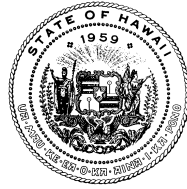


SB 1009

Measure Title:	RELATING TO FLAVORED TOBACCO PRODUCTS.
Report Title:	Flavored Tobacco Products; Sale; Ban; Keiki Caucus
Description:	Bans the sale of flavored tobacco products. Effective 1/1/2020.
Companion:	HB276
Package:	Keiki Caucus
Current Referral:	CPH, JDC
Introducer(s):	K. RHOADS, BAKER, HARIMOTO, S. Chang, Kim, Shimabukuro



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of S.B.1009
RELATING TO FLAVORED TOBACCO PRODUCTS**

SENATOR ROSALYN H. BAKER, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 13, 2019 Room Number: 229

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports Senate Bill 1009 (S.B.
3 1009) which proposes to amend Chapter 712, HRS by prohibiting the sale or distribution of all
4 flavored tobacco products, including products with menthol, in the State of Hawaii effective
5 January 1, 2020.

6 The unprecedented youth vaping epidemic in Hawaii has become a serious public health
7 issue. Exposure to nicotine during adolescence can cause addiction and harm the developing
8 adolescent brain.¹ In contrast to the positive decline in combustible tobacco smoking, use of
9 electronic smoking devices (ESDs), also known as vaping or e-cigarettes, has increased
10 dramatically over the last decade, making ESDs the most common tobacco product used among
11 youth.

12 Hawaii data showed that from 2011 to 2015, experimentation with vaping among middle
13 school students increased six-fold while among high school youth it increased by four-fold.²
14 According to the Hawaii 2017 Youth Risk Behavior Survey, 16% of middle school and 26%
15 high school youth are current ESD users. The prevalence rates are even higher on the neighbor
16 islands with Hawaii County at 34 percent; Maui County at 32 percent; and Kauai County at 31

¹ US Department of Health and Human Services. E-cigarette use among youth and young adults: a report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2016.

² Hawaii State Department of Health 2015 Hawaii Youth Tobacco Survey. Hawaii Health Data Warehouse

1 percent.³ These percentages are over twice as high as the national average of 13 percent, and
2 data shows Hawaii has been leading the trend in e-cigarette use by youth.⁴ The 2018 National
3 Youth Tobacco Survey (NYTS) findings released on February 11, 2019, reported a 78 percent
4 increase in current e-cigarette use by high school students from 2017 to 2018. The NYTS is the
5 first national survey to reflect the impact of rising sales of JUUL and other USB-shaped e-
6 cigarettes, and the erosion of tobacco prevention progress from 2011 to 2018.⁵

7 Scientific studies are increasingly reporting that flavors are one of the main reasons that
8 youth use tobacco. In recent years, there has also been an explosion of sweet or kid-friendly
9 flavored tobacco products, especially for ESDs and cigars. A 2014 study identified more than
10 7,700 unique e-cigarette flavors, with an average of more than 240 new flavors being added per
11 month.⁶ Among student responders to the 2017 Hawaii Youth Tobacco Survey reporting ever-
12 using ESDs, 26percent stated the availability of “flavors such as mint, candy, fruit, or chocolate”
13 was their primary reason for using ESDs. Further, one in four said they did not believe ESDs to
14 be dangerous.²

15 Menthol tobacco use has been associated with younger smokers and may facilitate
16 addiction. Menthol is a chemical compound used to reduce harshness of cigarettes smoke due to
17 its characteristic cooling effects on the mouth and throat.^{7,8} Longitudinal studies show that
18 initiation with menthol cigarettes facilitates progression to cigarette use among young
19 smokers.^{9,10} Data from nationally representative samples show that the youngest cigarette

³ Hawaii State Department of Health 2017 Youth Risk Behavior Survey. Hawaii Health Data Warehouse

⁴ US Youth Risk Behavioral Surveillance Systems, 2017, <https://www.cdc.gov/healthyyouth/data/yrbs/pdf/2017/ss6708.pdf>.

⁵Centers for Disease Control and Prevention. *Vital Signs: Tobacco product use among middle school and high school students – United States, 2011-2018*. Morbidity and Mortality Weekly Report, Early Release February 11, 2019.

⁶ American Academy of Pediatrics, Campaign for Tobacco-Free Kids. The Flavor Trap: How Tobacco Companies are Luring Kids with Candy Flavored E-cigarettes and Cigars. March 2017. Retrieved on January 29, 2019 from https://www.tobaccofreekids.org/microsites/flavortrap/executive_summary.pdf

⁷ Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. (n.d.), 153.

⁷ Yerger, V. B., & McCandless, P. M. (2011). Menthol sensory qualities and smoking topography: a review of tobacco industry documents. *Tobacco Control*, 20(Suppl_2), ii37–ii43. <https://doi.org/10.1136/tc.2010.041988>

⁹ Nonnemaker J, Hersey J, Homsy G, Busey A, Allen J, Vallone D. Initiation with menthol cigarettes and youth smoking uptake. *Addiction*. 2013;108(1):171-178.

¹⁰ Dauphinee AL, Doxey JR, Schleicher NC, Fortmann SP, Henriksen L. Racial differences in cigarette brand recognition and impact on youth smoking. *BMC Public Health*. 2013;13(1):170.

1 smokers use menthol at the highest rates.^{11,12} In 2017, a scientific review demonstrated that
2 between 2008 and 2010, 57% of smokers ages 12-17 smoked menthol cigarettes, compared with
3 35 percent of smokers overall.¹³

4 In Hawaii, menthol tobacco use is especially problematic. A 1983 document from R.J.
5 Reynolds declared that Hawaii was a “menthol market”.¹⁴ According to the 2010 study titled,
6 Smoking and Tobacco use in Hawaii, 78 percent of Native Hawaiian/ Pacific Islander adult
7 smokers and 42 percent of White adult smokers consumed menthol cigarettes.¹⁵ The 2017
8 Hawaii Youth Tobacco Survey (YTS) data showed that 54 percent of high school youth who
9 smoke usually smoke menthol cigarettes.¹⁶

10 The 2009 federal Family Smoking Prevention and Tobacco Control Act, prohibited the
11 sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and
12 fruit flavors with the purpose of deterring youth smoking. (Amongst cigarette flavors available
13 was Camel’s “*Kauai Kolada*” described as, “Hawaiian hints of pineapple and coconut,” in
14 special edition packaging featuring a recumbent dark-haired young woman wearing a lime-slice
15 lei, bikini top and hula skirt.) This prohibition only extended to flavored cigarettes and their
16 flavored cigarette component parts, such as tobacco, filter, or paper.”¹⁷ It did not apply to non-
17 cigarette tobacco products, nor the flavors of menthol and tobacco. The absence of regulation
18 has led to the proliferation of flavored tobacco products in the marketplace, enticing new users,
19 particularly youth, to a lifetime of nicotine addiction. This growing market for flavored tobacco
20 products is undermining the nation’s overall progress in reducing youth tobacco use.

¹¹ Giovino GA, Villanti AC, Mowery PD, et al. Differential trends in cigarette smoking in the USA: is menthol slowing progress? *Tobacco control*. 2015;24(1):28-37.

¹² Caraballo RS, Asman K. Epidemiology of menthol cigarette use in the United States. *Tobacco induced diseases*. 2011;9 Suppl 1:S1.

¹³ Villanti, A. C., Collins, L. K., Niaura, R. S., Gagosian, S. Y., & Abrams, D. B. (2017). Menthol cigarettes and the public health standard: a systematic review. *BMC Public Health*, 17. <https://doi.org/10.1186/s12889-017-4987-z>

¹⁴ Kennedy, J.C. “Marketing Research Report. Hawaii Regional Analysis Distribution”. 06 Jun 1983. R.J. Reynolds Records. <http://industrydocuments.library.ucsf.edu/tobacco/docs/rxpj0103>

¹⁵ Hawaii State Department of Health. (2010) Smoking and Tobacco Use in Hawai’i Facts, Figures, and Trends. Retrieved on January 25, 2019 from <http://health.hawaii.gov/tobacco/files/2013/06/2010-Facts.pdf>

¹⁶ 2017 Hawaii Youth Tobacco Survey. Hawaii Health Data Warehouse. Hawaii State Department of Health.

¹⁷ Ctr. For Tobacco Products, Food & Drug Admin., Guidance to Industry and FDA Staff: General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors 1 (2D ED.) (2009)

1 The Department supports this legislation to ban flavored tobacco products. Ending the
2 sale of flavored tobacco products is an issue of both health and social justice. Candy and fruit
3 flavored tobacco products are being marketed to youth intentionally as a way of replacing adult
4 smokers of traditional cigarettes. Those who use flavored tobacco products are more likely to
5 progress to regular smoking. The major tobacco companies continue to invest heavily in
6 flavored tobacco products with their own brands or acquired existing e-cigarette companies.
7 Global e-cigarette industry grew dramatically and by 2017 was valued at 10.24 billion US
8 dollars. Most recently, Altria, parent company of Phillip Morris, invested 12.8 billion dollars or
9 35 percent stake in JUUL, a product so popular with youth, “to JUUL,” is used as a synonym for
10 vaping. A flavored pod of JUUL contains as much nicotine as 20 regular cigarettes. The passage
11 of S.B. 1009 would be a significant policy to close the market of appealing products that are
12 addicting our youth and young adults to nicotine.

13 Thank you for the opportunity to testify.

14 **Offered Amendments:** None



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 1009, RELATING TO FLAVORED TOBACCO PRODUCTS.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

DATE: Wednesday, February 13, 2019 **TIME:** 9:10 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Clare E. Connors, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chair Baker and Members of the Committee:

The Department of the Attorney General supports the intent of the bill and provides the following comments and suggested amendments.

The bill seeks to address the health dangers caused by the use of flavored tobacco products.¹ The bill creates a new criminal offense for retailers selling a flavored tobacco product. In addition the bill defines “E-liquid” and “Flavored tobacco product.”

We note some wording issues that should be addressed. Section 2 (page 5, lines 14 – 21, to page 6, lines 1 – 2) would create a rebuttable presumption that a tobacco product is a flavored tobacco product in certain circumstances. Because the bill would place the new section in the penal code, it is suggested that pursuant to section 701-117, Hawaii Revised Statutes (HRS), and Rule 306, Hawaii Rules of Evidence (HRE), the wording be amended as follows to be consistent with other presumptive language in the penal code:

¹ See *Grusendorf v. City of Oklahoma City*, 816 F.2d 539 (10th Cir.1987) (the act of smoking a cigarette does not rise to the level of a fundamental right), as cited by *City of North Miami v. Kurtz*, 653 So.2d 1025, 1028 (Fla. 1995). In addition, in 2009, the U.S. Food and Drug Administration (FDA) banned cigarettes with characterizing flavors other than menthol (e.g., cherry, chocolate), which are known to appeal to youth and young adults, U.S. Food & Drug Administration, Menthol and Other Flavors in Tobacco Products, available at <https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredients/Components/ucm2019416.htm#reference>. Last visited January 30, 2019. In November 2018, the FDA announced new planned restrictions on certain flavored products related to e-cigarettes. <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625884.htm>. Last visited January 30, 2019.

(2) A statement or claim directed to consumers or the public that the tobacco product has or produces a characterizing flavor, including but not limited to text, color, images, or all, on the tobacco product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor made by a manufacturer or an agent or employee of the manufacturer, in the course of the person's agency or employment, is prima facie evidence that the tobacco product is a flavored tobacco product.²

It appears that some of the wording used in section 2 of the bill, on pages 5-6, borrows from section 712-1258(6), HRS, which prohibits the sale of tobacco products and electronic smoking devices (ESDs) to persons under twenty-one years of age. There are areas where the wording may need to be amended to conform with the intent of this bill. For instance, section 2, page 6, lines 3-8, states:

[a]ny tobacco product or electronic smoking device [ESD] in the retailer's possession at the time of violation of this section shall be seized, summarily forfeited to the State, and destroyed by law enforcement following the conclusion of an administrative or judicial proceeding finding that a violation of this section has been committed.

This wording, although taken almost verbatim from section 712-1258(6), HRS, may leave open the possibility that all tobacco products and ESDs in the retailer's possession at the time of the violation shall be forfeited. This raises due process concerns. If the intent is that only the prohibited flavored tobacco products are to be considered contraband and forfeited, instead of all tobacco products and ESDs in the retailer's possession, clarifying wording is needed to make this clear. The wording should be more specific as to flavored tobacco products only, such as:

Any flavored tobacco product found in the retailer's possession that is in violation of this section shall be considered contraband, promptly seized, subject to immediate forfeiture and destruction and shall not be subject to the procedures set forth in chapter 712A, HRS.

