to Independence
Big Brothers Big Sisters Hawai`i
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Domestic Violence Action Center
EPIC `Ohana, Inc.
Friends of the Children's Justice
Center of Maui
Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network
Hawai`i Health & Harm
Reduction Center
Hawaii Island Community`
Health Center
Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kokua Kalihi Valley
Kaua`i Planning and Action
Alliance
Lines for Life Youth Line
Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems
P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED
Piha Wellness and Healing
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana
Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services
Sex Abuse Treatment Center
Susannah Wesley Community
Center
The Catalyst Group

January 97, 2025

To: Representative Gregg Takayama, Chair
And members of the Committee on Health

TESTIMONY IN SUPPORT OF HB 756 RELATING TO HEALTH

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 380 Relating to the Regulation of Tobacco Products.

Banning the sale of flavored tobacco products was a top priority recommendation by the youth and young adults who attended the Hawaii Children and Youth Summit.

Hawaii has a high rate of youth vaping and manufacturers target youth in their marketing efforts. Banning the sale of flavored tobacco products will reduce youth tobacco usage and prevent the serious health problems that result from tobacco use.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director



HB756 Ban Flavored Tobacco
COMMITTEE ON HEALTH
Rep. Gregg Takayama, Chair
Rep. Sue L. Keohokapu-Lee Loy, Vice Chair
Fri day, Jan 31, 2025: 9:15: Room 329 Videoconference

Hawaii Substance Abuse Coalition Supports HB756:

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

We all know that vaping has candy flavors and names that appeal to youth and that vaping has extraordinarily high addictive nicotine levels resulting that vaping among Hawaii youth is at epidemic proportions. Ending flavored tobacco is a good idea to protect kids from increasing their likelihood of addiction.

- **Prevents Youth Initiation** – [Flavored products are driving this epidemic, where 85% of youth e-cigarette users use flavored products.](#) Most young people start using tobacco flavored products. Sweet flavors like fruit, mint, and candy mask the harshness of tobacco, making it more attractive to first-time users. [Menthol is just as, if not more, harmful than any other flavor in tobacco.](#) Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- **Reduces Addiction Risks** – Nicotine is highly addictive, and early exposure increases the likelihood of long-term dependence. By removing flavored options, fewer kids will develop nicotine addiction. [Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.](#)
- **Lowers Health Risks** – Flavored tobacco products, including e-cigarettes, can cause lung damage, heart disease, and other serious health issues. Preventing youth use helps avoid these long-term health consequences.
- **Disrupts Industry Targeting** – Tobacco companies have historically used flavored products to attract young users. Banning flavors takes away one of their key marketing tools for hooking new customers. Ending the sale of all flavored tobacco

will advance health equity –In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

Let's join with the many cities and states that have restricted flavored tobacco, which effectively reduced youth vaping and smoking rates. Please **support Hawai'i's Public Health Efforts**

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



HB756 Flavored nicotine products

COMMITTEE ON HEALTH

Rep. Gregg Takayama, Chair

Rep. Sue L. Keohokapu-Lee Loy, Vice Chair

Wednesday, Jan 31, 2025: 09:15: Room 329 Videoconference

Hina Mauka Strongly Supports HB756:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Brian Baker. I am the Chief Operating Officer for Hina Mauka, a mental health and substance use disorder treatment and prevention agency for thousands of adults and adolescents on Oahu and Kauai, including recovery-oriented services and housing transitional living programs.

Flavored tobacco products are an enticement for youth to begin using and become lifelong users.

Hina Mauka provides this testimony as a Prevention and Treatment agency, member of the Hawaii Substance Abuse Coalition (HSAC), and as a member of the Tobacco Coalition.

We strongly support HB756, as there is an increasing trend, up from 70% of youth using a flavored tobacco product in 2019, to 80% in 2020, per the National Youth Tobacco Survey. (CDC, 2024)

This is a **LOCAL** problem. In Hawai'i, Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed closely by Pacific Islanders at 27.9%. (HHDW, 2023)

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

References

CDC. (2024, May 15). CDC. Retrieved from CDC: https://www.cdc.gov/tobacco/about-data/surveys/national-youth-tobacco-survey.html?CDC_AAref_Val=https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

HHDW. (2023, March 30). "Hawai'i IBIS – Summary Health Indicator Report – E-Cigarettes – Current Smoking, High School." Retrieved from HHDW: hhdw.org/report/indicator/summary/VaporCurr_HS.html

HB-756

Submitted on: 1/29/2025 3:59:40 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Dau	Keiki Injury Prevention Coalition	Support	Written Testimony Only

Comments:

Keiki Injury Prevention Coalition supports HB756

January 29, 2025

TO: Gregg Takayama, Chair
Sue L. Keohokapu-Lee Loy, Vice Chair
Members of the House Committee on Health

FROM: Cigar Association of America, Inc. (CAA)
(William Goo)

RE: **HB 756** - Relating to Health
Hearing Date: January 31, 2025
Time: 9:15 a.m.

CAA opposes **HB 756** which seeks to prohibit the sale of flavored nicotine products.
Attached is CAA's testimony in opposition.

Thank you for considering this testimony.



January 30, 2025

House Health Committee
Testimony in Opposition to HB756

Chair Takayama, Vice-Chair Keohokapu-Lee Loy, and members of the House Committee on Health,

The Cigar Association of America (CAA) submits the following testimony in opposition to House Bill 756 (the Proposed Flavor Ban). CAA is the leading national trade organization representing the interests of cigar manufacturers, importers, distributors, and major suppliers in the cigar and pipe tobacco industry, and therefore is, a key stakeholder in any discussion on the regulation of these products, as any changes in laws significantly impact its members and their ability to conduct business.

HB756 seeks the same sweeping action of banning flavors and removing adult consumers' ability to choose across nearly all categories of tobacco products – but such draconian measures are simply not justified for cigars or pipe tobacco, as there is no youth epidemic of use or access to these products. CAA estimates that flavored cigars represent up to 47% of the cigar market and nearly all pipe tobacco can be considered flavored simply based on the process that is used to manufacture the product. Passage of the Proposed Flavor Ban would deeply harm Hawaii businesses selling these products and would be a deeply flawed decision.

Put simply, there is no legal, factual, or scientific basis to prohibit the sale of flavored cigars and pipe tobacco, and doing so would be detrimental to Hawaii businesses and deprive adult cigar consumers of their right to a legal product. Surveys conducted or funded by government agencies all show that youth usage of cigars, including flavored cigars, is at historic lows, and youth usage of pipe tobacco is nearly unmeasurable. In fact, youth usage of cigars, including flavored cigars, is at an all-time low both in Hawaii and nationwide. In Hawaii, the most recent survey data available from 2019 showed that high school usage of all cigars was 2.8%.¹ While updated data is not available for Hawaii, nationwide there have been steep declines in youth usage of cigars since 2019. The most recent National Youth Tobacco Survey reported that nationwide youth usage of cigars is at 1.2% and youth usage of pipe tobacco was at 0.5% -- both historic lows. This is compared to the 20.4% of Hawaii youth who currently use alcohol and the 17.2% who currently use marijuana.

Evidence from other localities demonstrates that if a flavor ban is enacted consumers will purchase products from a black market, and also that flavor bans can increase youth cigarette smoking rates. A study done after a flavor ban was instituted in San Francisco, CA found that "Difference-indifferences analyses found that San Francisco's flavor ban was associated with more than doubled odds of recent smoking among underage high school students relative to concurrent changes in other districts (adjusted odds ratio, 2.24 [95% CI, 1.42-3.53]; P = .001."

¹ Hawaii Youth Tobacco Survey https://hhdw.org/report/query/result/yts/CurrCigar/HS_ST.html



The Proposed Flavor Ban does nothing but restrict the choices of adult tobacco consumers, damage Hawaii businesses, and encourage unregulated black-market sales. Flavored cigars and pipe tobacco are sold through licensed businesses that are vigilant at age verifying the purchase of such products. Imposing a prohibition on the legal sale of these products will do nothing but drive adult consumers to purchase these products through an untaxed black-market. Regarding the unregulated black market, the Tax Foundation has done an extensive study of the cigarettes consumed across the country and the rate at which the products are smuggled from elsewhere. While Hawaii was not part of the study, it does illustrate the large extent of the black market for these products. Hawaii is in a unique situation from other states, however, data has shown that a flavor ban does not actually change behavior, it just changes where consumers purchase their products. As demonstrated above, we have seen this exact situation in Massachusetts due to the flavor ban imposed there in 2020. The data shows that the flavor ban has done little to alter consumer consumption behavior – other than to force Massachusetts consumers to purchase flavored tobacco products in other states. The Tax Foundation stated this upon analyzing the impact of the Massachusetts flavor ban

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

Furthermore, a recent analysis has shown that the flavor ban in Massachusetts has not changed menthol smoking rates at all. This data shows that:

in 2022, 36.9% of cigarette smokers used menthol compared to 37.5% in 2019 before the flavored tobacco ban. Despite the ban, adults 18+ continue to use menthol cigarettes, thereby robbing the state of excise and sales tax revenue and challenging the claim that the state would realize savings from reduced usage. In fact, the overall prevalence of cigarette smoking decreased by only 1.6 percentage points from 2019 to 2022.²

In fiscal year 2023, Hawaii cigar excise tax revenues were in excess of \$1.9 million.³ Should these products be prohibited almost half of this revenue would be lost, as well as the additional loss of sales tax revenue collected on the sale of these products.

CAA appreciates the opportunity to submit this testimony in opposition to HB756. We respectfully urge the committee to consider the unintended consequences of this legislation. It would harm law-abiding adults, devastate small businesses, and drastically reduce tax revenue for the state with no tangible impact on

² https://www.necsema.net/uploads/1/2/2/9/122970598/necsema_flavor_ban_whitepaper_1.9.25.pdf

³ <https://files.hawaii.gov/tax/stats/monthly/2023cy-tob.pdf>



reducing youth usage which is already close to immeasurable, and create a black market. This proposal is a solution in search of a problem. We urge the committee to reconsider this proposal in light of the staggering unintended consequences it will have with little to no data supporting that it will change usage patterns in any meaningful way.

Respectfully submitted,

Scott Pearce
President, Cigar Association of America, Inc.



Chair - Representative Gregg Takayama
Vice Chair - Representative Sue L. Keohokapu-Lee Loy
Members of the Committee on Health

On behalf of the Coalition for a Tobacco-Free Hawai'i's (CTFH) Youth Council, thank you for allowing us to submit testimony in **strong support of HB756**.

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

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

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

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

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

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

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

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

Banning the sale of *all* flavored tobacco products would work to end this deadly cycle of addiction, manipulation, and exploitation. It's not just Hawai'i youth who support this. A 2024 Ward Research poll of registered voters in Hawaii found that the vast majority of voters agree, too: 74% support a ban on all flavored tobacco products, including menthol cigarettes. We have also received endorsements from over a hundred organizations listed below.

Last, the Hawaii Attorney General's office recently sent [a letter warning 800 tobacco retailers](#) in Hawaii to stop selling illegal flavored products, which have flooded the market here in Hawaii and across the country. Hundreds of illegal products still fill their shelves. The FDA has approved 34 devices, only one of which is flavored, yet the most popular brands with Hawai'i youth are still widely available. We can't depend on the FDA to crack down on these retailers; we need the state to take action by passing **HB756!**

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

JOSH GREEN, M.D.
GOVERNOR



ANNE E. LOPEZ
ATTORNEY GENERAL

MATT DVONCH
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Ke 'Oihana O Ka Lolo Kuhina
CRIMINAL JUSTICE DIVISION – TOBACCO ENFORCEMENT UNIT
425 QUEEN STREET
HONOLULU, HAWAII 96813
Ph. (808) 586-1203
Fax. (808) 586-1224
EMAIL: atg.tobacco@hawaii.gov

January 16, 2025

Dear Tobacco Retailer:

The State of Hawaii's Department of the Attorney General ("the Department") is aware that retailers, distributors, and others may be distributing and selling unauthorized and illegal tobacco products to Hawaii consumers. This includes electronic smoking devices (ESDs, also commonly referred to as e-cigarettes) and oral nicotine pouch products. Nicotine is an addictive substance, and unauthorized products may contain additional dangerous ingredients not listed on the packaging, putting Hawaii consumers at risk.

For a tobacco product or a product containing nicotine to be sold legally in Hawaii or anywhere in the United States, it must be authorized by the Food and Drug Administration ("FDA"). Without this authorization, we cannot verify what ingredients these products contain and whether they are safe. To date, only 34 e-cigarettes¹ and 4 oral nicotine products (none of which are oral nicotine pouches)² have been authorized by the FDA to be sold in the United States.

Please review the enclosed list of e-cigarettes that have been authorized by the FDA as of this letter's date, to ensure that you are not displaying for sale, selling, shipping, or assisting in the sale or distribution of illegal e-cigarettes. Any e-cigarettes not on the enclosed list have not been authorized by the FDA and are not legal to sell in Hawaii.

You may also access an up-to-date, searchable FDA database for authorized products at the following website: <https://www.accessdata.fda.gov/scripts/searchtobacco/>. The Department asks that you remove from your shelves any products not authorized for

¹ A list of the e-cigarettes authorized by the FDA is attached

² The authorized oral nicotine products are Verve Discs Blue Mint, Verve Discs Green Mint, Verve Chews Blue Mint, and Verve Chews Green Mint

Page 2
January 16, 2025

sale and return them to their distributor or manufacturer, keeping in mind that these products may be considered hazardous materials.

As a reminder, electronic smoking devices (ESDs) and e-liquids are now included in the Cigarette Tax and Tobacco Tax Law, found in chapter 245 of the Hawaii Revised Statutes (HRS). Wholesalers and dealers of ESDs and e-liquids in the State of Hawaii are required to have a tobacco license issued by Hawaii's Department of Taxation (DOTAX). DOTAX may suspend, revoke, or decline to renew any tobacco license for good cause, which may include instances where a licensee has failed to comply with federal law pertaining to the sale, importation, acquisition, possession, distribution, or transportation of tobacco products. (See HRS §245-2). Recent changes in the law also include new criminal offenses relating to the shipment of tobacco products, including ESDs and e-liquids, to a person or entity in Hawaii that does not hold a tobacco license issued by DOTAX.

The Department appreciates your business' partnership in keeping illegal products off shelves, especially unauthorized, flavored e-cigarettes that could fall into the hands of children. We urge you to take all steps to ensure that you are complying with all existing state laws, which the Department enforces, and federal laws. The Department recognizes that online sales of these products are also an issue and regularly pursues actions to address such violations.

If you have any questions regarding this matter or if you have any information regarding persons or businesses that may be selling these unauthorized and illegal e-cigarettes and vaping products, please do not hesitate to contact us at atg.tobacco@hawaii.gov or by calling the Department's Tobacco Enforcement Unit at 808-586-1203.

We appreciate your help in putting an end to the distribution and sale of these unauthorized and illegal products in Hawaii.

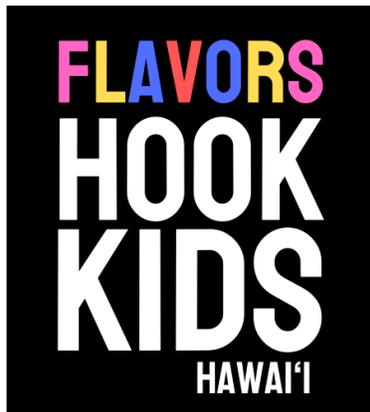
Sincerely,



Richard Stacey
Deputy Attorney General

Enclosure

PARTIAL LIST OF SUPPORTERS



HEALTH ORGANIZATIONS

'Ohana Health Plan

Adventist Health – Castle

Aloha Care

AMA/HMA Student Chapter at JABSOM

American Academy of Pediatrics – Hawaii Chapter

American Heart Association

American Lung Association

Bay Clinic Inc.

