

STAND. COM. REP. NO.

159

Honolulu, Hawaii

FEB 05 , 2025

RE: H.B. No. 756
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Health, to which was referred H.B. No. 756
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale or
distribution of all flavored nicotine products, including products
with menthol, and prohibit the mislabeling of products as
nicotine-free.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Department of Health;
Hawaii State Council on Developmental Disabilities; Hawai'i Youth
Services Network; Hawaii Substance Abuse Coalition; Hina Mauka;
Keiki Injury Prevention Coalition; Coalition for a Tobacco-Free
Hawai'i Youth Council; Hawaii COPD Coalition; Hawai'i Primary Care
Association; Hawai'i Children's Action Network Speaks!; Coalition
for a Tobacco-Free Hawai'i; Campaign for Tobacco-Free Kids Hawaii;
Tobacco-Free Kids Action Fund; Kaiser Permanente Hawai'i; and
numerous individuals. Your Committee received testimony in
opposition to this measure from the Cigar Association of America,
Inc.; Americans for Tax Reform; ABC Stores; Marukin Market; China
Town Liquor; No. 1 Store; Discount Smoke Shop Hawaii; and two
individuals. Your Committee received comments on this measure
from the Tax Foundation and Reason Foundation.

2025-1300 HB756 HD1 HSCR HMSO



Your Committee finds that Hawaii's youth have been disproportionately affected by the nationwide vaping epidemic, with latest estimates showing e-cigarette use among high schoolers at 13.2 percent and 10.3 percent use among middle schoolers, a 6.7 percent increase from 2023. Your Committee further finds that more than eight out of ten youth e-cigarette and nicotine pouch users reported using flavored products, with fruit as the most common flavor, followed by candy, desserts or other sweets, mint, and menthol. For youth nicotine pouch users, mint was the most commonly used flavor, followed by fruit.

Your Committee believes that an expansive catalog of flavors is one of the main reasons why the use of tobacco and nicotine products and electronic smoking devices by Hawaii's youth continues to rise. Electronic smoking devices and flavored tobacco products offered in Hawaii include flavors and packaging designed to appeal to the State's youth, such as POG, shaka strawberry, luau punch, and lilikoi lychee. This measure seeks to address the youth vaping crisis by prohibiting the sale and distribution of all flavored nicotine products and mislabeling of products as nicotine-free.

Your Committee has amended this measure by:

- (1) Amending the definitions of "distinguishable", "electronic smoking device", "e-liquid", "flavored nicotine product", "nicotine product", "retailer", and "nicotine product retail location";
- (2) Inserting definitions for "inspector", "nicotine", and "nicotine product flavor enhancer";
- (3) Making it unlawful to sell nicotine product flavor enhancers as well as flavored nicotine products;
- (4) Clarifying that a statement or claim that a product is a flavored nicotine product includes any statements or claims made by an importer, a distributor, or a retailer, or their agents or employees, and any claims that the product has a minty or cooling effect;
- (5) Authorizing the Department of Health to amend interim rules;



- (6) Clarifying the Department of Health's ability to contract with third-party inspectors;
- (7) Changing the number of full-time equivalent positions to unspecified numbers;
- (8) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider appropriating funds for two full-time equivalent (2.0 FTE) program specialist positions and one full-time equivalent (1.0 FTE) hearings officer position.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 756, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 756, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Health,



GREGG TAKAYAMA, Chair