There is a similar issue raised by section 2, page 6, lines 9-10, which states

² "Prima facie evidence of a fact is evidence which, if accepted in its entirety by the trier of fact, is sufficient to prove the fact. Prima facie evidence provisions in this Code are governed by section 626-1, rule 306." Section 701-117, HRS. See also section 712-1251, HRS ("the presence of a dangerous drug... is prima facie evidence of knowing possession thereof by each and every person in the vehicle..."); and section 708-801, HRS ("the value of property of services shall be prima facie evidence that the defendant believed or knew the property or services to be of that value").

that a person in violation “may be fined as provided in section 712-1258(6) by the enforcing agency.” The penalties set forth in section 712-1258(6), HRS, however, are tied to specific provisions of that section, and would not necessarily fit the violations set forth here. Spelling out the specific penalties for violations of this particular criminal offense within this bill should address that issue. An example might be: “Any person who violates this section may be sentenced to a fine not exceeding \$500. Any subsequent offenses shall subject the person to a fine of not less than \$500 nor more than \$2,000.” The term “enforcing agency” is incorrect, since the courts would issue any fines or penalties for a criminal offense, not the enforcing agency.

Further, because this new criminal offense will be set forth in chapter 712, HRS, within the penal code, there does not appear to be a need to specify which entities will enforce this crime, as any law enforcement entity authorized to enforce state laws will have the ability to do so. Therefore, the definition of “enforcing agency,” in section 2, page 8, lines 9-13, should be deleted.

Section 4, page 9, lines 14-15. states that “[t]his Act shall be liberally construed to accomplish the purpose set forth in section 2 of this Act.” As discussed earlier, section 2 makes the sale of flavored tobacco products a criminal offense. While this wording may prove helpful, in a criminal statute the burdens are higher than in other laws, so any ambiguity would likely be resolved in the criminal defendant’s favor under the “rule of lenity.” This rule provides that “where a statute is ambiguous, courts should not interpret the statute so as to increase the penalty that it places on the defendant.” United States v. Hertler, 776 F.3d 680, 685–86 (9th Cir. 2015), as cited by United States v. Edling, 895 F.3d 1153, 1158 (9th Cir. 2018).

Thank you for the opportunity to provide comments and recommend amendments on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/13/2019
Time: 09:10 AM
Location: 229
Committee: Senate Commerce
Consumer Protection
and Health

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 1009 RELATING TO FLAVORED TOBACCO PRODUCTS.

Purpose of Bill: Bans the sale of flavored tobacco products. Effective 1/1/2020.

Department's Position:

The Department of Education supports SB 1009, provided that its passage does not replace or adversely impact priorities as indicated in our BOE approved budget

The 2017 Hawaii Youth Risk Behavior Survey data indicate that almost half of our high school students have tried e-cigarettes and 25% are now regular users. Although traditional cigarette use has declined in recent years, it is still concerning, with one out of every four youth saying that they have smoked a cigarette.

It is important to note that in 2009, the Food and Drug Administration (FDA) banned cigarettes with characterizing flavors other than menthol (e.g., fruit, candy), which are known to appeal to youth and young adults. Flavored tobacco products are disproportionately used by youth, partially due the false perception that fruit- and menthol-flavored products are less harmful than those that are tobacco-flavored. A 2013 US FDA report on the health impact of menthol cigarettes determined that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction and decreased success in quitting smoking.

The nicotine in tobacco products has been found to be addictive and is especially harmful to youth neurologic development. There are numerous other negative health consequences associated with the use of tobacco products and second hand exposure to tobacco smoke and e-cigarette vapor, including higher rates of asthma and respiratory infection. These health conditions may limit a student's ability to attend and participate fully in school and may have long term effects on their educational

attainment.

The Department of Education is committed to supporting all students' well-being by providing a safe learning environment and helping them to develop health literacy skills in order to help them reach optimal academic success.

The Department is collaborating with the Department of Health to actively engage and educate our youth as to the harmful risks and dangers associated with all tobacco products, including e-cigarettes. These efforts include a social media campaign, encouraging school-level student-led projects (e.g., video, art, essays, presentations, etc.), distributing informational pamphlets to students, displaying posters discouraging the use of tobacco products on school campuses, embedding curriculum on this topic into health and physical education classes, and holding parent nights to disseminate information.

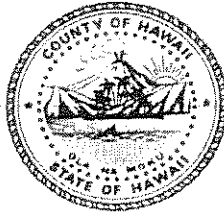
The safety and well-being of all of our students are paramount to the Department of Education.

Thank you for the opportunity to provide testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL NO. 1009

A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO
PRODUCTS

COMMITTEE ON COMMERCE, CONSUMER
PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Wednesday, February 13, 2019, 9:10 a.m.
State Capitol, Conference Room 229

Honorable Chair Baker, Honorable Vice Chair Chang and Members of the Committee on Commerce, Consumer Protection, and Health. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 1009.

This measure bans the sale of flavored tobacco products.

Electronic smoking device (ESD) use among youth in Hawai'i has reached epidemic levels, and ESDs have surpassed cigarettes as the most used tobacco product among youth.

The tobacco industry claims they are not targeting children, but their actions tell a different story. The rise in youth use of EDSs has been in conjunction with the targeted branding of sweet, candy-flavored tobacco products. The toxic combination of enticing flavors and nicotine have led to a generation of youth addicted to tobacco products.

It is encouraging that the FDA has recognized flavors and ESDs as a national public health concern. It is also clear that we must act NOW to protect Hawai'i keiki from the enticement of candy-flavored tobacco products and a lifetime of addiction.

The Office of the Prosecuting Attorney, County of Hawai'i SUPPORTS the passage of Senate Bill No. 1009. Thank you for the opportunity to testify on this matter.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/13/2019
Time: 09:10 AM
Location: 229
Committee: Senate Commerce
Consumer Protection
and Health

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 1009 RELATING TO FLAVORED TOBACCO PRODUCTS.

Purpose of Bill: Bans the sale of flavored tobacco products. Effective 1/1/2020.

Department's Position:

The Department of Education supports SB 1009, provided that its passage does not replace or adversely impact priorities as indicated in our BOE approved budget

The 2017 Hawaii Youth Risk Behavior Survey data indicate that almost half of our high school students have tried e-cigarettes and 25% are now regular users. Although traditional cigarette use has declined in recent years, it is still concerning, with one out of every four youth saying that they have smoked a cigarette.

It is important to note that in 2009, the Food and Drug Administration (FDA) banned cigarettes with characterizing flavors other than menthol (e.g., fruit, candy), which are known to appeal to youth and young adults. Flavored tobacco products are disproportionately used by youth, partially due the false perception that fruit- and menthol-flavored products are less harmful than those that are tobacco-flavored. A 2013 US FDA report on the health impact of menthol cigarettes determined that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction and decreased success in quitting smoking.

The nicotine in tobacco products has been found to be addictive and is especially harmful to youth neurologic development. There are numerous other negative health consequences associated with the use of tobacco products and second hand exposure to tobacco smoke and e-cigarette vapor, including higher rates of asthma and respiratory infection. These health conditions may limit a student's ability to attend and participate fully in school and may have long term effects on their educational

attainment.

The Department of Education is committed to supporting all students' well-being by providing a safe learning environment and helping them to develop health literacy skills in order to help them reach optimal academic success.

The Department is collaborating with the Department of Health to actively engage and educate our youth as to the harmful risks and dangers associated with all tobacco products, including e-cigarettes. These efforts include a social media campaign, encouraging school-level student-led projects (e.g., video, art, essays, presentations, etc.), distributing informational pamphlets to students, displaying posters discouraging the use of tobacco products on school campuses, embedding curriculum on this topic into health and physical education classes, and holding parent nights to disseminate information.

The safety and well-being of all of our students are paramount to the Department of Education.

Thank you for the opportunity to provide testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

From the office of -
Council Member
District 3



Office: (808) 961-8396
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Email: sue.leeloy@hawaiicounty.gov

SUSAN L.K. LEE LOY

25 Aupuni Street, Hilo, Hawai'i 96720

February 11, 2019

The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Stanley Change, Vice-Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

**Re: Strong Support of SB1009, relating to Flavored Tobacco Products
9:10 am, February 13, 2019, Conference Room 229**

Dear Senator Baker and Members of the Committee on Commerce, Consumer Protection, and Health:

I am writing this letter in strong support of the Youth Council's initiative to ban flavored tobacco/nicotine products.

We, as the responsible adults in our "family" that is the State of Hawaii, must stand up for our children and young people. The industry says it wants to keep tobacco out of the hands of our children, but they don't want to do anything about it. The surest proof that candy-flavored tobacco is infiltrating our schools is from the DOE. With 168,000 young people in our schools and with 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. All our young people deserve protection from a lifetime of addiction.

In addition, the industry claims they're not targeting our youth, but their actions tell a different story. With 15,500 flavors and growing, these products are not being responsibly marketed. Candy flavors such as Fruit Hoops, Sour Straws, and Cookie Monsta are designed to appeal to our children, and make nicotine go down easier. The packaging and ads are attractive, and the products smell and taste good. All of these help to hook our youth and make them repeat customers. Addiction is the opposite of freedom. We're fighting to keep our children free from the deadly addiction to these products. The health of Hawaii's keiki must be protected from the predatory marketing of tobacco companies.

Included in the flavor ban would be menthol which has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes another popular starter product. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the African American community. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. In the Philippines, market share of menthol cigarettes was 55%. The consequences of this are while nicotine and tobacco

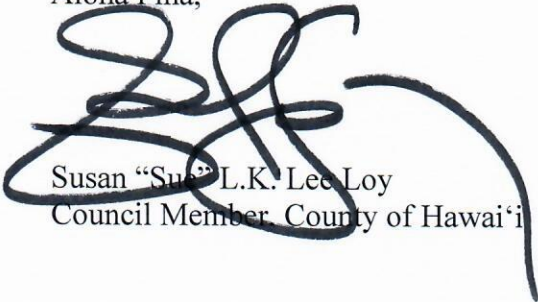
Hawai'i County Is an Equal Opportunity Provider And Employer

addiction are deadly for everyone, Native Hawaiians and Filipinos die at higher rates of lung cancer than other groups.

Although some adults claim ESDs have helped them to “quit”, ESDs are not FDA-approved tobacco cessation products. We have yet to see any scientific evidence, beyond anecdotal data, that e-cigarettes have helped smokers to quit completely from tobacco use. The issue is with the aggressive and deceptive marketing of these products, we’re seeing other things happening: 1) people who have never smoked are using e-cigarettes, 2) children are picking them up as a path to smoking, and 3) smokers are using them to perpetuate their habit instead of to completely quit. Even more troubling is because of the historic declines in smoking, big tobacco has decided to focus on candy flavors and nicotine delivery solutions. Tobacco giant Altria, maker of Marlboro, is investing in the popular vaping company Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.

If Hawaii’s tobacco stores are truly supportive of keeping the community healthy, then they must be fine offering products for sale other than cotton candy or gummy worm-flavored e-juice. Our residents are proud to support local, but not when these products directly contribute to the youth vaping epidemic. If we don’t remove candy flavors, the cost to our kids will be a lifetime of addiction to tobacco.

Aloha Piha,



Susan “Su” L.K. Lee-Loy
Council Member, County of Hawai‘i

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
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Michael J. Molina
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Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 8, 2019

Kelly King

TO: The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Kelly T. King
Council Chair

SUBJECT: **HEARING OF FEBRUARY 13, 2019; TESTIMONY IN SUPPORT OF SB 1009, RELATING TO FLAVORED TOBACCO PRODUCTS**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to prohibit the sale or distribution of all flavored tobacco products, including with menthol, in the State of Hawai'i.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. This measure would allow the State to take more proactive measures in combating the leading cause of preventable disease and death in the United States and in Hawai'i: tobacco use.
2. Tobacco companies specifically target young people with flavored tobacco products. This leads to addiction and long-term negative health effects.
2. This measure would help the State protect keiki from preventable diseases.

For the foregoing reasons, I **support** this measure.

ocs:proj:legis:19legis:19testimony:sb1009_paf19-046a_ldm



HIPHI Board

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Robinson, MBA, MA
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Hawaii Pacific Health

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Bryan Mih, MD, MPH
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Pediatrics

Rachel Novotny,
PhD, RDN, LD
University of Hawaii at Manoa,
College of Tropical Agriculture
and Human Resources

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

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

En Young, MBA
Sansei, Lanai

Date: February 11, 2019

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Commerce, Consumer Protection, & Health
Committee

Re: Strong Support for SB1009, Relating to Flavored Tobacco
Products

Hrg: February 13, 2019 at 9:10am at Conference Room 229

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute¹ is in **Strong Support of SB 1009** which would end the sale of all menthol and flavored tobacco products in the state.

This measure will help to save lives.