Blue Zones Project

Campaign for Tobacco-Free Kids

Coalition for a Drug-Free Hawaii

Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute

Hamakua Kohala Health Centers

Hawaii – American Nurses Association (Hawaii-ANA)

Hawaii COPD Coalition

Hawaii Dental Hygienists' Association

Hawaii Health and Harm Reduction Center

Hawai'i Nurses' Association OPEIU Local 50

Hawaii Public Health Association

Hui No Ke Ola Pono

Hui Ola Pono (UH Public Health's Student Organization)

Kaho'omiki; Hawaii Council of Physical Activity and Nutrition

Kauai Rural Health Association

Keiki Injury Prevention Coalition

Na Lei Wili Area Health Education Center, Inc.

The Queen's Health Systems

Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy

University of Hawaii Student Health Advisory Council

US COPD Coalition

Waimānalo Health Center

HEALTH & COMMUNITY LEADERS

Kathryn Akioka, RRT / TTS

Joy Barua

Forrest Batz, PharmD

Frank Baum, MD

Deborah Bond-Upson

Dale Carstensen

Valerie Chang

Dyson Chee

Danelle Cheng

Bridgitte Daniel

May Rose Dela Cruz, DrPH

Andrew Fox, MD

Shani Gacayan

Donita Garcia

Asaka Herman

Pedro Haro, MPH

Cyd Hoffeld

Colleen Inouye, MD

Lila Johnson

Leilani Kailiawa

Lehua Kaulukukui

Ken Kozuma

Mark Levin

Loren Lindborg

Katherine May, PsychD

Bryan Mih, MD

Kristin Mills

Shelly Ogata

Gregg Pacilio, PT

Matthew Prellberg

Jordan Ragasa

Nathalie Razo

Keenan Reader

Crystal Robello

Kimberly Golis-Robello

Mary Santa Maria

Anne Takata, DC

Patty Kahanamoku-Teruya

Chien-Wen Tseng, MD

John A Hau'oli Tomoso

Jennifer Valera

Cecilia Villafuerte

Linda Weiner, MD
Andre Weston, MDiv
Matthew Wong

YOUTH AND COMMUNITY ORGANIZATIONS

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

BUSINESSES

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

OAHU NEIGHBORHOOD BOARDS

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

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

SCHOOLS

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





Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

hicopd@gmail.com

(808)699-9839

January 29, 2025

Honorable Chair Representative Gregg Takayama
Honorable Vice-Chair Representatives Sue L Keohokapu-Lee Loy
Members of the House Committee on Health

RE: **Strong Support for HB756, Relating to Health**

Dear Chair Takayama, Vice Chair Keohokapu-Lee Loy, and members of the House Committee on Health,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please pass HB756**, Relating to Health, which would prohibit the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine.

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

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

Please help protect the lungs and lives of our people from flavored and mislabeled nicotine products. We urge you to please **vote in favor of HB756 pass it out of committee so our keiki and community will be protected via no more flavored and mislabeled nicotine products.** The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang
Executive Director



**Testimony to the House Committee on Health
Friday, January 31, 2025; 9:15 a.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: HOUSE BILL NO. 0756, RELATING TO HEALTH.

Chair Takayama, Vice Chair Keohokapu-Lee Loy, 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** House Bill No. 0756, RELATING TO HEALTH.

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

The bill, as received by your Committee, would prohibit the sale or distribution of all flavored nicotine products, including products with menthol, and prohibit the mislabeling of products as nicotine-free.

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

Accordingly, the HPCA urges 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@hawaiiipca.net.



1325 G Street, NW, Suite 950 • Washington, D.C. 20005 • 202.464.6200 • taxfoundation.org

Memorandum

Date: January 30, 2025

To: Members of the House Committee on Health

From: Jacob Macumber-Rosin, Excise Tax Policy Analyst, Tax Foundation

Subject: Hawaii HB 756 Regarding a Ban on Flavored Nicotine Products

House Bill 756 would prohibit the sale of flavored nicotine products. This ban would likely cost the state of Hawaii more than \$25 million in revenue per year. On top of the declining sales, illicit trade would likely increase substantially.

Data from statewide bans in Massachusetts and California provide evidence that flavor bans are a costly and ineffective means of addressing harms associated with nicotine consumption. Massachusetts saw a \$125 million decline in revenue the first year of its flavor ban. California saw annualized revenue decline by roughly \$300 million, surpassing the state's revenue loss estimates by more than a third.¹

Identifying the cause of the decline in legal purchases following the flavor ban is paramount to determining the effects of the policy. Menthol smokers may have quit smoking after no longer being able to purchase their preferred products or they may be continuing to smoke by buying products across state borders or products that have been smuggled into the state.

In the year following the Massachusetts flavored cigarette ban, roughly 90 percent of the decline in state cigarette sales simply shifted to neighboring states. While Hawaii does not have neighboring states that consumers could turn to for their preferred products, there is already an established illicit market for nicotine products.² A flavor ban is likely to induce illicit activity as smugglers from the mainland or overseas fill the demand prohibited from legal market transactions.

Banning flavored products other than combustible cigarettes also thwarts efforts to convert smokers to users of less harmful nicotine products. The US Food and Drug Administration

¹ Adam Hoffer, "California Flavored Tobacco Ban May Cost More than \$300 Million in First Year," Tax Foundation, Feb. 24, 2023, <https://taxfoundation.org/california-flavored-tobacco-ban-revenue/>.

² Department of the Attorney General, "Attorney General Lopez Is Sounding the Alarm Over Illegal Vapes Being Sold in Hawai'i," State of Hawai'i, Jan. 16, 2025, <https://ag.hawaii.gov/wp-content/uploads/2025/01/News-Release-2025-03.pdf>.

approved reduced-harm products for sale in the US, including flavored e-cigarettes,³ heat-not-burn sticks, and oral tobacco products.⁴ Any move that limits consumer access to these products will result in persistently higher smoking rates and worse public health outcomes.

Legislatures are charged with the difficult task of striking the right balance among reducing the harm caused by smoking, raising enough revenue to fund smoking cessation and other public health programs, and maintaining a legal, well-regulated marketplace where participants can safely transact. As you consider these matters, we are happy to be a resource and would be delighted to provide you with more research on this topic.

³ US Food and Drug Administration, "FDA Authorizes Marketing of Four Menthol-Flavored E-Cigarette Products After Extensive Scientific Review," Jun. 21, 2024, <https://www.fda.gov/news-events/press-announcements/fdaauthorizes-marketing-four-menthol-flavored-e-cigarette-products-after-extensive-scientific>.

⁴ US Food and Drug Administration, "Modified Risk Tobacco Products," Jul. 15, 2024, <https://www.fda.gov/tobaccoproducts/advertising-and-promotion/modified-risk-tobacco-products>.

January 31, 2025

To: Members of the Hawaii House Committee on Health
From: Americans for Tax Reform
Re: Oppose HB 756

Dear Representative,

On behalf of Americans for Tax Reform (ATR) and our supporters across Hawaii, **I urge you to oppose HB 756, which would limit access to life saving smoking alternatives and cause enormous confusion with improper labelling requirements.** It is especially important that you oppose the flavor ban component of HB 756, as it would seriously limit lifesaving, reduced-risk tobacco alternatives such as electronic cigarettes, products that have proven critical to the process of helping adults quit smoking.

Studies have repeatedly shown that flavors in vapor products, which HB 1778 would prohibit, are crucial to helping adult smokers make the switch to vaping. Adults who use flavored vapor products are 43% more likely to quit smoking than an adult who uses unflavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health.

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

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

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

Real world evidence from Massachusetts demonstrates that flavor bans can come at significant cost to the state. Since Massachusetts implemented a ban on all flavored tobacco products in mid-2020, cross-border purchases and the creation of a booming black market have more than made up for the decline in sales in the Commonwealth. In the first six months since the ban was enacted, Massachusetts retailers sold 17.7 million fewer cigarette packets compared to the

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

Blanket bans would incentivize smuggling and the sale of illicit tobacco, adversely affecting state tax collections while manifesting a surge in criminal activity. And restricting the use of electronic cigarettes, proven to be 95% safer than traditional combustible tobacco and twice as effective as alternatives such as patches or gums, could lead to further strains on the state budget thanks to the healthcare costs incurred by people who simply keep smoking instead.

Finally, it is crucial to note that this bill would force products without any nicotine to be labelled as nicotine products nonetheless. Confusion would run rampant among smokers looking to quit and even current vapers hoping to break their nicotine addiction. It is simply silly to impose such a labelling requirement that defies reality.

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.**

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been [proven to be 95% safer](#) than combustible cigarettes and [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- **Studies have repeatedly shown that flavors, which HB 756 would ban, are critical to helping adult smokers make the switch to vaping.** Adults who use flavored vapor products are **43% more likely to quit smoking** than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world’s top experts in cancer

prevention and public health.

- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. **HB 756 will have a tremendous impact on public health and would decrease socioeconomic disparities significantly as it will prevent localities from prohibiting life-saving treatment.**
- **Vapor products would save over [250,000 lives](#)** if a majority of Hawaii smokers made the switch to vaping, extrapolating from a large-scale analysis performed by leading cancer researchers and coordinated by Georgetown University Medical Centre.

Opposing HB 756 would protect consumers and businesses across Hawaii, ensure state tax collections are not depressed by misguided local taxes and regulations, and would prevent a patchwork of ordinances that would make Hawaii a more expensive place to do business – all while damaging public health and causing confusion with unnecessary labelling requirements. It is imperative for state lawmakers to use their power to safeguard their constituents from harmful policies. As such, I urge you to **vote NO on HB 756.** Tens of thousands of lives quite literally depend on it.

Sincerely,

Dennis Hull
State Affairs Coordinator
Americans for Tax Reform

To: Representative Gregg Takayama, Chair
Representative Sue L. Keohokapu-Lee Loy, Vice Chair
House Committee on Health

From: Chevelle Davis, MPH - Director of Early Childhood & Health Policy
Hawai'i Children's Action Network Speaks!

Subject: Measure H.B. No. 756 – Relating to Health Program

Hearing: Friday, January 31, 2025, at 9:15 AM, Conference Room 329

POSITION: Support

Aloha e Chair Takayama, Vice Chair Keohokapu-Lee Loy, and members of the committee:

Mahalo for the opportunity to provide testimony in **strong support of H.B. No. 756**, which aims to prohibit the sale of flavored nicotine products, prevents the mislabeling of e-liquids as nicotine-free and establish enforcement measures to protect our youth from the ongoing vaping epidemic.

The alarming rise in youth vaping poses a serious public health threat. Research has shown that flavored nicotine products are a key factor in youth initiation and addiction. The enticing flavors—ranging from tropical fruits to candy and desserts—mask the harshness of nicotine, making these products more appealing to children and adolescents. A ban on flavored nicotine products is a crucial step in preventing young individuals from developing lifelong nicotine addiction.

Moreover, the mislabeling of e-liquids as nicotine-free is a deceptive practice that further endangers public health. Many unsuspecting consumers, including youth, may believe they are using a harmless product when, in reality, they are exposed to addictive substances. Strengthening regulations and imposing penalties for such violations will help ensure transparency and accountability within the industry.

The provision that allows the Department of Health to appoint, commission or contract inspectors is essential to the enforcement of these measures. Violations will continue to put our young people at risk without adequate oversight. Proper enforcement will deter businesses from engaging in illegal practices and protect the integrity of our public health policies.

As a public health professional, I have witnessed firsthand the impact of vaping on our youth. We must act now to prevent further harm and safeguard the well-being of future generations.

I urge you to pass **HB. No. 756** and take a decisive stand against the youth vaping crisis.

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



HIPHI Board

May Okihiro, MD, MS
Chair

*John A. Burns School of Medicine,
Department of Pediatrics*

Titiimaea Ta'ase, JD
Secretary

State of Hawai'i, Deputy Public Defender

Carissa Holley, MEd
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ARCH-MEPS Consulting LLC, Owner

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

Jennifer José Lo, MD
Hawai'i Health Partners

Misty Pacheco, DrPH
University of Hawai'i at Hilo

Justin Puckett, CPA, MBA
Humana

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

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

Garret Sugai
HMSA

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

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

COVID-19 Response

Environmental Health

Hawai'i Drug & Alcohol-Free Coalitions

Hawai'i Farm to School Network

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging &
Community Living

Public Health Workforce Development

Date: January 29, 2025

To: Representative Gregg Takayama, Chair
Representative Sue L. Keohokapu-Lee Loy, Vice Chair
Members of the House Committee on Health

RE: Strong Support for HB 756, Relating to Health

Hrg: Friday, January 31, 2025 at 9:15 AM, Room 329

The Coalition for a Tobacco-Free Hawai'i, a program of Hawai'i Public Health Institute,¹ is in **strong support of, and proposes amendments to HB 756** which would end the sale of all flavored tobacco products, including menthol cigarettes, statewide.

We respectfully request to amend HB 756 to ensure the intent of the bill is effectively realized (please see Attachment A).

Tobacco-related disease continues to be the leading cause of preventable death in the United States, resulting in 480,000 deaths annually,² with 1,400 of those deaths happening each year in Hawai'i.³ 95% of adult cigarette smokers started before they turned 21 years of age,⁴ so it's clear that to eliminate the harms of tobacco in our society, we need to prevent youth from ever starting. 81% of Hawai'i youth who use tobacco started with a flavored product, and by ending the sale of all flavored tobacco products, including menthol cigarettes, Hawai'i can prioritize the health and safety of our future generations.⁵

A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to increased smoking initiation among youth and young adults, more significant addiction, and decreased success in quitting smoking.⁶ Candy, sweet, and menthol-flavored tobacco attracts youth and makes nicotine tolerable. The widespread availability of flavored tobacco products has such a negative impact on public health that nearly 400 localities have passed restrictions on the sale of flavored tobacco products, and over 200 of those communities restrict the sale of menthol cigarettes as well.⁷ The problem has been affecting youth in Hawai'i for so long, in the past year and a half, three out of the four counties in Hawai'i have already passed legislation prohibiting the sale of flavored tobacco products. These policies though are unable to go into effect without state legislation to restore the counties' ability to regulate the sales of tobacco products.



Flavored products are driving youth use.

Flavors in tobacco products entice youth, and nicotine keeps them addicted. In 2024, 8 in 10 youth who use e-cigarettes reported using a flavored product. Of youth e-cigarette users, 87.6% use flavored products, and fruit, candy, and *mint* are reported as the most popular flavors.⁸ Most of the flavored e-cigarette products used by youth contain extremely high levels of nicotine. One 5% strength nicotine e-cigarette marketed as containing 5,000 puffs contains as much nicotine as 30 packs of cigarettes.⁹ Additionally, the tobacco industry continues to develop, market, and promote new flavored products like nicotine pouches that are growing in popularity among youth. Ending the sale of **all** flavored tobacco products will reduce their appeal and protect our children from a lifetime of addiction.

Many flavored tobacco products are being sold illegally.

According to the U.S. Food and Drug Administration, the agency that regulates the marketing, manufacturing and distribution of tobacco products, the vast majority of flavored electronic smoking devices is illegal. Beginning in 2019, the FDA has outlined a formal process for manufacturers of electronic smoking devices to apply for authorization to be marketed and sold in the United States. To date, the FDA has only granted marketing authorization orders for 34 e-cigarette products. These products were authorized because the FDA characterized them as having a public health benefit, to be used as a cessation tool, while at the same time not appealing to youth.

