

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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 380, RELATING TO THE REGULATION OF TOBACCO PRODUCTS.

**BEFORE THE:**

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**DATE:** Wednesday, January 29, 2025      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 329

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

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Chair Matayoshi and Members of the Committee:

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

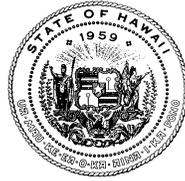
This bill would repeal the preemption on county ordinances that regulate the sale of tobacco products. Hawaii's youth has been disproportionately affected by the nationwide vaping epidemic, and the Department supports restoring the counties' authority to adopt more stringent ordinances to regulate these harmful and addictive products targeted at our youth.

The Department recommends adding a savings clause after section 2 (page 3, line 21) to read as follows:

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

(The current sections 3 and 4 (page 4, lines 1-3) will need to be renumbered accordingly.)

We respectfully ask the Committee to pass this bill with our recommended revision. Thank you for this opportunity to testify.



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. 380  
RELATING TO THE REGULATION OF TOBACCO PRODUCTS**

REPRESENTATIVE SCOT Z. MATAYOSHI, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: January 29, 2025

Room Number: Conference Room 329  
and Videoconference

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports House Bill 380 (H.B. 380)  
3 as a social justice and health equity measure to reestablish the legal authority of Hawaii's  
4 counties to enact policies that regulate the sale of cigarettes and tobacco products including  
5 electronic smoking devices (ESDs) that are more stringent than state law. H.B. 380 repeals  
6 existing law that preempts all local ordinances or regulations that regulate the sale of cigarettes  
7 and tobacco products including ESDs.

8 H.B. 380 would reinstate the authority that counties exercised to protect their  
9 communities prior to the 2018 legislative session that added Section 328J-11.5, HRS through [Act](#)  
10 [206, HB1895 CD1, 2018 Hawaii Session Laws \(HSL\)](#).

11 Geographic tobacco related disparities are a serious public health problem in Hawaii and  
12 innovative, community-based solutions are needed. While 10% of adults in the general  
13 population smoke, adults in Hawaii County have the highest prevalence of smoking at 13%.<sup>1</sup>  
14 Smoking rates within some communities are higher such as in Puna/Ka'u (19%) and

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<sup>1</sup> Hawaii 'i IBIS - Query Result—Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker. (2022) Retrieved January 27, 2025, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

1 Nanakuli/Wai‘anae (21%).<sup>2</sup> For young adults ages 18-24, Maui County had the highest current  
2 ESD use at 25% compared to Hawaii County (23%), Honolulu (21%) and Kauai (16%).<sup>3</sup>  
3 According to the 2023 Hawaii Youth Risk Behavior Survey results, Hawaii and Maui County  
4 high school youth reported current ESD use at 15%, compared to Kauai and Honolulu at 12%.<sup>4</sup>  
5 In 2023, while there was an uptick in middle school ESD use overall, Hawaii County middle  
6 schoolers still had the highest prevalence for all measures including ever (22%), current (14%),  
7 frequent (5%), and daily (4%) use.<sup>5,6,7,8</sup> Counties and communities are concerned over the  
8 continued marketing of tobacco products and want the ability to respond to pressing local needs,  
9 especially in jurisdictions that bear a greater burden of tobacco use.

10 According to Julie Aoki in the Journal of Law and Medical Ethics, “From a health equity  
11 standpoint, the use of local knowledge to forge community-specific solutions enables localities  
12 to employ a targeted approach to combat health disparities and ensue equitable access to better  
13 public health.”<sup>9</sup> Hawaii’s counties understand their youth and must be empowered to respond to  
14 policy requests from communities that are most affected.

15 Historically, local communities in Hawaii have been visionaries in adopting strong and  
16 innovative public health and tobacco control policies that changed social norms across the entire  
17 state. Smoke-free restaurants, worksites, beaches and parks, and automobiles with minors inside  
18 are examples of public health protective ordinances that were generated by counties. Hawaii’s

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<sup>2</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (2022) Retrieved January 27, 2025, from [https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11\\_.html](https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11_.html)

<sup>3</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current E-cig.* (2022) Retrieved January 27, 2025, from [https://hhdw.org/report/query/result/brfss/SmokeECigsCurr/SmokeECigsCurrCrude11\\_.html](https://hhdw.org/report/query/result/brfss/SmokeECigsCurr/SmokeECigsCurrCrude11_.html)

<sup>4</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level.* (2023.). Retrieved January 24, 2025, from [https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr\\_HS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_HS_CNTY.html)

<sup>5</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Ever use, Middle Schools, County-level.* (2023). Retrieved January 27, 2025, from [https://hhdw.org/report/query/result/yrbs/VaporEver/VaporEver\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporEver/VaporEver_MS_CNTY.html)

<sup>6</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level.* (2023.). Retrieved January 24, 2025, from [https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html)

<sup>7</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Frequent use, Middle Schools, County-level.* (2023). Retrieved January 27, 2025, from [https://hhdw.org/report/query/result/yrbs/VaporFreq/VaporFreq\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporFreq/VaporFreq_MS_CNTY.html)

<sup>8</sup> *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Daily use, Middle Schools, County-level.* (2023). Retrieved January 27, 2025, from [https://hhdw.org/report/query/result/yrbs/VaporDaily/VaporDaily\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporDaily/VaporDaily_MS_CNTY.html)

<sup>9</sup> Julie Ralston Aoki et al., *Maximizing Community Voices to Address Health Inequities: How the Law Hinders and Helps*, 45 J. Law Med. Ethics, 11 (2017)

1 landmark legislation, the Tobacco 21 Law (Act 122, 2015 HSL), was initially introduced and  
2 passed by the Hawaii County Council in 2014.

3           The DOH supports H.B. 380 as an important public health and social justice measure to  
4 support community-based innovations to protect and advance the health and opportunities for  
5 adults and keiki wherever they live in Hawaii.

6           Thank you for the opportunity to testify.

7 **Offered Amendments:** None

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Fern Holland  
Arryl Kaneshiro



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
Email: [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

January 27, 2025

**TESTIMONY OF ADDISON BULOSAN**  
**COUNCILMEMBER, KAUAI COUNTY COUNCIL**  
**ON**  
**HB 380, RELATING TO THE REGULATION OF TOBACCO PRODUCTS**  
**House Committee on Consumer Protection & Commerce**  
**Wednesday, January 29, 2024**  
**2:00 p.m.**  
**Conference Room 329**  
**Via Videoconference**

Dear Chair Matayoshi and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 380, Relating to the Regulation of Tobacco Products. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 380, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 380. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov).

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:mdt



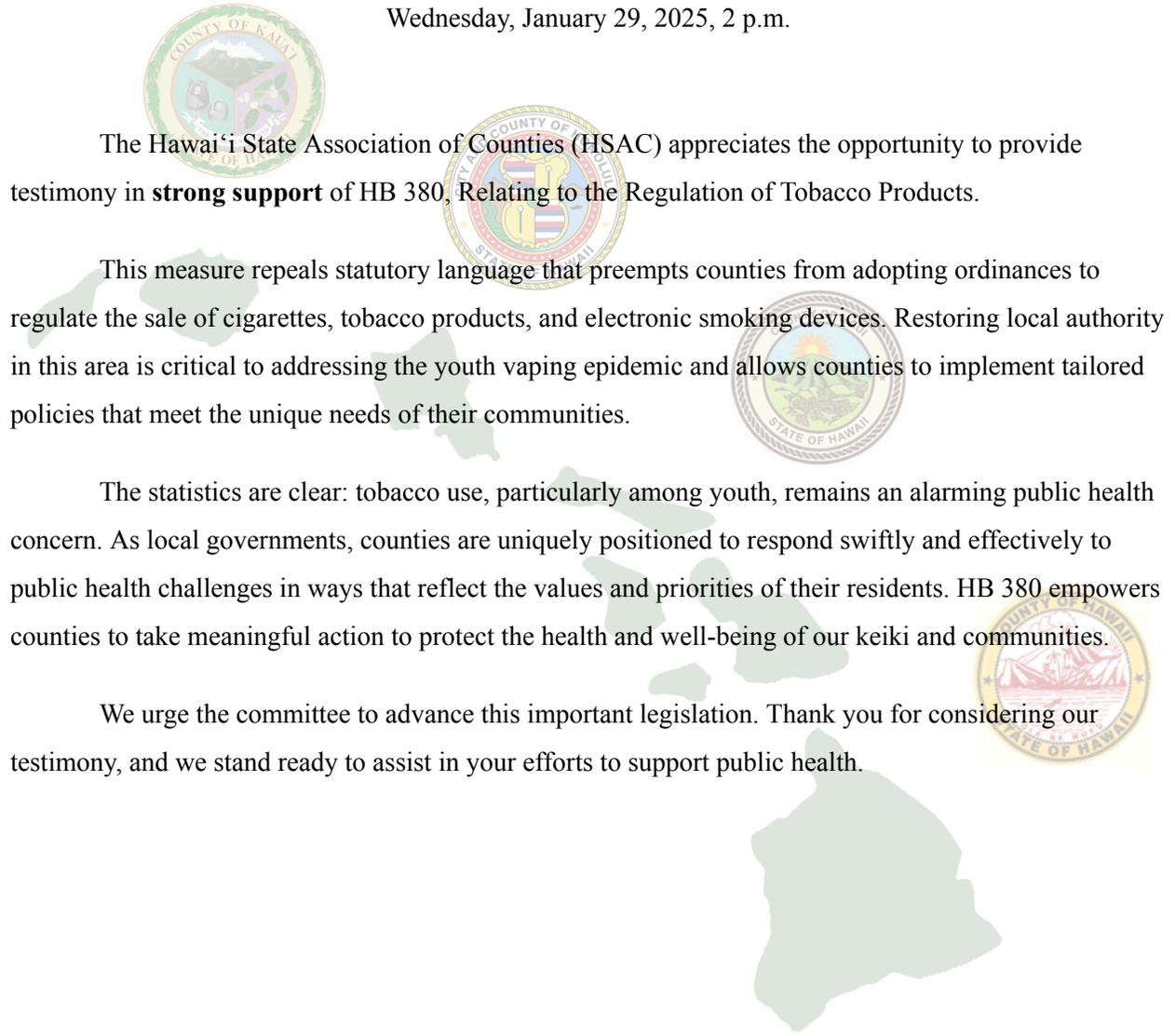
**Testimony of the Hawai'i State Association of Counties**

**H.B. No. 380 - Support**

**Relating to the Regulation of Tobacco Products**

Committee on Consumer Protection & Commerce

Wednesday, January 29, 2025, 2 p.m.



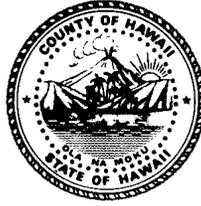
The Hawai'i State Association of Counties (HSAC) appreciates the opportunity to provide testimony in **strong support** of HB 380, Relating to the Regulation of Tobacco Products.

This measure repeals statutory language that preempts counties from adopting ordinances to regulate the sale of cigarettes, tobacco products, and electronic smoking devices. Restoring local authority in this area is critical to addressing the youth vaping epidemic and allows counties to implement tailored policies that meet the unique needs of their communities.

The statistics are clear: tobacco use, particularly among youth, remains an alarming public health concern. As local governments, counties are uniquely positioned to respond swiftly and effectively to public health challenges in ways that reflect the values and priorities of their residents. HB 380 empowers counties to take meaningful action to protect the health and well-being of our keiki and communities.

We urge the committee to advance this important legislation. Thank you for considering our testimony, and we stand ready to assist in your efforts to support public health.

**Jennifer Kagiwada**  
Council Member District 2 South Hilo



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

## HAWAI‘I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai‘i 96720

DATE: January 27, 2025  
TO: House Committee on Consumer Protection & Commerce  
FROM: Jennifer Kagiwada, Council Member  
Council District 2  
SUBJECT: HB 380

Aloha Chair Matayoshi, Vice Chair Chun, and Committee Members,

I am testifying in support of HB 380, which would repeal existing statutory language that: (1) declares that the sale of cigarettes, tobacco products, and electronic devices are a statewide concern; and (2) preempts all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices.

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

Counties have a strong track record of passing successful tobacco policies, with less interference from big tobacco companies. Hawai‘i County has a good history of helping to pass public health policies such as Tobacco 21 and smoke-free air laws.

The City and County of Honolulu and Hawai‘i County recently passed legislation ending the sale of flavored tobacco and were met with an overwhelming amount of public support. However, these laws cannot be enacted until the county authority is restored.

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

Mahalo,

Jenn Kagiwada

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 28, 2025

TO: Honorable Scot Z. Matayoshi, Chair, and  
Members of the House Committee on Consumer  
Protection and Commerce

FROM: Nohelani U'u-Hodgins  
Councilmember

A handwritten signature in cursive script that reads "Nohelani U'u-Hodgins".

**SUBJECT: TESTIMONY IN SUPPORT OF HB 380, RELATING TO THE  
REGULATION OF TOBACCO PRODUCTS**

DATE: Wednesday, January 29, 2025  
2:00 p.m., Conference Room 329

I am writing to express my strong support for HB380, a bill that repeals statutory language preempting local ordinances regulating the sale of cigarettes, tobacco products, and electronic smoking devices. This measure is essential for empowering counties to protect public health and, most importantly, our youth.

In December 2024, the Maui County Council passed Bill 156, prohibiting the sale and marketing of flavored tobacco products and mislabeling products as nicotine-free. This ordinance reflects our unwavering commitment to safeguarding our keiki from the harmful effects of tobacco use. Flavored tobacco products and electronic smoking devices are designed to appeal to young users, making it easier for them to start using these addictive products and harder to quit.

January 28, 2025

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As a parent of four, including teenagers, I see firsthand the challenges our children face in navigating peer pressure and the pervasive presence of vaping products in their social environments. Maui County has witnessed the detrimental impact of youth vaping on families and schools. Teachers, parents, and community leaders have raised concerns about the increasing prevalence of vaping among students, leading to disruptions in classrooms and long-term health risks for our keiki. These addictive products not only jeopardize physical health, but also negatively affect academic performance and emotional well-being.

HB380 will enable counties like Maui to implement targeted solutions tailored to our community's unique challenges. By restoring local authority to regulate tobacco sales, we can address these issues proactively, strengthen enforcement measures, and create educational campaigns to prevent tobacco use before it starts. This is an essential step in protecting the health and future of our youth and ensuring that Maui County remains a safe and nurturing environment for generations to come.

I respectfully urge you to support this vital legislation to empower counties and protect the keiki of Hawai'i. Mahalo for the opportunity to provide testimony in support of HB380.



## HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Vonnell Ramos, President  
Cyd Hoffeld, Vice President  
Sione Ford Naeata, Treasurer  
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 27, 2025

To: Representative Scot Matayoshi, Chair  
And members of the Committee on Consumer Protection and  
Commerce

### **TESTIMONY IN SUPPORT OF HB 380 RELATING TO THE REGULATION OF TOBACCO PRODUCTS**

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. Honolulu, Hawaii and Maui counties have passed flavored tobacco bans that cannot be implemented unless this bill passes. Allowing counties to ban the sale of flavored tobacco products and enact other tobacco prevention measures 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

**Committee  
Members**

Annaleah Atkinson  
808 652-7743

Regina Floyd  
702 292-2372

Brian Foster  
808 639-3529

Kristen Greene  
808 346-0386

Doug Haigh  
808 635-1120

Diana Harvey  
530 635-7052

Dave Lister  
618 237-9138

Scott McCubbins  
816 781-5883

Graeme Merrin  
808 651-7211

Ryan Moen  
808 651-0726

Tommy Noyes  
808 639-1018

Jessica Pinson  
937 901-5818

Doug Shannon  
909 496-1188

Valerie Woods  
808 822-2420

Ron Wiley  
808 245-9527

Tom Worthen  
435 994-0023



January 27, 2025

House Committee on Consumer Protection & Commerce  
Rep. Scot Z. Matayoshi, Chair, Rep. Cory M. Chun, Vice Chair  
Rep. Greggor Ilagan, Rep. Linda Ichiyama, Rep. Kim Coco Iwamoto, Rep. Nicole E. Lowen  
Rep. Lisa Marten, Rep. Adrian K. Tam, and Rep. Elijah Pierick; Committee Members

**Strong Support for HB 380 — Repealing the Preemption Ban**  
**RELATING TO THE REGULATION OF TOBACCO PRODUCTS.**

*Repeals existing statutory language that: (1) declares that the sale of cigarettes, tobacco products, and electronic devices are a statewide concern; and (2) preempts all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices.*

Aloha Chair Matayoshi and Committee Members,

Mahalo for hearing legislation intended to restore to County governments in Hawai'i the authority to prohibit the sale of tobacco products.

Your resolute courage is needed to see this bill become law. While your mandate is to serve and protect Hawai'i's voters and their children, this bill may very well be killed, gutted, undermined, or deviously opposed by the massively powerful tobacco industry. The tobacco industry is not the friend of your constituents, and the health and well-being of Hawai'i's citizenry is not their concern.

Big Tobacco wants customers for life, and know they profit by addicting kids to nicotine when they are young. Flavored tobacco products entice youth, while the nicotine hooks them for life. In 2024, 8 in 10 youth who currently use e-cigarettes reported using a flavored product.

The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

Enabling counties to once again control the sale of flavored tobacco products will diminish the availability of these poisonous products and protect our keiki from a lifetime of addiction.

Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level. Please restore that authority the counties and then watch them implement new and effective ways to address the current deadly public health challenges posed by tobacco use.

On behalf of the keiki, please advance this progressive legislation.

Best regards,

A handwritten signature in black ink that reads 'Tommy A. Noyes'.

/s/ Tommy A. Noyes

General Coordinator

The Friends of Kamalani and Lydgate Park



Chair - Representative Scot Matayoshi

Vice Chair - Representative Cory Chun

Members of the Committee on Consumer Protection and Commerce

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 HB380**.

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.

We have worked hard over the past year and the City and County of Honolulu, the County of Hawai'i, and most recently the County of Maui have passed bills to end flavored tobacco sales in their communities. This sends a clear message to the State to protect our keiki and restore their authority to regulate tobacco sales. These county councils stood by the youth and community advocates in passing these bills, and we ask that you do the same by passing HB380

Over 200 municipalities across the country have passed laws ending the sale of flavored tobacco products, our counties should be able to do the same. Recently the Hawaii Attorney General's office 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 products still fill their shelves. Few of which are on the FDA's approved list. We can't depend on the FDA to further crack down on these retailers, we need the counties to have the authority to do so by passing **HB380!**

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](mailto: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-cigarettes<sup>1</sup> and 4 oral nicotine products (none of which are oral nicotine pouches)<sup>2</sup> 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

<sup>1</sup> A list of the e-cigarettes authorized by the FDA is attached

<sup>2</sup> 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](mailto: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.

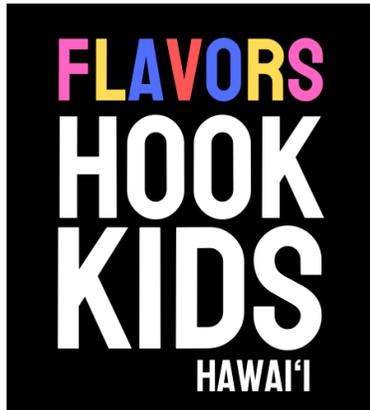
Sincerely,



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 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





**Testimony to the House Committee on Consumer Protection and Commerce  
Wednesday, January 29, 2025; 2:00 p.m.  
State Capitol, Conference Room 329  
Via Videoconference**

**RE: HOUSE BILL NO. 0380, RELATING TO THE REGULATION OF TOBACCO PRODUCTS.**

Chair Matayoshi, Vice Chair Chun, 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 **SUPPORT THE INTENT** of House Bill No. 1563, RELATING TO TOBACCO PRODUCTS.

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

This bill, as received by your Committee, would repeal existing statutory language that:

- (1) Declares that the sale of cigarettes, tobacco products, and electronic devices are a statewide concern; and
- (2) Preempts all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices.

The bill would take effect upon approval.

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

**Testimony on House Bill No. 0380**  
**Wednesday, January 29, 2025; 2:00 p.m.**  
**Page 2**

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

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

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](mailto:eabe@hawaiiipca.net).



**ALOHA CARE**

To: The Honorable Scot Z. Matayoshi, Chair  
The Honorable Cory M. Chun, Vice-Chair  
House Committee on Consumer Protection and Commerce

From: Paula Arcena, External Affairs Vice President  
Mike Nguyen, Public Policy Manager  
Sarielyn Curtis, External Affairs Specialist

Hearing: Wednesday, January 29, 2025, 2:00 p.m., Conference Room 329

RE: **HB380 Relating to the Regulation of Tobacco Products**

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AlohaCare appreciates the opportunity to provide testimony in **support of HB380**. This measure repeals existing statutory language that: (1) declares that the sale of cigarettes, tobacco products, and electronic devices are a statewide concern; and (2) preempts all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices.

Founded in 1994 by Hawai'i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 70,000 Medicaid and dual-eligible health plan members on all islands. Approximately 37 percent of our members are keiki. We are Hawai'i's only health plan exclusively dedicated to serving Medicaid and Medicaid-Medicare dually-eligible beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality, whole-person care for all.

Tobacco use is the leading cause of preventable death and disease in Hawai'i and across the nation. In Hawai'i alone, tobacco use claims 1,100 lives each year and creates \$336 million in annual healthcare costs directly attributed to smoking.<sup>1</sup> Most people who start smoking are younger than 18, and many begin tobacco use before high school.

Hawai'i is experiencing a youth vaping epidemic, and we must take action to protect the health of our young people from life-threatening addiction. Electronic Smoking Devices (ESDs) and e-liquids are designed and marketed specifically to entice youth. According to the American Academy of Pediatrics, flavors are one of the main reasons young people initiate tobacco use. Appealing flavors have driven youth

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<sup>1</sup> <https://health.hawaii.gov/tobacco/home-2/>



tobacco usage to nearly 31% of high school students and 18% of middle school students, both reporting ESD use within the past 30 days.<sup>2</sup>

In 2018, Act 206 was passed, taking away the counties' ability to regulate the sale of tobacco products. Since that time, meaningful statewide legislation to prohibit flavored tobacco product sales have not been successful, leading to an increase in the number of youths who use ESDs.

The counties have historically, and recently, demonstrated timely policy leadership in the face of a rapidly evolving tobacco industry. For example, Hawai'i's 2015 landmark Tobacco 21 law (Act 122, 2015 HSL), was initially introduced and passed by the Hawai'i County Council in 2014. For each of our counties, there are unique geographic disparities in the prevalence of smoking by region and age groups.

The counties need the ability to quickly address the health needs of their communities, and this measure gives that power back to the counties. In Maui County, 36.6% of teens tried e-cigarettes in 2021, surpassing the Hawai'i State average (32.4%).<sup>3</sup> Maui County also has the highest rate of teen cigarette smokers who smoke menthol cigarettes (18.5%), surpassing the Hawai'i State average (15.8%).<sup>4</sup> In December 2024, Maui County Council took action to address their concern that the escalating use of electronic smoking devices has led to a significant rise in youth nicotine addiction.

We applaud Maui County, the City & County of Honolulu, and Hawai'i County for their ordinances which ban the sale of flavored tobacco products. However, these ordinances are contingent on the restoration of local regulatory control on the sale of tobacco products.

Mahalo for this opportunity to testify in **support of HB380.**

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<sup>2</sup><https://www.hawaiihealthmatters.org/index.php?module=indicators&controller=index&action=dashboard&id=83016762154173692>

<sup>3</sup> Youth Risk Behavior Survey, 2021

<sup>4</sup> Ibid



[fightcancer.org](http://fightcancer.org)

American Cancer Society  
Cancer Action Network  
2370 Nu'uuanu Avenue  
Honolulu, HI 96817  
808.460.6109

House Committee on Consumer Protection and Commerce  
Representative Scot Matayoshi, Chair  
Representative Cory Chun, Vice Chair

Hearing Date: Wednesday, January 29, 2025

**ACS CAN SUPPORTS HB 380 – RELATING TO THE REGULATION OF TOBACCO PRODUCTS.**

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

Thank you for the opportunity to SUPPORT HB 380: RELATING TO THE REGULATION OF TOBACCO PRODUCTS.

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

Lung cancer remains the leading cause of cancer deaths in Hawaii and 25.3% of all cancer deaths in Hawaii are smoking-related.<sup>i</sup> An estimated 1,400 adults in Hawaii die from smoking every year.<sup>ii</sup> Each year in Hawaii, 1,800 keiki try cigarettes for the first time.<sup>iii</sup> Tobacco use remains the leading preventable cause of death nationwide. Communities suffer when counties are unable to enact stronger tobacco control laws. Tobacco preemption is a tobacco industry tactic, enacted in 2018. Hawaii has continued to see the increase of youth tobacco use including the use of electronic smoking devices and e-cigarettes.

Counties in Hawaii have been successful in passing local tobacco control policies such as smoke-free air laws and Tobacco 21 before the Hawaii State Legislature followed shortly afterwards. Giving counties the ability to quickly address the unique health needs of their communities will result in better overall health. Furthermore, counties currently support this measure as this bill is a part of the Hawaii State Association of Counties legislative package.

Local governments are uniquely positioned to meet the needs of the people in their communities. ACS CAN supports their ability to pass laws that are proven to promote good health, well-being, and equality. Returning local control is needed to pass innovative and proactive public health policies.

ACS CAN works at the local, state, and federal levels; thus, it supports each level of government's ability to implement policies to help communities and families be healthy, safe and secure. The right of local governments to pass public health policies stronger than state laws must be restored to continue future advocacy efforts to reduce suffering and death from cancer.

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

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<sup>i</sup> American Cancer Society [state-specific smoking-related cancer deaths fact sheet final 4.04.24.pdf](#)

<sup>ii</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20.2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

<sup>iii</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20.2023. <https://www.tobaccofreekids.org/problem/tll-us/hawaii>



## HIPHI Board

May Okihiro, MD, MS  
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Hawai'i Health Partners

Misty Pacheco, DrPH  
University of Hawai'i at Hilo

Justin Puckett, CPA, MBA  
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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 28, 2025

To: Representative Scot Z. Matayoshi, Chair  
Representative Cory M. Chun, Vice Chair  
Members of the House Committee on Consumer Protection & Commerce

RE: Strong Support for HB 380, Relating to the Regulation of Tobacco Products

Hrg: Wednesday, January 29, 2025, at 2:00 PM, Room 329

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The Coalition for a Tobacco-Free Hawai'i, a program of Hawai'i Public Health Institute<sup>1</sup> is in **Strong Support of HB 380**, which would restore the counties' ability to regulate the sale of cigarettes, tobacco products, and electronic smoking devices. If this ability is restored, the counties would be able to enact ordinances that are more stringent than state law.

## Counties want to act.

Since 2017, youth use of electronic smoking devices have soared, with flavors being a major driver. The problem is statewide, but over the years has been felt more acutely in our counties with prevalence rates well above the state average. Because of these alarming numbers, three out of four counties have now passed ordinances to end the sale of all flavored tobacco products within their counties. The councils and mayors worked with youth to pass these policies, though they are unable to go into effect without state legislation. By passing HB 308, the counties will be able to enact these important policies.

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

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. All counties passed the clean indoor air law (smoke-free workplaces) before the state passed legislation, and Hawai'i Island raised the age to 21 to purchase tobacco products first; in fact, they were the fourth jurisdiction in the nation to do so. Currently, state law curtails the counties' power to enact policies relating to the sale of tobacco and electronic smoking devices. This inability to act is of particular concern, as both high school and middle school students continue to utilize e-cigarettes, a product that has grown exponentially in innovation, product sales, nicotine content and youth appeal. Meanwhile, the tobacco industry continues to develop, market, and promote new flavored products like nicotine pouches that are growing in popularity among youth. According to an independent poll conducted by Ward



Research on behalf of the Coalition, 86% of registered Hawai'i voters believe counties should have the ability to regulate tobacco products at the point of sale.<sup>2</sup>

States should provide a foundation to build on—basic protections and best practices to reduce the burden of tobacco in the state. However, local governments should have the ability to strengthen those protections based on the needs of their communities.

Currently counties are unable:

- To take legislative and regulatory action through retail and sales strategy to protect their children, youth, and adults.
- To enact public health, evidence-based strategies by restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and initiation, which could include the sale of tobacco in pharmacies and creating flavor restrictions.

### **Preemption benefits the tobacco industry.**

Restricting local control is a known tobacco industry strategy. The tobacco industry works to “preempt” local governments from passing tobacco prevention and control policies. This action creates a more favorable situation for tobacco companies because it is easier to address one statewide policy versus a policy in each county.

We applaud the Legislature for helping to strengthen our county's authority on tobacco sales by considering this measure, and thank this committee for your consideration of HB 380.

We respectfully ask you to pass this measure.

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

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<sup>1</sup> The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

<sup>2</sup> 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.

**HB-380**

Submitted on: 1/28/2025 12:06:51 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shani Carvalho	Hamakua Health Center, Inc. dba Hamakua-Kohala Health	Support	Written Testimony Only

Comments:

I, Shani NKG Carvalho strongly support HB380 on behalf of our health centers here on Hawaii Island to restore county power and return home rule. At the county level we have passed bills to protect families here in Hawaii by raising the age from 18 to 21 to purchase and use tobacco products and smoke free cars with kids to prevent second and third hand smoke and aerosol to those under 18 years old. As of today the following counties have made strides in passing flavor ban bills including Honolulu county, Hawaii and Maui counties to further protect our keiki and families from the harms of tobacco and electronic smoking devices that contain candy and fruit flavors that attract youth. We humbly ask your kōkua in passing this bill that will allow our various counties to reduce the overall use of tobacco in their communities, reduce health care costs associated with tobacco use and ultimately save our keiki from a lifetime of addiction.

**Testimony before the Hawaii House of Representatives  
Committee on Consumer Protection and Commerce  
Regarding Local Authority Over Tobacco and Vapor Products  
Lindsey Stroud, Senior Fellow  
Taxpayers Protection Alliance  
January 29, 2025**

Chairman Matayoshi, Vice-Chair Chun, and Members of the Committee on Consumer Protection and Commerce:

Thank you for your time today to discuss the local regulation of tobacco and vapor products in the Aloha State. My name is Lindsey Stroud and I'm a Senior Fellow at the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis, and dissemination of information on the government's effects on the economy.

While addressing youth vapor product use was a worthwhile endeavor in previous years, existing survey data indicate youth vaping is at its lowest level in a decade, while youth cigarette use remains low. Moreover, many adults in the Aloha State rely on e-cigarettes to remain smoke-free and could be impacted by localized regulations.