Tobacco use remains a serious threat to public health. Each year, Hawaii spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking.

In addition, candy flavors such as Fruit Hoops, Sour Straws, Gummy Bears, and Cookie Monsta are designed to appeal to kids, and make nicotine go down easier. With 81% of youth starting with a flavored productⁱⁱ, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

This measure helps to protect our keiki from a lifetime of addiction.

Hawaii is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle

schoolers reporting ever having used an “electronic vaping product” and 4.3%ⁱⁱⁱ of adults regularly using ESDs in 2017, we have an urgent need to act.

The industry claims that they’re not targeting kids, but their actions tell a different story. With 15,500 e-cigarette flavors and growing, these products are not being responsibly marketed. The industry selects colorful packaging and ads that appeal to taste and pop culture. Tobacco companies have a long history of using these same tactics to entice new and younger users and make them repeat customers. In addition, despite our Tobacco 21 law, several stores continue to sell to underage minors, as reported in the FDA Compliance Check inspections^{iv}:

Retailer Name	Street Address	City	State	Zip	Sale to Minor	Product Type	Decision Date	Inspection Result
HC DRIVE INN	94-210 LEOKANE STREET	WAIPAHU	HI	96797	Yes	E-liquid	11/10/2016	Warning Letter Issued
HELE SNACK EXPRESS	74-5590 PALANI ROAD	KAILUA KONA	HI	96740	Yes	E-liquid	01/12/2017	Warning Letter Issued
IMM 10TH AVE #1016	1451 10TH AVE	HONOLULU	HI	96816	Yes	E-liquid	08/10/2017	Warning Letter Issued
7-ELEVEN / HELE 54128	85-010 FARRINGTON HIGHWAY	WAIANAE	HI	96792	Yes	ENDS / E-liquid	11/29/2018	Warning Letter Issued
7-ELEVEN HAWAII 54127	1247 KAILUA RD	KAILUA	HI	96734	Yes	ENDS / E-liquid	08/16/2018	Warning Letter Issued
ALOHA ISLAND MART	95-280 KIPAPA DRIVE	MILILANI	HI	96789	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued
EXPRESS MINI MART / SHELL	94-380 PUPUPANI STREET	WAIPAHU	HI	96797	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued
VAPORFI	555 N KING ST	HONOLULU	HI	96817	Yes	ENDS / E-liquid	08/16/2018	Warning Letter Issued
VOLCANO	98-1005 MOANALUA ROAD, SPACE K 7	AIEA	HI	96701	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued
WALGREENS 10048	46-021 KAMEHAMEHA HIGHWAY	KANEOHE	HI	96744	Yes	ENDS / E-liquid	09/06/2018	Warning Letter Issued

These new products are glamorizing nicotine addiction.

The vaping industry has taken full advantage of delays by the FDA to regulate these products. Large volume (30-60mL), highly concentrated (5-5.9%) nicotine sale e-liquids have entered the market in youth-oriented flavors. Most recently, pod-based systems such as Juul and Suoprin have disrupted the e-cigarette market by creating an easily concealable sleek device that can deliver higher concentrations of nicotine. Tobacco giant Altria, maker of Marlboro, spent \$12.8 billion to purchase a third of Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.



Example of a high-dose nicotine e-liquid – 60mg/mL or 6% nicotine in gummy bear flavor.



JUUL introduced 5% nicotine salt solutions in 0.7mL pods (about the size of your thumb). The company claims that it releases the same amount of nicotine found in a pack of cigarettes.

At the risk of allowing these products to remain on the market, we are addicting a new generation to these deadly products. The health of Hawaii’s keiki must be protected from the predatory marketing of tobacco companies.

Hawai’i has an opportunity to act now and be the first state to end the sale of flavored tobacco.

Over 180 localities^v have passed restrictions on the sale of flavored tobacco products, and over two dozen restrict the sale of menthol cigarettes. FDA’s proposed plan aims to restrict the sale of flavored e-cigarettes in convenience stores and gas stations, however, it still allows e-cigarette products to stay on the market and online without review by the FDA until August 2022. Since recognizing flavors and vaping as a national public health concern, the FDA has only sent warning letters to 18 manufacturers since May 2018. We know rulemaking at the federal level is often a long process, which is why state-level action on menthol and other flavored products is needed now. E-cigarettes are not FDA-approved tobacco cessation products. We have yet to see any scientific evidence, beyond anecdotal data, that e-cigarettes have helped smokers to quit completely from tobacco use. The concern is that with the aggressive and deceptive marketing of these products, we are seeing other consequences: **1) people who have never smoked are using e-cigarettes, 2) children are picking them up as a path to smoking, and 3) smokers are using them to perpetuate their habit instead of to completely quit.**

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke or vape, and can encourage those addicted to these products, to quit. We appreciate

Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction. We respectfully urge the committee to **pass SB1009.**

Attachment: List of organizations and leaders supporting the #FlavorsHooksKidsHI campaign

Mahalo,



Trish La Chica, MPA
Policy and Advocacy Director

As listed on

<https://flavorshookkidshi.org>

HEALTH ORGANIZATIONS

'Ohana Health Plan
Adventist Health – Castle
Akamai Recovery Maui
American Academy of Pediatrics – Hawaii Chapter
American Cancer Society Cancer Action Network (ACS CAN)
American Heart Association
American Lung Association
American Pharmacist's Association – Academy of Student Pharmacists (APhA-ASP)
Big Island Substance Abuse Council
Blue Zones Project
Campaign for Tobacco-Free Kids
Coalition for a Drug-Free Hawaii
Coalition for a Tobacco-Free Hawai'i
Get Fit Kauai
Hamakua Kohala Health Centers
Hana Lima Physical Therapy
Hawaii Association for Health, Physical Education, Recreation & Dance (HAHPERD)
Hawaii COPD Coalition
Hawaii Dental Hygienists' Association
Hawai'i Nurses' Association
Hawaii Pacific Health
Hawaii Public Health Association
Hawai'i Public Health Institute
Hui Malama Ola Na Oiwi
I Ola Lahui
Kaho'omiki; Hawaii Council of Physical

Activity and Nutrition
Kapiolani Medical Center for Women & Children
Kauai Rural Health Association
Keiki Injury Prevention Coalition
Lāna'i Community Health Center
National Community Pharmacist Association – Hawaii Student Chapter
Papa Ola Lōkahi
Pediatric Therapies Hawaii
Project Vision Hawai'i

Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy
West Hawaii Community Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

American Youth Soccer Organization (AYSO)
Baldwin HS Peer Education
Hale 'Ōpio Kaua'i Inc.
Hawaii Appleseed Center for Law & Economic Justice
Hawaii Association of Independent Schools (HAIS)
Hawaii Children's Action Network
Hawaii Health and Harm Reduction Center
Hawaii High School Athletic Association (HHSAA)
Hawaii Job Corps Center
Hui Ola Pono (UH Public Health's Student Organization)
Kauai Path Inc.
Kiwanis Club of the Valley Island
Konawaena HS Wellness Committee

Maui Interscholastic League (MIL)
Moanalua HS Peer Education Program
Pacific American Foundation
Pono Hawaii Initiative
The Friends of Kamalani and Lydgate Park-
Beach Cleanup Team
Waiakea High School PTSA
Waimānalo Health Center
Waipahu Int. Youth for Safety Club
We Are One Inc.

ELECTED OFFICIALS & GOVERNMENT

Sen. Stanley Chang
Rep. Stacelynn Eli
Rep. Sharon Har
Maui County Councilmember Kelly King
Hawai'i County Councilmember Sue Lee Loy
Kuliouou-Kalani Iki Neighborhood Board #2
Makakilo/Kapolei/Honokai Hale
Neighborhood Board #34
Mililani/Waipio/Melemanu Neighborhood
Board #25
Waipahu Neighborhood Board #22
County of Kauai Office of the Prosecuting
Attorney
Department of Education
Office of Hawaiian Affairs (OHA)

HEALTH & COMMUNITY LEADERS

Tina Alcain
Frank R. Baum, M.D.
Danielle Bergan
Janet Berreman, M.D.
Gregg Brenes, pastor
Jeenna Canche
Clifford Chang, MPH
Valerie Chang, JD

Jeffrey H. Chester, DO
Carmen Cook, LMFT
Patti Cook
Joan Craft, RN
Keawe Kaholokula. PhD
Gary Hooser
Carol R. Ignacio
Colleen F Inouye, M.D.
Mark Levin, J.D.
Jasmin Kiernan, RN
Bryan Mih, M.D.
Michael Robinson, MBA, MA
Janice Shishido
Elizabeth K. Tam, M.D.
Catherine Taschner, J.D.
Jill Tokuda
John A. H. Tomoso, MSW, ACSW, LSW
Linda Weiner, M.D.
Stacy Woodson
Cassiopia Yamashita

SCHOOLS

Chiefess Kamakahahei Middle School
Maui Preparatory Academy
Mid Pacific Institute
Sacred Hearts Academy
Saint Louis Schools
Waiakea High School
Waimea Middle Public Conversion Charter
School

BUSINESSES

Emma Whitney Photography
Ganesha Body Piercing
Heartlight Montessori Homeschool
Home Remedies Interior Design
Paia Tattoo Parlor
The Root Cellar Studio Maui

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

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Ambrose BK, Day HR, Rostron B, et al. Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. JAMA. 2015;314(17):1871–1873. doi:10.1001/jama.2015.13802

ⁱⁱⁱ 2016 Behavioral Risk Factor Surveillance System (BRFSS).

<http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

^{iv} US Food and Drug Administrations. Compliance Check Inspections of Tobacco Product Retailers (through 01/31/2019) from https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm

^v States and Localities That Have Restricted the Sale of Flavored Tobacco Products, Campaign for Tobacco Free Kids. January 22, 2019, from <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>



**Testimony to the Senate Committee on Commerce, Consumer Protection and Health
Wednesday, February 13, 2019 2019; 9:10 a.m.
State Capitol, Conference Room 229**

RE: SUPPORTING SENATE BILL NO. 1009, RELATING TO FLAVORED TOBACCO PRODUCTS.

Chair Baker, Vice Chair Chang, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 1009, RELATING TO FLAVORED TOBACCO PRODUCTS.

The bill, as received by your Committee, would:

- (1) Prohibit the sale, offer for sale, or possession with the intent to sell or offer to sell a flavored tobacco product;
- (2) Establish a rebuttable presumption that a tobacco product is a flavored tobacco product if a statement or claim is made to the consumer or public that the product has or produces a characterizing flavor;
- (3) Provide that any tobacco product or electronic smoking device in the retailer's possession at the time of the violation be seized and forfeited to the State, and following administrative or judicial proceedings finding that the violation was committed, be destroyed by law enforcement;
- (4) Authorizes the levying of civil fines in a manner similar to HRS §712-1258, Tobacco products and electronic smoking devices; persons under twenty-one years of age;
- (5) Allow any county to adopt rules or ordinances that place greater restrictions on the access of tobacco products and provide that the more stringent restriction prevail;
- (6) Include both savings and severability clauses ; and

(7) Take effect on January 1, 2020.

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural 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 health.

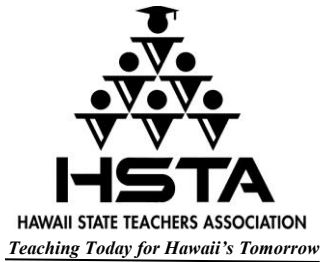
FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages. From our perspective, the development of flavored products are intended specifically to introduce these products to younger consumers for the purpose of grooming the next generation of smokers, chewers, and vaporers.

It is for this reason that the HPCA joins the Hawaii Public Health Institute and other advocates in strong support of all efforts to rid the marketplace of these products.

On a technical note, we would like to offer a suggestion. Because the language in HRS §712-1258, Tobacco products and electronic smoking devices, does not completely coincide with the language contained in this bill, especially regarding the imposition of the fine on a minor who violates the statute, your Committee may want to consider clarifying the language pertaining to the fine in the bill so that it is clear what punishment may be levied on violators.

Thank you for the opportunity to testify on this measure.

In advance, thank you for your consideration of our testimony.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President

Osa Tui Jr.
Vice President

Logan Okita
Secretary-Treasurer

Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

RE: SB 1009 - RELATING TO FLAVORED TOBACCO PRODUCTS

WEDNESDAY, FEBRUARY 13, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Baker and Members of the Committee:

The Hawaii State Teachers Association **strongly supports SB 1009**, banning the sale of flavored tobacco products.

This measure would ban the sale of flavored tobacco products in the state of Hawaii starting on 1/1/2020.

Flavored tobacco products have been proven as the entry point for youth to start smoking. According to the FDA's 2018 National Youth Tobacco Survey over two-thirds (67.8 percent) are using flavored e-cigarettes, which is a significant increase from 2017. The 2017 CDC, Youth Risk Behavior Surveillance System reported 8.1% of high school students smoked on at least one day in the past 30 days.