Menthol is a significant risk to health in Hawai'i.

Tobacco companies use menthol as a calculated tactic to hook new consumers. Menthol's cooling and numbing properties mask the harshness of tobacco. The tobacco industry aggressively targets its marketing to certain populations, including young people, women, and racial and ethnic minority groups. Menthol is one of the most popular flavors in Hawai'i, with 80% of Native Hawaiian smokers and 70% of Filipino smokers using menthol cigarettes.¹⁰

Studies show that youth and young adults are more likely to try a menthol cigarette as their first cigarette, and those who first start with a menthol cigarette are more likely to continue smoking. In Hawai'i, 63% of those who smoke use menthol cigarettes compared to 28% who smoke them nationally.¹¹ Menthol enhances the effects of nicotine, which is an addictive drug. Menthol can make tobacco products even more addictive, and in recent years, tobacco companies have increased the amount of nicotine in some menthol cigarettes. If menthol cigarettes were no longer available, an estimated 4,400 additional adults in Hawai'i who smoke would quit smoking.¹²

Hawai'i voters want regulations.

In a December 2024 poll¹³ of registered Hawai'i voters conducted by Ward Research on behalf of the Coalition, 74% support a law prohibiting all flavors, including menthol, of tobacco products, and e-cigarettes. In addition, 73% of respondents said that school-aged children vaping or using e-cigarettes is a major problem and 71% believe that the use of e-cigarettes or vaping devices is harmful for Hawai'i's children, teens and families.

Thank you for the opportunity to submit testimony in **support of HB 756**. By passing this legislation with the suggested amendments, the legislature sends a strong, clear message to the public that our state is committed to uplifting the health and well-being of its residents and showing that community health is more important than tobacco profits.



Mahalo,

A handwritten signature in black ink that reads 'Kevin Ramirez'.

Kevin Ramirez
Coalition for a Tobacco-Free Hawai'i Program Manager
Hawai'i Public Health Institute

1 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.

2 Centers for Disease Control and Prevention. (2023, May 4). *Burden of cigarette use in the U.S.* Centers for Disease Control and Prevention.

<https://www.cdc.gov/tobacco/campaign/tips/resources/data/cigarette-smoking-in-united-states.html>

3 *The toll of tobacco in Hawaii.* Campaign for Tobacco-Free Kids. (n.d.).

<https://www.tobaccofreekids.org/problem/toll-us/hawaii>

4 Commissioner, O. of the. (n.d.). *FDA issues final rule increasing the minimum age for certain restrictions on tobacco sales.* U.S. Food and Drug Administration.

<https://www.fda.gov/news-events/press-announcements/fda-issues-final-rule-increasing-minimum-age-certain-restrictions-tobacco-sales>

5 Truth Initiative. *Flavors.* June 2021.

https://truthinitiative.org/sites/default/files/media/files/2021/06/Truth_FlavoredTobacco_FactSheet2021_FINAL.pdf

6 Commissioner, O. of the. (n.d.-b). *FDA issues final rule increasing the minimum age for certain restrictions on tobacco sales.* U.S. Food and Drug Administration.

<https://www.fda.gov/news-events/press-announcements/fda-issues-final-rule-increasing-minimum-age-certain-restrictions-tobacco-sales>

7 Bach, L. (2025, January 8). *States & localities that have restricted the sale of flavored tobacco products.* Campaign for Tobacco-Free Kids. <https://assets.tobaccofreekids.org/factsheets/0398.pdf>

8 Products, C. for T. (n.d.). *Results from the annual National Youth Tobacco Survey (NYTS).* U.S. Food and Drug Administration.

<https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

9 Stanford University Tobacco Prevention Toolkit. (n.d.). *Factsheets.*

<https://med.stanford.edu/tobaccopreventiontoolkit/take-and-teach/toolkit-factsheets.html>

10 Matters, H. H. (n.d.-a). *Hawaii health matters.* Hawaii.

<https://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=12619&localeId=14&localeChartIdxs=1%7C2%7C6>



11 Centers for Disease Control and Prevention. (2024, March 28). *Sociodemographic and temporal differences in menthol cigarette use among us adults who smoke, 1999–2018*. Centers for Disease Control and Prevention. https://www.cdc.gov/pcd/issues/2024/23_0291.htm

12 Centers for Disease Control and Prevention. (2024a, February 16). *State menthol fact sheets*. Centers for Disease Control and Prevention. https://www.cdc.gov/tobacco/basic_information/menthol/state-menthol-fact-sheets.html#HI

13 This study by Ward Research, Inc. summarizes findings from a phone survey among n=700 Hawai'i registered voters (maximum sampling error +/- 3.7%), conducted between October 25 to November 22, 2024.

ATTACHMENT A: Requested Amendments

(underline additions, ~~strikethrough removals~~)

Amendment #1: Clarify the definitions of “E-liquid,” “electronic smoking device” and “tobacco product” and add a definition for nicotine in **Section 8.22.010** to mitigate any loopholes the tobacco industry and/or e-cigarette manufacturers can exploit.

[Remove the definition of “E-Liquid,” which will be covered under Electronic Smoking Devices]

~~“E-liquid” means any liquid or similar substance, which may or may not contain nicotine, that is designed or intended to be used in an electronic smoking device, irrespective of whether it is packaged in a cartridge or other container. “E-liquid” does not include prescription drugs, cannabis for medical use under chapter 329, Hawai'i Revised Statutes, or manufactured cannabis products under chapter 329D, Hawai'i Revised Statutes.~~

[Expand the definition of “Electronic Smoking Devices”]

“Electronic smoking device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. ~~device that may be used to deliver any aerosolized or vaporized to the person inhaling from the device, including an electronic cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah. “Electronic smoking device”~~ The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vape pen, dab rig or e-hookah or under any other product name or descriptor. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. component, part, or accessory of the device and any e-liquid that may be aerosolized or vaporized by the device, irrespective of whether the substance contains nicotine. The term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration.

[Expand the definition of “Tobacco Product”]

“Tobacco product” does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration.

“Tobacco product” means:

1. Products made or derived from tobacco or nicotine, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means ~~Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by other means, including a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;~~



2. Any electronic smoking device and any e-liquid that may be aerosolized or vaporized by the device, irrespective of whether the substance contains nicotine; or
3. Any component, part, or accessory listed in this definition's numbered paragraphs 1 or 2, including filters, rolling papers, blunt or hemp wraps, hookahs, flavor enhancers, or pipes.

[Add a definition for "Nicotine"]

"Nicotine" means natural or synthetically derived nicotine, including nicotinic alkaloids and nicotine analogs.

Amendment #2: Revise the definition of "retailer" in **Section 8.22.010** to clarify the liability for selling flavored tobacco products is on the owners or agents who determine what is sold in retailers instead of the individual employee.

"Retailer" means an entity that sells, offers for sale, exchanges, or offers to exchange tobacco products to consumers for any form of consideration. "Retailer" includes an owner, or agent, ~~or employee~~ of a tobacco retail location.

Amendment #3: Add "distributors" and "importers" to **Section 8.22.020** to ensure all types of businesses that sell tobacco products are covered.

- A. A rebuttable presumption exists that a tobacco product is a flavored tobacco product when:
 1. Any communication is made by or on behalf of the importer, distributor, manufacturer, or retailer of a tobacco product that the product imparts a taste or odor other than the taste or odor of tobacco; or
 2. Any communication is made by or on behalf of the importer, distributor, manufacturer, or retailer that the tobacco product imparts a cooling or numbing sensation.
- B. A rebuttable presumption exists that a tobacco product is a flavored tobacco product when a tobacco importer, distributor, retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:

Amendment #4: Revise the definition of "mislabeling" in **Section 8.22.030** for clarity.

- C. ~~Mislabeled~~ Label as nicotine-free or sell or market for sale as nicotine-free an e-liquid product that contains nicotine.



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January 28, 2025

Dear Chair, Vice Chair, and members of the Health Committee,

I am writing to you on behalf of ABC Stores. We operate in Hawaii, Las Vegas, Guam, and Saipan and employ over 1,900 residents. I am deeply concerned about the proposed legislation to remove flavored products from the market.

While the intention behind this legislation is to reduce demand for these products, it is important to recognize that it will not eliminate the demand. Instead, it will push sales to other streams of distribution where flavored products remain available, including the black market and illegal online sales. This shift will not only undermine the goal of the legislation but also create significant challenges for law enforcement.

Removing this segment of our business will result in major tax shortfalls, forcing the government to seek alternative sources of revenue. Hawaii residents have recently received tax relief due to extreme economic pressures. Increasing taxes in other areas to compensate for the loss of revenue from flavored products would be highly problematic and counterproductive.

The loss of revenue will also make it difficult, if not impossible, for businesses like ABC Stores to maintain current staffing levels. This will lead to job losses and economic instability for many families in our community.

Furthermore, the state will face increased burdens on enforcement efforts if these regulations are imposed. Repealing preemption would cost the state millions of dollars and create undue burdens on retailers across Hawaii.

I urge you to consider the unintended consequences of passing this bill. It will have a detrimental impact on local businesses, the state's economy, and the livelihoods of many residents. I hope you will take these concerns into account and reconsider the proposed legislation.

Thank you for your time and attention to this matter.

Mahalo,

A handwritten signature in black ink, appearing to read "J. Mageo".

John Mark Mageo
Employee Relations and Government Affairs Manager
(808) 597-3312
jmageo@abcstores.com

**Hawaii State Legislature
House Committee on Health
Testimony: HB 756
Guy Bentley, Director of Consumer Freedom, Reason Foundation
January 31, 2025**

Chair Takayama and members of the committee thank you for the opportunity to submit testimony on House Bill 756.

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

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

Case Studies: Massachusetts and Canadian Provinces

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

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

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

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

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

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

Food and Drug Administration Review and Tobacco Harm Reduction

The Food and Drug Administration (FDA) recognizes there is a “continuum of risk” when it comes to tobacco products, with cigarettes being the most dangerous and alternatives such as e-cigarettes, smokeless tobacco, nicotine pouches, and heated tobacco products being less dangerous.⁴ As such, when the FDA authorizes a new tobacco product for sale, it must be evaluated as to whether it is “appropriate for the protection of public health,” meaning the product must provide a net benefit to public health.

HB 756 would ban the sale of several products that the FDA has deemed to be net beneficial to public health and authorized for sale, including flavored Zyn nicotine pouches, General Snus, and a menthol e-cigarette. If Hawaii chooses to ban these products, it will ban products that reduce the harm and risk of tobacco-related diseases.

The FDA is also currently reviewing a host of product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed net beneficial, it will be authorized for sale as appropriate to protect public health.

If Hawaii passes HB 756 into law and bans these products before the FDA concludes its review, it would limit consumer access to products the FDA may deem as positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project, 57 percent of vapers said they would continue vaping if flavors were banned, while half said they would find a way to get their preferred flavor. Of most concern to public health officials and lawmakers should be the finding that close to one in five vapers said if their preferred flavor was banned, they would stop vaping and smoke traditional cigarettes instead.⁵

³ Christopher Carpenter, Hai V. Nguyen. “Intended and Unintended Effects of Banning Menthol Cigarettes.” *The Journal of Law and Economics*. August 2021.
<https://www.journals.uchicago.edu/doi/abs/10.1086/713978>

⁴ U.S. Food and Drug Administration. “FDA Authorizes Modified Risk Tobacco Products.” May 2020.

⁵ Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States.” *Addictive Behaviors*. Volume 125. February 2022.
<https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

While prohibiting e-cigarette flavors other than tobacco may seem an attractive solution to reduce youth vaping, policymakers should recognize that according to the 2024 National Youth Tobacco Survey (NYTS) the number of high schoolers vaping has fallen by 76 percent.⁶ Data released by the CDC also shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason why young people say they start vaping is curiosity, followed by peer influence or family members. Availability in flavors, such as mint, candy, fruit, or chocolate, comes as a very distant third in the survey.⁷

Research suggests banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents. In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University's Abigail Friedman found that after the flavored tobacco ban was enacted, San Francisco area youth were twice as likely to smoke compared to young people in similar jurisdictions that had not enacted tobacco flavor bans.⁸ "While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health," found Friedman.

Prohibition of flavored alternatives to cigarettes, which are overwhelmingly the preferred choice for adult smokers trying to quit, risks worsening public health by keeping smokers smoking while also fueling illicit markets and hurting local economies.

Thank you for your time.

Guy Bentley

Director of Consumer Freedom

guy.bentley@reason.org, 571-489-2791

⁶ Park-Lee E, Jamal A, Cowan H, et al. "Notes from the Field: E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024." *MMWR Morb Mortal Wkly Rep* 2024;73:774–778. Centers for Disease Control and Prevention. September 5, 2024.

https://www.cdc.gov/mmwr/volumes/73/wr/mm7335a3.htm?_cid=mm7335a3_w#suggestedcitation

⁷ Wang TW, Gentzke AS, Creamer MR, et al. "Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019." *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down

⁸ Friedman AS. "A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California." *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

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



Date: January 30, 2025

To: Rep. Gregg Takayama, Chair
Rep. Sue L. Keohokapu-Loy, Vice Chair
Members of the House Committee on Health and Homelessness

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

Re: **SUPPORT for HB756, Relating to Health**

Hrg: January 31, 2025 at 9:15am

Dear Chair Takayama, Vice Chair Keohokapu-Loy, and Members of the Committee:

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to **SUPPORT HB756** which would prohibit the sale of flavored nicotine products and the mislabeling of e-liquids as nicotine free. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see states continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 490,000 Americans annually, including 1,400 in Hawai'i.¹

Prohibiting the sale of flavored tobacco products in retailers is a critical step that will help protect keiki living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners,

¹ U.S. Department of Health and Human Services. *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General* (p.15). Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2024. CDC, Best Practices for Comprehensive Tobacco Control Programs, 2014, <https://www.cdc.gov/tobacco/stateandcommunity/guides/pdfs/2014/comprehensive.pdf>.

who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Eight out of ten youth who have ever used a tobacco product started with a flavored product.**²

New definitions are critical for capturing emerging products, like nicotine pouches and products flavored with synthetic cooling chemicals. Nicotine pouches, which are available in a variety of flavors and nicotine strengths,³ are increasingly popular among youth and are marketed as “completely smoke and tobacco-free.”⁴ Some of these products are marketed as commercial tobacco-free but use nicotine derived from tobacco, while other products use synthetic nicotine that is created in a lab. The number of youth using nicotine pouch products more than doubled in recent years, and the 2024 National Youth Tobacco Survey indicates that one in five youth who use nicotine pouches use them daily.⁵ The most popular brand of nicotine pouches is Philip Morris International’s Zyn.⁶ “Zynfluencers” on TikTok and other social media platforms promote the product to young people and have helped dramatically increase sales in recent years. Nicotine pouches like Zyn are following the JUUL playbook when it comes to attracting kids – viral presence on social media, easily concealable from parents and teachers, and available in a wide range of sweet flavors. Between 2018 and 2023, the number of Zyn cans shipped in the U.S. rose from 6 million to 334 million.⁷

Additionally, tobacco companies have introduced tobacco products with synthetic cooling agents that mimic the effects of menthol. A report released last year from the U.S. Surgeon General concluded that, “Natural and synthetic cooling agents that have been found in some tobacco products (a) act on different parts of the oral cavity and the respiratory system to enhance the experience of smoking or use of other tobacco products and (b) can mimic the pharmacological and somatosensory effects of menthol but may not have a distinguishing taste

² Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *Journal of the American Medical Association*, published online October 26, 2015.