Existing data from youth surveys indicate that local policies have not reduced youth use and may have led to greater instances of vaping-related injuries in the fall of 2019. Rather than allowing localities to impose draconian regulatory policies that would essentially prohibit adult access in that town and incentivize a black market, state lawmakers should utilize existing tobacco monies to fund robust tobacco control programs to reduce your use of age-restricted products.

**Key Points:**

- Adult cigarette use decreased by 27.4 percent between 2022 and 2023, while vaping increased by 14.8 percent during the same period.
- E-cigarette use has risen significantly since 2016, correlating with a 45.6 percent reduction in smoking rates among adults.
- Lower-income and less-educated adults are more likely to vape or smoke.
- Youth combustible cigarette use is at record lows with only 12.1 percent of high school students reporting having ever-tried a cigarette, and 3 percent reporting past-month use in 2023.
- Youth vaping has significantly declined in recent years. Between 2019 and 2023, ever-use of e-cigarettes among Hawaiian high schoolers decreased by 40.4 percent, while past-month use declined by 56.9 percent. Daily e-cigarette use was down by 41.8 percent.
- The legislation would permit localities to impose localized flavor bans which ignore survey data on why youth vape. In 2023, only 3.6 percent of Hawaii teens who used e-cigarettes reported using them because of flavors.

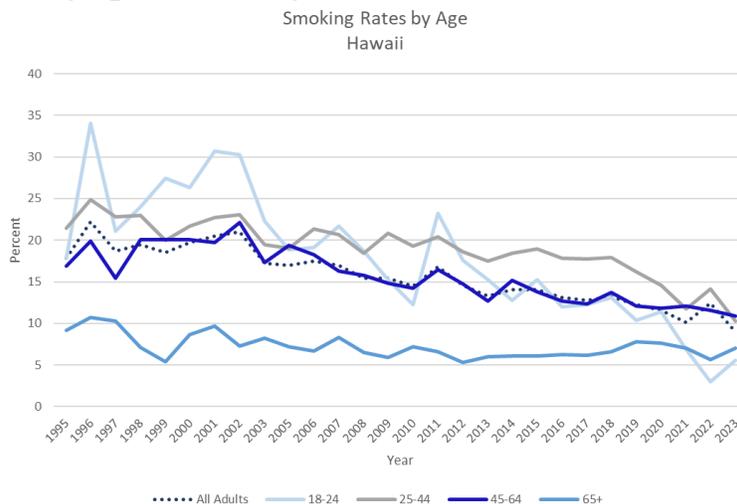
**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 500, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

- In 2023, the Food and Drug Administration (FDA) announced it had quit using the “term” epidemic when discussing youth vaping as nationally (and in Hawaii) youth vaping has declined.
- Localized flavor bans have not reduced youth tobacco use. Despite several states implementing local flavored tobacco and vapor bans, youth vaping increased between 2017 and 2019.
- Localized restrictions on consumer goods create incentives for black market actors to profit from illicit unregulated products.
- Unregulated products were overwhelmingly linked to the 2019 spat of vaping-related lung injuries. Interestingly, states with local flavor bans prior to the outbreak reported more cases of lung injuries.

### Cigarette and E-Cigarette Use Among Hawaiian Adults

According to the most recent data from the Centers for Disease Control and Prevention (CDC), in 2023, an estimated 102,737 adults (or 9 percent of Hawaiians) were currently smoking.<sup>1</sup> This is a 27.4 percent decrease from 2022 when 12.4 percent reported current cigarette use. There were 38,905 fewer adults smoking in 2023 compared to 2022. Among all adults earning \$25,000 annually or less in 2022, nearly one-fifth (18.7 percent) reported currently smoking, compared to only 5.9 percent of adults who earned \$50,000 or more per year. Less educated adults were more likely to smoke, with 18.7 percent of adults with less than a high school diploma or G.E.D. smoking in 2023 compared to only 5.9 percent of Hawaii adults who had earned a college degree.

In 2023, an estimated 115,294 Hawaii adults (or 10.1 percent) were currently using e-cigarettes. This is a 14.8 percent increase from 2022 when 8.8 percent reported current e-cigarette use. There were an estimated 14,774 additional adults vaping in 2023 compared to 2022. There has been a 134.9 percent increase in adults vaping between 2016 and 2023. There were an additional 67,079 Hawaii adults vaping in 2023 compared to 2016.



Similar to smoking rates, lower income and lower educated adults were more likely to vaping Hawaii. Among all adults earning \$25,000 annually or less in 2023, 12.9 percent reported currently vaping, compared to only 7.8 percent of adults who earned \$50,000 or more per year. Less educated adults were more likely to vape, with 14 percent of adults with less than a high school diploma or G.E.D. vaping in 2023 compared to only 4.5 percent of Hawaiian adults who had earned a college degree.

It should be noted that there were more adults vaping in Hawaii in 2023 than who were smoking, and increased use of e-cigarettes correlates with decreases in combustible cigarette use. Between 2016 and 2023, the percentage of adults who reported past-month use of combustible cigarettes decreased by 45.6 percent, while the percentage reporting past-month e-cigarette use increased by 134.9 percent. There were 44,151 fewer adults smoking in 2023 than in 2016, while there were 67,079 additional adults vaping.

### **Youth Tobacco and Vape Use**

The proposed legislation relies on outdated data that ignores record lows in youth cigarette use, as well as significantly declines in vapor product use, instead utilizing six-year-old survey data.

According to the Youth Risk Behavior Survey (YRBS), among Hawaii high school students, in 2023:

- 12.1 percent had ever tried a combustible cigarette
- 3 percent reported past-month cigarette use
- 0.6 percent were currently smoking cigarettes frequently (20 or mor days)
- 0.5 percent were currently smoking cigarettes daily

Between 1993 and 2023:

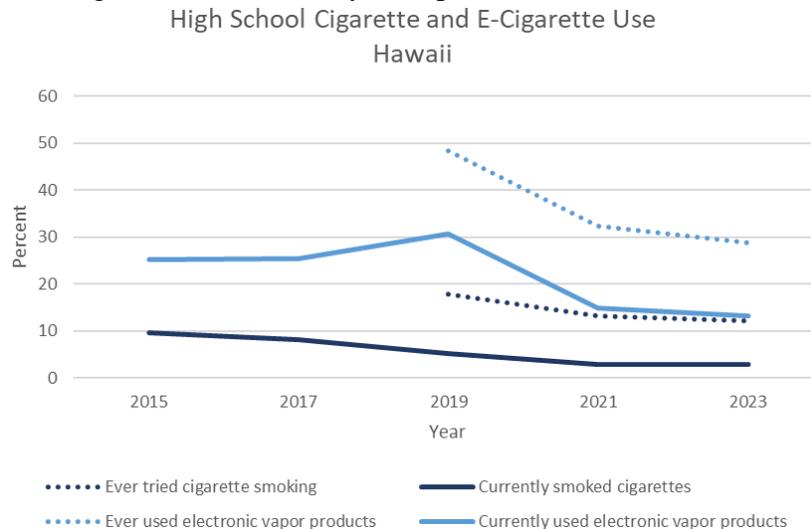
- Frequent use of cigarettes decreased by 95.5 percent
- Daily use of cigarettes declined by 95 percent
- Past-month use of cigarettes declined by 89.4 percent
- Ever-use of cigarettes decreased by 81.5 percent

Vapor product use has significantly declined in recent years. Among Hawaii high school students, in 2023:

- 28.8 percent had ever tried a vapor product
- 13.2 percent reported past-month vapor product use
- 6 percent were vaping frequently
- 4.6 percent reported daily vaping

Between 2019 and 2023:

- Past-month e-cigarette use declined by 56.9 percent
- Frequent use of e-cigarettes decreased by 42.3 percent
- Daily e-cigarette use declined by 41.8 percent
- Ever-use of e-cigarettes decreased by 40.4 percent



### **Proposed Legislation Would Allow for Localized Flavor Bans, Ignoring Reasons Why Youth Vape**

While not explicitly in the proposed legislation, many states which allow for local regulation of tobacco and vapor products have passed local ordinances restricting or even banning the sale of flavored tobacco and vapor products. While proposals which address youth use of age-restricted products are laudable, Hawaii policymakers should be aware that survey data on youth in the Aloha State indicate flavors are not a primary reason for youth e-cigarette use. These findings are also consistent with national survey data.

According to the 2023 YRBS, only 3.6 percent of Hawaii teens who used e-cigarettes reported using them because of flavors. While other data is not available for the most recent survey, earlier surveys of Hawaiian youth find flavors were not a main reason for use. In 2017, among Hawaiian high school students that had ever used e-cigarettes, only 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”<sup>2</sup>

Nationally, youth are not using e-cigarettes because of flavors. In 2021, according to the National Youth Tobacco Survey (NYTS), among U.S. middle and high school students who were currently using e-cigarettes in 2021:<sup>3</sup>

- 43.5 percent reported using them to get a high and/or buzz

**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 500, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

- 43.2 percent had used them because they were feeling anxious, stressed and/or depressed
- 27.6 percent reported using them because a friend and/or family member had used them
- 19 percent reported “other”
- 13.2 percent reported using them because of flavors
- 10.3 percent reported using them because they were less harmful than other tobacco products

### **The Term “Epidemic” Is Misleading**

According to the proposal, lawmakers are concerned about youth e-cigarette use. The legislation claims that it is needed “to end this youth vaping epidemic, the State must work in concert with youth, parents, and educational institutions, and laws much be changed at all levels to establish reasonable restrictions on the sale of and access to these addictive products.”

The director for the Center for Tobacco Products at the FDA recently declared that the FDA was no longer using the word “epidemic” to describe youth vaping rates. In February 2023, Dr. Brian King stated that the FDA “has not used [the word epidemic] for the most recent estimates of youth use ... the science has shown a decline in the number of youth users.”<sup>4</sup>

Further, similar to Hawaii data, national survey data indicate that youth vaping is at its lowest level in a decade.

In 2024, according to the NYTS, only 5.9 percent of U.S. middle and high school students reported past-month or current e-cigarette use. This is a whopping 70.5 percent decrease from 2019 when one in five (20 percent) of youth were currently vaping. Further, smoking has not increased. Between 2019 and 2023, the percentage of youth who reported current combustible cigarette used declined by 67.4 percent, from 4.3 percent of youth in 2019 to 1.4 percent of youth in 2024.

Given these state and national trends, local ordinances which restrict access are both not necessary and may inadvertently lead to increases in smoking among youth, young adults, and all adults as access to safer alternatives becomes increasingly limited.

### **Effects of Local Tobacco/Vapor Regulation on Youth Use**

Many proponents of localized authority over the regulation of both tobacco and vapor products claim that localities such as cities and counties are better equipped to reduce youth use of tobacco and vapor products. Despite this claim, in states with local flavor bans and taxes, youth use of vapor products increased.

As of November 30, 2018, six states including California, Colorado, Illinois, Massachusetts, Minnesota, and New York had localities which had restricted sales of flavored tobacco and/or vapor products.<sup>5</sup>

Notably, Massachusetts was home to 136 localities that had passed flavor ban and despite these local regulations, statewide use of vapor products increased. In 2017, according to data from the CDC Youth Risk Behavior Surveillance Survey (YRBSS), among high school students, 41.1 percent had ever tried e-cigarettes and 20.1 percent were current e-cigarette users. In 2019, even though nearly half of Massachusetts' localities had restricted flavored tobacco and vapor sales, ever e-cigarette use had increased by 23.4 percent, to 50.7 percent of high school students and current use increased by 60.2 percent to 32.2 percent of high school students being current e-cigarette users.

Localities have also seen an increase in youth vapor product use despite local restrictions in place. Contra Cost County, California had banned the sale of flavor tobacco and vapor products in certain localities in the county and experienced an increased in youth vaping rates. While the 2015-16 California Youth Tobacco Survey (CYTS) included other localities including Marin, San Francisco, San Mateo and Solana, the 2017-2018 CYTS survey reported only on Contra Costa. In 2015-16, 8.3 percent of high school students in the various localities reported current use of electronic cigarettes and vaping devices.<sup>6</sup> In the 2017-18 CYTS survey of solely Contra Costa County high school students, this number *increased* to 17.2 percent reporting current e-cigarette use.<sup>7</sup>

Tobacco and vapor product restrictions also create incentives for criminal enterprises to profit from illicit banned products, especially when one locality is imposing such restrictions while others are not.

For example, Cook County, Illinois (which includes the City of Chicago) is notorious for its excessive county (and city) excise tobacco tax. In fact, due combat the illicit cigarette market, Cook County has implemented the Cigarette Tax Reward Program, which offers monetary awards of up to \$250 to persons reporting those seeking to avoid paying cigarette taxes, including people who use unstamped or counterfeit packs or even stray cigarettes.<sup>8</sup> It has been reported that Chicago police issue an estimated \$4 million worth of tobacco citations each year, however, only 15–20 percent are actually paid.<sup>9</sup>

In February 2020, WGN-TV followed Chicago's Department of Business Affairs and Consumer Protection as agents "searched for illegal cigarettes in stores through" the city.<sup>10</sup> In 2019, the department "issued \$838,000 worth of fines for illegal tobacco sales." Agents told WGN-TV News that there is "a direct link between unstamped cigarettes and crime in [Chicago] neighborhoods."

The black market is so lucrative that in 2016 city council hearing, Chicago Alderman Roderick Sawyer "said he knows one man who makes \$800 a day selling" loose cigarettes.<sup>11</sup>



Interestingly, localized flavor bans were also associated with a greater chance of a vaping-related death. Six of the seven states reported vaping-related deaths including three deaths in Minnesota, four in California and New York, and five deaths each in Illinois and Massachusetts.

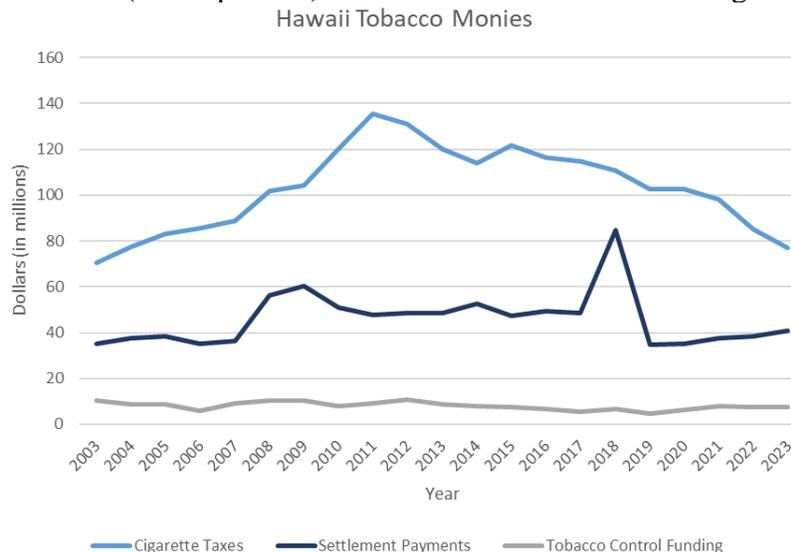
### Existing Tobacco Monies Not Being Used Effectively

Each year, states receive billions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2023, the Aloha State collected \$76.8 million in state excise tax revenue from combustible cigarettes. This was a 9.8 percent decrease from 2022's \$85.1 million, or \$8.3 million less. Between 2003 and 2023, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since the 2000s, Hawaii collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$40.9 million in settlement payments in 2023, a 6.5 percent increase from 2022's \$38.4 million, or an additional \$2.5 million. Since 2003, the Aloha State collected more than \$964 million in tobacco settlement payments.