Locally the Hawaii's Youth Risk Behavior Survey of public high school students disclosed the following: over 42% of Hawaii high school students have tried using vapor products; over 25% of Hawaii high school students indicated that they are regular users; and neighbor islands high school students reporting even higher numbers with over 31% of Kauai students, over 32% of Maui students, and over 34% of Hawaii county students reported to be regular users.

This data is clear and the reason the Hawaii State Teachers Association asks your committee to **support** SB 1009. We need to protect our youth.

Wednesday, February 13, 2019 at 9:10 AM
Conference Room 229

Senate Committee on Commerce, Consumer Protection and Health

To: Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: **Testimony in Support of SB 1009
Relating to Flavored Tobacco Products**

My name is Michael Robinson, Vice President, Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in support of SB 1009 which would ban the sale of flavored tobacco products effective as of January 1, 2020.

Tobacco use remains the leading cause of preventable disease and death in the United States and in Hawai'i. Tobacco use is a serious public health problem in terms of the human suffering and loss of life it causes, as well as the financial burden it imposes on society and our healthcare system. Annually, \$526,000,000 in health care costs are directly attributed to smoking in the State. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products. Menthol, in particular, is used by the tobacco industry because it has a cooling and numbing effect and can reduce the throat irritation from smoking, thus making menthol cigarettes an appealing option for youth who are initiating tobacco use. Candy and fruit flavors improve the taste and reduce the harshness of tobacco products, making them more appealing and easier for beginners to try tobacco products and ultimately become addicted. The popularity of electronic cigarettes among youth is concerning, as these products contain nicotine.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have decreased through the years, ESD use has rapidly increased, threatening significant

public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Products are glamorized in order to appeal to our youth, using flavors such as candy, fruit, chocolate, mint, Kona coffee, Maui Mango, Shaka strawberry, and Moloka'i hot bread.

Recognizing the increasing public health concerns of flavored tobacco products, other jurisdictions have enacted bans on the sale of those products. Hawaii should also take the step to impose a similar ban.

Thank you for the opportunity to testify.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 13, 2019**

Re: SB 1009 Relating to Flavored Tobacco Products

Good morning Chairperson Baker and members of the Senate Committee on Consumer Protection and Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We OPPOSE SB 1009 Relating to Flavored Tobacco Products. This measure would ban the sale of flavored tobacco products effective 1/1/2020.

This bill would essentially ban all electronic vapor products and e-liquids, compel people to purchase these goods online or try to make it themselves and essentially force many small local businesses who sells these items to shut down, thus leaving many of our family, friends and neighbors out of work.

Currently Hawaii has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids and tobacco products. However adults that are 21 and older are able to purchase these items and enjoy their electronic vaping device with their favorite flavored e-liquid.

Furthermore, every electronic vaping device and e-liquid available worldwide is “flavored.” Because they do not contain tobacco, electronic vaping devices has no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. These flavored e-liquids are enjoyed by many adults.

In addition, vapor products and e-liquids are NOT the same as a tobacco product. Electronic vaping devices contains NO tobacco and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article recently that found that electronic vaping devices were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

We urge you to hold this measure. Mahalo again for this opportunity to testify.

SB-1009

Submitted on: 2/11/2019 2:53:11 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Agnes Brown	Testifying for Coalition for Tobacco Free Hawaii's Youth Council	Support	No

Comments:

In strong support of SB 1009, Relating to Flavored Tobacco

Aloha kākou, My name is Agnes Brown and I am a student at Sacred Hearts Academy. I am testifying on behalf of the Hawaii Pacific Health Institute's Coalition for a Tobacco Free Hawaii's Youth Council in support of bill SB1009. Vaping in our community has become an epidemic in young people. As a soon to be graduating senior, I am fearful of the future because of the effects of vaping has on our keiki.

Vaping has become a trend among teenagers, and in result, an addiction. It has been falsely advertised as a "safe" product and many vulnerable teenagers have fell victim. In actuality, vaping is an addictive product due to the amount of nicotine put into the vape liquid. Although combustible cigarette use has declined dramatically in recent years, tobacco companies have created new strategies to target different communities in an effort to continue and grow their businesses. Their main target: the youth. They have created candy flavored vape to attract interest of young people to mask the taste of tobacco or nicotine. We are even targeted here in Hawaii with the creation of flavors such as Li Hing, Molokai Sweet Bread, and more. Not only do flavors mask harsh tastes, it is marketed as being a fun, and "cool" activity. It has become more popular in schools and within my peers. I want to see a change in our community. Our children need to be protected from this epidemic. We can be that change, and start with banning the sale of flavored tobacco. This will not only make it easier to enforced laws and restrictions of sale to underage users, but also lessen the effect the flavors have. Less people will want to vape without the variety and diversity of flavors. I want to thank you for taking the time to consider passing this bill. I urge you to be a part of making this difference for the keiki of Hawaii. Please, join me in supporting bill SB1009 against the sale of candy flavored tobacco products. Thank you!

SB-1009

Submitted on: 2/6/2019 3:34:48 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Anderson	Testifying for Black Lava Vape	Oppose	Yes

Comments:

The FDA Commissioner, Scott Gottlieb recently released a statement on what they are doing to combat the epidemic that is teenage use of ENDS. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes, and or flavored e-liquid, to age restricted stores or areas. There is also talk of restricting online sales. Most vape shops In Hawaii do not do online sales, so they understand why this would help limit access to teens ability to gain access to ENDS. The majority of teens getting their hands on these products are not coming from Vape Shops (Mom & Pop's/Brick & Mortar). They are coming from Internet sales from retailers that do not have a robust age verification in place, or from stores that have no age restriction. All vape shops have a strict age verification(s) in place. Following what the FDA is suggesting/recommending is a much better solution. If all flavors are banned, it will create an increase in adult use of combustible tobacco, which would be a step backwards. If adults no longer have access to the flavor(s) they used to stop using combustible tobacco, they will ultimately go back to the use of combustible tobacco. We agree that teenage use of ENDS products is unacceptable, and Vape Shops throughout Hawaii have, and are taking steps towards stopping this. Almost all shops in Hawaii have stopped selling JUUL. The Vape community, as a whole, has a high distain for JUUL. They have solely created such a negative tone for the Vape community that most vape shops around the country, just as in Hawaii, have stopped selling their products. JUUL has always been a "Gas Station" product. As a community we can help put a stop to teens use of ENDS, without punishing responsible adults that have successfully stopped combustible tobacco by using flavored e-liquids. Just as with flavored alcohol, which there is no shortage of, teens should not be easily able to get their hands on any product deemed to be for adult use. If we work together, we can stop, and prevent this from happening without it being at the expense of responsible adults that have successfully quit smoking by using flavored e-liquid(s). Let's work together as a community, not against each other. We should all be able to work together. I can guarantee that vape shops don't want teenagers vaping more than anyone. The Vape community has always had one sole purpose. That's to get adults off combustible, and non-combustible (Chewing Tobacco) tobacco products. And it has done so with greater success than any other cessation device. The Vape community is ready to work closely with all parties to put an end to teenage use of ENDS.

Much Mahalos,

Sean Anderson

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of

West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action

Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

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

(PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

February 6, 2019

To: Senator Roslyn Baker, Chair
And members of the Committee of Commerce, Consumer Protection \
and Health

TESTIMONY IN SUPPORT OF SB 1009 RELATING TO FLAVORED TOBACCO PRODUCTS

Hawaii Youth Network Services, a statewide coalition of youth- serving organizations, supports SB 1009 Relating to Flavored Tobacco Products.

Elimination of flavored tobacco products across the state of Hawai'i will prevent addiction, reduce continued use of tobacco products throughout one's lifespan, and prevent chronic health conditions such as COPD and cardiovascular disease.

It is important to ban flavored tobacco products as today's marketing targets and encourages youth to take part in this unhealthy behavior. Hawaii has the fifth highest amount of vaping in the United States. E-cigarettes continue to grow in popularity leading to a potential health epidemic. With up to 15,500 flavors, e-cigarettes are of particular interest and attraction to Hawai'i's youth. Along with the enticing flavors and packaging, youth perceive e-cigarettes to be less harmful than other nicotine filled tobacco products. Students have shared that vaping is a popular activity that occurs both inside and outside of the academic setting. Youth have the ability to access flavorless tobacco through social media accounts, vape stores without regulation of the 21-year-old age law, and online orders with their parent's credit cards.

Youth do not understand the dangers of this harmful product. E-cigarettes contain toxic chemicals These ingredients result in chronic health consequences including lung cancer, addiction, central nervous system damage, and delay of proper adolescent brain development.

808novape researchers have found that:

- 26% of Hawai'i high school students are using e-cigarettes
- 94% online purchases of e-cigarettes have been successful amongst teens
- 60% of teens believe occasional use of e-cigarettes does little to of harm
- 70% of middle and high schoolers have recently seen e-cigarette advertising

HYSN page 2

Four of five young people who use tobacco start with a flavored product. Tobacco is one of the leading causes of death and should not be accessible to Hawai'i's youth. Please ban the sale of flavored tobacco products.

Thank you for this opportunity to testify.

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large, sweeping initial "J".

Judith F. Clark, MPH
Executive Director



Testimony in Support of RE: SB 1009 Relating to Flavored Tobacco Products

Ellie Kelley-Miyashiro, RDH, BS

Past President/Regulations and Practice Chairperson – Hawaii Dental Hygienists' Association

Feb 7, 2019

Dear Chair Baker and respected members of the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports Senate Bill 1009** which proposes to prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State of Hawaii effective January 1, 5 2020.

We congratulate the Legislature for introducing a measure that seeks to address the health dangers caused by flavored tobacco products in Hawaii. The marketing of flavored tobacco products, clearly targets sales to Hawaii's youth as an initiation into the use of other nicotine products. In contrast to the positive decline in combustible tobacco smoking, use of electronic smoking devices (ESDs), also known as vaping or e-cigarettes, has increased dramatically over the last decade, making ESDs and flavored tobacco products the most common tobacco product used among youth.

HDHA believes that the nicotine in tobacco is clearly addictive and has been proven to be especially harmful to the oral health of those using it. Current research shows a direct correlation between smoking and periodontal disease. It has been shown to significantly increase the risk of tooth loss over time and decrease the ability for oral soft tissue to heal.

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports SB 1009** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.

SB-1009

Submitted on: 2/7/2019 8:56:46 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
24hourvapes	Individual	Oppose	No

Comments:

Hi,

I oppose this bill! I own 2 vape shops in Hawaii the 2nd shop just opened almost 2 months ago with a 7k a month 3 year lease. We check every persons ID to make sure there 21, if this bill passes i would have to file bankruptcy and all my employees will be out of a job.

Thank you!

SB-1009

Submitted on: 2/7/2019 3:47:05 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Shaw	Testifying for Lanai Community Health Center	Support	No

Comments:

SB-1009

Submitted on: 2/8/2019 9:22:44 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Asher Tamashiro	Testifying for Peer Education Program	Support	No

Comments:

Greetings,

I am writing today to request your utmost priority to ban flavored tobacco including flavored E-cig juices. We selected this as our policy priority because we believe something must be done to stop the epidemic of vaping among our peers and even relatives. Hawaii has some of the highest rates of vaping in the country, with 25% of high school students and 15% of middle school students reporting they vaped within the past 30 days.

The statistics are a horrifying reality. History has repeated itself with the Vaping Industry with the producers indirectly lying and for marketing to teens. Tobacco products and tobacco related products have swarmed the modern teen environment with most students who has vaped, start using combustible tobacco afterwards or has used the flavors from E-cig juices to lure and even carry on teen smokers/vapers. We don't need flavored tobacco and nicotine to entice youth into a potential life-long addiction to nicotine. Will you please help us to keep the children of our land safe? Even children in Elementary schools have found with vape products, we must stop this to ensure our children have a brighter and smoke free future.

Thank you for helping to keep Hawaii's future bright.

Sincerely,

Asher Tamashiro, Peer Education Advocate.



American Cancer Society
Cancer Action Network
2370 Nu`uanu Avenue
Honolulu, Hawai`i 96817
808.432.9149
www.acscan.org

Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

SB 1009 – RELATING TO FLAVORED TOBACCO PRODUCTS

Cory Chun, Government Relations Director – Hawaii Pacific
American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in support of SB 1009, which prohibits the sale of flavored tobacco products beginning January 1, 2020.

Every year in Hawaii over 6,700 people are diagnosed with cancer. Despite the fact that US cancer death rates have decreased by 26 percent from 1991 to 2015, not all have benefited equally from the advances in prevention early detection, and treatments that have helped achieve these lower rates. Significant differences persist in cancer incidence, survival, morbidity, and mortality among specific populations. Lung cancer remains the leading cause of cancer deaths in Hawaii.