³ Majmundar, A, et al., “Nicotine Pouch Sales Trends in the US by Volume and Nicotine Concentration Levels From 2019 to 2022,” *JAMA Network Open* 5(11):e2242235, 2022, doi: 10.1001/jamanetworkopen.2022.42235. World Health Organization (WHO) study group on tobacco product regulation, *Report on the scientific basis of tobacco product regulation: ninth report of a WHO study group*, WHO Technical Report Series, No. 1047, 2023, <https://iris.who.int/bitstream/handle/10665/372463/9789240079410-eng.pdf?sequence=1>.

⁴ Public Health Law Center & American Lung Association-California, *Zyn & The Rise In Popularity Of Nicotine Pouches*, August 2024, <https://www.publichealthlawcenter.org/sites/default/files/resources/Popularity-of-Nicotine-Pouches-FAQ.pdf>.

⁵ Park-Lee, E, et al., “E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024,” *Morbidity and Mortality Weekly Report (MMWR)* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.

⁶ Goldman Sachs, *Americas Tobacco: NielsenIQ Data thru 8/10: Total nicotine sales declines modestly accelerate*, August 20, 2024.

⁷ Public Health Law Center & American Lung Association-California, *Zyn & The Rise In Popularity Of Nicotine Pouches*, August 2024, <https://www.publichealthlawcenter.org/sites/default/files/resources/Popularity-of-Nicotine-Pouches-FAQ.pdf>.

or odor. Cooling agents, even those without a taste or odor, have the potential to increase the appeal of tobacco products, facilitate their use, and contribute to tobacco-related health disparities. Comprehensive flavor policies that account for these agents will better protect public health.”⁸ For example, “menthol-like” flavored cigarettes that contain synthetic cooling agents that mimic the effects of menthol, are branded and colorfully packaged just like their menthol predecessors and are marketed with terms like “smooth” and “fresh” just like menthols, have been introduced in states with flavor restrictions in attempt to evade the law.⁹ In addition, states that have passed flavor restrictions have seen the introduction of flavor enhancers, which are typically drops or flavored strips¹⁰ that can be added to non-flavored products to give them a flavor like menthol¹¹.

E-cigarettes and nicotine pouches with synthetic coolants have also become popular in recent years. The 2024 National Youth Tobacco Survey found that over half of youth e-cigarette users and nearly one-quarter of youth nicotine pouch users have used products with flavor names that include the word “ice” or “iced.”¹² In California, which prohibited the sale of flavored tobacco products as of December 2022, sales of e-cigarettes with cooling flavors have increased more than six-fold and sales of nicotine pouches with cooling flavors have increased more than eight-fold as companies seek to evade the state’s flavor law.¹³ California’s law was recently amended to prohibit tobacco products that elicit a cooling sensation, and Hawai’i should follow suit. **For these reasons, we respectfully request that HB756 be amended to encompass emerging products, like nicotine pouches and products flavored with synthetic cooling chemicals. We also recommend that the definition of “nicotine product” be clarified to ensure that it encompasses every product that contains nicotine, that is intended for human consumption. We have attached recommended amendments for your consideration and convenience.**

Flavored Tobacco Products Are Popular Among Youth

Although tobacco companies claim to be responding to adult tobacco users’ demand for variety, it’s clear that flavored tobacco products play a key role in enticing new users,

⁸ HHS, *Eliminating Tobacco-Related Disease and Death: Addressing Disparities: A Report of the Surgeon General (p.8)*, 2024, <https://www.hhs.gov/sites/default/files/2024-sgr-tobacco-related-health-disparities-full-report.pdf>.

⁹ Jabba, SVM, et al. (2023). “Synthetic Cooling Agent and Other Flavor Additives in “Non-Menthol” Cigarettes Marketed in California and Massachusetts After Menthol Cigarette Bans,” *JAMA*, 330(17), 1689-1691.

¹⁰ <https://www.smokersoutletonline.com/accessories/ocb-flavor-card-menthol.html>.

¹¹ Michael O. Chaiton et al., The use of flavour cards and other additives after a menthol ban in Canada, 30 *TOBACCO CONTROL* 601 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7856206/>.

¹² Park-Lee, E., et al., “E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024,” *MMWR* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.

¹³ CDC Foundation, “Monitoring U.S. E-Cigarette Sales: National Trends,” <https://tobacomonitoring.org/>. CDC Foundation, “Monitoring Sales: Nicotine Pouch Trends,” https://tobacomonitoring.org/wp-content/uploads/2025/01/Nicotine-Pouch-Brief_1.10.2025.pdf. Data from Circana, which includes e-cigarette sales data from convenience stores, gas stations and other retail store chains. Sales from the internet and tobacco-specialty stores, including vape shops, are not included.

particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use.

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that **eight out of ten of kids who have ever used tobacco products started with a flavored product.**¹⁴ Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Nationally, e-cigarettes have been the most commonly used tobacco product among youth since 2014. Today, youth e-cigarette use remains a serious public health concern, with over 1.6 million youth, including 7.8% of US high schoolers, reporting current e-cigarette use in 2024, according to the National Youth Tobacco Survey (NYTS).¹⁵ Nearly 90% of youth e-cigarette users report using flavored products.¹⁶ According to the 2023 Hawai'i Youth Risk Behavior Survey, 13.2% of Hawai'i high school students and 10.3% of middle school students are current e-cigarette users.¹⁷

Kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. According to the 2024 NYTS, 42.1% of high school e-cigarette users reported vaping on 20 or more days/month, and 29.7% reported daily use.¹⁸ This youth addiction crisis has been fueled by the growth of high nicotine e-cigarettes—many contain as much nicotine as 200 cigarettes.¹⁹ Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.²⁰ The Surgeon General concluded that, “The

¹⁴ Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *Journal of the American Medical Association*, published online October 26, 2015.

¹⁵ Park-Lee, E., et al., “E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024,” *MMWR* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.

¹⁶ Park-Lee, E., et al., “E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024,” *MMWR* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.

¹⁷ Centers for Disease Control and Prevention (CDC). 2023 Youth Risk Behavior Survey Data. Available at <https://nccd.cdc.gov/Youthonline/App/Default.aspx>.

¹⁸ Park-Lee, E., et al., “E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024,” *MMWR* 73(35):774-778, September 5, 2024, <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7335a3-H.pdf>.

¹⁹ Diaz, MC, et al., “Bigger, stronger and cheaper: growth in e-cigarette market driven by disposable devices with more e-liquid, higher nicotine concentration and declining prices,” *Tobacco Control*, published online August 3, 2023.

²⁰ HHS, *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*, CDC, Office of Smoking and Health (OSH), 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>. See also: CDC Office on Smoking and Health, “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults,” March 2019. Accessed August 9, 2019.

use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”²¹

Youth e-cigarette users are also at risk of smoking cigarettes. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”²² More recent research confirms this finding.²³ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

While the FDA has had regulatory authority over e-cigarettes since 2016, it has been slow to implement the required premarket reviews for e-cigarettes. Under a federal court order, FDA faced a deadline of September 9, 2021 to determine whether e-cigarettes meet the statutory standard to stay on the market. However, the FDA failed to finish reviewing e-cigarette marketing applications by this deadline and illegal, flavored e-cigarettes still remain widely available. Recently released data from the Truth Initiative show that while the FDA has authorized 34 e-cigarette products for sale, these products only make up only 13.7% of the market, meaning that **86% of the e-cigarette market is for unauthorized, illegal products.**²⁴ Hawai’i can act much quicker than the FDA to protect from illegal, flavored e-cigarettes that target our keiki with varieties like lu’au punch and lychee ice.

Menthol Cigarettes and Flavored Cigars Increase Youth Smoking and Exacerbate Health Disparities

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. About half of youth who have ever tried smoking started with menthol-flavored cigarettes.²⁵ The FDA’s Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

²¹ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

²² National Academies of Sciences, Engineering, and Medicine (NASSEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

²³ Berry, KM, et al., “Association of Electronic Cigarette Use with Subsequent Initiation of Tobacco Cigarettes in US Youths,” *JAMA Network Open*, 2(2), published online February 1, 2019; Pierce, JP, et al., “Use of E-Cigarettes and Other Tobacco Products and Progression to Daily Cigarette Smoking,” *Pediatrics*, 147(2), published online January 11, 2021.

²⁴ Truth Initiative, U.S. retail sales data show 86% of e-cigarette sales are for illegal products, November 6, 2024, <https://truthinitiative.org/research-resources/tobacco-industry-marketing/us-retail-sales-data-show-86-e-cigarette-sales-are#:~:text=New%20research%20from%20Truth%20Initiative,the%20market%20are%20illegal%20products..>

²⁵ Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *Journal of the American Medical Association*, published online October 26, 2015.

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

There is also evidence that the industry has targeted the Hawaiian population. A Surgeon General’s report released last year found that, “The tobacco industry has viewed Native Hawaiian people as an important market for menthol cigarettes since at least the 1980s.”²⁶ In the 1980s, a marketing group strategized how to reach Native Hawaiians with Kool cigarettes, a popular menthol brand. The agency recommended that Kool employ “ethnic advertising” in Hawai’i, recommending the use of models that were “fun, happy-go-lucky young people in their 20s...[who have] full social calendars and spend a lot of time outdoors at the beach... people who display what islanders call the aloha spirit.”²⁷ An assessment of tobacco advertising in Hawai’i found that Kool, a popular menthol brand, was the most heavily advertised brand across Hawai’i in the early 2000s.²⁸ The 2020 Behavioral Risk Factor Surveillance System shows that prevalence is high among ethnic groups that comprise a significant proportion of Hawaii’s population, with 79% of Filipino smokers, 78% of Native Hawaiian smokers, and 69% of Japanese smokers usually smoking menthol cigarettes. The CDC estimates that prohibiting the sale of menthol cigarettes will help 4,400 Hawai’ians quit smoking.²⁹

Cigars come in hundreds of kid-friendly flavors like “Berry Fusion,” “Cocoa,” and “Cherry Dynamite,” and can be as cheap as 3 for 99 cents. These flavors increase youth initiation, progression to regular use and are associated with greater potential for addiction.³⁰ While cigar smoking is often perceived as an activity of older men, a troubling number of today’s cigar smokers are youth and young adults. The wide assortment of flavors, colorful packaging, and affordability of many cigars make them an appealing tobacco product for youth. In 2024, 330,000 youth were cigar smokers and cigar smoking among Black high schoolers is double that of White high schoolers.³¹ The 2024 Surgeon General’s report found that, “Tobacco industry

²⁶ HHS, *Eliminating Tobacco-Related Disease and Death: Addressing Disparities: A Report of the Surgeon General (p.15)*, 2024, <https://www.hhs.gov/sites/default/files/2024-sgr-tobacco-related-health-disparities-full-report.pdf>.

²⁷ Anderson, SJ, “Marketing of menthol and consumer perceptions: a review of tobacco industry documents,” *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.

²⁸ Glanz, K, et al., “Operation Storefront Hawaii: Tobacco Advertising and Promotion in Hawaii Stores,” *Journal of Health Communication*, 11(7): 699-707, 2006.

²⁹ CDC, Menthol Fact Sheets—Hawaii, https://www.cdc.gov/tobacco/basic_information/menthol/state-menthol-fact-sheets.html#HI.

³⁰ FDA, *Scientific Assessment of the Impact of Flavors in Cigar Products*, March 2022, <https://www.fda.gov/media/157593/download>.

³¹ Jamal, A, et al., *MMWR* 73(41):917-924, October 17, 2024.

documents suggest that product design and flavoring was a deliberate and iterative process to optimize the appeal of cigarillos and little cigars to youth, women, and African American people who smoke, especially those who smoke mentholated tobacco products.”³² Cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.³³ Cigar smoking causes cancer of the oral cavity, larynx, esophagus and lung, and daily cigar smokers have an increased risk of heart disease, chronic obstructive pulmonary disease (COPD), and an aortic aneurysm.³⁴

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

Thank you for your consideration on HB756. This policy has the strong potential to save lives in Hawai’i.

Sincerely,

Liza Ryan Gill
Campaign for Tobacco-Free Kids HI

³² HHS, *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General*, 2024, at 254.

³³ Pickworth, WB, et al., “Dual Use of Cigarettes, Little Cigars, Cigarillos, and Large Cigars: Smoking Topography and Toxicant Exposure,” *Tobacco Regulatory Science* 3(Suppl 1):S72-S83, April 2017. Chen, J, et al., “Biomarkers of Exposure among U.S. Cigar Smokers: An Analysis of 1990-2012 National Health and Nutrition Examination Survey (NHANES) Data,” American Association for Cancer Research, 2014.

³⁴ NCI, *Cigars: Health Effects and Trends*, 1998.

APPENDIX - Recommended Amendments

§321-A Definitions.

Add the following to the "Flavored nicotine product" definition – “Flavored nicotine product” also means any nicotine product that imparts a cooling, tingling, or numbing sensation, distinguishable for an ordinary consumer, during the consumption of the nicotine product.

Replace the “Nicotine product” definition (1)(A) with the following – “Nicotine product” means any form of the chemical nicotine, including any salt or complex regardless of whether the chemical is naturally or synthetically derived, and including nicotinic alkaloids and nicotine analogs.

Add the following definition for nicotine product flavor enhancer – “Nicotine product flavor enhancer” means a product designed, manufactured, produced, marketed or sold to impart a distinguishable flavor other than that of tobacco, or a cooling, tingling or numbing sensation, when added to a nicotine product.

§321-B Sale of flavored nicotine products; mislabeling as nicotine-free.

Recommended amended language underlined: (a) Beginning January 1, 2026, it shall be unlawful for any retailer to: (1) Sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored nicotine product or a nicotine product flavor enhancer; or (2) Mislabel as nicotine-free, or sell or market for sale as nicotine-free, any e-liquid product that contains nicotine.

Recommended amended language underlined: (b) A statement or claim, including but not limited to text, color, or images on the nicotine product's labeling or packaging that is used to explicitly or implicitly communicate that the nicotine product has a flavor other than tobacco, made by a manufacturer, importer, distributor or retailer, or by an agent or employee of a manufacturer, importer, distributor or retailer, and directed to consumers or the public, shall be prima facie evidence that the nicotine product is a flavored nicotine product. This includes but is not limited to statements that a nicotine product or nicotine product flavor enhancer has a minty, cooling, tingling or numbing sensation, such as describing the product as “chill”, “ice”, “fresh”, “arctic”, or “frost”.

HB-756

Submitted on: 1/30/2025 9:07:44 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Yoshinaga	Marukin Market	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to [756]

Dear Chair, Vice Chair, and Members of the Committee,

My name is Travis Yoshinaga, and I am the owner of Marukin Market. I am here today to strongly oppose this bill, not just as a business owner, but as someone who witnesses firsthand the negative impact of the black market on our islands every day.

Hawai‘i is already struggling with illegal activities, including game rooms, monster homes, crystal meth, ghost guns, and fireworks—all of which continue to flood into our state despite existing laws. People are growing frustrated with rising crime and homelessness, and now, this bill threatens to add yet another problem.

Prohibiting menthol cigarettes and flavored vapes will not eliminate demand—it will simply drive consumers to the black market. Criminals will exploit this ban, just as they do in other states. In California, for example, vans from out of state now supply menthol cigarettes and vapes to eager customers, selling them at inflated prices while avoiding taxes. Meanwhile, legitimate businesses like mine, which follow the law, pay rent, and contribute tax revenue, will be forced to close, leading to job losses and economic decline.

