

STAND. COM. REP. NO.

553

Honolulu, Hawaii

FEB 13 , 2025

RE: H.B. No. 756  
H.D. 2

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

Madame:

Your Committees on Consumer Protection & Commerce and  
Judiciary & Hawaiian Affairs, to which was referred H.B. No. 756,  
H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the sale, offer for sale, or possession with the intent to sell or offer for sale, of all flavored nicotine products and nicotine product flavor enhancers, including products with menthol;
- (2) Prohibit the mislabeling of e-liquid products as nicotine-free;
- (3) Authorize the Department of Health to appoint, commission, or contract for services of third-party inspectors to enforce the prohibitions; and
- (4) Establish positions and appropriate funds for those positions.

Your Committees received testimony in support of this measure from the Department of the Attorney General; Department of Health;

2025-1658 HB756 HD2 HSCR HMSO



Hawaii State Council on Developmental Disabilities; Hina Mauka; Hawaii Substance Abuse Coalition; Coalition for a Tobacco-Free Hawai'i Youth Council; Hawaii COPD Coalition; Hawai'i Public Health Association; Campaign for Tobacco-Free Kids; Tobacco-Free Kids Action Fund; Hawai'i - American Nurses Association; Hawai'i Youth Services Network; Hawai'i State Teachers Association; Coalition for a Tobacco-Free Hawai'i; Hawaii Dental Association; Hawaii Primary Care Association; University of Hawaii Student Health Advisory Council; Hawaii Association of Independent Schools; Hawai'i Health & Harm Reduction Center; Kaiser Permanente Hawai'i; American Lung Association; and numerous individuals. Your Committees received testimony in opposition to this measure from the Retain Merchants of Hawaii; ABC Stores; Japan Tobacco International U.S.A., Inc.; Americans for Tax Reform; Marukin Market; Hawaii Smokers Alliance; BMA Mart; Cigarettes and Things; Ewa Pantry; Cigar Association of America, Inc.; China Town Liquor; Wawa Market; R&K Grocery and Liquor; Kainehe Liquor; Kilani Market; S&K Wholesale; Nonstop Convenience; Kona Liquor Store; and five individuals. Your Committees received comments on this measure from Maui Youth and Family Services - Adolescent Treatment Team.

Your Committees find that the vaping crisis in the State has evolved and expanded to all adolescence age groups. Current use of e-cigarettes among high school youth is at 13.2 percent, while middle school e-cigarette use is at 10.3 percent. Furthermore, middle school e-cigarette use rose in several key indicators, including experimentation or ever use (12.8 percent to 16.9 percent), daily use (1.2 percent to 2 percent), and frequent use (1.8 percent to 2.7 percent).

Your Committees further find that an expansive catalog of flavors is one of the main reasons why the use of tobacco products and electronic smoking devices by youth continues to rise. Electronic smoking devices and flavored tobacco products have been glamorized and promoted in a manner to appeal to youth, using flavors like candy, fruit, Maui mango, and shaka strawberry. The majority of youth who use electronic smoking devices report using a flavored product. This measure seeks to address the youth tobacco and vaping crisis by prohibiting the sale and distribution of flavored tobacco products and mislabeling of e-liquid products and provides the Department of Health with the administrative authority needed to enforce this ban.

Your Committees have amended this measure by:



- (1) Clarifying that the disposal of electronic smoking devices and e-liquids as hazardous waste is done in accordance with rules adopted by the Department of Health pursuant to its authority to regulate the disposal of hazardous waste in the State;
- (2) Amending a cross reference to prevent the delegation of final decision-making authority to a contracted inspector; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committees respectfully request your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$1,000,000, 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 records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 756, H.D. 1, as amended herein, and recommend that it be referred to your Committee on Finance, in the form attached hereto as H.B. No. 756, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary & Hawaiian Affairs,



DAVID A. TARNAS, Chair



SCOT Z. MATAYOSHI, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <b>HB 756, HD1</b>	Committee Referral: <b>HLT, CPC/JHA, FIN</b>	Date: <b>2/7/25</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. MATAYOSHI, Scot Z. (C)	✓			
2. CHUN, Cory M. (VC)	✓			
3. ILAGAN, Greggor	✓			
4. ICHIYAMA, Linda				✓
5. IWAMOTO, Kim Coco				✓
6. KONG, Sam Satoru				✓
7. LOWEN, Nicole E.				✓
8. MARTEN, Lisa	✓			
9. TAM, Adrian K.	✓			
10. PIERICK, Elijah	✓			
TOTAL (10)	6			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee member(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				

HSCR 553

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB756 HD1	Committee Referral: HLT, CPC/JHA, FIN	Date: 02/07/2025		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au				✓
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.				✓
6. KAHALOA, Kirstin				✓
7. PERRUSO, Amy A.				✓
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.		✓		
TOTAL (11)	5	1		5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				