Smoking not only causes cancer, it can damage nearly every organ in the body, including the lungs, heart, blood vessels, reproductive organs, mouth, skin, eyes, and bones. Smoking accounts for about 30 percent of all cancer deaths in the United States, including about 80 percent of all lung and bronchus cancer deaths. The impact of tobacco use goes beyond health. The annual health care costs in Hawaii directly caused by smoking are over \$500 million.

Flavored Tobacco Products

The 2009 Family Smoking Prevention and Tobacco Control Act implemented a federal prohibition of characterizing flavors other than tobacco or menthol in cigarettes. The prohibition included candy-and fruit-flavors. However, the federal law exempts “tobacco, menthol, mint or wintergreen flavors” and flavored electronic cigarettes.

While cigarette smoking rates have declined significantly in recent years, the use of electronic cigarettes has been skyrocketing, especially among youth. During the one-year period between 2017 and 2018, among high school students who currently used e-cigarettes, use of flavored e-cigarettes increased as well. Use of any flavored e-cigarette went up among current users from 60.9 percent to 67.8 percent, and menthol use increased from 42.3 percent to 51.2 percent among all current e-cigarettes users –

including those using multiple products – and from 21.4 percent to 38.1 percent among exclusive e-cigarette users. Flavors in tobacco products are frequently listed as on the top three reasons youth use e-cigarettes. Additionally, kids whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco flavored. Furthermore, evidence indicates that many young people who use e-cigarettes also smoke cigarettes. There is some evidence that young people who use e-cigarettes may be more likely to smoke cigarettes in the future. Using nicotine in adolescence may also increase risk for future addiction to other drugs.

Recent spikes in the use of e-cigarettes makes clear that more must be done to regulate tobacco products and the industry's deceptive marketing practices.

Menthol use in tobacco products

Menthol is a chemical compound that creates a cooling effect, reduces the harshness of cigarette smoke and suppresses coughing. Those effects may make menthol cigarettes more appealing to young, inexperienced smokers. Research shows that they are more likely to addict youth and more difficult to quit than regular cigarettes. Many people who smoke think menthol cigarettes are less harmful. In fact, there is no evidence that cigarettes, cigars, or smokeless tobacco products that have menthol are safer than other cigarettes. This myth has been perpetuated via a decades long campaign by the tobacco industry.

The disparities in flavored tobacco products use in the state are contributing to the negative health disparities that exists and must be addressed. ACS CAN strongly recommends implementing evidence-based policies to prevent the initiation and use of all tobacco products. The use of products containing nicotine in any form among youth is unsafe and can harm brain development.

Thank you for the opportunity to provide testimony on this important matter.



Senate Committee on Commerce, Consumer Protection, and Health
Sen. Rosalyn H. Baker, Chair
Sen. Stanley Chang, Vice Chair
Re: SB1009 Hearing 2/13/19 9:10AM

I Strongly OPPOSE SB1009. Vape Kings LLC, which I own and operate, has two branches, one in the McCully District and one in Kapolei. It is important to note that though I am technically a retailer of tobacco products, I have never sold cigarettes, cigars, or smokeless chewing tobaccos. I have age-restricted everything I have sold from the start, and have policies in place to minimize the possibility of minor purchasing anything from one of my stores. I do not have an online store, and personally feel that it is the relationship between my staff and the community of Adults who frequent my stores that makes us so effective. We carefully curate ENDS and E-Liquids to fit the needs of the local market, and continue to offer product support well after the purchase date. By fully understanding the local market we have Happy Customers! Please take a look at our Yelp reviews, we are rated among the best in Hawaii! We also maintain an A+ rating with the BBB.

This brings me to my first point, I don't currently sell a tobacco flavor that would qualify under the proposed new restrictions. The closest flavor I do carry out of roughly 80, is labeled as a vanilla, custard, and tobacco blend, which I don't believe would qualify. Please note that RY4 Flavors, which are traditionally labeled as Tobacco, are a blend of Tobacco base, Caramel, and Vanilla. Labeling, rather than ingredients would determine if an e-Liquid would qualify under this proposed bill as no enforcement agent will be able to distinguish characterizing flavor from a blended Tobacco flavored E-Liquid that is not blended with menthol or fruit by taste or aroma. Tobacco flavors are wildly unpopular, and E-liquids labeled as having only a Tobacco Flavor are also rare. After rigorous research, I have only been able to find a single US manufacturer that produces an E-Liquid that would pass all proposed restrictions. If I'm forced to sell E-Liquids labeled only as having Tobacco flavor, I will also not be able to compete with out of state vendors who are not subject to the same restrictions. If the goal of this bill is to reduce the number of Hawaii based businesses, it will surely do that.

IF the legislature truly wants to reduce the 526 Million in health care costs attributed to Smoking in the state, shouldn't we continue to explore the potential harm reduction of non-combustible systems like ENDS which are very, very promising? There is also further data that was recently published in the New England Journal of Medicine that shows that middle-aged smokers of combustible cigarettes more easily made the switch to vaping versus any other non-combustible nicotine delivery system. The combination of lower costs associated with refillable ENDS (when compared to other nicotine delivery systems) and the availability of flavors, I believe was the deciding factor. My customers actively search out flavors that they enjoy, to continue to Vape rather than to smoke.

My second point is that yes, a nicotine addicted pool of youth that may later adopt cigarettes, would be a disaster. It is scary, but I don't believe that a reduction in responsible business owners like myself will help the situation at all. The only way to truly curb underage use of tobacco products is a combination of responsible LOCAL business owners, public education, and further legislation that penalizes under-age sales and transfer. I believe that we as a state can continue to explore vaping as a viable alternative to combustible cigarettes, while minimizing youth access to tobacco products. In this respect, I believe we can have our cake and Vape it too.

Thank you again for your time and consideration.

Paul Azuma
Owner
Vape Kings LLC

SB-1009

Submitted on: 2/11/2019 4:55:51 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Honma	Testifying for Smokeless Hawaii	Oppose	No

Comments:

Aloha State Legislature,

We strongly oppose this bill, Please do not put so many local businesses out of business.

This ban will not help our Children and teens vaping now, It will only get worse w/o regulations and ID checking in our honest local vape shops. Do you folks know how teens are getting their vape E-Juices now, It is not from your local Vape shops (Everyone has to be ID checked to be over 21yrs or older in Hawaii).

Ask your local teens or investigate, It is from unregulated, Black market, Back yard e-Juices, Or the internet from websites that do not have a good ID Verication system in place.

Also you would know by banning a product you are going to open a whole nother can of worms and more teens will be doing it.

For example how is your Fireworks ban working, Since inception for over 3 years already, We have been having more and more Illegal fireworks every year and less and less arrest.

Do you really want people to go back to Regular cancer cigarettes.

Please think before you hurt so many good Businesses and honest people.

Thank You,

Gerald Honma

Smokeless Hawaii

Date: February 13, 2019

To: The Honorable Roy M. Takumi, Chair
The Linda Ichiyama, Vice Chair
Committee on Consumer Protection & Commerce

From: Members of the University of Hawaii Student Health Advisory Council

Re: Strong Support for SB1009, Relating to Flavored Tobacco Products

Hrg: Wednesday, February 13, 2019 at 9:10 am at Conference Room 229

Thank you for the opportunity to submit testimony in **SUPPORT** of SB1009, which bans the sale of flavored tobacco products, effective 1/1/2020.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. In 2015, the Student Health Advisory Council actively supported the passing of the law prohibiting the sale of all tobacco products to anyone under the age of 21. In 2018, the Student Health Advisory Committee also actively supported passing the law prohibiting the use of tobacco products on all 10 UH campuses and university-owned facilities. We remain deeply committed to the mission of reducing the use of tobacco products, including electronic smoking devices, among adolescents and young adults.

Electronic cigarettes are now the most commonly used form of tobacco among youth in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. According to the Centers for Disease Control and Prevention, e-cigarette use among adolescents has increased considerably, growing an astounding 900% among high school students from 2011 to 2015. The sale of candy-like flavored tobacco products entices minors to start using these harmful products which may cause addiction, lead to dual use of combustible cigarettes and vape products and to damage of the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control, if we are committed to protecting the health of adolescents and young adults in Hawaii.

On behalf of the Student Health Advisory Council, mahalo for your support for SB1009.

THE ROOT CELLAR STUDIO MAUI

February 11, 2019
David Stoller Whitney
The Root Cellar Studio Maui
15640 Haleakala Hwy
Kula, HI 96790

To our Legislator:

My name is David Stoller Whitney, I am the own operator of "The Root Cellar Studio Maui" in upcountry Maui. I have lived in Hawaii for 25 years. I have a daughter that was born and raised on Maui and is currently attending University in Hawaii. I am writing today to share my strong support for Senate Bill 1009. In researching this bill. I wanted to share some facts that I discovered while researching this bill.

Candy-and fruit-flavored cigarettes were banned under the Family Smoking Prevention and Tobacco Control Act in 2009. However, menthol cigarettes, non-cigarette smoked tobacco products and smokeless products were not included in the ban

Fact: 81% of youth who have ever used tobacco started with a flavored product.

Fact: About one third of youth smokers will eventually die from a tobacco-related disease.

Smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined — and thousands more die from other tobacco-related causes — such as fires caused by smoking (more than 1,000 deaths/year nationwide) and smokeless tobacco use. With over 25% of High School student using e-cigarettes. Our community can not stand by and allow the sale or marketing of deadly products to our children. It is our responsibility to protect them.

I strongly support SB 1009.

Sincerely yours,

David Stoller Whitney

SB-1009

Submitted on: 2/10/2019 5:23:45 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariner Revell	Testifying for Irie Hawaii Stores	Oppose	No

Comments:

I strongly oppose SB1009. A few years ago the state raised the smoking age to 21 years of age. According to supporters of that bill this would greatly decrease smoking in teens. The rights of adults 18-20 were greatly impeded. Flash forward a couple of years later and smoking/vaping among teens persists.

The problem with under age smoking.vaping is a parenting problem. The state of Hawaii has very strict laws the sales of tobacco products yet teens are getting a hold of them. How? Not from local retailers! Please do proper research on this issue before taking more rights away of the people!

Teens drink flavored alcohol and no laws are made to combat that problem! The drinking age is also 21! This draconian bill is a infringement on freedoms and liberties and will only cost peoples lives (those who use vape to compant traditional smoking), will cost many local jobs, and will cost us our FREEDOM.

If law makers think local businesses are selling flavored tobacco products to persons under 21, do the research! Investigate these suspicions! Do not kill innocent people and cost hundreds of jobs due to unresearched suspicions!

Every year legislations create laws that take our rights and freedoms away. Please put a stop to this! I strongly oppose this bill!