The reality is that people always find a way. Already, menthol alternatives exist—Amazon sells flavored balls that can be inserted into filters, and menthol drops can be added to cigarettes. These workarounds show that prohibition does not stop access, it only shifts it underground. And unlike licensed retailers, black market sellers do not check IDs, increasing the risk of youth access.

Law enforcement agencies are already stretched thin. The ATF is overwhelmed, and even our local police struggle to respond to urgent incidents. In my own store, when a man pulled out a large knife while a senior customer was present, it took 10 to 15 minutes for officers to arrive after I activated the silent alarm. If this bill passes, criminals will be waiting outside our businesses, selling illegal products tax-free while we fight to survive.

Supporters of this bill may point to declining cigarette and vape sales in California as a success, but those numbers fail to account for the explosion of illicit activity. If this bill passes, Hawai'i will face the same fate—business closures, lost tax revenue, and a surge in unregulated sales.

I urge you to reconsider the unintended consequences of this legislation. While the goal may be public health, the reality is that this bill will do more harm than good. Let's not create another black market crisis that law enforcement cannot control.

Thank you for your time and consideration.

HB-756

Submitted on: 1/30/2025 9:14:51 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Run Sakanashi	China town liquor	Oppose	Remotely Via Zoom

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

My name is Eun, and I am the owner of Chinatown Liquor. I am here today to strongly oppose this bill because I see firsthand how the black market is taking over our communities. Crime is already out of control—game rooms, drugs, ghost guns, and fireworks flood our streets despite existing laws. This bill will only add to the problem.

Banning menthol cigarettes and flavored vapes won't stop people from getting them. It will push sales to the black market, where criminals profit while legitimate businesses like mine suffer. In California, after a similar ban, illegal sellers moved in, selling at higher prices with no taxes and no ID checks. The same will happen here.

Law enforcement is already overwhelmed. When crime happens, response times are slow because officers are stretched too thin. If this bill passes, illegal sales will skyrocket, and there won't be enough enforcement to stop it. Meanwhile, small businesses will shut down, jobs will be lost, and the state will lose tax revenue—all while criminals make easy money.

The people of Hawai'i are tired of rising crime and lawlessness. This bill will only make things worse. I urge you to reconsider before more damage is done.

Thank you.

Eun Sakanashi

HB-756

Submitted on: 1/30/2025 9:16:56 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Hee Nam Hwang	No. 1 Store	Oppose	Remotely Via Zoom

Comments:

Hello my name is Hee Nam Hwang

I oppose HB 380

I am a local business owner in Honolulu.

I have owned my store for 20 years.

I may not speak good English but I am very responsible owner.

This bill would be harmful for store owners like me.

The state would lose a lot of tax dollars, and would cost the state even more money.

Please do not pass this patchwork regulation bill.

HB-756

Submitted on: 1/30/2025 9:26:53 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Jordan	Discount Smoke Shop Hawaii	Oppose	Remotely Via Zoom

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

My name is Michelle Jordan, and I am a representative of a local business in Honolulu committed to retailing responsibly, including adherence to all state regulations regarding the sale of tobacco products. I am submitting testimony in strong opposition to HB 756, which seeks to repeal the state’s preemption of county-level regulation of tobacco sales.

While I understand the importance of addressing public health concerns, HB 756 would create significant unintended consequences that would negatively impact small businesses, create unnecessary regulatory confusion, and place additional tax burdens on the state.

Unintended Consequences of HB 756

1. Patchwork Regulations Across Counties

Repealing preemption would allow each county to establish its own rules governing tobacco sales, leading to a fragmented regulatory environment. Businesses like mine, which serve customers across multiple counties, would face the difficult and costly challenge of complying with varying laws.

2. Increased Burden on Small Businesses

Local businesses already face numerous challenges, including rising rents, labor costs, and supply chain disruptions. This could force some small retailers to close their doors, reducing local jobs and economic activity.

3. Encouragement of Illicit Market Activity

Inconsistent regulations between counties may inadvertently drive consumers to seek tobacco products from unregulated or illicit sources, undermining the intent of public health policies. This would not only harm responsible retailers but also result in a loss of tax revenue for the state and weaken enforcement efforts aimed at curbing underage sales.

Tax Burden on the State

The repeal of preemption would necessitate the enforcement mechanisms to regulate and monitor compliance with local tobacco laws. This would require significant public funding to hire staff, develop policies, and implement enforcement strategies, placing additional financial pressure on county governments and, ultimately, on taxpayers.

Additionally, the economic impact of reduced business activity and the potential rise of illicit market sales would further erode tax revenue generated by lawful tobacco sales. At a time when the state is working to recover economically, such fiscal losses would be highly detrimental.

Conclusion

For the reasons outlined above, I strongly urge this committee to oppose HB 756. Let us focus instead on strengthening statewide efforts to address public health concerns while supporting Hawai'i's small business community and protecting the state's economic interests.

Thank you for the opportunity to submit testimony.

Respectfully submitted,
Michelle Jordan



Government Relations

Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Health
The Honorable Gregg Takayama, Chair
The Honorable Sue L. Keohokapu-Lee Loy, Vice Chair

January 31, 2025
9:15 a.m.
Via Videoconference
Conference Room 329

Re: HB 756, Relating to Health

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and committee members, thank you for this opportunity to provide testimony on HB 756, which prohibits the sale of flavored nicotine products and the mislabeling of e-liquids as nicotine free, establishes penalties, and authorizes the Department of Health to appoint, commission, or contract for services of inspectors.

Kaiser Permanente Hawai'i SUPPORTS HB 756.

Kaiser Permanente Hawai'i is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 271,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 20+ medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the people living in the communities we serve.

Youth in Hawai'i experience tobacco-related harm at alarming rates. Approximately 1,800 youth in Hawai'i under the age of 18 will try cigarettes for the first time each year. In 2023, approximately 28.8% of high school students and 16.9% of middle school students in Hawai'i reported having used electronic tobacco products at least once. In the same year, 13.2% of high school students and 10.3% of middle school students in Hawai'i reported current use of electronic tobacco products. In 2023, approximately 12.1% of high school students in Hawai'i reported ever smoking cigarettes and 3.0% reported current cigarette use. A 2015 survey also found that an estimated 41,000 high school students in Hawai'i smoked their first cigarette before the age of 13.

To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. Flavored tobacco plays a key role in convincing young people to try these products. As such, **Kaiser Permanente Hawai'i supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.**

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

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

We are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe HB 756 is a significant step in restricting access to these dangerous products. This legislation is a positive step toward preventing another generation of young people from living with a lifetime of addiction.

We ask the committee to PASS HB 756. Mahalo for the opportunity to testify on this important measure.

HB-756

Submitted on: 1/29/2025 9:28:54 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Cori Takesue	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a writing sith strong support for HB 756. As a tobacco treatment specialist of eight years, health educator to youth in the schools, licensed clinical psychologist to youth clients, and as a community member of Lanai, I am seeing first-hand how youth are drawn to try e-cigarette devices as they are enticed by the flavors (flavors that are clearly marketed towards youth with their catchy names and desirable flavors) and eventually become hooked on the nicotine making it difficult for them to stop using the product. As we know, our youth are vulnerable as nicotine, as well as, other chemicals in e-cigarettes can be harmful to the developing brains in our youth. 36.6% of teens in Maui County have tried e-cigarettes in 2021, surpassing the Hawai‘i State average (32.4%) (2021 YRBS). The FDA (2024) indicates that flavored products are driving this epidemic, where 87.6% of youth e-cigarette users use flavored products. Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 80% of Native Hawaiian smokers and 70% of Filipino smokers use menthol cigarettes (Hawai‘i BRFS, 2022). Mint and menthol-flavored e-cigarettes are the most popular flavors among youth. It is vital that we prohibit the sale of flavored nicotine products and the mislabeling of e-liquids as nicotine-free as our keiki are drawn to the flavors of these products. I fully support the language of this bill and encourage you to do so too as you will be putting the health of our keiki first and letting tobacco companies know that it is not okay for them to target youth with their products. Thank you for your time. Please support HB756.

HB-756

Submitted on: 1/29/2025 9:39:11 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
angelina kays	Individual	Support	Written Testimony Only

Comments:

Aloha, esteemed committee members,

I stand in strong support of this bill to end the sale of flavored tobacco products. The evidence is clear: Flavored tobacco products are a major driver of youth addiction. In 2020, 8 in 10 youth who use e-cigarettes reported using a flavored product, an increase from 7 in 10 in 2019 (National Youth Tobacco Survey). These products are designed to attract our youth, and the nicotine in them ensures they become hooked for life. Ending the sale of flavored tobacco will reduce their appeal and protect our keiki from a lifetime of addiction.

Menthol, in particular, is just as harmful as any other flavor in tobacco products—if not more so. Its ability to mask the harshness of tobacco makes it easier to start using and harder to quit. If we truly want to protect our keiki and reduce the burden of tobacco on our communities, we must include menthol in this legislation.

Furthermore, ending the sale of all flavored tobacco products is crucial for advancing health equity. Disparities in tobacco use are rooted in the tobacco industry’s deliberate targeting of specific populations—particularly youth and communities of color. In Hawai‘i, 70.5% of adult smokers use menthol cigarettes (Hawai‘i BRFSS, 2021). Alarmingly, Native Hawaiian youth in high school have the highest rates of e-cigarette use at 33.3%, followed by other Pacific Islanders at 27.9% (Hawai‘i Department of Health).

The impact of tobacco use is disproportionately felt by our most vulnerable communities, and we have the opportunity to change that by passing this bill. Let’s work together to protect the health and futures of our keiki and all Hawai‘i residents.

Mahalo for your time and consideration.

HB-756

Submitted on: 1/29/2025 9:44:49 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Austin	Individual	Support	Written Testimony Only

Comments:

Flavored tobacco products encourage use by children and youth. Please regulate their availability!

HB-756

Submitted on: 1/29/2025 10:07:14 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

Good Morning,

I am submitting testimony in strong support of HB756 whose goal is to prohibit the sale of flavored tobacco products across the State. With 8 in 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. Flavored tobacco products are a gateway for nicotine dependence that are in essence "sugar coated" and not very subtly hiding the fact that they are marketed towards youth.

Please take into consideration the health and wellness of our kieke as well as the continued ease of transition to more harmful products for our entire ohana as you prohibit the sale of flavored tobacco products across the State.

Thank you for your time and consideration.

HB-756

Submitted on: 1/29/2025 10:11:08 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

Aloha Chair Takayama, Vice-Chair Keohokapu-Lee Loy and members of the Committee on Health:

Your support for this bill means you truly prioritize keiki and health over profits. All Counties are standing in solidarity regarding this issue and we are hopeful you can keep your vision clear to promote health equity and combat the targeting of our Native Hawaiian keiki.

Mahalo again for introducing this bill and for choosing keiki over profits.

HB-756

Submitted on: 1/29/2025 11:56:17 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

Aloha Chair, Vice Chair and Committee Members,

As a tobacco treatment specialist, parent and someone who smoked for 25 years, I strongly encourage you to vote in support of HB756. The sooner we remove flavors from all tobacco related products the sooner we will see a decrease in both children (as young as in elementary school) and adults who vape and smoke. While I can understand the hesitancy due to the revenue that these products provide to the state, lets not forget the cost due to health related issues that they are costing the state each and everyday.

Please consider voting in support of this bill

Valerie Smalley

HB-756

Submitted on: 1/29/2025 2:20:24 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

Aloha:

I am writin in support of HB 756.

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

Mahalo!

HB-756

Submitted on: 1/29/2025 2:43:50 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Meetu Kelen	Individual	Support	Written Testimony Only

Comments:

I am writing in **strong support** of HB 756, which seeks to prohibit the sale of all flavored tobacco products in Hawai‘i. As a community health worker/educator, advocate, concerned Hawai‘i resident, I have witnessed firsthand the devastating impact of tobacco use, particularly among our youth and vulnerable communities. This bill is a critical step toward protecting the health and well-being of Hawai‘i’s people.

Flavored Tobacco Fuels Youth Addiction

Flavored tobacco products, including menthol cigarettes, candy-flavored e-cigarettes, and other fruit or dessert-inspired products, are intentionally designed to attract and addict young people. Research consistently shows that the majority of youth who use tobacco start with flavored products. According to the Centers for Disease Control and Prevention (CDC), more than **85% of youth e-cigarette users prefer flavored products**, making it clear that flavors are a major driver of tobacco initiation. It is heartbreaking to see the elementary kids vaping because of the flavor!

Hawai‘i has seen alarming rates of youth e-cigarette use, with some of the highest rates in the nation. These products are marketed with bright packaging and enticing flavors, creating the false perception that they are less harmful than traditional cigarettes. In reality, they contain **highly addictive nicotine and other harmful chemicals**, which can harm brain development, increase the risk of future addiction, and contribute to serious long-term health issues.

Menthol and Flavored Products Harm Vulnerable Communities

Beyond youth, flavored tobacco products, especially menthol, have been disproportionately targeted at marginalized communities, including Native Hawaiians and Pacific Islanders. The tobacco industry has a long history of using predatory marketing tactics to push these products in communities already facing significant health disparities. By eliminating flavored tobacco sales, Hawai‘i can take a stand against these harmful practices and promote health equity.

A Comprehensive Flavor Ban is Essential

To be effective, HB 756 must **prohibit the sale of all flavored tobacco products, including menthol, and eliminate loopholes** that allow their continued availability. Partial bans have proven ineffective, as the industry finds ways to rebrand and continue selling addictive products under new names. A comprehensive, enforceable policy is the only way to truly protect our keiki and communities.

Conclusion

Passing HB 756 is a necessary and urgent step toward reducing tobacco-related harm in Hawai'i. We must prioritize public health over corporate profits and stand up to the tobacco industry's deliberate targeting of our youth and vulnerable populations. I urge you to support this bill and ensure a healthier, tobacco-free future for our state.

Mahalo for your time and consideration.

HB-756

Submitted on: 1/29/2025 2:54:54 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

Aloha,

I am in strong support of HB756. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

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

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

I ask the committee to please support HB756 and prohibit the sale of **ALL** flavored tobacco and electronic smoking devices, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

We need to protect our keiki at the state level, especially since we have preemption which keeps each county from enacting their own flavor ban. Yet so far all but one county (Kauai) has passed their own flavor ban which would take effect if we reverse preemption. And Kauai is in the process of passing their own flavor ban. Please listen to the individual counties in Hawaii. We each collectively want a flavor ban.

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

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

Epidemiologist and Public Health Educator

TESTIMONY HB 756

I am a long-time Kauai pediatrician, and I am writing in that role to strongly support HB 1778 banning flavored tobacco products and mislabeling e-liquids as nicotine-free. We are in the midst of a vaping epidemic in Hawaii, with startling statistics – 13.2% of high school students and about 10.3% of middle school students are regular vapers. E-cigarettes and other flavored products are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. Menthol is particularly harmful in vaping liquids and cigarettes because of its ability to mask the harshness of tobacco, thereby making it more palatable. This is a recipe for ever increasing medical costs to treat the long-term consequences of nicotine addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids to children is to prevent the sale of flavored tobacco products in the first place.