While Hawaii collected \$117.7 million in tobacco-related monies in 2023, the state allocated only \$7.6 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 2.7 percent increase in funding from 2022's \$7.4 million. This amounts to 9.9 percent of taxes and 18.6 percent of settlement payments. In 2023, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts. Between 2003 and 2023, Hawaii collected more than \$3.1 billion tobacco monies, yet spent only \$168.6 million (or 5.4 percent) on tobacco control efforts during the same period.



## Conclusion

While the intention to address youth vaping and tobacco use in Hawaii is commendable, existing data highlights significant declines in youth usage of these products, with e-cigarette use at record lows and combustible cigarette use continuing to drop. The proposed localized regulations, including flavor bans, are not only unnecessary but could also lead to unintended consequences, such as fostering black markets and increasing health risks from illicit products. Additionally, the state's underutilization of tobacco-related revenue for effective control programs underscores the need for more strategic allocation of resources to address youth prevention and adult cessation efforts. Policymakers should focus on evidence-based approaches rather than restrictive local ordinances that may ultimately hinder public health progress.

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<sup>1</sup> Lindsey Stroud, "Tobacco & Vaping 101: Hawaii," Taxpayers Protection Alliance, January 24, 2024, <https://www.protectingtaxpayers.org/analysis/tobacco-vaping-101-hawaii-4/>.

<sup>2</sup> Lance Ching, Ph.D., et al., "Data Highlights from the 2017 Hawai'i Youth Tobacco Survey," Hawai'i State Department of Health, June 29, 2018, [http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS\\_2017\\_Report.pdf](http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf).

<sup>3</sup> Andrea S. Gentzke, PhD *et al.*, "Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021," Mar. 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm>.

<sup>4</sup> American Vapor Manufacturers, "Factual, candid concessions like these and more were made during our interview with director King this past Friday -- when he was finally, at long last, pressed with genuinely probing questions, ones the FDA beat writers have routinely failed to ask," February 28, 2023, <https://twitter.com/VaporAmerican/status/1630609040744275968>.

<sup>5</sup> Laura Bach, "States & Localities That Have Restricted the Sale of Flavored Tobacco Products," Campaign for Tobacco-Free Kids, November 30, 2018. Archived. <https://web.archive.org/web/20190107102745/https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>. Accessed February 5, 2022.

<sup>6</sup> Shu-Hon Zhu, Ph.D., *et al.*, "California Youth Tobacco Survey 2015-16: Results of the Statewide Student Survey, Grades 8, 10, and 12," Center for Research Intervention in Tobacco Control, University of California, San Diego, <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/Reports/CSTS%2015-16%20Report%20FINAL.pdf>.

<sup>7</sup> Shu-Hong Zhu, Ph.D., *et al.*, "Results of the Statewide 2017-18 California Student Tobacco Survey," Center for Research Intervention in Tobacco Control, University of California, San Diego, <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/Reports/2017-18CaliforniaStudentTobaccoSurveyBiennialReport.pdf>.

<sup>8</sup> Cook County Department of Revenue, "Cook County – The Cigarette Tax Reward Program," <https://apps.cookcountyil.gov/dor/index.php>.

<sup>9</sup> "Cook County Cracking Down on Illegal Cigarette Sales," CBS News Chicago, February 11, 2014, <https://chicago.cbslocal.com/2014/02/11/cook-county-cracking-down-on-illegal-cigarette-sales/>.

<sup>10</sup> Lourdes Duarte, "Inside Chicago's war on illegal cigarettes," WGN News, February 19, 2020, <https://wgntv.com/news/wgn-investigates/inside-chicagos-war-on-illegal-cigarettes/>.

<sup>11</sup> Chris Lentino, "New Cigarette Tax Will Lead to More Black Market Sales and Violence, Alderman Say," Illinois Policy, February 9, 2016, <https://www.illinoispolicy.org/chicago-aldermen-revolt-against-mayor-on-increasing-citys-cigarette-tax/>.

# Tobacco & Vaping 101:

## Hawaii 2025

Lawmakers are often bombarded with misinformation on the products used by adults in their state. This annual analysis provides up-to-date data on the adults who use cigarettes and e-cigarette products in the Aloha State. This information also includes data on youth use, impacts of e-cigarettes and analyses of existing tobacco monies.

### Key Points:

- In 2023, 102,737 Hawaii adults (9 percent) were currently smoking. This is a 27.4 percent decrease from 2022 and represents 38,905 fewer adults smoking.
- In 2023 (among all Hawaii adults), 5.6 percent of 18- to 24-year-olds, 10.3 percent of 25–44-year-olds, 10.9 percent of 45–64-year-olds, and 7 percent of adults aged 65 years or older were currently smoking combustible cigarettes.
- Among all adults earning \$25,000 or less in 2023, 18.7 percent were currently smoking compared to 5.9 percent of adults earning \$50,000 or more.
- Among all smoking adults in Hawaii in 2023, 26.7 percent were Asian, 25.6 percent were Multiracial (non-Hispanic), 21.1 percent were White, 13.8 percent were Native Hawaiian/Pacific Islander, 11.5 percent were Hispanic, and 1.3 percent were Black.
- In 2023, 115,294 Hawaii adults (10.1 percent) were currently using e-cigarettes. This is a 14.8 percent increase from 2022 and represents 14,774 additional adults vaping.
- Among all vaping adults in Hawaii in 2023, 24.4 percent were 18 to 24 years old, 56.4 percent were 25 to 44 years old, 14.5 percent were 45 to 64 years old, and 4.7 percent were 65 years or older.
- In 2023, for every one Hawaii high school student who was smoking, more than 68 adults were currently using cigarettes.
- In 2023, for every one Hawaii high school student who was vaping, more than 17 adults were currently using e-cigarettes.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2016 and 2023, smoking rates among Hawaii adults aged 18 to 24 years old decreased by 53.3 percent.
- E-cigarette use has declined among Hawaii young adults. Between 2022 and 2023, e-cigarette use among 18- to 24-year-olds decreased by 17.9 percent.
- Cigarette excise taxes in Hawaii disproportionately impact low income and low education persons, while failing to significantly reduce smoking rates among that class.
- Among Hawaii adults earning \$25,000 or less, smoking rates increased on average by 0.4 percent annually between 2003 and 2023, while rates among adults earning \$50,000 or more decreased by 3.3 percent during the same period.
- In 2023, among Hawaii adults who did not graduate high school, 18.7 percent were currently smoking, while only 4.8 percent of college graduates were smoking.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2023, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

# Tobacco & Vaping 101:

## Hawaii 2025

### Adult Combustible Cigarette and E-Cigarette Use

In 2023, according to data from the annual Behavioral Risk Factor Surveillance System survey, conducted by the Centers for Disease Control and Prevention, an estimated 102,737 adults (or 9 percent of Hawaiians) were currently smoking. This is a 27.4 percent decrease from 2022 when 12.4 percent reported current cigarette use. There were 38,905 fewer adults smoking in 2023 compared to 2022.

In 2023 (among all Hawaii adults), 5.6 percent of 18- to 24-year-olds, 10.3 percent of 25–44-year-olds, 10.9 percent of 45–64-year-olds, and 7 percent of adults aged 65 years or older were currently smoking combustible cigarettes. Between 2022 and 2023, smoking rates among 18- to 24-year-olds increased by 86.7 percent, yet they decreased among 25–44-year-olds by 27.6 percent and among 45–64-year-olds by 6.5 percent. Smoking rates increased by 22.8 percent among adults aged 65 years or older.

Among all adults earning \$25,000 annually or less in 2023, 18.7 percent reported currently smoking, compared to 5.9 percent of adults who earned \$50,000 or more per year.

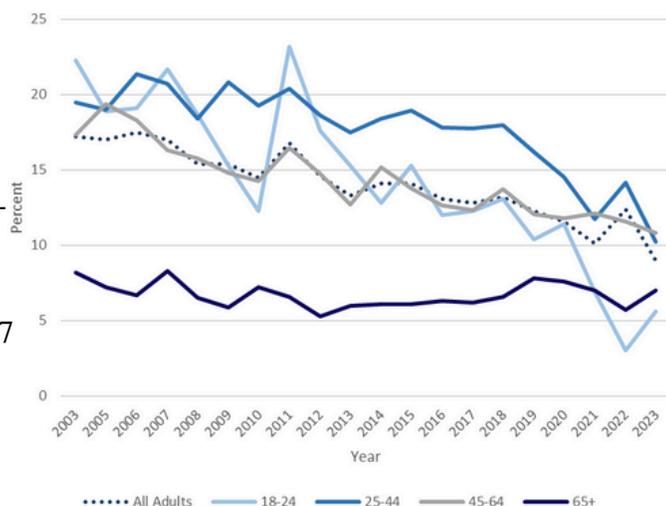
In Hawaii, Native Hawaiian/Pacific Islander adults reported smoking at a greater percentage of their identified race at 13.1 percent. This is compared to 12.8 percent of Multiracial (non-Hispanic) adults, 11.7 percent of Hispanic adults, 9.3 percent of Black adults, 7.9 percent of White adults, and 6.1 percent of Asian adults.

Yet, Asian adults made up a larger percentage of Hawaii’s total adults smoking population. In 2023, Asian adults accounted for 26.7 percent of Hawaii’s current smoking population, compared to Native Hawaiian/Pacific Islander adults, who made up 13.8 percent. Multiracial (non-Hispanic) adults accounted for 25.6 percent, White adults made up 21.1 percent, Hispanic adults accounted for 11.5 percent, and Black adults made up 1.3 percent of Hawaii’s adult smoking population in 2023.

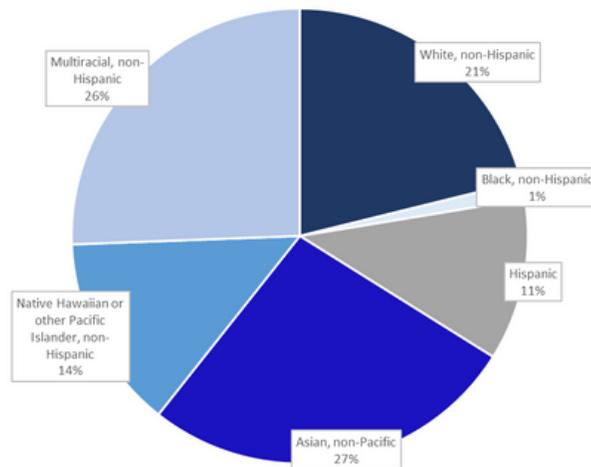
In 2023, an estimated 115,294 Hawaii adults (or 10.1 percent) were currently using e-cigarettes. This is a 14.8 percent increase from 2022 when 8.8 percent reported current e-cigarette use. There were an estimated 14,774 additional adults vaping in 2023 compared to 2022. There has been a 134.9 percent increase in adults vaping between 2016 and 2023. There were an additional 67,079 Hawaii adults vaping in 2023 compared to 2016.

Among Hawaii adults currently using e-cigarettes in 2023, 24.4 percent were 18 to 24 years old, 56.4 percent were 25 to 44 years old, 14.5 percent were 45 to 64 years old, and 4.7 percent were 65 years or older. Among adult e-cigarette users in Hawaii in 2023, 75.6 percent were 25 years or older.

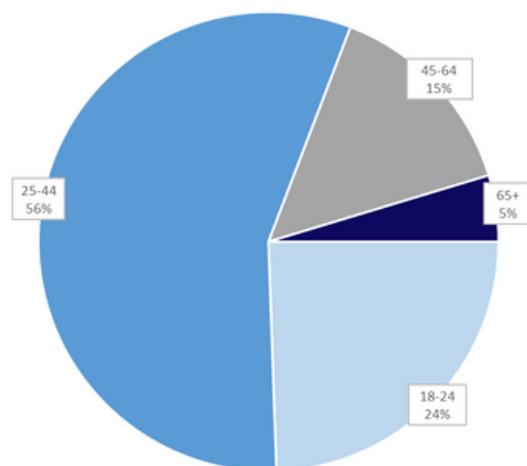
Adult Smoking Rates by Age  
Hawaii



Percent of Adults Who Smoke, by Race  
Hawaii 2023



Percent of Adults Who Vape, by Age  
Hawaii 2023



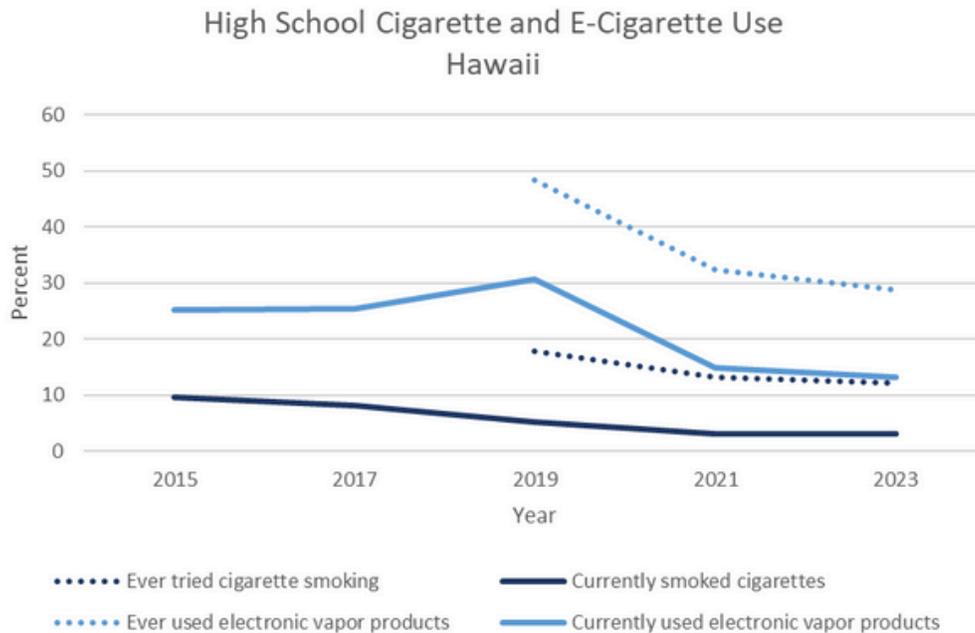
# Tobacco & Vaping 101:

## Hawaii 2025

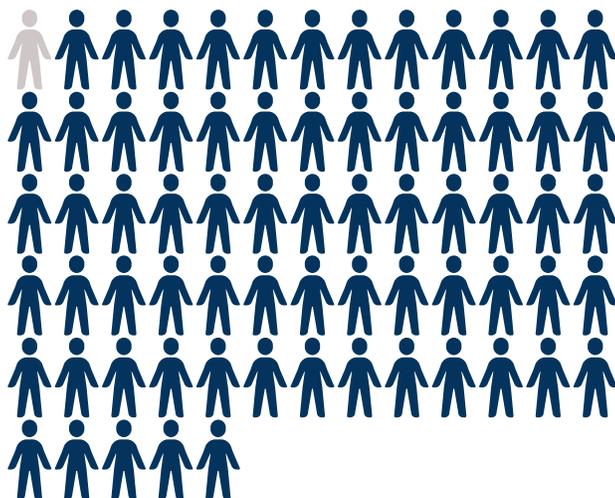
### Youth Combustible Cigarette and E-Cigarette Use

Youth smoking rates are at historic lows in the Aloha State. In 2023, 12.1 percent of high school students reported ever trying combustible cigarettes, while 3 percent reported currently smoking, or having used the product on at least one occasion in the 30 days prior. In 2023, approximately 1,494 Hawaii high school students were smoking, compared to an estimated 102,737 Hawaii adults aged 18 and over who were currently smoking. For every one high schooler student smoking in 2023 in Hawaii, more than 68 adults were currently smoking.