85-993 Farrington Hwy
Suite 204
Waianae, Hi 96792
808-200-4798

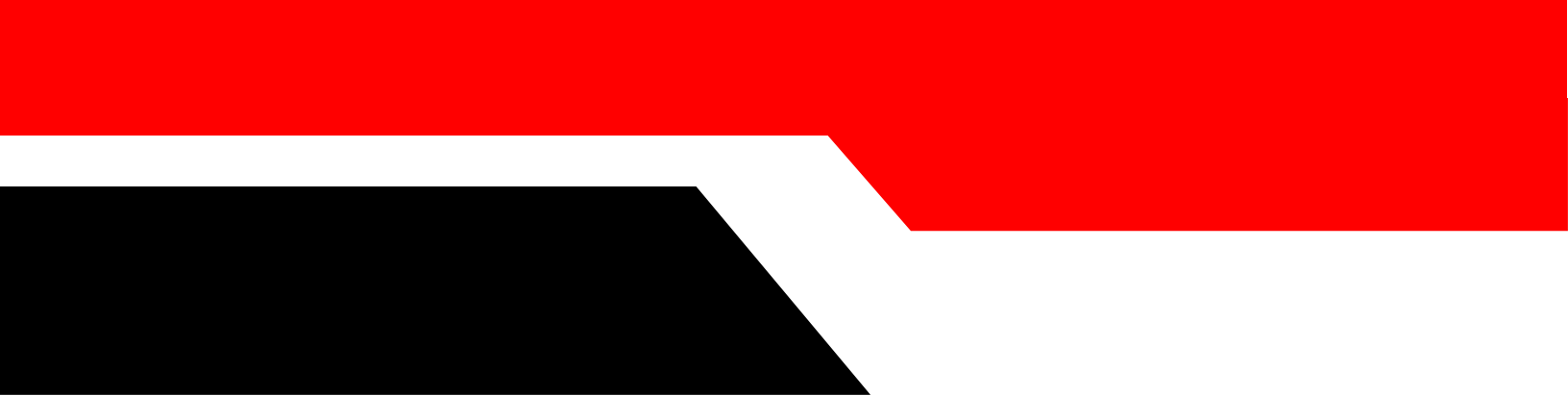
wholesale@hilyfevaporz.com

2/8/2019

Dear Hawaii State Representatives,

Aloha,

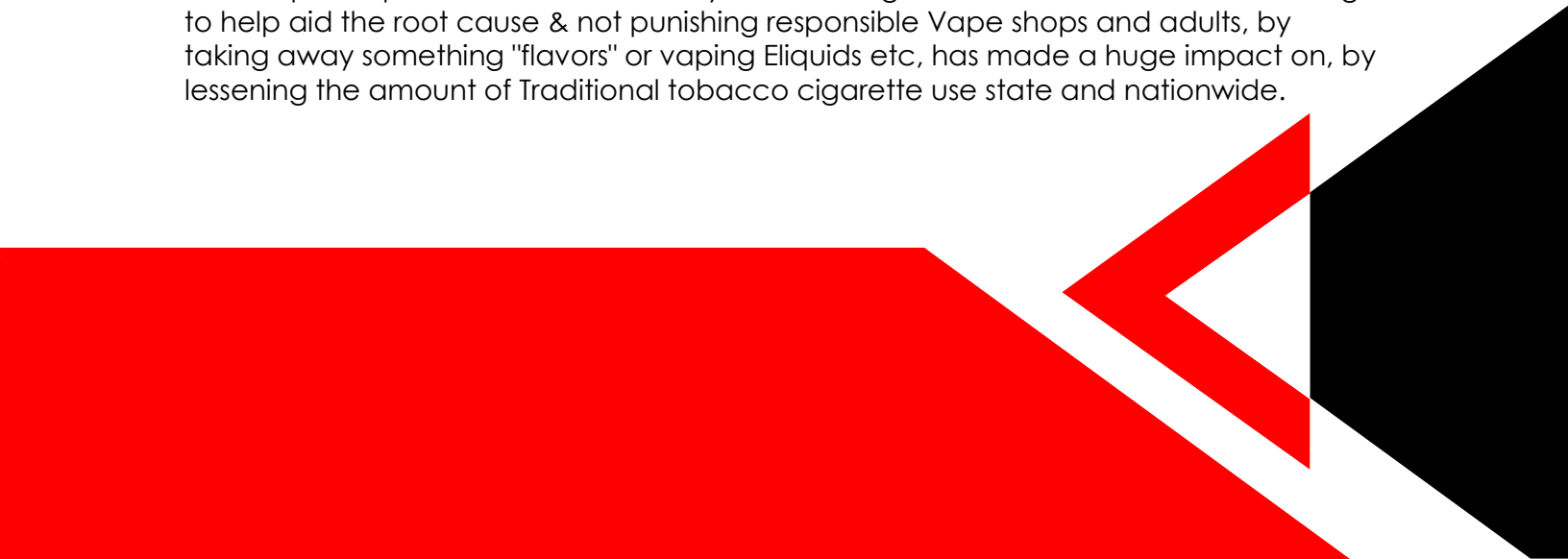
My name is Jostin and We Strongly oppose the Senate Bill 1009 (SB1009). As a REGISTERED Manufacturer with the U.S Food and Drug Administration and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SELL OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.



One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB1009 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide.



This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Mahalo for your time and consideration Jostin Iriarte jostin@hilyfevaporz.com



The Centers for Disease Control and Prevention

"E-cigarettes have the potential to benefit adult smokers who are not pregnant if used as a complete substitute for regular cigarettes and other smoked tobacco products."

<https://www.cdc.gov/tobacco/basic-information/e-cigarettes/about-e-cigarettes.html>



US Department of Health and Human Services

Secretary Alex Azar:

"I want to reiterate: E-cigs could help many American adults end their addiction to cigarettes."



Dec 18, 2018 (youtu.be/y0u2gooy80 @ 3:33)



"If you could take every adult smoker and fully switch them to e-cigarettes, that would have a substantial public health impact"



FDA Commissioner Dr. Scott Gottlieb

<https://www.c-span.org/video/?452001-1/fda-commissioner-scott-gottlieb-discusses-cigarettes-public-health-concerns>

FDA Commissioner Dr. Scott Gottlieb



"E-cigarettes may present an important opportunity for adult smokers to transition off combustible tobacco products and onto nicotine delivery products that may not have the same level of risks associated with them."



<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM620185.htm>



Dr. Jerome Adams, U.S. Surgeon General

"E-cigs and vaping as harm reduction not inherently a problem (though we need to continue research to ensure overall & max harm reduction)"

<https://twitter.com/JeromeAdamsMD/status/1058453736208412672>



"How could the same compound associated with so much death and disease be so safe that you can buy it without a doctor's prescription?" he asks.

"The answer is that it's about the delivery mechanism, not the drug."

Mitch Zeller, JD, Director, Center for Tobacco Products

<https://www.roll2stop.com/culture/culture-news/e-cigs-inconvenient-with-its-sub-ref-to-vap-28972>



Mitch Zeller, Director, Center for Tobacco Products

"If we can get all of those people to completely switch all of their cigarettes for one of these non-combustible products, that would be good for public health"



<https://www.help.senate.gov/hearings/progress-and-challenges-the-state-of-tobacco-use-and-regulation-in-the-us> (01:59)

SB-1009

Submitted on: 2/12/2019 6:08:51 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Testifying for PATIENTS WITHOUT TIME	Support	No

Comments:

Aloha lawmakers,

These flavored tobacco products have added chemicals that are known to cause health problems, or have not been studied for ingestion, in vapor/smoke form through the lungs.

Protect the health of all citizens.

Mahalo for your kind consideration,

Brian Murphy, Director

Maui, Hawaii



**American
Heart
Association.**

**American Heart Association Testimony in SUPPORT of SB 1009,
“Relating to Flavored Tobacco Products”**

Chairman of the Board

Mark Yamakawa

President

Kahealani Rivera, MD

Board Members

Rick Bruno, MD, FACEP

Brandt Farias

Mimi Harris

David Honma

Glen Kaneshige

Brandon Kurisu

Howard Lee

Michael Lui, MD

Kazuma Nakagawa, MD,

FAAN, FAHA

Barbara Petrus

Andrew Rosen

Dave Underriner

Elisa Yadao

The American Heart Association supports SB 1009, “Relating to Flavored Tobacco Products.”

Tobacco and e-cigarette products are flavored to taste like candy, fruit, chocolate, vanilla, honey, cocoa, menthol, mint, wintergreen, herb, or spice and many of the packages are designed to look exactly like popular kids candies like Sour Patch kids, Jolly Ranchers and Gummy Bears.

The tobacco industry adds candy flavors to tobacco products and markets menthol cigarettes to appeal to specific target markets, especially children.

Serving Hawaii since 1948

Mission Statement:

“To be a relentless force for a world of longer, healthier lives.”

Why? Because Big Tobacco profits by addicting the next generation of smokers. Over 80 percent of kids who have used tobacco started with a flavored product.

For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

In a once-secret tobacco industry document Claude Teague of R.J. Reynolds wrote “if our company is to survive and prosper, over the long term we must get our share of the youth market.” Candy-flavored tobacco products are Big Tobacco’s latest gimmick to hook young people.

Office: (808) 377-6630

Fax: (808) 524-0556

Neighbor Islands:

Serviced by the Oahu office

It’s time to end that by banning the use of candy flavors and menthol to entice our children into a deadly addiction.

The American Heart Association asks for your support of SB 1009.

Respectfully submitted,

Don Weisman
Hawaii Government Relations/Communications Director



Testimony in SUPPORT of SB 1009: Relating to Flavored Tobacco Products

To: Senator Rosalyn H. Baker, Chair

Keiki Injury Prevention Coalition (KIPC) supports SB 1009 which bans the sale of flavored tobacco products.

E-cigarettes, particularly JUUL products that come with appealing flavors are very popular with tweens and teens. Marketing and peer pressure have led to this popularity. Flavoring and the sweet odors of these products mask the dangers of using JUUL and other products that contain flavored tobacco. Consuming these potent addicting products can lead to live-long illnesses. Vaping entrepreneurs have been using strategies from tobacco companies to market their products directly to children. Add-on products like flavored tobacco make the product very appealing to tweens and teenagers. Friends and younger siblings are eager to try a new cool activity, this increases peer pressure of being a part of the “in group” which might lead a teen’s decision to use tobacco products.

There is significant dangers associated with nicotine. According to JUUL (e-cigarette product), a single pod (flavored tobacco) contains the same amount of nicotine as a pack of cigarettes. The *American Journal of Medicine* linked teen e-cigarette use with future cigarette use. There is a perception that vaping is unoffending, and even a healthy way to wean off of cigarettes, however it has been reported that 63% of young adults who use JUUL products with flavored nicotine did not know the substance contains nicotine (Safe Kids Worldwide).

If this bill passes, Hawai‘i will lead the nation in showing how we value our keiki health and safety by banning flavored tobacco products. Please pass this bill, SB 1009.

Mahalo,

Lisa Dau, RN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition

Petition to Submit Testimony in Support of SB1009

Petition summary and background:	As Registered Dental Hygienists in the state of Hawaii, we are concerned that electronic smoking device (ESD) use among youth in Hawaii has reached epidemic levels. The toxic combination of nicotine and enticing flavors have made ESD use a preferred choice when compared to other tobacco products (ex. cigarettes). As oral health educators, it is our duty to inform our patients of the risks caused by smoking/vaping tobacco products (oral cancer, periodontal disease, tooth loss). We can avoid future nicotine addiction of our youth by addressing the problem now.
Action petitioned for:	We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT SB1009 and ban the sale of flavored tobacco products in an effort to stop this addicting behavior for the sake of our youth.

Printed name	Signature	Address	Comment	Date
Shirley Chun, RDH		scpinksky@gmail.com		
Jamie Tengan, RDH		jamzan10@gmail.com		
Faye Fox, RDH		fnf1464@gmail.com		
Darlee Motosue, RDH		dkmotosue@yahoo.com		
Audra Dennis, RDH		oceanbreeze@gci.net		
Gaea Tunnissen, RDH		gaea.tunnissen@gmail.com		
Arimxay Varel, RDH		aavarel19@gmail.com		
Ariel Ita, RDH		ariel1214@yahoo.com		
Jennifer Shiroma, RDH		jshiroma@hawaiiifamilydental.com		
Christine Schroeder, RDH		dnqtrdh808@gmail.com		
Cynthia Taylor, RDH		cynktaylor@gmail.com		
Chelsea Acob, RDH		cjba@hawaii.edu		
Lorie Calma, RDH		l0121376@aol.com		
Linda Kang, RDH		lindakan@hawaii.edu		
Andrea Hetherington, RDH		ajh.rdh13@gmail.com		
Susan Eladnani, RDH		susaneladnani@gmail.com		
Iris Woolsey, RDH		igttwink@hawaii.rr.com		
Crystal Egusa, RDH		cegusa@gmail.com		
Samantha Fisher, RDH		samjfisher@yahoo.com		
Kim Schneider, RDH		kschneider@hawaii.rr.com		
Marilyn Nonaka, RDH				

Printed name	Signature	Address	Comment	Date
Stacy Matsuyama, RDH		texaninhawaii@gmail.com		
Tabitha Kukahiko, RDH		smsekioka@gmail.com		
Marie Duke, RDH		tabitha4avon@yahoo.com		
Rayann Bautista Echavez, RDH		maduke92254@gmail.com		
Anna Akaka, RDH		rayannrdh@gmail.com		
Kyoko Tomita, RDH		annaakaka@gmail.com		
Candace Kawakami, RDH		kyotokomrdh@gmail.com		
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BRIDGE CLUB HAWAII

February 9, 2019

RE: **SUPPORT for SB1009**

Aloha Chair Baker, Vice Chair Chang, members of the Committee on Commerce, Consumer Protection, and Health,

Thank you for your dedication to the health and livelihood of Hawai'i's keiki, and for this opportunity to testify in **SUPPORT** of SB1009 related a ban on the sale of tobacco products. Bridge Club Hawaii is a youth community organization with ties to over 10,000 youth in Hawai'i and across the globe. Our mission is to empower youth to become global leaders ready to tackle the problems of tomorrow and make the world a better place. To accomplish that goal, we must address any and all threats to society.

Flavored tobacco products are a direct attack on our keiki. There are over 7,000 different flavors of tobacco and there is clear evidence that these products are both unsafe and made to take advantage of young audiences decision by negatively influencing their decisions.¹ Research shows that chemicals used in flavorings of ESD liquid, such as Diacetyl and acetyl propionyl, are not approved by the FDA for inhalation and are associated with respiratory disease when inhaled.² Specifically, high doses of diacetyl have been shown to cause acute-onset bronchiolitis obliterans, a severe and irreversible obstructive lung disease when inhaled.³ Additionally, human lung cells that are exposed to ESD aerosol and flavorings are show increased oxidative stress and inflammatory responses.⁴

As a community, we must stay committed to the well-being of our youth, which is why Bridge Club Hawaii strongly supports SB1009. Thank you for this opportunity to testify.