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

Linda Weiner, MD
Kauai Pediatrician

HB-756

Submitted on: 1/29/2025 3:36:58 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Helena Cannella	Individual	Support	Written Testimony Only

Comments:

Aloha. I am a mom of two sons who started the use of e-cigarettes while they were in high school and they continue to do this well into their young adulthood. They are currently 24 & 29 years old. Just recently, I noticed my 24-year-old has developed a bad cough so much that he coughs every two to three seconds, literally. Sitting through our one-hour dinner meal was very concerning to me, as the frequency of his coughing was alarming. My 29-year-old has a similar cough, but he doesn't cough as much as his younger brother. I've asked both my sons to see a doctor to request assistance with ending their addiction to e-cigarettes. Whether they'll do it or not, is not known, but here's what I do know - the marketing and advertisement geared at enticing and encouraging our youth, promoted by such addictive substances, is what we as parents and community members should not be accepted or tolerated. Our keiki are young and are our future. We need to protect their education, health, and well-being, The Tobacco Industry will never stop its marketing tactics because they know it works. Please pass this bill. We need new and innovative ways, and tools to continue our fight because frankly, our Keiki will be just that, Keikis. Mahalo nui, a concerned mom!

HB-756

Submitted on: 1/29/2025 4:15:01 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
mary santa maria	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives

I strongly support HB756, related to a ban on flavored tobacco products including menthol. Flavors entice and nicotine hooks people. In Hawaii this is a real problem. Stopping the addiction when young is an effective method to stop the addiction when older. Please pass HB756

Sincerley

Mary Santa Maria

Date: January 29, 2025

To: The Honorable Gregg Takayama, Chair
The Honorable Sue L. Keohokapu-Lee Loy, Vice Chair
Members of the House Committee on Health

Re: **Support for HB 756**, Relating to Health

Hrg: Friday January 31, 2025 at 9:15 am via Videoconference Conference Room 329

Aloha House Committee on Health,

As a parent, community member and healthcare professional I am writing in **strong support of HB 756**, which prohibits the sale of flavored nicotine products and the mislabeling of e-liquids as nicotine free; establishes penalties for violation; authorizes the Department of Health to appoint, commission, or contract for services of inspectors; establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position; appropriates funds effective 1/1/2026.

Hawai'i is in the eighth year of a youth vaping epidemic in which 13.2% of all Hawai'i high school students, 33% of Native Hawaiian high schoolers and 27.9% of Pacific Islander high school students report "current use" of e-cigarettes. Additionally, 10.3% of all Hawai'i middle school students report using e-cigarettes.

Flavored products are driving this epidemic, where 85% of youth e-cigarette users use flavored products. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8-in-10 youth who currently used e-cigarettes reported using a flavored product, up from 7-in-10 in 2019.

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

In Hawai'i 70.5% of adult smokers use menthol cigarettes, which is attributable to the tobacco industry's well-documented history of marketing menthol cigarettes to youth and people of color.

Ending the sale of all flavored tobacco products will reduce the appeal of these products, protecting our keiki from a lifetime of addiction, tobacco-related illness and early death.

I **strongly support HB 756**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB-756

Submitted on: 1/29/2025 4:51:02 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

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HB-756

Submitted on: 1/29/2025 5:08:23 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

Aloha Rep. Gregg Takayama, Chair, Rep. Sue L. Keohokapu-Lee-Loy, Vice Chair, and Committee on Health Members,

I strongly support HB756 which prohibits the sale of flavored nicotine products and the mislabeling of e-liquids as nicotine free. Establishes penalties for violations. Authorizes the Department of Health to appoint, commission, or contract for services of inspectors. Establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position.

It is important that we stop the sale of flavored nicotine products because 8 in 10 youth say that they started using nicotine products due to the fruit and candy flavors. Now, 13.2% of high school students and 10.3% of middle school students report using flavored vaping products daily. These candy, fruit and minty flavored nicotine products hook our keiki and create a life long addiction to nicotine.

Please strongly support HB756 for the sake of our youth.

Mahalo,

Cyd L. Hoffeld

January 28, 2025

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the
Committee on Health

My name is Dylan Arisumi, and I am a high school student attending Maui High School. I serve as a member of the youth council for the Coalition for Tobacco-Free Hawai'i. I am in **strong support for HB756**.

As a student, it's hard to ignore when people think vaping is just a harmless trend, but it's not. I've seen how flavored vapes are marketed directly to people like me. Fruit, candy, mint—these flavors make vaping seem harmless, almost like a fun treat. But they're not. Flavored vapes are a gateway for young people to get hooked on nicotine. It's easier to ignore the dangers when the product tastes like candy or fruit. For those of us who play sports, vaping can have an even greater impact. Nicotine and other chemicals found in vapes can harm lung function, making it harder to breathe during physical activity. This means reduced stamina, slower recovery, and less endurance, which can really hold you back in sports. The chemicals can also mess with your brain, affecting focus, coordination, and reaction time—critical things you need in sports. It's really troubling when I see younger students getting involved, thinking it's cool or safe.

Thank you for allowing me to testify and for supporting the youth and our future

Dylan Arisumi

Kahului

Chair Gregg Takayama
Vice Chair Sue Keohokapu-Lee Loy
Members of the Committee on Health

I am writing in **strong support of HB756**.

Why is this important? I believe flavored tobacco products are targeting kids because the flavors sound like candy. For example cotton candy, blue raspberry, and more. The impact of nicotine addiction I see in students in my school and community is negatively affecting their academics, participation in sports and clubs, and relationships with family and friends. Due to industry marketing and the wide range of flavors youth look at e-cigarettes like it's normalized and use it to cope with their mental health problems. They often start through other students or someone they know. We're in an age group where we can be so easily influenced that, when one friend does it, so does the whole friend group.

One time during my free period at school my friends were hanging out. another friend came up to us and she sat down. She started vaping said she was vaping and the smoke detector in the bathroom went off and it started saying that security was being called so she ran away. Instead of trying to catch and punish youth who are addicted, we need to get rid of the flavors so they don't even start.

Thank you for the opportunity to testify.

Kaycee Miguel
Ewa Beach

Chair Takayama
Vice Chair Keohokapu-Lee Loy
Members of the Committee on Health

My name is RJ and I am in strong support for bill **HB756** to end the sale of flavored tobacco products.

I have seen many impacts of nicotine addiction in my peers. They seem to feel like they need their vape to get by the day or they will feel poorly. They are so fixated on making sure they get a puff to feel better and perform better. I know peers that vaped that stopped doing what they loved after they started vaping, and I know peers that take vape breaks.

One personal example of how vaping has affected me is I had a best friend lash out at me, and almost got physical because they lost their vape which they just misplaced. They have not apologized and I thought I was a good enough friend to them that they would even have the decency to apologize.

Another example of how vaping has personally affected me is in the last 7 months of owning a license because the driver was distracted from using their vape. During one of these occurrences I noticed that they were reaching for something in the passenger seat, and low and behold it was their vape. That particular event happened when I was on my way to provide testimony at the last Maui County Council hearing that passed our flavor ban in December.

Based on my personal experiences with members in my community who vape, we need to end the sale of flavored tobacco products."

RJ
Lahaina

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health

I'm writing to show my support for **HB756**. It would reach the goal of finally ending the sale of flavored tobacco products in our communities and finally protect the youth.

I have seen first hand how vaping can affect youth. It started off in my Sophomore year when I heard that one of the most popular boys bathrooms was closed due to extensive tobacco usage. The smell was coming outside of the door and was barricaded for a long time, preventing anyone from entering. I never knew anyone personally who used tobacco products, but as I grew up, I realized that I knew many of the people who went into the bathrooms to use vape products. I heard news about students using it secretly, and I realized how big of an issue it was. It was so secretive, however, that I hadn't realized until too late. Some of my childhood friends began to use the products, just to try it at first, and started using them more frequently as they gained more access. While I don't think they became addicted, just trying the products in the first place was an immense concern because that is how addictions start.

Tobacco companies are intentionally targeting youth and creating the youth vaping epidemic that we are all experiencing. The fact that flavored tobacco products have innocent flavors and brand names like Hawaiian Sun, Lychee, or even something simple like Bubblegum shows how vapes are targeted towards children. No adult would likely buy such innocent flavors. The flavors and designs of these products entice children, convincing them that it might not be so bad in the beginning, and slowly spiral them into large addictions.

I know how secretive my peers can be when it comes to using tobacco products. Some come to school completely normal, but I know that they used such products over the weekend with their friends. It's a terrifying realization that those around me use those products frequently, eventually leading to addictions that will affect their lives forever. Many of these peers are incredible individuals: they have dreams and the skills to achieve them. Tobacco products and peer pressure to use them both in and out of school should not come in the way of their futures. No financial or other factor should come close to this argument, because these are the futures of youth. Once you start, it's so hard to fix yourself. So let's make sure that people don't start at all.

Chani Chung
Ala Moana

Chair Gregg Takayama
Vice Chair Keohokapu-Lee Loy
Members of the Committee on Health

January 27th 2025

I **support HB756** and its mission to end the sale of flavored tobacco products.

Flavored tobacco products are hooking kids. All of the people I know who use flavored tobacco (vapes) are all under the age of say 17. I know that there are adults who use these products as well, however they are not the majority that I see. Flavors are used to hook people, kids especially, as they make it seem like no big deal, like candy. One of my friends who do vape are hooked not only on specific flavors but also vapes that you can play games on supposedly. The more interesting and inviting the products can seem, the more likely they are to hook kids.

I want these products to be banned due to the effects they have on people's health and to make sure no more of my peers get hooked. I hate to think about how damaged my generation can become just because they got hooked on a flavor while they were younger. I want to live in a future where my peers aren't being targeted by harmful tobacco products.

Rya Ortogero
Kahului

Representative Gregg Takayama: Chair
Representative Sue Keohokapu-Loy: Vice Chair
Members of the Committee on Health

I'm writing to **support HB756**. This bill would finally end the sales of flavored tobacco products. The tobacco companies have been targeting youth and hooking them on their dangerous substances.

As a current high school student, I see the adverse effects Tobacco products can have on my peers, and helping to end the selling of those products as a whole, and not just in kids, would significantly change the lives of many of those students. When I think back to my experience with flavored Tobacco products, I immediately remember the time when I had to go to the bathroom so wrong that I went during my school's recess period. Ordinarily, I try not to go to the restroom during school hours because I have heard stories about the housing of nicotine use, yet I was still shocked at the number of artificial sick flavors that hit my nose as soon as I stepped inside. There were about four girls, all so consumed with gossiping while smoking their e-cigarettes that they did not even notice when I immediately turned around to leave. I never went to that bathroom again, but I still think about how they were smoking something they knew was not allowed in a public school bathroom and did not even notice when someone walked inside.

It was almost as if it was normalized in middle schools where most students are ages 11 to 14, even though the legal age is 21. Passing this bill will put an end to the illegal substance abuse going on in middle schools, high schools, and even elementary schools, which in turn will lead to more students making the right choices for their bodies.

Please support **HB756**, Thank You for Reading,
Violet Kato

Chair Takayama
Vice Chair Keohokapu-Lee Loy
Members of the Committee on Health

I **support HB756** so that less people can smoke and vape, especially kids since they are so young and it will hurt them early on if they vape at such a young age. I believe flavored tobacco products are targeting kids because kids love to have flavored things and will enjoy things if they are their favorite flavors. These flavors are often fruity and named in a way where it targets kids like a bubblegum flavor for example.

Impacts of nicotine addiction that I see is wasting a lot of money and time doing these products that have nicotine in them. I know a few people who have been addicted to vapes and cigarettes often starting with products that have a flavor in them. Their addiction has impacted them and others around by often not being able to go over 20 minutes without hitting their vape again and they often begin to cough a lot.

I'm in support of HB756 because that is in the step of finally working towards becoming a tobacco free generation.

Kaulana Kraan
Aiea

Aloha Chair Takayama, Vice Chair Sue Keohokapu-Lee Loy, and Members of the Committee on Health.

I strongly support **HB756**.

In my middle school, I haven't seen but I heard from some friends about their classmates going in the bathrooms during class and vaping with stuff they somehow got their hands on. Flavors is what is pulling kids to vape more because both the feeling of vaping and the taste is probably more enjoyable than tasting smoke.

Please end the sale of flavored tobacco products to help protect people from vapes.

Mahina
Maui

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on
Health

I support HB756.

Some of the impacts of nicotine addiction that I see in the students are hiding in the bathroom to do vape, overall making the bathrooms an unsafe space. I have a friend who did not like the idea of going to the bathroom alone. At the time I could just laugh as a friend but in hindsight the overall stigma and stereotypes of youth using these types of things likely made him feel unsafe. We all deserve to feel safe in our communities and should not feel like we can't enter certain spaces.

This is especially happening to kids because of flavors. It's disgusting how companies are masking vapes under the guise of different flavors, pushing the notion that vapes are a treat akin to candy, with candy/treats being desirable for kids. It is a decision very clearly being done to target children, who are very vulnerable. It's one more thing to trap them into trying it just once to see what the flavors all about, in an addiction that only benefits the companies who market them.

Even if it makes my friends feel unsafe, I believe it's unfair to punish the youth of our age for getting addicted to a substance that they were being subconsciously and maliciously drawn to by big companies. Of course it's not appropriate to vape in class, but we should definitely have help rather than bring down the mindset.

Logan Ortogero
Kahului

Chair Gregg Takayama
Vice Chair Sue Keohokapu-Lee Loy
Members of the Committee on Health

I **strongly support HB756**, with the goal of ending the harmful sale of flavored tobacco products.

Flavored tobacco products are targeted towards kids. Products often have colorful, eye-catching packaging that resembles candy or snacks, making them more appealing to younger consumers. Flavors often have names that are incredibly vibrant and fun, which can sound appealing to many children. Teens may think that the minty cooling flavor of menthol is less harmful and forgiving than regular tobacco products. However, this is not the case. Vaping in youth has become a massive problem that is affecting the community and that is due to how flavor tobacco is being targeted to us youth.

I believe flavored tobacco products are a direct threat to my health and the health of my peers. I ask you to act now by banning these products and restoring local governments' authority to regulate tobacco, ensuring a safer future for all of us.

Louis Taguchi

Honolulu

January 20th 2025

Aloha Chair Gregg Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health

I strongly support **HB756** because of the impact I am seeing it has on my friends, community, and youth.

One personal experience is my close college friend vapes and she started with flavored disposable vapes. Whenever she is anxious, she reaches for her vape even though she knows it's not actually helping her in any way. She has recently started smoking menthol cigarettes as well, furthering her nicotine addiction. I am concerned because she now uses both vapes and cigarettes, and I believe this would not have happened if menthol flavors had not been added to tobacco products. She hates the smell of straight tobacco, so had flavors not been added, she probably wouldn't smoke at all.

Flavored tobacco products, especially menthol, must be banned as it is another avenue for youth to become addicted. My close friend, like many others, was first drawn to vaping because of the flavored options, and now that addiction has progressed to smoking cigarettes. The addition of menthol flavors to cigarettes has only made the transition easier for her.

What's also troubling is that she often asks to vape in a car, spreading chemicals around through secondhand smoke. This has the potential to harm others around her, particularly when it comes to children or non-smokers. This is a serious concern that our local governments should address.

Counties should be able to regulate tobacco sales. Our county government already assists with everyday issues like filling a pothole or fixing broken park equipment. It is clear that flavored tobacco products are a daily issue for many youth, and our City Council should be able to help us address that problem as well.

Thank you for considering this important issue.

Theresa Ng
Honolulu

Chair Gregg Takayama
Vice Chair Sue Keohokapu-Lee Loy
Members of the Committee on Health

I strongly support HB756 so that we can end the youth vaping epidemic.