Youth vaping continues to decline in the Aloha State. In 2023, 28.8 percent of Hawaii high school students reported ever using an e-cigarette, and 13.2 percent reported current use. Between 2019 and 2023, ever-use of e-cigarettes decreased by 40.4 percent, while current use declined by 56.9 percent. In 2023, approximately 6,574 Hawaii high school students were vaping, compared to 115,294 Hawaii adults aged 18 and over who were currently vaping. For every one high schooler vaping in 2023 in Hawaii, more than 17 adults were using e-cigarettes.



**Youth to Adult Smoking Ratio**  
Hawaii 2023



**Youth to Adult Vaping Ratio**  
Hawaii 2023



**Key**

- = 1 High School Student
- = 1 Adult 18 years or older

# Tobacco & Vaping 101: Hawaii 2025

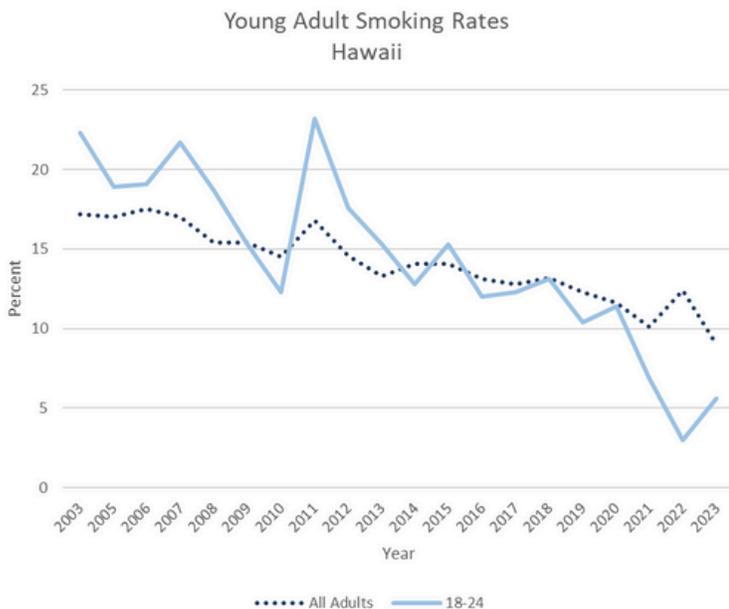
## Young Adult Cigarette Use

The introduction of e-cigarettes has not led to increases in young adult cigarette smoking, but rather, correlates with significant declines.

In 2016, 12 percent of Hawaiians aged 18 to 24 years old were currently smoking. Between 2016 and 2023, smoking rates among young adults in the Aloha State decreased by 53.3 percent. Comparatively, among all Hawaii adults, smoking rates decreased by 31.3 percent during the same period. Interestingly, young adult smoking rates have increased in recent years, and should be monitored in future years. Between 2022 and 2023, young adult smoking rates increased by 86.7 percent, compared to a 27.4 percent reduction among all adults.

E-cigarette use has declined among young Hawaii adults. In 2023, 22.5 percent of 18- to 24-year-olds were currently using e-cigarettes, which was a 17.9 percent decrease from 2022.

Given the epic lows in young adult smoking rates, lawmakers must refrain from policies that restrict access to alternatives to smoking.

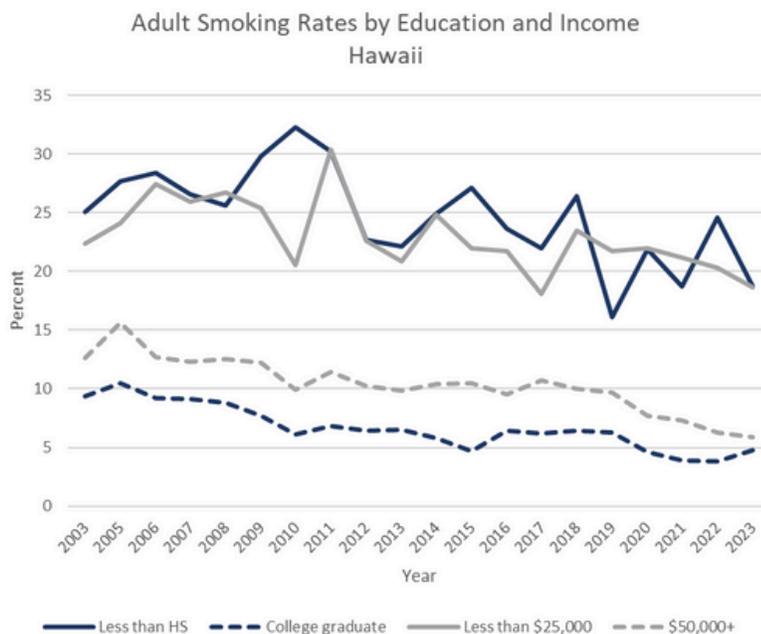


## Effects of Cigarette Excise Taxes

Hawaii currently imposes a \$3.20-per-pack state cigarette excise tax. Lawmakers often justify excise taxes on cigarettes to deter persons from using combustible cigarettes. These taxes not only disproportionately harm lower income and lower educated adults; the taxes also fail to significantly reduce smoking rates among those persons.

Among Hawaii adults earning \$25,000 or less, smoking rates increased on average by 0.4 percent annually between 2003 and 2023, while rates among adults earning \$50,000 or more decreased by 3.3 percent during the same period. Among Hawaiians who did not graduate high school, 18.7 percent were currently smoking in 2023, compared to 4.8 percent of college graduates who were smoking.

Lawmakers should refrain from enacting further increases in cigarette taxes given their disproportionate effect on low-income persons, while failing to reduce smoking rates.



# Tobacco & Vaping 101: Hawaii 2025

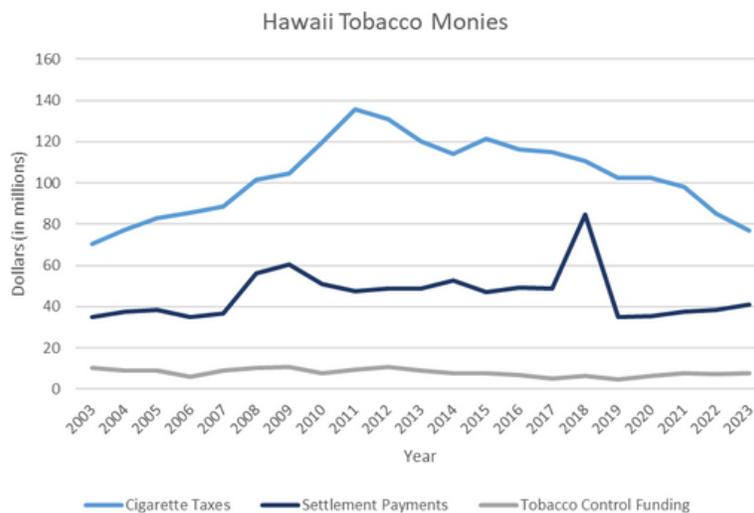
## Tobacco Monies

Each year, states receive billions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2023, the Aloha State collected \$76.8 million in state excise tax revenue from combustible cigarettes. This was a 9.8 percent decrease from 2022's \$85.1 million, or \$8.3 million less. Between 2003 and 2023, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since the 2000s, Hawaii has collected annual settlement payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year, after successfully suing manufacturers for smoking-related health care costs. Hawaii collected \$40.9 million in settlement payments in 2023, a 6.5 percent increase from 2022's \$38.4 million, or an additional \$2.5 million. Since 2003, the Aloha State collected more than \$964 million in tobacco settlement payments.

While Hawaii collected \$117.7 million in tobacco-related monies in 2023, the state allocated only \$7.6 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 2.7 percent increase in funding from 2022's \$7.4 million, or an additional \$200,000. This amounts to 9.9 percent of taxes and 18.6 percent of settlement payments. In 2023, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts. Between 2003 and 2023, Hawaii collected more than \$3.1 billion tobacco monies, yet spent only \$168.6 million (or 5.4 percent) on tobacco control efforts during the same period.



## References

1. Data on adult smoking rates comes from the Centers for Disease Control's Behavioral Risk Factor Surveillance Survey including sections on "Demographics - Race," Tobacco Use - All Categories," and "E-Cigarette Use." Accessed October, 2024. <https://www.cdc.gov/brfss/brfssprevalence/>.
2. Data on race and age was compiled using population data from the Annie E. Casey Foundation (<https://datacenter.kidscount.org/>) and Demographic data from the CDC to cross reference the racial population. Then, data from Smoking and Race, and E-Cigaretts and Age, was used to determine the percent of adults who were smoking in 2023.
3. Data on youth tobacco and vapor product use comes from the CDC's Youth Risk Behavior Survey. Accessed October, 2024. [https://www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm).
4. Data on tax information comes from Orzechowski and Walker, "The Tax Burden on Tobacco Historical Compilation Volume 58, 2023. Print.
5. Data on tobacco settlement payments is from Campaign for Tobacco-Free Kids, "Actual Annual Tobacco Settlement Payments Received by the States, 1998-2023." Accessed October, 2024. <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.
6. Data on tobacco control funding is from Campaign for Tobacco-Free Kids, "Appendix A: A History of Spending for State Tobacco Prevention Programs," Accessed October, 2024. <https://www.tobaccofreekids.org/assets/factsheets/0209.pdf>.



Hawaii COPD Coalition

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Honolulu, HI 96824

[hicopd@gmail.com](mailto:hicopd@gmail.com)

(808)699-9839

January 28, 2025

RE: **Please hear and Pass HB380, Relating to the Regulation of Tobacco Products**

Dear Chair Matayoshi and Vice Chair Chun and members of the House Consumer Protection and Commerce Committee:

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please hear AND pass HB380** which would restore local authority to regulate the sale of tobacco products to the counties, who were effectively controlling the issues arising in their communities. The Big Island, Kauai and Honolulu County have measures in their counties ready to be enacted as soon as this bill is effective!

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.

- Electronic smoking devices play a major role in the increased rates of youth nicotine addiction which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.
- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

Please help protect the lungs and lives of our people from flavored and mislabeled nicotine products. We urge you to **please HEAR and vote in favor of HB380 pass it out of committee so our counties can control the tobacco issues that are creating havoc in their communities.** 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



Date: January 28, 2025

To: Rep. Scot Z. Matayoshi, Chair  
Rep. Cory M. Chun, Vice Chair  
Members of the House Committee on Consumer Protection and Commerce

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

Re: **SUPPORT for HB380, Relating to the Regulation of Tobacco Products**

Hrg: January 29, 2025 at 2pm

---

Dear Chair Matayoshi, Vice Chair Chun and Members of the Committee:

The Campaign for Tobacco-Free Kids **strongly supports HB380** to end the state's prohibition on local governments in Hawai'i from enacting laws to prevent youth tobacco use. This harmful language preempting local laws has been in state statute since 2018 (HRS§ 328j-11.5), and it's long-past time to overcome the tobacco industry's opposition to its removal.

HB380 would protect keiki from tobacco addiction, save lives and advance health equity by allowing Hawai'i communities to enact their own targeted tobacco control solutions. The City and County of Honolulu, the County of Hawai'i, and the County Maui have already taken these steps in the last year – passing comprehensive legislation on behalf of their residents. Repealing preemption would allow the laws passed in these counties to go into effect and make state law the floor for tobacco control regulations, rather than retain provisions that establish state law as the ceiling.

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

Repealing preemption would allow local communities to pass restrictions on the sale of flavored tobacco products, a favorite tobacco industry strategy not only for targeting kids, but also Pacific Islanders, Asian Americans, Black Americans, Latinos, the LGBTQ community and other communities.

Research shows that 80% of youth who have ever used tobacco started with a flavored product, and the use of flavored e-cigarettes, in particular, has become a national crisis. In Hawai'i, 13.2% of high school students and 10.3% of middle school students use e-cigarettes, according to the 2023 Hawai'i Youth Risk Behavior Survey.

E-cigarette usage is even higher among high school students in the Hawai'i (15.4%) and Maui (15.1%) counties and among middle schoolers in Hawai'i (13.5%) and Maui (10.7%) counties, demonstrating the need for local communities to pass the tobacco-control ordinances they deem will better address their particular needs.

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

The Campaign for Tobacco-Free Kids urges Hawai'i policymakers to become leaders in discouraging the state's youth from starting to use tobacco by passing HB380.

Mahalo for your consideration,

Liza Ryan Gill  
Campaign for Tobacco-Free Kids HI

**HB-380**

Submitted on: 1/28/2025 12:32:33 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Travis Yoshinaga	Marukin Market	Oppose	Remotely Via Zoom

Comments:

- I oppose this bill because it will cause unintended consequences and create more hardship on local businesses and employees.
- I am a responsible business owner and in the 13+ years I have run my business I have never sold to under age people and I am regularly inspected by the state with secret shoppers or under age sting operations.
- If the state imposes these regulations, this will increase the state's/countys burden on enforcement efforts.

**HB-380**

Submitted on: 1/28/2025 12:49:58 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

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

Comments:

I oppose this bill. As an independent business owner, this would significantly impact my revenue and immediately threaten over \$40 million dollars in excise tax for the state with the prohibition of menthol sales.

The local Hawaii resident is under much financial pressure already losing this amount of taxes will set the state up to pull more taxes from other areas negatively impacting residents yet again. After just receiving a tax break by governor Green that makes no sense....

## TESTIMONY IN SUPPORT OF HB 380

TO: Chair Matayoshi, Vice-Chair Chun, and Members

FROM: Michael Paul, Certified Tobacco Treatment Specialist

DATE: January 29, 2025 (2:00 PM)

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Hawai'i Health & Harm Reduction Center (HHRC) **strongly supports** HB 380, which re-establishes county control over the sale of tobacco and nicotine products.

Prior to 2018, counties had the ability to regulate the sale of tobacco products in their communities. Counties in our state have been more responsive in quickly addressing the health and well-being of the people in their communities on this front. Our state's smoke-free air laws and the tobacco 21 law are examples of successful county level ordinances that were subsequently adopted statewide. Reauthorizing the counties to regulate the sale of tobacco products opens the possibilities for innovative policies at the local level, freeing the counties to find new and effective ways to address the public health challenges posed by tobacco use.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions.

With the ongoing support of the Hawai'i Community Foundation, HHRC continues to offer smoking cessation services that are tailored to meet the needs of our state's LGBTQ+ people, and other priority populations through its [Hawai'i's Last Drag](#) (HLD) program.

I proudly work as one of HLD's certified tobacco treatment specialists. We work with individuals in ways that are most appropriate for their current needs, with trainings conducted in person or via phone, text, or videoconferencing. We provide smoking cessation products to assist them with quitting the consumption of smoked tobacco and other nicotine products.

Thank you for the opportunity to testify on this measure.

January 28, 2025

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce

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 HB380**. As a youth that dedicated a lot of effort and testified on the Maui County flavor ban, I would like to see the state take action and restore county authority to regulate tobacco products.

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 Scot Matayoshi  
Vice Chair Cory Chun

Members of the Committee on Consumer Protection and Commerce

I am writing in **strong support of HB380** which would restore the counties' authority to regulate tobacco sales. Currently, Honolulu, Hawaii, and Maui Counties have passed laws to end the sale of flavored tobacco. They need the State to restore their authority so these important bills can go into effect.