Sincerely,



Colby Takeda
Founder, Chair
Bridge Club Hawaii

¹ CDC (2018). Quick facts on the risks of e-cigarettes for kids, teens, and young adults. Retrieved from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html

² Konstantinos E. Farsalinos, KE; Kistler, KA; Gilman, G; Voudris, V., "Evaluation of electronic cigarette liquids and aerosol for the presence of selected inhalation toxins," *Nicotine and Tobacco Research* 17(2): 168-174, February 2015.

³ "Preventing Lung Disease in Workers: Who Use or Make Flavorings," National Institute for Occupational Safety and Health. DHHS (NIOSH) Publication Number 2004-110, December 2003.

⁴ Lerner CA, Sundar IK, Yao H, Gerloff J, Ossip DJ, McIntosh S, et al. "Vapors Produced by Electronic Cigarettes and E-Juices with Flavorings Induce Toxicity, Oxidative Stress, and Inflammatory Response in Lung Epithelial Cells and in Mouse Lung," *PLoS ONE* 10(2): e0116732, February 6, 2015.

SB-1009

Submitted on: 2/9/2019 10:59:06 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Strongly support ban of flavored nicotine products. Stop poisoning my patients.

www.WeAreOne.cc



Testimony of Jim Yates,
President of the Hawaii Petroleum Marketers Association

**IN OPPOSITION TO SENATE BILL 1009,
RELATING TO FLAVORED TOBACCO PRODUCTS**

Senate Committee on Commerce, Consumer Protection & Health
The Honorable Rosalyn Baker, Chair
The Honorable Stanley Chang, Vice Chair

Wednesday, February 13, 2019 at 9:10 a.m.
Hawaii State Capitol, Conference Room 229

Chair Baker, Vice Chair Chang and members of the Committee,

I am Jim Yates, president of the Hawaii Petroleum Marketers Association (“HPMA”). HPMA is a non-profit trade association comprised of members who directly market liquid motor fuel products across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and who buy liquid motor fuel products at the wholesale level and sell or distribute products to retail customers, other wholesalers, and other bulk consumers. HPMA’s primary purpose is to protect and advance its members’ legislative and regulatory interests in Hawaii and Washington, DC.

Senate Bill 1009, as worded, would ban the sale of all flavored tobacco products, effective January 1, 2020.

HPMA is opposed to SB 1009 in its current form. We ask for the Committee’s consideration in providing an exemption from the ban for menthol or mentholated tobacco products and all flavored smokeless tobacco products that are clearly marketed to the adult user.

- HPMA’s testimony does not attempt to argue the merits of tobacco use or to downplay the health risks that are involved, especially Hawaii’s youth population. Just the opposite, we believe tobacco products are strictly for adult use.
- Hawaii has already enacted strict laws for the legal age of sale of tobacco products, as encouraged by the federal Food & Drug Administration. HPMA member companies that sell tobacco products, along with many other responsible retailers in Hawaii, do so in compliance with the law. By eliminating flavored tobacco products for sale, this proposed bill would deprive adult users of acquiring these products while unintentionally leading to predatory online/Internet sales and, even more concerning, the potential proliferation of black market products that are fully unregulated.

Testimony by the Hawaii Petroleum Marketers Association
In Opposition to S.B. 1009, Relating to Flavored Tobacco Products
Senate Committee on Commerce, Consumer Protection & Health
Hawaii State Capitol, Room 229
Wednesday, February 13, 2019 at 9:10 a.m.
Page 2

- HPMA does not argue against banning sales of candy flavored tobacco products such as “Bubble Gum” and “Cotton Candy” e-liquids for electronic smoking devices (ESDs), the marketing of which can easily be construed as targeting young users. Rather, HPMA is primarily concerned that menthol-flavored tobacco products are included in the vast array of flavored products being banned in this bill. Menthol cigarettes, for example, account for more than half of the tobacco sales for HPMA retailers, and conceivably more for some other businesses.
- With Hawaii’s strict age restrictions against accessing tobacco products, combined with locations where people are prohibited from smoking or vaping, the State has done much to safeguard our youth from using these products. Still, HPMA is aware that usage is high—and growing—among young people. We feel it is a call for stricter enforcement of sellers who violate Hawaii’s laws and increased consumer education, more so than prohibiting access to consumer products that are intended for adults.
- Should the State proceed with enacting a ban on flavored tobacco products, HPMA respectfully requests that menthol flavoring in cigarettes and ESD liquids remain available for sale through local retail outlets, along with all flavored smokeless tobacco products such as snuff and chewing tobacco that are aimed at adult users. HPMA notes that sales conducted through locally established retail locations enable the seller to more accurately ascertain a purchaser’s age.
- In addition, SB 1009 would allow any county to adopt a rule or ordinance that places greater restrictions on the access of tobacco products than State law, and the more stringent restrictions shall prevail in the event of a conflict. HMPA understands and supports the need for strict enforcement of this statute. We believe, however, that having a uniform State law would better-enable retailers to comply, rather than allowing a mixture of laws to emerge from county to county.

Therefore, we respectfully request including the following amendments in SB 1009:

§ 712 - ___ Sale of flavored tobacco products

~~[(5) Any county may adopt a rule or ordinance that places greater restrictions on the access of tobacco products than provided for in this section. In the case of a conflict between the restrictions in this section and any county rule or ordinance regarding access to tobacco products, the more stringent restrictions shall prevail.]~~

Testimony by the Hawaii Petroleum Marketers Association
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(6) For the purpose of this section:

“Characterizing flavor” means a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include but are not limited to tastes or aromas relating to any candy, chocolate, vanilla, honey, fruit, cocoa, coffee, dessert, alcoholic beverage, ~~menthol,~~ mint, wintergreen, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information in the absence of a distinguishable taste or aroma, or both.

“Flavored tobacco product” means any tobacco product that contains a constituent that imparts a characterizing flavor, except for menthol or mentholated products and all smokeless tobacco products that are flavored.

Thank you for considering the HPMA’s suggested amendments and for providing this opportunity to testify.

February 13, 2019

RE: SUPPORT SB1009 Relating to Flavored Tobacco Products

Dear Chair Baker, Vice Chair Chang, and Members of the Commerce, Consumer Protection & Health Committee:

At Blue Zones Projects we are working to make Hawaii a happier, healthier place to live, work and play. We support HB276, which will ban the sale of all flavored tobacco products, ultimately reducing the number of users and potential users.

Youth are highly attracted to the variety, 15,500 + and growing, flavors. These are marketed to appeal to young people. With names like Fruit Hoops, Cali Colada, Space Jam, TrollzE, and Blizzard Berry-BRRRST, clearly the industry is targeting children under 21. By attracting young people, the next generation of consumers is being cultivated.

It is targeted, and the messaging is working phenomenally well. Nationally, there was a 78% increase from 2017-2018 in current e-cigarette use among high school students and 48% increase among middle school students. Bringing the total number of middle and high school students currently using to 3.6 million, 1.5 million more than the previous year. Hawaii youth are part of this trend, 42% of HDOE high school students and 27% of middle school students report having ever used an electronic vaping product.

In our Maui community, vaping is a problem. Because he could not be here today, I wanted to share a recent testimony from Josh Ooka, Baldwin High School Senior to the Maui County Council.

Every day when I use social media, I see at least one video or image of someone vaping. I see people posting videos of them using vapes at beaches, parks, and in their cars doing tricks and vaping with their friends. The use of social media to showcase vaping popularized it and made it widespread. At school vapes are small and can be easily hidden, so it's not a surprise to me when I'm walking to my next class, and I see someone vaping in the hall because it's become so ordinary and normal to see. When I go into the bathrooms, it is filled with sweet and fruity scents, and I get pressured to try vaping every time I go into the bathroom.

Some may think that only students in regular classes or "the bad kids" vape, but I am involved in athletics, clubs, and take AP and Honors classes and vaping is so widespread it affects everyone at every level in every activity. Even in my top-level classes, there are kids hiding their vape in their hands occasionally taking a "rip" because they can't resist. I see my peers vaping in class when the teacher isn't looking, and they have a trick to breathe it out clear so that it is

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unnoticeable because they are so addicted they have to find a way to do it in class, and it is more common in other classes.

Because of his experience, Josh took it upon himself to coordinate a Breathe Aloha Day, where he hosted vape prevention and awareness activities to help his fellow students fight this growing epidemic.

As a state, we do not have the time to take a “wait and see” approach. The crisis is now. For years, we have done our keiki a disservice by ignoring the numbers and trusting the industry that were acting ethically. We are allowing a generation to become addicted to nicotine through the hook of flavored e-liquids. This measure is the top priority of the youth council. Our children are asking the adults to address the issue of their health and well-being; we can’t fail them.

We are grateful to the Committee for hearing SB1009 and hope that you will consider passing this bill as it is to the House Committee on Consumer Protection and Commerce.

Sincerely,

Laks Abraham

Laksmi Abraham
Blue Zones Project—Hawaii

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February 11, 2019

To: The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Stanley Chang, Vice Chair
Members, Senate Committee on Commerce, Consumer Protection, and Health

From: Cory Smith, VOLCANO Fine Electronic Cigarettes®
CEO and Owner

RE: SB 1009 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 110 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as over 30 International countries. We stand in opposition to SB 1009 for the following:

- **SB 1009 would decimate the Hawaiian vapor industry by banning the sale of all electronic cigarette liquids and cartridges. Every electronic cigarette available on the worldwide market is “flavored.” Because they do not contain tobacco, electronic cigarettes have no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings. Even electronic cigarettes advertised as coming in “tobacco flavor” are actually just the result of the blending of several different flavorings such as caramel and nut flavors in an attempt to mimic the flavor of tobacco.** To use the language of the proposed statute, every electronic cigarette imparts to the user a “distinguishable or distinctive” aroma, or taste other than tobacco. As a result, SB 1009 will act as a de facto ban of the manufacture and sale of all electronic cigarettes.
- Even if SB 1009 permitted the sale of electronic cigarettes flavored to taste like tobacco, its enactment would still ban the manufacture and sale of the vast majority of our products. **This bill would present more than just a competitive disadvantage for local suppliers and retailers. It would be a death knell for vapor industry in Hawaii.** Local consumers will either flavor liquids themselves or purchase from out of state, causing a loss of jobs and tax revenues for the state. Similarly, we will be forced to close our stores and move all or most of our business and operations to the mainland, taking with us jobs and tax revenue that has grown every year since our founding.
- Enactment of SB 1009 will deal a similar fate to our competitors in the electronic cigarette industry. Between them these businesses have likely created 1000 jobs in Hawaii. All or more of these jobs will be lost as a result of this legislation. Additionally, convenience stores



and other businesses that sell vapor products will feel the impact of consumers purchasing products from the mainland.

- The baseless claims that electronic cigarettes flavors are made to attract children must be weighed against the significant evidence that electronic cigarette flavors are very popular with adult users. The International Journal of Environmental Research and Public Research recently published the most expansive survey performed on the subject. We urge you to read the full text of this study, which we have attached to our testimony. Below are some highlights:
 - Researchers conducted an Internet survey of over 4,500 adult electronic cigarette consumers. The participants' average age was 40 years old. The vast majority (90%) of those surveyed were ex-smokers, with the average respondent having been cigarette-free for approximately one year.
 - Among the survey respondents, the most commonly used flavors were fruits, followed by sweets and tobacco.
 - Those electronic cigarette users who were still smoking ("dual users") were actually more likely to use tobacco flavors than those vapers who had quit smoking.
 - On a scale of 1-5, the average score given by the respondents for the importance of flavor variability in reducing or quitting smoking was 4 ("very important").
 - **Almost 50% of the respondents answered that a lack of flavor availability would increase their cravings for tobacco cigarettes and would decrease their chances of remaining abstinent from smoking.**
 - <https://www.mdpi.com/1660-4601/10/12/7272>

- **The use of flavorings in electronic cigarette liquids is one of the driving factors in helping prevent adult former smokers who switch to e-cigarettes from going back to traditional cigarettes.** Most users report that after switching to electronic cigarettes and experiencing the pleasant tastes one can enjoy with an electronic cigarette, they no longer find the taste of traditional tobacco cigarettes appealing.

- **Enactment of this bill will actually benefit Big Tobacco by stifling their competition.** Analysts credit electronic cigarettes, not government intervention, nor traditional nicotine replacement therapy products, with causing cigarette sales to experience larger than forecasted declines in the U.S. and Europe. Regardless of the good intentions involved, every step taken to reduce adult access to electronic cigarettes is really a step towards protecting cigarette markets.