I do not know anyone personally who has become addicted to tobacco products, but I have seen many others in my community and in my school who are constantly craving for the next hit of their vape or waiting for the next moment they can smoke. In school, some students have become so addicted that they smoke in the classrooms and bathrooms because they can't fight their addiction. It makes others around them uncomfortable and puts the individual facing the addiction in a position where they can get in trouble if they haven't already. It affects so many aspects of their lives. Students become so focused on the next time they'll be able to smoke that they stop focusing on their education. Oftentimes, these people with addictions are trying to cope with issues they already have, and smoking only amplifies their issues, creating disorder in their lives. They don't focus on what's important for their success and focus on their addiction instead.

Flavors hook kids. Tobacco companies don't care what happens to their consumers as long as they are able to make money. Kids are easily influenced and nicotine addiction only keeps these kids coming back for more, keeping tobacco companies running. Menthol flavors are appealing to kids. A kid most likely wouldn't want to smoke something that is flavorless and "boring." But when colors and flavors are added to these products, kids will want to participate. Penalizing instead of offering support and counseling for youths struggling with addiction can only add to the negative emotions they are already feeling dealing with their addiction. Penalties may only draw them closer to their addiction rather than leaving it behind.

I have a history of smoking in my family, and it has caused me to lose important people in my life sooner than expected. Smoking isn't the solution to struggles and hardship in life, and only amplifies those negative feelings. After my dad came back from war, he smoked almost every day to cope with the trauma he had faced, but he realized that if he continued to use smoking as a way to cope with his struggles, he wouldn't be able to be around long enough to raise his 4 daughters and maintain a strong family relationship with us.

Addison
Aiea

Chair Takayama
Vice Chair Keohokapu-Lee Loy
Members of the Committee on Health

I'm in full **support of HB756**. It's something that will really make a difference.

Even though I never tried to vape or smoke, I did have friends around me who vape or smoke. Most of the people that I see that take usage do start to care less about their academics, clubs, and sport. The parents relationship is also deteriorated but depending on the friends they are around with, it seems like it doesn't affect it. It is being advertised as being a healthier option to smoking real cigarettes. However, vaping is definitely more dangerous as it contains more nicotine than the normal cigarettes.

Flavors make it easier to start smoking but harder to quit so it can have a negative influence on teenagers in Hawaii. We should definitely stop anything that contains a harmful dose of nicotine.

Instead of punishing kids for getting hooked on vapes, there should be some kind of reinforcement to prevent more tobacco use. We should ban flavored tobacco so kids will not be exposed to harmful doses of nicotine.

Darren
Aiea

Chair Gregg Takayama
Vice Chair Sue Keohokapu-Lee Loy
Members of the Committee on Health

I support HB756 because it will cause meaningful change.

One personal experience I have had is my friend is addicted to vaping, they started vaping a peach ice vape. Their addiction has impacted them because she started getting more headaches and started to feel sick more often. She would never leave anywhere without her vape. We were very close but when she started vaping and using her vape often she started to become grumpy and put in a not so good mood. We would talk less and less and then later on we stopped being friends and our friendship was over because of a vape.

The impact of nicotine addiction I see in students at my school is they have a harder time focusing and learning in class. Vaping is definitely affecting their academics for the peers in my community. But I don't think there should be youth penalties because it is not fair since they are targeting kids with all the fruity flavors.

I believe flavored tobacco products are targeting kids, for example they promote the different kinds of fruity flavors. Also, it's important to me that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because it makes the product look better and look like it tastes good.

Sayde
Ewa Beach

Chair: Representative Takayama
Vice Chair: Representative Keohokapu-Lee Loy
Members of the Committee on Health

I support HB756 because I do know people that have become addicted to tobacco products. I believe that they did start with flavored products. Their addictions kinda lead to a snowball effect, once they started doing it then other people around them started to do it too. Vaping has affected some of my old friends because they had become so reliant on vapes that they would become extremely mad and even unpleasant to be around because of the fact that all they could think about was vaping. It had affected there schoolwork and there personal life a tremendous amount.

Some impacts of nicotine addiction that I see in students are they are extremely dependent on vape, and this makes them miss class time since they are always in the bathroom smoking. In turn, leading them to have diminished grades because they are missing class. In sports, they become out of breath extremely easy and sometimes have trouble breathing. Sometimes it puts strain on our friendship because I don't wanna be around them when they do it.

This is important to focus on because flavored tobacco products are targeting kids because some ads are very colorful and kinda glorify vaping. That is the reason why I believe youth penalties shouldn't be included because sometimes kids make bad decisions and they regret it but they are so addicted that even if they tried to stop they couldn't. So punishing them for one mistake could lead them to just giving up on trying to be better. Also, sometimes kids fall to peer pressure which would be unfair to the kids that were forced to do it.

Please ensure us youth are safe by working to end the sale of flavored tobacco.

Braxton
Waipahu

2025 January 27

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health,

I support HB756 because flavored tobacco products have had negative effects on people that I know.

I believe flavored tobacco products target kids because of the way they name the flavors of vapes. I have heard flavors like "Candy" or "Cotton Candy," which I believe could arouse the curiosity of the youth. I know multiple people, from my middle school to now as a high school student, who had and is still vaping. The only vape I had seen them with are flavored. It has affected others because I saw some friends who started to follow their bad habits.

In my personal experience of how tobacco products left a negative impact in my life, friendships I used to hold onto so dearly are broken because I chose not to follow their bad habits which lead to them thinking they needed a different friend group.

Nicotine addiction has a negative mark on my school community, those who vape or had used a vape seemed to always decline on their academics. I believe menthol flavors could be the reason why nicotine addiction is much higher than it needs to be, people I know seem to always use flavored vapes and never a bland or plain vape. That is why we need to end the sale of flavored tobacco products.

Clark Rivera
Aiea

01/28/2025

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health,

I **fully support HB756** and hope to see that we can end the sale of flavored tobacco this legislative session.

Many of my family members are heavily addicted to cigarettes and vapes, which has become a daily habit for them. Initially beginning with flavored products, they are now hooked on it and have not been able to quit despite numerous attempts. Their addiction has drastically impacted their life and our family as they consistently use their products. Sadly, this story is not unique, as many others, especially young people, have fallen into the same cycle.

At our school, a large number of students are addicted to nicotine products, finding themselves using them daily. They leave class to use them and become more hooked the longer they use them. This addiction leads to constant agitation and an increasing dependency on these products, which heavily impacts their studies and futures. The prevalence of nicotine use among youth is alarming, and we must acknowledge the significant role flavored tobacco products play in this epidemic.

Flavored tobacco products clearly target youth through their marketing and product design. The use of fruity, candy-like, and dessert flavors appeals to younger demographics, making these products more enticing and masking the harshness of tobacco. For instance, flavors like "bubblegum," "blue raspberry," and "cotton candy" directly mimic the flavors of popular childhood treats. Advertisements often feature bright, playful colors and sleek packaging, resembling products meant for children rather than adults. This clever marketing only exacerbates the problem, drawing in more vulnerable individuals, especially teens.

In addition to the fruity flavors, menthol flavors should also be included in the ban because they are particularly harmful. Menthol's ability to mask the harshness of tobacco makes it easier for individuals, especially young people, to start smoking and much harder to quit. It enhances nicotine addiction and disproportionately affects youth and marginalized communities. Excluding menthol from the ban creates a loophole that perpetuates addiction and undermines public health efforts. Protecting all individuals, especially young people, requires a comprehensive ban on all flavored products, including menthol.

Many of my peers in high school have fallen into vaping, often due to the perceived harmlessness of flavored e-cigarettes. One particular friend started using mango-flavored vapes because it "tasted good" and didn't seem dangerous. Over time, their usage escalated, impacting their health and focus at school. They struggled with withdrawal symptoms when trying to quit, highlighting how addictive these products can be. Witnessing how a seemingly innocent habit turned into a dependency has only strengthened my belief that stricter regulations are necessary to prevent youth from becoming victims of nicotine addiction.

Finally, youth penalties should not be included in tobacco regulation bills, as they shift the responsibility away from the tobacco industry and onto the youth—many of whom are simply victims of targeted marketing and peer pressure. Penalizing youth discourages them from seeking help for their addiction and creates stigma, rather than addressing the root causes of the problem. Effective regulation should focus on holding tobacco companies accountable, providing education and support for young people, and

prioritizing prevention and rehabilitation over punishment. The goal should be to break the cycle of addiction and protect future generations from the harmful effects of tobacco.

Ciana Cooper
Kihei

Chair- Representative Takayama
Vice Chair- Representative Keohokapu-Lee Loy
Members of the Committee on Health

I am writing in **support of HB756**. Tobacco is the leading cause of preventable death in the world. Ending the sale of flavored tobacco products would help change this.

A personal story I want to share is that my brother once had an addiction to nicotine in the form of a vape pen, mistaking it for something else. Like many others, he started with a flavored product. This addiction made him more aggressive, especially around me, as I was a consistent witness to his use of it. I often considered telling our parents, but I assumed he knew the consequences and continued anyway, driven by his addiction.

I frequently see kids sneaking away to get a hit, whether it's outside or even during class. Not all of them have poor academic performance, but that is more the exception than the rule—most of them do struggle academically. While I can't speak to how nicotine affects students in sports, I have seen many ads about it on YouTube. I don't often pay much attention to other students who use nicotine products or their relationships with others, but, like my brother, aggressiveness is certainly a common trait.

The presence of nicotine ads is undeniable. I've seen countless ads put out by resellers of nicotine products, often on social media—platforms that are deeply embedded in the lives of my generation. While I wouldn't necessarily blame individual businesses for targeting children, resellers play a significant role in the promotion of these products, and they still fall under the broader nicotine industry.

Menthol in certain products can make them more appealing or presentable, potentially drawing more people in. When marketed as something that makes it "easier" to use, menthol products could definitely attract younger children—whether they're curious about the world around them or already using nicotine products. This targeted appeal can be especially dangerous.

Though I have never used a tobacco or nicotine product myself, I have witnessed its effects on others. I personally can tolerate the choices people make, understanding that everyone has the right to make their own decisions. However, with that freedom, people often make choices they later regret. I've had to sever ties with people I thought were good friends.

Let's end the sale of flavored tobacco products so that we do not have to deal with all of these issues.

CJ
Aiea

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee,

I am in strong **support of passing HB756.**

The impact of nicotine addiction that I see in the students at my school and in my community is that they can't go long without nicotine in their hands. While it doesn't seem to affect their academics directly, it definitely affects their participation in sports. Smokers especially have a hard time breathing, which makes it much more difficult for them to perform in high-energy activities like sports.

Personally, I know many individuals who are addicted to tobacco products. Some of them started with flavored products, and I believe that's where the addiction begins. Others started smoking cigarettes at a young age, even as early as 13. Their addiction has caused a range of health issues, from breathing problems to, in some cases, even death.

I believe flavored tobacco products are specifically targeting kids. The way they're advertised makes them look cool and appealing. Although I haven't personally seen these ads, when I was working on my Girl Scout project to end vaping, I did a lot of research and found that these ads are designed to attract young people. The only tobacco-related ads I've seen lately are from survivors of smoking who regret their decision. These ads highlight why it's not worth smoking away your life, literally.

In my own life, many people I know smoke and vape. I always tell them that they shouldn't be using these products because of the damage they're doing to their bodies. Seeing the negative effects of addiction in people close to me has taught me to avoid tobacco products and to never go down that path because of the serious consequences.

Youth penalties should not be included in any tobacco regulation bills because it wouldn't be fair to target kids. Instead, the focus should be on getting rid of flavored tobacco products. By eliminating these flavors, we can prevent youth from starting to vape, getting hooked, or becoming addicted to tobacco in the first place.

Jordan Lopez

Aiea

Chair Takayama
Vice Chair Keohokapu-Lee Loy
Members of the Committee on Health

I am testifying in strong support of HB756 because I know someone who became addicted to tobacco products, and they started with a flavored product. Their addiction impacted everyone around them because we were all concerned about how it could affect their future.

Nicotine use is very common in our community, and many people can't go too long without using it. Some students feel the urge to use nicotine during school, which distracts them from their learning. Additionally, nicotine use has a clear impact on participation in sports, as it affects the respiratory system, making physical activity more difficult. On top of that, these addictions can negatively affect relationships with family and friends. People worry about their loved ones, and the user's mood is often influenced by their addiction.

I've also seen many advertisements that clearly target kids. The flavored products they advertise are made to be appealing to a younger audience, and I've noticed that many ads use cartoons to promote these products, making it seem like using them is "cool."

Banning these flavored products is essential for the future. If so many young people are using them now, and influencing others to do the same, the long-term impact could be devastating. Once you start, it becomes much harder to quit, and that's something we need to prevent.

Alyssa Duro
Aiea

Chair Takayama
Vice Chair Keohokapu-Lee Loy
Members of the Committee

I am testifying in strong support of HB756.

I have seen firsthand how nicotine addiction affects people around me, including friends and family. The most notable case is my dad, who became addicted to smoking cigarettes. Doctors had recommended vapes as a “healthier” alternative, but now he’s just as dependent on his vape as he was on cigarettes. It’s like replacing one addiction with another, and it still has a negative impact on his overall health. Nicotine addiction also affects students in our school, causing many to skip classes or lose focus during lessons because they feel the constant need to take a hit. Despite our school’s ban on vaping, bathrooms still reek of artificial flavors, and we can’t fully stop the presence of vaping on campus. This is a clear sign that more needs to be done to address the issue.

Flavored tobacco products, in particular, are clearly targeting kids. The artificial flavors used—like those found in ice cream or candy—are designed to be appealing to my generation, making it seem like a fun or harmless activity. On top of that, these products are so easily obtainable for kids my age. Many never feel that purchasing them is wrong, and it’s not hard for them to find a way to get their hands on them. This is why I believe it’s so important to restrict the sale of flavored tobacco products. Eliminating these flavors removes a huge selling point that draws in young people. Without the appeal of sweet or fruity flavors, many of my peers may not be as easily influenced to try vaping, which could prevent addiction before it even starts.

Merry Lorhynne
Aiea

Chair Gregg Takayama
Vice Chair Sue Keohokapu-Lee Loy
& Members of the Committee on Health

My name is Lillian Chau, a Sophomore attending Maui High School. I am writing to express my **strong support for HB756**. As a student pursuing the medical field and an active member of HOSA - Future Health Professionals, an organization that aims to empower individuals to become leaders in the global health community through education, collaboration and experience, I believe this bill is an important step towards protecting our youth from the dangers of nicotine addiction.

Flavored tobacco products, like e-cigarettes and menthol cigarettes, are specifically designed to attract young people. The sweet and fruity flavors mask the harsh taste of tobacco, making it easier for kids and teens to start using these products. The evidence is clear: By targeting young people with sweet, fruity, and minty flavors, the tobacco industry has effectively created a new generation of nicotine users, many of whom will face long-term health consequences as a result.

As a student, I have experienced first hand how the addiction of nicotine spreads throughout my peers. It starts with one student and by the end of the day, at least 2-4 students are asking to hit that same vape. Once addicted, it can be very hard to quit, which could affect their health, academic performance, and long-term well-being.

We have the power to make a real difference for the future of Maui. By supporting HB756, our youth can be protected from the harmful effects of tobacco and allow for our community to be in a healthier state. I truly believe this is an important step towards a brighter future, and I hope you will vote in favor of it.