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. 3 counties have passed laws to do this, please restore their ability to regulate tobacco sales so they can go into effect.

Thank you for the opportunity to testify.

Kaycee Miguel  
Ewa Beach

Chair Matayoshi  
Vice Chair Chun  
Members of the Committee on Consumer Protection and Commerce

My name is RJ and I am in strong support for bill **HB380** to give back the authority of counties to regulate tobacco sales.

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, please restore the authority to regulate tobacco at the county level. Our schools and communities deserve to be protected from the dangers of youth-targeted tobacco marketing.

RJ  
Lahaina

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection & Commerce

I'm writing to show my support for **HB380**. It would restore counties' authority to regulate tobacco sales, so Honolulu, Hawaii, and Maui can enforce their laws banning flavored tobacco and protect young people.

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.

I strongly support the ability to regulate tobacco sales at the county level because county level leaders know what needs to be done for the good of their people. Tobacco addictions can run high in specific locations compared to others and there could be many people reliant on the tobacco industry for an income. At the county level, it provides more individualized power to create changes that compromise as much as possible and not generalizing at the state level. By giving the state sole control of these policies, no changes will be made soon at all.

Chani Chung  
Ala Moana

Chair Scot Matayoshi  
Vice Chair Cory Chun  
Members of the Committee on Consumer Protection and Commerce

January 27th 2025

I **support HB380** to restore the county's ability to regulate tobacco sales.

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. I urge you to take a stand by banning flavored tobacco and giving counties the authority to regulate tobacco use at the local level

Rya Ortogero  
Kahului

Representative Scot Matayoshi: Chair  
Representative Cory Chun: Vice Chair  
Members of the Committee on Consumer Protection and Commerce

I'm writing to **support HB380**. This bill would give counties like Honolulu, Hawaii, and Maui the power to regulate tobacco sales and enforce laws banning flavored tobacco, which is a big issue in our communities.

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 **HB380**, Thank You for Reading,  
Violet Kato

Chair Matayoshi  
Vice Chair Chun  
Members of the Committee on Consumer Protection and Commerce

I **support HB380** 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 HB380 because it will allow counties to take real action on the flavor bans they've already put in place, directly addressing the problem of youth vaping.

Kaulana Kraan  
Aiea

Aloha Chair Matayoshi, Vice Chair Cory Chun,  
and Members of the Committee on Consumer  
Protection and Commerce.

I strongly support **HB380**.

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  
some how 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 and allow the county  
to regulate tobacco in its own community.

Mahina  
Maui

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer  
Protection & Commerce

I **support HB380** which restores counties' authority to regulate tobacco sales. It has passed in Maui, Honolulu, and Hawaii County and in order for it to go in effect this bill would need to pass. Flavored tobacco products have been a large issue in my school and community and we would really benefit if this would go into effect.

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 Scot Matayoshi

Vice Chair Cory Chun

Members of the Committee on Consumer Protection and Commerce

I **strongly support HB380**, which would restore counties' ability to regulate tobacco sales.

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 Scot Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce

I strongly support **HB380** 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.

Furthermore, curbing the ability of county governments to legislate, such as by taking the ability to regulate tobacco sales, would be antithetical to the point of having separate levels of government. County governments are meant to be closer to the people they represent, allowing us to be better served as they understand our specific needs and concerns more deeply.

Thank you for considering this important issue.

Theresa Ng  
Honolulu

Chair Scot Matayoshi  
Vice Chair Cory Chun  
Members of the Committee on Consumer Protection and Commerce

**I strongly support HB380** 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.

If the state does not take action to pass a flavor ban I support restoring county authority to regulate tobacco. Someone has to take action if the state doesn't.

Addison  
Aiea

Chair Matayoshi

Vice Chair Chun

Members of the Committee on Consumer Protection and Commerce

I'm in full **support of HB380**. 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. I strongly support HB380, which would restore the counties' authority to regulate tobacco sales and allow them to take action on the flavor bans that have already passed at the county level.

Darren

Aiea

Chair Scot Matayoshi

Vice Chair Cory Chun

Members of the Committee on Consumer Protection and Commerce

I support HB380 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. That is why we need to pass HB380, the state can restore the ability of counties to take action on the flavor bans they've already approved, helping to lower the rates of youth vaping in our communities.

Sayde

Ewa Beach

Chair: Representative Matayoshi  
Vice Chair: Representative Chun  
Members of the Committee on Consumer Protection and Commerce

I support HB380 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.

I support HB380 because it gives the counties the ability to regulate the sale of tobacco products, it gives the counties power to make decisions about tobacco in their community. Our counties made a strong move by banning flavored tobacco. Now the state should give them back the authority they need to make those bans happen and help protect future generations from addiction.

Braxton  
Waipahu

2025 January 27

Aloha Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce,

I support HB380 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 restore county authority to regulate tobacco sales. The counties have done their part by passing flavor bans. It's time for the state to give them the authority to make those laws official and ensure that more teens don't get hooked on tobacco.

Clark Rivera  
Aiea

01/28/2025

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce,

I **fully support HB380**, which would restore the county's authority to regulate tobacco sales. Thanks to our collective efforts, Maui County passed a comprehensive flavor ban, including menthol, at the end of last year. However, this ban cannot take effect until the state grants the county the authority to regulate tobacco sales within its jurisdiction. We would like to see our efforts take action!

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.

It's become clear that the state needs to take action to protect public health, but counties should also have the authority to regulate tobacco sales and ban flavored products if the state does not act. Local governments often have a closer understanding of the needs and challenges within their communities and

are better positioned to implement policies that protect public health. In Maui, for example, we worked extremely hard by submitting testimony to pass a county-level flavor ban. This effort demonstrated how effective local-level action can be, but it's crucial that the state restores county authority to regulate tobacco sales. This would empower communities to take proactive steps to prevent youth tobacco use and address local concerns, rather than waiting for state-level action, which often leads to delays that prolong the harm caused by flavored tobacco products.

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 Matayoshi

Vice Chair- Representative Chun

Members of the Committee on Consumer Protection and Commerce

I am writing in **support of HB380**. Tobacco is the leading cause of preventable death in the world. Ending the sale of flavored tobacco products by restoring county authority to regulate tobacco sales 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.

To ensure that they are doing their part to end the youth vaping epidemic Maui, Honolulu, and Hawaii Counties have already done the right thing by passing flavor bans. Now, it's time for the state to give them the authority to actually enforce those laws and protect our generation from tobacco.

CJ

Aiea

Aloha Chair Matayoshi, Vice Chair Chun, and Members of the Committee,

I am in strong **support of passing HB380** so that the state can restore the ability of counties to take action on the flavor bans they've already approved, helping to reduce the rates of youth vaping in our communities.

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. Maui, Honolulu, and Hawaii Counties have done the hard work of passing flavor bans. Now, the state should restore their authority so they can enforce these bans and prevent more teens from getting addicted.

Jordan Lopez

Aiea

Chair Matayoshi  
Vice Chair Chun

Members of the Committee on Consumer Protection & Commerce

I am testifying in strong support of HB380 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. That's why Maui, Honolulu, and Hawaii Counties have made the right decision to ban flavored tobacco. The state should restore the authority to these counties so they can take action and actually protect our future.

Alyssa Duro  
Aiea

**Chair Matayoshi**  
**Vice Chair Chun**  
**Members of the Committee**

**I am testifying in strong support of HB380, which seeks to restore county authority to regulate tobacco sales, especially flavored products, to protect the health and well-being of our communities.**

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.

**I strongly support HB380 because it will restore the authority to counties, giving them the power to enforce these changes at the local level. This bill is crucial for protecting the next generation from the harms of nicotine addiction and ensuring the health of our communities.**

**Merry Lorhynne**  
**Aiea**

Chair Scot Matayoshi  
Vice Chair Cory Chun  
& Members of the Committee of Consumer Protection & Commerce

My name is Lillian Chau, a Sophomore attending Maui High School. I am writing to express my **strong support for HB380**, which aims to restore county authority to regulate tobacco products. 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. I worked to help pass the Maui County flavor ban, but it can't take effect until the state restores the county's authority to regulate tobacco sales, a step that is crucial for making our efforts a reality.

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 HB380, 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 Matayoshi

Vice Chair Representative Chun

Members on the Committee of Consumer Protection and Commerce

I am in **support of HB 380** 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. By allowing the counties to regulate the sale of tobacco products, 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. Maui, Honolulu, and Hawaii Counties have already made the right decision by passing flavor bans. It's time for the state to respect those decisions and return the authority to regulate tobacco sales, allowing these laws to be put into action and protect local communities.

Alexis Cortes-Swanson

Aiea

1/27/2025

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce,

I support HB380 because Maui, Honolulu, and Hawaii Counties have made significant efforts in banning flavored tobacco to reduce youth addiction. The state must now restore the counties' authority to regulate tobacco sales so these policies can be fully implemented and prevent further harm to the youth that it has already effected.

Restoring county authority to regulate tobacco products is necessary because 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's time for the state to trust these counties with the authority to regulate tobacco sales and so that no more youth are protected.

Jazmine  
Waipahu

Aloha Chair Matayoshi, Vice Chair Chun, 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 HB380**. Maui, Honolulu, and Hawaii Counties have made rules to ban flavored tobacco to keep kids safe. Now, the state should give them the power to make these rules work and stop tobacco from hurting more people.

Kaila'i

Wailuku

Chair Scot Matayoshi, Vice Chair Cory Chun, and Members of the Committee on Consumer Protection and Commerce,

I support HB380 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.

The counties of Maui, Honolulu, and Hawaii have already made the necessary decision to pass flavor bans, a step that is essential to protecting youth. The state must act now by restoring county authority to ensure that these laws are implemented and youth are kept safe.

Holly Taguma  
Lihue

Chair Scot Matayoshi  
Vice Chair Cory Chun

Members of the Committee on Consumer Protection and Commerce

I support **HB380** because Maui, Honolulu, and Hawaii Counties have already banned flavored tobacco products to keep us safe. It's time for the state to give back the authority to actually implement those bans.

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. Might as well start at the root of the problem and ban the use of flavored tobacco products by restoring county authority.

Kelsy K.  
Kaneohe

Chair Scot Matayoshi, Vice Chair Cory Chun, and Members of the Committee on Consumer Protection and Commerce,

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 HB380** to restore county authority to regulate tobacco products.

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.

The state should restore the authority to these counties so they can take action and actually protect our future.

Kimiyo  
Ewa Beach

1/27/2025

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce,

I support **HB380** 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.

Maui, Honolulu, and Hawaii Counties have already decided to ban flavored tobacco products to protect young people. It's time for the state to let them have the power to enforce these rules and make sure the law works.

Royce Takara  
Honolulu

**Chair Matayoshi**

**Vice Chair Chun**

**Members of the Committee**

I strongly believe that youth vaping must be stopped, that is why I **support HB380**. 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. Maui, Honolulu, and Hawaii Counties have done the right thing by passing flavor bans. Now, the state must allow these counties to enforce these rules, ensuring that us kids are protected from the harms of tobacco.

Derrick U.

Aiea

Chair Matayoshi, Vice Chair Chun, and Members of the Committee on Consumer Protection and Commerce,

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 HB380**, counties that have passed flavor bans, like Honolulu, can finally take action, using the authority restored by the state to protect us from the dangers of nicotine addiction.

Joshua M.  
Honolulu

**HB-380**

Submitted on: 1/28/2025 1:23:26 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Rasak	VOLCANO Vape Shops	Oppose	Written Testimony Only

Comments:

**Testimony in Opposition to HB380**

**To: The House Committee on Consumer Protection & Commerce**

**Chair Rep. Scot Z. Matayoshi, Vice Chair Rep. Cory M. Chun, and Members of the Committee**

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

My name is Scott Rasak, and I am submitting testimony on behalf of VOLCANO eCigs, a locally owned and operated business with 16 retail locations across the islands of Hawaii. We respectfully oppose HB380, which seeks to repeal the preemption of local ordinances regulating tobacco products, including electronic smoking devices.

While we fully support efforts to reduce youth tobacco and vaping usage, the proposed legislation introduces significant challenges that would ultimately harm consumers, businesses, and the state’s economy. Below, we outline our primary concerns:

**1. Creation of a Patchwork of Regulatory Hurdles**

Repealing the statewide preemption would lead to a fragmented regulatory framework, with each county adopting its own rules for tobacco and vaping products. This patchwork approach would make compliance unnecessarily complex, particularly for businesses operating across multiple counties like ours.

- For example, different flavor bans, tax rates, or licensing requirements from county to county would create logistical nightmares, forcing businesses to implement costly, county-specific operational strategies.
- Consumers would likely turn to unregulated marketplaces, creating greater public health risks as these products evade oversight.

**2. De Facto Statewide Flavor Ban**

Several counties already have "trigger bans" that would take effect immediately if preemption is repealed. This would result in a de facto flavor ban across Maui, Oahu, and the Big Island.

- Flavored products constitute a significant portion of adult customer preferences. A ban would shift demand to the black market, diminishing the state's ability to enforce regulations.
- According to a 2022 study in Massachusetts, which enacted a similar ban, flavored tobacco sales dropped in regulated markets but rose significantly in neighboring states and illegal markets. Hawaii would likely face similar unintended consequences.

### **3. Massive Loss of State Tax Revenue**

The state of Hawaii currently generates millions in tax revenue from the sale of tobacco and vaping products, much of which funds critical public services. If HB380 passes, revenue losses could be devastating due to reduced legal sales.

- Neighboring counties or states with less restrictive laws could absorb Hawaii's customers.
- This loss would shift the tax burden to other industries or residents, exacerbating economic disparities.

### **4. Lessons from Other Jurisdictions**

Looking globally, overly restrictive tobacco laws have had unintended consequences:

- **Australia:** The country's stringent vaping regulations resulted in a flourishing black market for nicotine products, undermining public health goals.
- **New York City:** High taxation and flavor bans on tobacco have led to increased smuggling and illegal sales, diverting revenue from state and city coffers.

### **Conclusion**

The current statewide regulatory framework ensures consistent enforcement, prevents confusion among businesses and consumers, and minimizes illegal market growth. By repealing the preemption, Hawaii risks undoing these benefits, while also harming legitimate businesses like VOLCANO eCigs and the state's economy.

We urge the committee to oppose HB380 and consider alternative approaches to youth vaping, such as educational programs and targeted enforcement. Let us work together to find balanced, effective solutions that protect public health without imposing undue burdens on businesses and consumers.

Thank you for considering our testimony.

Sincerely,  
Scott Rasak  
COO



## Hawaii Dental Association

Committee: House Consumer Protection Committee

Time/Date: 2:00 pm, January 29, 2025

Location: State Capitol Conference Room 329 and via Videoconference

Re: HB 380, Relating to the Regulation of Tobacco Products

Aloha Chair Matayoshi, Vice Chair Chun, and members of the committee,

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 380**, relating to the regulation of tobacco products. This bill repeals laws that preempt all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices, thereby allowing counties to take strong action in support of tobacco cessation.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. Tobacco use is causally associated with higher rates of tooth decay, receding gums, periodontal disease, mucosal lesions, bone damage, tooth loss, jawbone loss and more. Published research studies have found that children are twice as sensitive to tobacco advertising as adults and are more likely to be influenced to smoke by cigarette marketing than by peer pressure. One-third of underage experimentation with smoking is attributable to tobacco company advertising. These are among the reasons why the Hawaii Dental Association, like the American Dental Association, is working with dentists, educators, public health officials, lawmakers, and the public to prevent and, hopefully, eliminate the use of all tobacco products. February is children's oral health month. This bill is an important step to promote the oral health of children and adults. We will continue to support legislation aimed at enhancing and promoting oral health.

HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

Mahalo for the opportunity to testify in support of HB 380.

January 28, 2025

TO: Scot Z. Matayoshi, Chair  
Cory M. Chun, Vice Chair  
Members of the House Committee on Consumer Protection & Commerce

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

RE: **HB 380** - Relating to the Regulation of Tobacco Products  
Hearing Date: January 29, 2024  
Time: 2:00 p.m.

The Cigar Association of America, Inc. ("CAA") **opposes HB 380**.

Founded in 1937, CAA is the voice of the cigar industry in the United States representing the interests of cigar manufacturers, importers, distributors, and major suppliers of the industry.

**HB 380** seeks to remove the statewide preemption regarding the sale and regulation of cigarettes, tobacco products and electronic devices. **HB 380's** suggested removal of the preemption provision would introduce unnecessary complexities and disparities in the regulatory landscape. Economic success should be determined by fair and uniform regulations applicable across the entire state, rather than being contingent on the geographic location of a store.

**HB 380** allows localities to regulate the sale of tobacco products independently, creating a scenario where businesses in different jurisdictions face varying economic circumstances. Small businesses should not bear the burden of navigating regulations based on location. The predictability and stability that statewide laws offer is vital for the growth and sustainability of small businesses.

In addition, the absence of cohesive statewide laws relating to the sale of tobacco products could inadvertently contribute to the growth of an illicit market for these products. Inconsistent regulations across jurisdictions create loopholes and opportunities for illegal activities, undermining the goals of existing statewide preemption as well as posing additional challenges for the state of Hawai'i.

CAA strongly urges this committee to consider the adverse effects that **HB 380** could impose on small businesses in Hawai'i. Preserving statewide preemption ensures a uniform and consistent regulatory environment that supports economic stability, simplifies compliance and is essential for creating a level playing field for all retailers.

CAA appreciates this committee's consideration of its position, and firmly **opposes HB 380**.



**American  
Heart  
Association.**

January 28, 2024

**LATE**

Rep. Scot Matayoshi, Chair  
Rep. Cory Chun, Vice Chair  
Members of the House Committee on Consumer  
Protection and Commerce

**Chairman of the Board**  
Brandt Farias

**President**  
Zia Khan, MD

**Board Members**  
Greg Christian  
Jason Fujita  
Michael Lui, MD  
Ben Morgan  
Matthew Reeves, D.O., MBA  
Ben Salazar  
Michael Tanoue, M.D.  
David Underriner

**American Heart Association Testimony for HB 380  
“Relating to Tobacco Products”**

The American Heart Association is pleased to support HB 380. This bill will repeal existing law that provides that all local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted and that existing local laws and regulations conflicting with the state law on smoking are null and void.

The bill further makes clear that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not conflict with and are more stringent than the state law on smoking.

*Serving Hawaii since 1948*

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

Most of Hawaii’s most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii’s counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law. The tobacco industry for years, on the other hand, has attempted and recently succeeded to pass state legislation that would preempt local government’s home rule on tobacco issues.

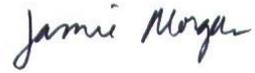
For more information on the AHA’s educational or research programs, visit [www.heart.org](http://www.heart.org) or contact your nearest AHA office.

Tobacco, which remains the leading preventable cause of death in Hawaii, is a public health threat deserving of both local and state policy attention. The American Heart Association believes that local governments should be able to determine their own needs for tobacco policies, and the state legislature should support those efforts by establishing a floor, not a ceiling, on what local governments can do to address those needs.

Some 1,400 Hawaii residents die each year from tobacco use, and 21,000 kids alive today in Hawaii will die prematurely from tobacco use if nothing is done to reduce it.

The American Heart Association urges your support of HB 380 and asks that state legislators return county home rule on what is among the most vital public health issues back to local communities.

Sincerely,

A handwritten signature in black ink that reads "Jamie Morgan". The signature is written in a cursive, flowing style.

Jamie Morgan  
Sr. Region Lead, State Government Relations

**LATE**

**HB-380**

Submitted on: 1/28/2025 2:51:14 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Jordan	Discount Smoke Shop Hawaii	Oppose	Written Testimony Only

Comments:

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

My name is Michelle Jordan, and I am a representative of Discount Smoke Shop Hawai'i 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 380, which seeks to repeal the states preemption of county-level regulation of tobacco sales.

While I understand the importance of addressing public health concerns, HB 380 would create significant unintended consequences that would negatively impact small businesses like ours, create unnecessary regulatory confusion, and place additional tax burdens on the state.

Unintended Consequences of HB 380

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 across these county's 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. Adding another layer of county-level regulations would disproportionately impact small businesses, as we lack the resources of large corporations to navigate a complicated regulatory framework. 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 establishment of county-level 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.

#### A Need for Statewide Consistency

As a responsible retailer, I support sensible, consistent statewide regulations that ensure public health while allowing businesses to operate efficiently. The existing preemption system provides a uniform regulatory framework that is easier for businesses to follow and for the state to enforce. Repealing it would create confusion, economic hardship, and enforcement challenges without achieving meaningful public health improvements.

#### Conclusion

For the reasons outlined above, I strongly urge this committee to oppose HB 380. Let us focus instead on strengthening statewide efforts to address public health concerns while supporting Hawai'i small business community and protecting the state economic interests.

Lastly, do not limit the adult tobacco consumers choice to purchase. Do not take away the right to partake in a nationally legal product. Adult Tobacco users have the right to consume market authorized products by the FDA. If public health and curbing underage use is the issue, stricter fines and penalties should be imposed and people that provide it to underage users should be punished by strict law.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Michelle Jordan

Representative of a local small business.



**LATE**

**HB380 Return Tobacco Management to Counties**  
**COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

Rep. Scot Z. Matayoshi, Chair  
Rep. Cory M. Chun, Vice Chair

Wednesday, Jan 29, 2025: 2:00: Room 329

**Hawaii Substance Abuse Coalition Supports HB380:**

*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 as well as recovery-oriented services and related vocational transitional housing.*

**HSAC is in full support to regulate e-cigarettes to children because of the huge impact that vaping has with children.**

- Counties have demonstrated their capability to manage tobacco-related policies.
- Giving the counties the freedom to manage their own regulations at the point of sale for tobacco products helps them to better respond to their constituents.
- The counties support this measure as it was part of the Hawai'i Association of Counties legislative package.
- This measure does not affect tax.

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

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



The Store  
With  
*Molokai*

ABC Stores  
766 Pohukaina Street  
Honolulu, Hawaii 96813-5391  
www.abcstores.com

Telephone: (808) 591-2550  
Fax: (808) 591-2039  
E-mail: mail@abcstores.com

January 28, 2025

**LATE**

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,

---

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

COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
Rep. Scot Z. Matayoshi, Chair  
Rep. Cory M. Chun, Vice Chair

**LATE**

Wednesday, January 29, 2025  
2:00 PM – Room 329

### Testimony In Support of House Bill 380 Relating to the Regulation of Tobacco Products

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education, and advocacy. The work of the American Lung Association in Hawai'i and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

**The American Lung Association calls on Hawai'i officials to support House Bill 380 which repeals existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations.**

The need for Hawai'i to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019, the last year that CDC was able to collect data in comparable ways as previous years and (2021 was affected by school shutdowns and school-from-home protocol due to COVID-19), the nearly every 1 in 3 high schoolers in Hawai'i vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.<sup>1</sup>

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

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

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

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

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

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

The American Lung Association in Hawai'i urges legislators to continue to support and advocate for policies to protect youth from tobacco use by allowing local governments to create solutions that work for them. We urge for your support of House Bill 380.

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

**HB-380**

Submitted on: 1/27/2025 3:54:03 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Strong support. Thank you.

**HB-380**

Submitted on: 1/27/2025 3:57:02 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shelly Ogata	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Matayoshi, Vice Chair Chun, and members of the Committee on Consumer Protection and Commerce:

I am in strong support of repealing the preemption language that was inserted a few years ago. Counties need to have home rule back as we are uniquely positioned to quickly address the health needs of our communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation. We should not worry about revenue shortfalls on the backs of our keiki.

Returning the counties ability to regulate the sale of tobacco products will reduce the overall use of tobacco in our communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities, once again, for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

Mahalo for your support.

**HB-380**

Submitted on: 1/27/2025 4:29:20 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephanie Austin	Individual	Support	Written Testimony Only

Comments:

Counties should regulate tobacco products, rather than the State of Hawaii.

Aloha Honorable Members of the House Committee on Consumer Protection & Commerce,

I am writing this testimony in strong support of HB 380 to Restore Local Authority to Regulate the Sale of Tobacco Products. Preemption in tobacco control is a well-known tactic used by the tobacco industry to thwart health initiatives that protect our communities, particularly our youth. County tobacco control laws paved the way for many, if not most, of the tobacco protections we have in place today. Without Counties moving forward on clean air laws, age restrictions, etc. we wouldn't have made the gains in smoking reduction that we have seen, thus saving lives and healthcare costs throughout our state.

Hawaii's counties have already demonstrated that we want and need flavored tobacco restrictions for our communities, as each county has passed a law that will go into effect once preemption has been reversed on this issue, but cannot go into effect before. The state has been unsuccessful in passing this much needed legislation, so it's time to give the counties back the authority to take this issue on. Our youth are depending on us as the vaping industry has targeted them specifically, and youth addiction to these highly concentrated nicotine products has skyrocketed as a result. They are paying the price for our inaction.

I am a mother and a former teenage smoker. The tobacco protections that went into place in the 90s, including clean air laws, increased taxes, the banning of advertising and flavored cigarettes like vanilla and strawberry, etc. all contributed to my being able to quit. I'm so grateful for these laws, and likely owe my life to them. I want to see (and be a part of) Maui County's continued work toward reducing nicotine addiction in our community, particularly for our younger population, and help individuals in our county to avoid needless early death and disease.

Please allow Maui County, along with the other counties, to work on tobacco control laws that will protect our unique communities, and especially our keiki. We can continue this good work if authority is restored to our local governments to regulate the sale of tobacco products.

Mahalo nui loa for your time and support,

Katie Folio  
Mother, resident  
Kula, HI

**HB-380**

Submitted on: 1/27/2025 4:41:00 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry SUPPORT HB380 on behalf of HI Public Health Institute, Coalition for a Tobacco Free Hawaii

Talking points:

- E-cigarettes play a major role in the increased rates of youth nicotine addiction, which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.
- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

**HB-380**

Submitted on: 1/27/2025 4:47:12 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donita Garcia	Individual	Support	Written Testimony Only

Comments:

- E-cigarettes play a major role in the increased rates of youth nicotine addiction, which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.
- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

## HB 380

I am writing as a neighbor island pediatrician in support of HB 380, to reverse preemption of County powers to regulate health issues locally. Since 2018, when the State Legislature voted for this usurpation of County regulation of the sale of tobacco products, the Legislature, at the urging of the tobacco lobby, has found itself unable to enact a tobacco flavor ban . Flavor bans have been proven to greatly reduce electronic tobacco use in children in other states that have been less reluctant to protect their children. Already Hawaii has one of the highest rates of vaping in the country, and the neighbor islands are suffering even more. Our schools are staggering under the burden of electronic devices. And yet, our counties are prohibited from enacting any tobacco control measures whatsoever. Previously this was not the case, and Kauai had great success in decreasing cigarette use among teens.

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

Linda Weiner, MD  
Pediatrician, Kauai

**HB-380**

Submitted on: 1/27/2025 5:17:14 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cori Takesue	Individual	Support	Written Testimony Only

Comments:

I strongly support Bill 380 as it is written. 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. I strongly support this bill because it is necessary to restore the counties' authority to regulate tobacco products. Each county should have the authority to determine how they would like to regulate tobacco products that are impacting their communities. Please support HB380.

**HB-380**

Submitted on: 1/27/2025 5:22:30 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathy Kim	Individual	Oppose	Written Testimony Only

Comments:

Strongly Opposed to house bill 380. The legislature got it right the first time.

Date: January 27, 2025

To: The Honorable Scot Z. Matayoshi, Chair  
The Honorable Cory M. Chun, Vice Chair  
Members of the House Committee on Consumer Protection & Commerce

Re: **Support for HB 380**, Relating to the Regulation of Tobacco Products

Hrg: Wednesday January 29, 2025 at 2:00 pm via Videoconference Conference Room 329

Aloha House Committee on Consumer Protection & Commerce,

As a parent, community member and healthcare professional I am writing in **strong support of HB 380**, which repeals existing statutory language that: (1) declares that the sale of cigarettes, tobacco products, and electronic devices are a statewide concern; and (2) preempts all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices.

Local governments need the ability to pass evidence-based policies to address the needs of their community.

Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that address the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

Some of Hawai'i's most successful tobacco policies started at the local level, including raising the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

Since 2018, only the state has been able to enact regulations on the sale of tobacco products. During this time the youth vaping epidemic (now in its 8<sup>th</sup> year) has continued without the most affected counties (neighbor islands) being able to implement local solutions.

Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

I **strongly support HB 380**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

**HB-380**

Submitted on: 1/27/2025 7:56:34 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hannah Hedrick	Individual	Support	Written Testimony Only

Comments:

When I begin working for the American Medical Association in 1978, the organization had widespread investments in tobacco products and cigarette dispensing machines readily available. After 22 years of advocacy from me and other employees, physicians, and Attorney General C Everett Koop MD, the AMA become a strong advocate for tobacco control.

A few years after I moved to Hawaii County, the American Lung Association hosted a meeting of representatives from local healthcare institutions and disease associations to develop a tobacco-free program. I learned of that meeting through a public service announcement in the local newspaper.

That group of individuals, with help from the state coalition, passed the most progressive tobacco-free legislation in the United States, if not the world. Other counties adopted similar legislation, and eventually the state followed suit.

I do not recall a single piece of legislation in which the state played a leadership role. In fact, many legislators received significant funding from the tobacco industry and resisted the county models.

I support HB 380 because it would allow the counties to improve Public Health locally while waiting for the state to follow their lead.

Strong tobacco-free legislation, including vaping, is more important for Hawaii County because of volcanic activity creating life-threatening air pollution.

I therefore urge you to pass HB 380.

Respectfully, Hannah Hedrick, PhD

air pollution.



**HB-380**

Submitted on: 1/27/2025 10:52:25 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marilyn Itomura	Individual	Support	Written Testimony Only

Comments:

As a dentist in Hawaii, I see the damage these products cause and want to pledge my support for this bill.

**HB-380**

Submitted on: 1/27/2025 11:16:20 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

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

Comments:

Aloha,

My name is Bryan Mih and I am a parent, pediatrician, and the medical director of the Kapi’olani Smokefree Families Program. For the health of our keiki and their families, it is vitally important to support HB380. E-cigarettes or “vapes” are addicting increasing numbers of keiki to nicotine. The ability of each county to introduce new rules has a proven track record of improving the health of our population. These include increasing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

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

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

Please support this important bill. Mahalo for your consideration.