Thank you for your time and consideration,

Mahalo,
Lillian Chau
Maui High School

Chair Representative Takayama
Vice Chair Representative Keohokapu-Lee Loy
Members on the Committee of Health

I am in **support of HB 756** due to the rise of youth nicotine addiction generally caused by the increased use of e-cigarette usage. Hawaii has made great strides to attempt to decrease the numbers by increasing the age of tobacco products to 21 years old and smoke-free car rides while keiki are present. As a recent college graduate, I've seen my peers fall victim to the appealing advertisement and usage of tobacco products, specifically the uprising of vape products like juul, elfbar, and many other products that are rapidly appearing. Hawaii's great efforts to reduce the usage and demand of tobacco products that have greatly affected my family, friends, and community can continue.

Together it is our kuleana to improve public health in our community by restoring county authority to regulate the sale of tobacco products.

Alexis Cortes-Swanson

Aiea

1/27/2025

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health,

I support HB756 and end the sale of flavored tobacco and prevent further harm to the youth that it has already affected.

There is no reason for a flavored tobacco product to be marketed as 'cotton candy' or 'bubble gum' when loli-pops and jelly beans, which are always directed towards children, have upheld that flavor to be of innocent reputation.

A personal story due to tobacco products is that I have a strained relationship with my uncle who has been a smoker for years, ever since I've known him really. When our family tried giving him a fresh start here on Hawai'i, with a promise that he'd quit, it wasn't easy figuring out that he hadn't exactly dropped the addiction, especially since my brother is a severe asthmatic. Many of my friendly relationships have been stained with the knowledge that my friends had fallen for this flavored-death gimmick because of how my uncle shaped my viewpoint on tobacco products. One example is one friend of mine was having a difficult time that she turned to vapes for comfort. I've only seen her at her lowest right when I think she's looking up. She's been missing school as her relationship with family and friends are impacted as well.

I do not want to see any more of my peers, family members, or friends suffer from the tobacco industry. It is time for a flavor ban.

Jazmine

Waipahu

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee,

My name is Kaila'i a middle school student at Kamehameha Schools. I have seen that vaping is a problem in the community. For example I have seen family members smoke cigarettes and then transition to vaping. That has affected the person's mentality and the other people around them. Even when I was in elementary there were people who would vape and do that kinds of stuff and it would really effect their relationships. I think kids are easily influenced by some kids in their life because I have heard about people getting vapes and inviting people in the bathroom to vape with them. I think that if these vapes had no flavor nobody would buy them and that is why **I support HB756.**

Kaila'i

Wailuku

Chair Gregg Takayama, Vice Chair Sue Keohokapu-Lee Loy, and Members of the Committee on Health,

I support HB756 because I know people that have become addicted to tobacco and have started with a flavored product. In response, this has caused them to become very moody. It has also affected them emotionally and with their relationships with others.

The way that companies have been able to target kids is through advertisements with flavors that attract kids. Kids have been victim to harmful tobacco marketing. It encourages youth to try flavors and menthol products because it masks the harsh flavor of tobacco.

A personal experience I want to share is my sister is currently or used to be an cigarette user. This has caused her to be very angry and short tempered. I am sure that vaping was a coping mechanism. This is not healthy and I hope she finds the help that she needs.

I'm proud to support HB756, which seeks to end the sale of flavored tobacco.

Holly Taguma
Lihue

Chair Gregg Takayama
Vice Chair Sue Keohokapu-Lee Loy
Members of the Committee on Health

I support **HB756**. It's time for the state to take action and finally end the sale of flavored tobacco that is targeting us kids.

The reason I think we need the ban is because at my school, I see a lot of students who use nicotine almost daily. These are the type of students you see wanting to use the bathroom during class and they are skipping the period. I'm sure their grades are impacted by the way they choose to spend their time.

If we were to pass this bill, it would create a healthier world and allow students not to be corrupted or peer pressured. Just seeing those around me use tobacco products makes me feel uneasy... especially when it comes to second hand vape. I feel in danger just being around those who use it, even though I'm not the one using the product.

Kelsy K.
Kaneohe

Chair Gregg Takayama, Vice Chair Sue Keohokapu-Lee Loy, and Members of the Committee on Health,

I've seen that nicotine can cause a lot of my friends to become more short tempered and angry whenever they don't have their vape/cigarette. That is why I **support HB756**.

It has affected my community. For example, a couple of my friends liked to vape/smoke and they were introduced to it by other influences such as their own friends or family. I'm unsure if they started with a flavored product but they're addiction had them always wanting to vape/smoke whenever they could.

I've also seen multiple people that are my age selling vapes and flavored tobacco products online or during school/letting people borrow their products.

It is a really big problem and the solution is easy, end the sale of flavored tobacco products.

Kimiyo
Ewa Beach

1/27/2025

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health,

I support **HB756** because every single day I see people who are vaping or smoking every single day because of a simple problem that we have in this world. This problem started in the 1900's where adults would start smoking tobacco which contained nicotine, this became an influence to the next generation and further on until people were having problems with their health.

So people started to look for an alternative which started the creation of the vape. This was supposed to be a healthier alternative to smoking tobacco. But later in the future, vaping became a health hazard not a healthier alternative. Then adults would vape in front of their kids, which would make them interested, making the kids steal or even illegally buy vapes and try it. Now kids these days would just vape and try to hide them and not tell a trusted adult or someone about their problem but instead they get hooked to something that is the most lethal way to die.

I know a bunch of people who smoke or vape. I even have some people that are close to me who vape in the same car or room as me and I hate it with a passion and I want them to stop and throw the vape away. Others get peer-pressured to just try it once but this could ruin a life for good. This is probably the worst way to die or live, since if you have to, have a tube in your throat for someone to breathe.

Royce Takara
Honolulu

Chair Takayama

Vice Chair Keohokapu-Lee Loy

Members of the Committee

I strongly believe that youth vaping must be stopped, that is why I **support HB756**. Think about it if a youth, someone like 15 or 16 years old, is vaping. That can lead to really bad consequences. Not only that, but vaping makes it harder for you to breathe too, which leads to worsened performance in sports. So many athletes have the talent and potential to excel in their sport, from football to basketball to track, but are held back by their vaping addiction.

I've seen the effects of nicotine addiction in my peers and there needs to be actions taken so that they are not affected anymore.

Derrick U.

Aiea

Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Members of the Committee on Health,

Smoking has really affected my family. My grandparents smoked for most of their lives, and it hurt their health. My dad, who was around them a lot, developed asthma. He had trouble breathing and needed medicine to help. This is one of the many effects of secondhand smoking. It has caused most of my family down the line to get asthma, like me. This is the reason that I **support HB756**.

Joshua M.
Honolulu

HB-756

Submitted on: 1/29/2025 5:59:48 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Molly Mamaril	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Health,

My name is Molly Mamaril and I am writing in strong support HB 756 to end the sale of flavored tobacco products. This is important for public health, especially relating to Hawai‘i youth, for the following reasons:

Flavors attract young users, while nicotine keeps them addicted. In 2020, 8 in 10 youth e-cigarette users reported using flavored products, up from 7 in 10 the previous year (National Youth Tobacco Survey). Ending flavored tobacco sales will make these products less appealing and help protect our youth.

Menthol is just as harmful as other flavors, masking tobacco’s harshness and making it easier to start and harder to quit. To protect our keiki and reduce tobacco harm, we must include menthol in this ban.

Ending flavored tobacco sales will also promote health equity. The tobacco industry has targeted youth and communities of color with menthol products, leading to higher usage rates. In Hawai‘i, 70.5% of adult smokers use menthol cigarettes (Hawai‘i BRFSS, 2021). Native Hawaiian youth have the highest e-cigarette use rates (33.3%), followed by other Pacific Islanders (27.9%).

Mahalo for your consideration,

Molly Mamaril

References:

1. CDC. “National Youth Tobacco Survey (NYTS).” *Smoking and Tobacco Use*, 2019, www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm.
2. “Hawai‘i IBIS – Query Result – Hawaii’s Behavioral Risk Factor Surveillance System (BRFSS) Data – Cigarettes – Usually Smoke Menthol.” *Hhdw.org*, 2021, hhdw.org/report/query/result/brfss/SmokeMenthol/SmokeMentholCrude11_.html. Accessed 26 Jan. 2024.

3. “Hawai‘i IBIS – Summary Health Indicator Report – E-Cigarettes – Current Smoking, High School.” *Hhdw.org*, 30 Mar. 2023, hhdw.org/report/indicator/summary/VaporCurr_HS.html. Accessed 26 Jan. 2024.

HB-756

Submitted on: 1/29/2025 6:41:59 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

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

Comments:

Strong support. Thank you.

HB-756

Submitted on: 1/29/2025 8:02:56 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
David Ball	Individual	Support	Written Testimony Only

Comments:

Dear Chair Takayama, Vice-Chair Keohokapu-Lee Loy, and members of the committee,

For too long, flavored vapes have been marketed to children, resulting in alarming addiction statistics that imperil Hawaii's future. Please vote for common sense measures to prohibit the selling of these products and their marketing to our youth. As an educator and a parent, I urge you to value the health and well-being of Hawaii's keiki above the sway of powerful tobacco lobbyists. Thank you for your time and consideration.

With aloha,

Dave Ball, Waiialae-Kahala

HB-756

Submitted on: 1/29/2025 8:24:23 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
MaKayla Marquez	Individual	Support	Written Testimony Only

Comments:

Growing up in a community where vaping and smoking were seen as "cool" and an easy way to fit in, I witnessed firsthand the subtle but powerful way flavored tobacco products formed unhealthy addictions among my peers. From the sweet allure of mango, cotton candy, and strawberry to the promise of social acceptance, these products quickly became significant to many kids lives. Yet, as peer pressure increased, I stood on the sidelines confused and concerned. Watching as my friends fell into unhealthy habits seemingly impossible to break, friends fading and turning into unrecognizable people. Their focuses shifting from academics and personal growth to deepening addiction. As I grew older, I realized the devastating impact of flavored tobacco products. Vaping was no longer a trend but a gateway to addiction and destroyed lives. It wasn't just nicotine that made it so dangerous- it was the way it took away one's ability to make clear conscious decisions. I became disturbed by the fact that these addictive substances were being marketed to minors, hidden by kid-friendly flavors and colors, effectively normalizing addiction to an entire generation. However, in 2022 an opportunity presented itself: Hawai'i House Bill 2457 sought to ban the sale of flavored tobacco products to minors. Forming a crucial moment to bring attention to a problem that was all too familiar to me. This bill had become more than a piece of legislation- it represented a chance to protect future generations from the harms of E-cigarettes. I realized that change within the world did not come from politicians alone but from those who, like me, desired change and did something to form it. I began educating myself about the bill and reaching out to organizations like the American Lung Association, and engaging in conversations that allowed me to understand and view others' experiences and perspectives towards vaping. It took time but I finally spoke to my friends, hoping to help them see the dangers they either ignored or didn't see. Some were hesitant, while others listened, showing them that this was never judgment or condemnation but empathy, a way out, a way to feel cared for without destroying their bodies. The process wasn't easy, but as more people grew conscious of their decisions they joined the conversations, shifting perspectives. It no longer was simply banning flavored tobacco products- it was helping kids make choices, giving them tools to fight and stand up to peer pressure. Change doesn't always come from the loudest voices or the most dramatic actions, sometimes it's the quiet conversations, grounded in a desire for better futures, that have the most lasting effects.

HB-756

Submitted on: 1/29/2025 8:43:12 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Cortney Midla	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support HB 756 to end the sale of flavored tobacco products.

Mahalo,

Cortney Midla

HB-756

Submitted on: 1/29/2025 10:23:04 PM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Members,

This proposed legislation is overly paternalistic and smacks of social control. More nicotine regulations won't end a vice some adult citizens choose to indulge in. While I understand the good natured and good faith effort to some to further reduce these harms, I do not believe this is the best way to go about this.

I strongly urge this Committee to REJECT this bill!

Luke Itomura

January 31, 2025

House Committee on Health

TESTIMONY IN STRONG SUPPORT OF HB756

Aloha Chair Gregg Takayama, Vice Chair Sue L. Keohokapu-Lee Loy, and members of the Committee on Health,



Photo of Collected Vapes from Schools Across Hawaii

Thank you for the opportunity to submit testimony in **strong support of HB756**. I am Luke Itomura, a sophomore at Punahou School. Today, I stand alongside numerous Hawaii youth united against the alarming youth flavored vaping epidemic that threatens our health and future. We collectively believe that passing this legislation is an essential step in protecting the health and future of the youth.

At just 13 years old, I was offered a flavored vape by another youth for the first time. This youth smoker used many tactics to peer pressure me into trying it. Their main tactic was telling me it was a delicious Hawaiian Sun flavor; a local favorite. At that moment, I realized how easy it is to fall for the appeal of flavored vapes. My friends in the sixth grade had also mentioned that they were offered flavored vapes. For people as young as twelve, flavors like watermelon or Jolly Rancher are an enticing death trap. What starts as innocent curiosity can turn into a lifelong addiction filled with lung cancer, strokes, heart disease, and countless other diseases. There is no other product on the market that kills up to 50% of its users who don't quit ([WHO](#)).

Past precedent proves that **bills that end the sale of flavored tobacco are effective**. A study published in JAMA Network evaluating statewide restrictions on flavored e-cigarette sales in the US from 2014 to 2020 found that statewide restrictions were associated with reductions of 25.01% to 31.26% in total e-cigarette unit sales compared to states without restrictions ([Ali et al. 2022](#)). Thus, it is clear that similar results will yield from the passage of HB756, protecting our innocent keiki from Big Tobacco

Many opposers bring up the argument that Hawaii would lose tax revenue by ending the sale of flavored tobacco products. However, the full picture must be taken into account. The reality is that while the state would likely see a reduction of tax revenue in the short term, **long-term cost savings would be substantial**. A report by the Campaign for Tobacco-Free Kids ([CTFK](#)) found the following:

Annual healthcare costs in Hawaii directly caused by smoking	\$611 million
Medicaid costs caused by smoking in Hawaii	\$152.3 million
Residents' state & federal tax burden from smoking-caused government expenditures	\$955 per household
Smoking-caused productivity losses in Hawaii (from smoking-caused premature death and illness that prevent people from working)	\$1.1 billion

By passing HB756, Hawaii can reduce these costs, thereby saving more in the long run. A study by Stanford University shows that Hawaii can expect these savings: it found that prohibiting flavored tobacco leads to savings in healthcare expenses and increased labor productivity ([Proctor 2013](#)). **84% of Hawaii registered voters support ending the sale of flavored tobacco products**, justifying that this is a highly wanted policy ([Ward Research](#)).

Flavored tobacco has no place in the hands of the youth. Passing HB756 is the first step in securing a tobacco-free future.

Thank you for your time.

Mahalo,

Luke Itomura

HB-756

Submitted on: 1/30/2025 7:46:58 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Janel Kamahele	Individual	Support	Written Testimony Only

Comments:

In our state, 13.2% of high school students and 10.3% of middle school students still report “current use” of e-cigarettes. With 8 in 10 kids starting with a flavored tobacco product, we need to prohibit the sale of flavors that are addicting our keiki. Please pass this bill to keep our children safe from the harm of the tobacco industry.

Janel K

Supporter of HB756

HB-756

Submitted on: 1/30/2025 8:57:19 AM

Testimony for HLT on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Makaiwi	Individual	Support	Written Testimony Only

Comments:

In Hawaii there are way too many youth currently reporting use of e-cigarettes. Many of them started with the use of flavored tobacco products and quickly became addicted. We need to stop the sale of flavored tobacco products in Hawaii. Please pass HB 756 to protect our keiki.

Thank you,

Donna M.