Sincerely,

Bryan Mih, MD MPH FAAP

Pediatrician

Medical Director, Kapi'olani Smokefree Families

**HB-380**

Submitted on: 1/28/2025 12:20:10 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leslie Garo	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Consumer Protection & Commerce,

I am in strong support of Bill HB 380. As a parent and involved community member, it is so important to restore local authority to regulate the sale of tobacco products. By granting each county to regulate the sale of tobacco products, there will be the best policies in place to better our communities. This will allow each county to protect the youth from harmful and toxic chemicals that can impact their brain development, lungs, and overall health. By passing this bill, we will be able to reduce the overall use of tobacco and reduce healthcare costs associated with tobacco-related illness. Our local leaders know how to resolve local problems. It is vital to give counties the ability to quickly address the health needs of their communities. Without local authority, more lives are at stake due to tobacco use and sales. Passing this bill will make processes for tobacco regulation much more efficient and effective for the communities. This has been given to our counties before, so it is not impossible to make this happen again. Please be a part of making a positive impact on our local communities. I ask for you to pass the bill and allow our youth to live longer and healthier lives and for our communities to thrive without the harmful effects of tobacco products.

Mahalo for your time and consideration.

**HB-380**

Submitted on: 1/28/2025 1:17:24 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cardenas Pintor	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am testifying in opposition. People do not think about this, but flavor tobacco products is a form of harm reduction.

In a research survey of 69,233 participants, there was a sub-analysis survey where 7,746 of participants were former or current smokers and were using e-cigarettes at the time of smoking cessation, with 3,770 participants considering that tobacco flavors helped avoid relapse to smoking (Farsalinos et al., 2022, p. 5). The reasonings people used a vaporizers according to 8th, 10th, and 12th graders are experimentation, taste, boredom, having a good time, and relaxation (Patrick et al., 2016, p. 275).

Banning flavored vapes in the Hawai'i by preemption can cause more harm, and we have seen it before.

There has only been one amendment that has been repealed, which was the 18th amendment, prohibition on alcohol. The unintended consequences of banning alcohol lead to restaurants failing, closure of business, less tax revenues, serious consequences for public health concerns, and the opening of a black market. The black market is especially prevalent as with a black market, it caused an increase of crimes and gang violence in America (Lenner, 2022).

The same happened in again when President Ronald Reagan created the Anti-Drug Abuse Act. The policies led to a rapid the policies led to a rapid rise in incarcerations for nonviolent drug offenses, from 50,000 in 1980 to 400,000 in 1997 (History.com Editors, 2017).

Alternatively, lawmakers can instead increases taxes on flavored tobacco products, as there is a difference between making something illegal and making something inaccessible. Illegal can mean something is unofficial, meaning people are still able to do it, inaccessible is something that is out of reach. If we really wanted to help our keiki, we should focus on getting to the root problems of alleviating boredom and giving more keiki places and activists to relax such as funding teachers to run extra curricular activies. If we wanted to ban electronic tobacco, we would have made it inaccessible. This bill fails to fix the issue at hand, which is finding a way to stop keiki from using AND getting electronic tobacco because people will always find a supplier.

References:

Farsalinos, K., Russell, C., Polosa, R. *et al.* Patterns of flavored e-cigarette use among adult vapers in the USA: an online cross-sectional survey of 69,233 participants. *Harm Reduct J* 20, 147 (2023). <https://doi.org/10.1186/s12954-023-00876-w>

History.com Editors. (2019, June 7). *War on Drugs*. HISTORY.  
[https://www.history.com/topics/crime/the-war-on-drugs#section\\_1](https://www.history.com/topics/crime/the-war-on-drugs#section_1)

Lerner, M. (2022). *Unintended Consequences of Prohibition*. PBS; PBS.  
<https://www.pbs.org/kenburns/prohibition/unintended-consequences>

Patrick, M. E., Miech, R. A., Carlier, C., O'Malley, P. M., Johnston, L. D., & Schulenberg, J. E. (2016). Self-reported reasons for vaping among 8th, 10th, and 12th graders in the US: Nationally-representative results. *Drug and alcohol dependence*, 165, 275–278.  
<https://doi.org/10.1016/j.drugalcdep.2016.05.017>

Mahalo nui,

Cardenas (Cards) Pintor

**HB-380**

Submitted on: 1/28/2025 8:08:52 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
mary santa maria	Individual	Support	Written Testimony Only

Comments:

I strongly support HB380. By restoring the County's tobacco control authority gives the County's the authority to set control measures that would by unquitly fit that County's population.

Sincerely

Mary Santa Maria

**HB-380**

Submitted on: 1/28/2025 8:35:47 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Courtney DeConto	Individual	Support	Written Testimony Only

Comments:

As a pediatric nurse practitioner, I daily see the impact of tobacco products on young children. I believe by placing regulation control back in the hands of local government, there will be greater impact in preventing underage tobacco use.

Luke Itomura

January 29, 2025

House Committee on Consumer  
Protection and Commerce

### TESTIMONY IN STRONG SUPPORT OF HB380

Aloha Chair Scot Matayoshi, Vice Chair  
Cory Chun, and members of the  
Committee on Consumer Protection and  
Commerce,



**Photo of Collected Vapes from Schools Across  
Hawaii**

Thank you for the opportunity to submit testimony in **strong support of HB380**. I am Luke Itomura, a sophomore at Punahou School, and I am testifying to express my strong support for HB380. 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](#)).

Advocates have worked to pass bills that end the sale of flavored tobacco in the City and County of Honolulu, the County of Hawai'i, and the Count of Maui. The counties have given the state a clear message to protect our keiki and restore their authority to regulate tobacco sales by passing HB380. 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 HB380, protecting our innocent keiki from Big Tobacco

Many opposers bring up the argument that Hawaii would lose tax revenue by banning 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:

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

By passing HB380, 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 HB380 is the first step in securing a tobacco-free future.

Thank you for your time.

Mahalo,

Luke Itomura

**HB-380**

Submitted on: 1/28/2025 10:28:56 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aimee Grace	Individual	Support	Written Testimony Only

Comments:

We must allow counties full authority to regulate tobacco products. Tobacco use of all kinds is highly damaging to our keiki and communities, and we must do what we can to give power to the local governments to regulate it. Mahalo, Aimee Grace

**HB-380**

Submitted on: 1/28/2025 10:44:40 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealoha Madriaga	Individual	Support	Written Testimony Only

Comments:

**Testimony in Support of HB 380  
Relating to Restoring Local Control to Counties for Tobacco Regulation**

**January 28, 2025**

To: Honorable Chair, Vice Chair, and Members of the Committee

My name is Kealoha Madriaga, and I am submitting this testimony in **strong support of HB 380**, which seeks to restore local control to counties to regulate the sale of tobacco products.

As a resident of Hawai‘i, I have seen firsthand the harmful impacts of tobacco use on our communities. Tobacco remains one of the leading causes of preventable illness and death, and its presence disproportionately affects vulnerable populations, including youth, Native Hawaiians, and individuals in low-income communities. HB 380 would empower counties to enact measures tailored to address the unique needs and challenges of their communities in combating tobacco use and its related health risks.

**Why Local Control Matters**

- 1. Addressing Community-Specific Needs:**  
Hawai‘i’s diverse counties face varying levels of tobacco use and availability. For example, rural areas may struggle with higher access to flavored tobacco products targeting youth, while urban areas might face different challenges with tobacco marketing. By restoring regulatory authority to counties, we ensure that local governments can implement policies that are culturally and geographically responsive.
- 2. Preventing Youth Tobacco Use:**  
Flavored tobacco products, e-cigarettes, and other emerging nicotine products are designed to appeal to children and teens, creating a new generation of smokers. With restored authority, counties can move more quickly to ban these harmful products, limit retail availability near schools, and protect our keiki.
- 3. Supporting Public Health Initiatives:**  
Counties are on the front lines of addressing health crises. Restoring their ability to regulate tobacco sales aligns with broader public health strategies to reduce smoking rates, prevent chronic illnesses, and lower healthcare costs.

## **Restoring Local Voices in Tobacco Regulation**

HB 380 would return an essential tool to local governments, enabling them to prioritize public health and safety over industry profits. It is critical that counties have the power to act in the best interests of their residents, especially when state-level action may be delayed or limited.

Hawai‘i has always been a leader in protecting public health, and HB 380 continues that legacy. By passing this bill, we are sending a clear message that the health and well-being of our people—especially our youth—come first.

I urge you to pass HB 380 and restore counties' ability to make decisions that reflect their communities' unique needs. Thank you for the opportunity to testify.

Mahalo nui loa

**HB-380**

Submitted on: 1/28/2025 10:45:11 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a resident and tax payer in Pukalani Hawaii, as well as a parent, health educator and epidemiologist, I am in strong support of HB380.

We need to end tobacco preemption. When laws are preempted, they have no force or effect. In the case of tobacco control, local (or county-level) control is very important. Because of the importance of local control, the tobacco industry and its allies have historically used, and continue to use, preemptive strategies to prevent smoke-free laws, youth access, retailer licensing restrictions, advertising and promotion regulations, and similar policies.

When a state has preemption, it takes away the “local voice” and invalidate many local tobacco control policies that represent years of effort. Moreover, once enacted, preemptive laws are traditionally difficult to repeal, and can affect the legal and advocacy landscape for years. When comparing states with and without preemption, research has shown that preemption has resulted in health and social norm disparities.

In terms of tax dollars coming into the state from tobacco sales, (1) is making money from tobacco products really how Hawaii wants to make money?, (2) other states that have strong tobacco laws, including flavor bans, show that people still spend the same amount of money in their state, just on other products, and (3) when considering the potential of lost funds from tobacco, Hawaii also needs to look at the true costs of healthcare and lost income due to illnesses related to using tobacco. While this last paragraph is not directly related to reversing preemption, it’s important as our efforts have been denied in the past because of statewide concerns over lost income if control is given back to the counties.

Our local voice has been preempted for too long. We have a serious tobacco and vaping epidemic occurring, especially with our youth. And each county has spoken... we want our control back.

Please support HB380 so we can get back our local voice in regards to tobacco control. It is the right thing to do!

Sincerely,

Kristin Mills

Parent, epidemiologist, and health educator

**HB-380**

Submitted on: 1/28/2025 11:03:38 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leslie Lexier	Individual	Support	Written Testimony Only

Comments:

- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.

**HB-380**

Submitted on: 1/28/2025 11:07:04 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sabrina Spencer	Individual	Oppose	Written Testimony Only

Comments:

The state laws are too strict already. This bill would make things even worse for constituents that smoke/vape and for local small businesses as well.

**HB-380**

Submitted on: 1/28/2025 11:56:51 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Audrina Leolani Angelo	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Audrina Leolani Angelo, I'm a certified Tobacco treatment specialist and I strongly support Bill HB380 for these reasons:

E-cigarettes play a major role in the increased rates of youth nicotine addiction, which was in decline.

Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Mahalo,

Audrina L. Angelo

**HB-380**

Submitted on: 1/28/2025 12:34:54 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rick Collins	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure and urge you to pass HB380.

The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present. Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Mahalo for your consideration of this bill and urge you to support the passage of HB380.

**HB-380**

Submitted on: 1/28/2025 1:09:54 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

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

Comments:

Hello,

I oppose Bill HB380. I am an adult, paying taxes - I have the right to smoke cigarettes or use e-cigarette products. Banning the sale of flavored (including menthol) tobacco products, and/or vapor products will only open up illegal ways to get it into the state similar to fireworks!

Instead of taking away my rights - Harsher penalties to establishments that sell to minors is what I feel is fair.

## Testimony in STRONG SUPPORT of HB 380

Aloha Chair Matayoshi, Vice Chair Chun and members of the House Consumer Protection Committee,

I am writing in strong support of HI 380 which would amend a law passed during the waning days of the 2018 State Legislative Session through House Bill 1895, which underwent last minute changes and did not receive a public hearing or allow public comment, and amended an otherwise well-meaning and worthy bill to fund needed kidney dialysis centers in the state with a provision that harms public health and helps the tobacco industry. This provision blocks (preempts) county governments in Hawaii from passing their own ordinances to reduce tobacco use, including measures addressing the sale of candy-flavored tobacco products and menthol cigarettes that attract kids.

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

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

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

HB 380 would correct the last minute provision (which today would be deemed illegal if attempted following a state Supreme Court judgement declaring such legislative maneuvers unconstitutional) added to legislation in 2018 which provided the tobacco industry its long sought goal to funnel important, progressive tobacco-control policies only through the state legislative level. There it can focus its resources to defeat those measures, and away from the counties where the industry struggles to compete with community grassroots support for those issues.

I urge your strong support of HB 380 and ask that you return county home rule on this most vital public health issue back to local communities.

Respectfully submitted,



Don Weisman  
Kailua, HI

**HB-380**

Submitted on: 1/28/2025 1:33:03 PM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha Chair , Vice Chair and Members of the Committee on Consumer Protection and Commerce,

I am in strong support of HB380. While the peoples of Hawaii share common values , each island has its own share of unique circumstances. The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present. Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Please consider the positive impacts that HB380 would have statewide by addressing the unique issues that each of the counties is faced with.

Mahalo Valerie Smalley

**LATE**

BLUE RAZZ ICE!

MANGO DRAGON!

TROPICAL BLAST!

Mmm, sounds good doesn't it? These flavors are just some of the many popular vapes currently on the market. Vapes that 2 million middle and high school students in the United States fall victim to. Vapes that hundreds of students at my own high school, Campbell, use daily. These statistics aren't just numbers, they're lives, futures, and dreams put at risk.

In my high school, the consequences of vaping are alarmingly clear. I've seen peers skip entire class periods just to vape, loitering in bathrooms that have become unusable for those who actually need them. At lunch, groups congregate, trading laughs and puffs, making it a social ritual rather than an isolated habit. I've sat in classrooms where students discreetly hide vapes in their sleeves, passing them to friends and daring each other to take hits while the teacher's back is turned. Some laugh when they're nearly caught, treating it like a game. Others use vaping as an escape from the overwhelming stress of school and life, unaware of the long-term consequences they're inviting into their lives. Watching friends and peers lose themselves has been heartbreaking, fueling my determination to act.

My journey as an advocate with the Tobacco Youth Council began with a simple realization: change requires action. The opposition is formidable, bolstered by billions of dollars and relentless marketing. Yet, through persistence, I've learned that advocacy is not just about fighting the visible battle, but inspiring others to join the cause. It's about showing that even the smallest voices can disrupt the status quo when united by a common goal.

For me, this fight is personal. I aspire and envision a future where health and well-being triumph over evil profit-driven industries. Committed to fighting and protecting my generation and those to come.

As a 17 year old high schooler, I understand the purpose behind my fight. I hope you can too.

**LATE**

**HB-380**

Submitted on: 1/29/2025 6:47:54 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

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

Comments:

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

As an educator and a parent, I urge you to shepherd this bill through as a meaningful step toward the elimination of flavored vapes targeting young users and damaging public health. Powerful special interests profit from addicting our kids to these products; strong and meaningful regulation is our best hope for protecting our keiki.

With aloha,

Dave Ball, Waiialae-Kahala

**LATE**

**HB-380**

Submitted on: 1/29/2025 8:09:27 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

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

Comments:

Maintain State control and a level playing field for each county.

I Strongly Oppose HB380.

Sincerely,

Brian Santiago

**LATE**

**HB-380**

Submitted on: 1/29/2025 10:30:33 AM

Testimony for CPC on 1/29/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill. This reads to me as a sign of defeat. That because of vapes and e-cigs, smoking is becoming more and more of a problem again, and the state doesn't want to deal with it so it is moving the responsibility away. I think that this is a cowardly approach to this crisis, especially with the rise of cancer in the younger generation, especially because of the correlation between Vapes and Juuls. So, I urge the legislative not to approve this bill and continue to push back against big tobacco and other corporations that profit from the poison they hand out.