- SB 1009 exempts traditional Nicotine Replacement Therapy (NRT) products that contain nicotine even though electronic cigarettes have been shown to be a much more effective tool for helping people quit smoking and have been demonstrated to have a similar risk profile as NRT's.
 - <http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract>
 - http://m.circ.ahajournals.org/content/130/Suppl_2/A14945.short

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes
 - http://www.journalnow.com/business/business_news/local/cdc-report-shows-more-



[smokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html](https://www.nejm.org/doi/full/10.1056/NEJMoa1808779)

- A recent study published by the New England Journal of Medicine concluded that E-Cigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for adult smokers to these products, not tighter regulations that steers current vapers back to tobacco cigarettes
 - <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>
- If flavors are not important in helping adult smokers switch from, or quit traditional cigarettes, why is GlaxoSmithKline's nicotine gum exempt from this bill and sold in flavors?



- SB 1009 would not successfully remove all flavored e-liquid products from the market. It would simply force local customers to go online and purchase them from vendors across the 49 other states who would not be subject to this ban. It would severely impact local based businesses from competing with businesses from the 49 other states who would not be subjected to this law further lowering jobs and revenues already being created in the state.

While we agree that curbing youth usage and enforcing our current laws prohibiting the sale and use of vapor products is of utmost importance, doing so at the detriment to adults who use these products every day as an alternative to traditional tobacco is not the right way to do it. This bill is not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.



VOLCANO®

Sincerely,
Cory N. Smith
CEO & Owner
VOLCANO Fine Electronic Cigarettes®
1003 Bishop Street #1260, Honolulu, HI 96813
cory@volcanoecigs.com



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

Toby Taniguchi, KTA Superstores, *Chair*
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Lauren Zirbel, HFIA, *Executive Director*
Beau Oshiro, C&S Wholesale Grocers, *Past Chair*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:

Committee on Commerce, Consumer Protection and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 13, 2019
TIME: 9:10am
PLACE: Conference Room 229

RE: SB1009 Relating to Flavored Tobacco Products

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

The federal government already has in place adequate regulations regarding flavored cigarettes. Tobacco regulations are handled at the federal level for good reason. Enforcing this type of ban on very specific kinds of a product, which are legal at the federal level would require be a potentially logistically difficult and very expensive process. Any additional regulations of these types of products should occur at the federal level.

At the state level tobacco use in Hawaii is already restricted to those who are 21 and older. Kids and adults under 21 don't have legal access to these products and businesses already take measures to ensure that only those 21 and older are buying nicotine products.

This bill unfairly targets and penalizes those who choose to use certain types of products, and the businesses that serve these customers. This type of regulation is not really necessary and can be obtrusive. We thank you for the opportunity to testify.



Ph: (808) 446-2032
Fax: (833) 565-3144
PediatricTherapiesHawaii@gmail.com

To: The Honorable Members of the Committee

From: Dr. Amy Peterson, Executive Director

I am in full support of banning flavored tobacco. Flavored tobacco is marketed to children and is a way for the tobacco industry to get kids hooked on this horrible drug. I am a mother and a health care professional and this bill is in the best interest of our children and our community. This is a common sense bill that will protect the health of our keiki. Please do the right thing and pass this bill.

Thank You,

Dr. Amy Peterson, PT

Jamil Folio
The Man Cave
1993 S. Kihei Rd Suite 18
Kihei, Hawaii 96733



To our Distinguished Legislators:

My name is Jamil Folio, I am the Administrative Manager for “The Man Cave” retail business in Kihie, Hawaii. I am a property owner, father of young keiki, concerned citizen and a small business advocate who is proud to call Maui my home.

I am writing in STRONG support of SB1009, the tobacco flavor ban. We sell tobacco products in our store, and understand the trepidation of other business owners/operators concerning potential lost revenue. BUT, we cannot jeopardize the health of our youth and our community by focusing on short term profit.

An alarming number of Maui high school students, 30%, are using flavored smokeless tobacco, or e-cigarettes. A good portion of them will go on to use more traditional tobacco products and in case you are unaware that carries significant health risks. Children are 3 to 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

21,000 children under the age of 18 currently living in Hawaii will die prematurely from smoking.

If you could please read the previous sentence one more time. Then consider the financial cost associated with long term cancer and end of life care. Any lost short term revenue from banning the sales of flavored tobacco products is a minor rounding error in the long term costs associated with cancer for tens of thousands of Hawaii’s citizens.

We are not talking about the rights adults have to make informed discussions. We are talking about middle school children being hooked on bubble gum and cotton candy flavored addiction. And that is what is being sold: addiction. This is a tried and true campaign of influence from tobacco companies who have been marketing to children for decades (as proven in their own internal documents multiple times).

For every potential sale that would be lost, a life might be saved. So please represent your constituents, our community and our island ohana by doing the right thing. No child or adult needs candy flavored cancer causing products.

Thank you for your time.

Mahalo,

Jamil Folio



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
Valerie@hawaiicopd.org
(808)699-9839

February 9, 2019

Honorable Chair Senator Rosalyn Baker
Honorable Vice-Chair Senator Stanley Chang
Members of the Committee on Commerce, Consumer Protection & Health

RE: **Strong Support** of SB1009, banning sale of all flavored tobacco products in Hawaii

Dear Senator Baker, Chang, and members of the Commerce, Consumer Protection and Health Committee:

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of SB1009, banning all flavored tobacco products in Hawaii.

I am Executive Director of the Hawaii COPD Coalition and serve 46,015 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). 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.

We are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii. Unfortunately, that doesn't stem the growing epidemic of young people and adults in our state who are smoking electronic smoking devices, commonly referred to as ESDs, e-cigs, or vaping.

With 168,000 young people in our schools and with 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. All our young people deserve protection from a lifetime of addiction.

While the FDA's proposed plan aims to restrict the sale of flavored e-cigarettes in convenience stores and gas stations, **it still allows e-cigarette products to stay on the market and online without review by the FDA until August 2022.** We know rulemaking at the federal level often takes a long time which is why state-level action on menthol and other flavored products is

needed now. We can't wait to protect our keiki. Additionally, the new proposed policies do not address flavors in any form of smokeless tobacco or hookah.

The chemicals used in e-juice and other products have NOT been tested nor approved for inhalation, particularly butter flavors which has been known to cause popcorn lung, otherwise known as bronchiolitis obliterans (which is a very serious progressive lung condition, basically causing the lungs to disappear from the bottom of the lungs upwards). The people using these products SAY they don't FEEL different and aren't currently having symptoms but the studies show otherwise. The most recent study is the FIRST study to show an independent association of e-cigarette use with chronic respiratory disorders and it's a Hawaii study. The citation is <https://www.ncbi.nlm.nih.gov/pubmed/30472577> Drug Alcohol Depend. 2019 Jan 1;194:363-370. doi: 10.1016/j.drugalcdep.2018.10.004. Epub 2018 Nov 7, E-cigarette use and respiratory disorder in an adult sample. Wills TA¹, Pagano I², Williams RJ³, Tam EK⁴.

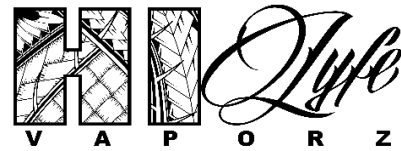
Sadly, addicted tobacco smokers often also said they were "fine," up until they were hospitalized with a severe COPD "lung attack" and put on supplemental oxygen for the rest of their lives as well. The over 15,000 flavors of ESDs are designed to entice and attract youth with flavors and designs and packing like sweet candies they love!

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to **please vote in favor of SB1009 and pass it out of committee so it can become law**. 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



85-993 Farrington Hwy
Suite 206
Waianae, Hi 96792
808-200-4798
info@hilyfevaporz.com

2/8/2019

Dear Hawaii State Representatives,

Aloha,

My name is Jostin and I Strongly oppose the Senate Bill 1009 (SB1009). As a small business owner and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SALE OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB1009 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juil" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide.

This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2tx2xiS590W_qe6WHKH6gq-zoelg8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapjK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Mahalo for your time and consideration Jostin Iriarte jostin@hilyfevaporz.com

SB-1009

Submitted on: 2/8/2019 9:19:42 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aaliyah Sistoza-Mortel	Individual	Support	No

Comments:

Honorable Senators and Representatives,

There is a vaping epidemic in Hawaii where children as young as elementary schoolers are obtaining and smoking electronic cigarettes. A common misconception about e-cigarettes is that they are a safe alternative to smoking actual tobacco cigarettes when in actuality, they are far from safe. Not only do most e-cigarette liquids contain nicotine, but they also contain harmful toxins and other unknown ingredients not approved by the FDA. Vapers are also able to lace marijuana, cocaine, and methamphetamine into the liquids. To put this in perspective, the amount of nicotine used in one e-cig is equivalent to about a pack of cigarettes. Because of this, I would like to request your support of SB1009, banning flavored tobacco, including e-cigarette products in Hawaii.

Baldwin's Peer Education Program is made up of high schoolers from grades 10-12. For the 2018 National Student Safety Program Conference, Baldwin representatives were encouraged by members of the state Coalition for a Tobacco-Free Hawaii to address this epidemic as a high priority because of the increasing youth-user rates. Hawaii has some of the highest rates of vaping in the country with 25% of high school students and 15% of middle school students reporting that they had vaped in the past 30 days. There is even a reported case of an elementary schooler fixing broken vapes for profit. A Baldwin survey was conducted with approximately equal numbers of males and females to use in our 808NoVape campaign. Out of the 96 Baldwin high summer school students, we found that 81% believed that e-cigs are unsafe, yet, 57% of them have tried them despite the known harms. This shows that knowledge alone is not enough to keep them safe.

Moreover, flavored tobacco products are not being regulated properly. The liquids come in many flavors of candy and fruit and are sometimes packaged in brighter colors used to target a younger audience; a tactic that has been used for decades to promote alcohol and cigarettes. A few liquid ingredients aside from nicotine found in many e-liquids include formaldehyde, diacetyl, and isoprene. Formaldehyde is used to preserve dead bodies or organs from decomposing. Diacetyl is a buttery flavored chemical that was reportedly used in microwaveable popcorn. Breathing in diacetyl can cause popcorn lung, a condition that scars the

air sacs and destroys the lungs. Isoprene is a fragrance used in air fresheners. These fragrances can disrupt your endocrine system, creating a hormonal imbalance. This may delay puberty and cause unwanted physical changes. 81% of kids nationwide use a flavored tobacco product as their introduction to tobacco, including vaping. 90% of current users started at the age of 18. Among users, it was also found that 1 out of 13 will die early because of vaping and can acquire asthma, cancer, and even popcorn lung.

We don't need candy or fruity flavored tobacco to entice youth into starting a potentially life-long addiction to nicotine. I hope that these factors are enough to make the change to stop this epidemic in using flavored tobacco products.

Baldwin High Student,

Aaliyah Sistoza-Mortel

SB-1009

Submitted on: 2/8/2019 11:14:01 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
austin keliinoi-westbrook	Individual	Oppose	No

Comments:

From: angelina@everyactioncustom.com on behalf of [Angelina Mercado](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 12:31:58 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Angelina Mercado
Honolulu, HI 96819

SB-1009

Submitted on: 2/12/2019 6:43:51 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Adrian-Marie Luna-Gaballo	Individual	Oppose	No

Comments:

Flavored tobacco products such as candy flavored e-liquid helped my dad finally quit smoking for almost over 20 years. His life has been healthier since he is able to be around my mom and the rest of us kids without us complaining about the smell of smoke that cigarettes used to leave behind. I feel as if you are taking away the only thing that helped him quit smoking when nothing else works.

SB-1009

Submitted on: 2/12/2019 6:16:20 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anden Gaballo	Individual	Oppose	No

Comments:

Flavored tobacco products such as candy flavored e-liquid helped me finally quit smoking for almost over 20 years. My life has been healthier since I am able to be around my wife and kids with out them complaining about the smell of smoke that cigarettes used to leave behind. I feel as if you are taking away the only thing that helped me quit smoking when nothing else works.

SB-1009

Submitted on: 2/11/2019 4:23:04 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Watanabe	Individual	Oppose	No

Comments:

From: aseales@everyactioncustom.com on behalf of [Allison Seales](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 2:12:41 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Allison Seales
Honolulu, HI 96817

SB-1009

Submitted on: 2/11/2019 3:55:41 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Analisa Cortes	Individual	Oppose	No

Comments:

Aloha, as a citizen of this state - I have to say this goes against absolutley everything about democracy. **I oppose this bill**, my fiance quit smoking 3 years ago and has since relied on flavored tobacco vape products to subside cigarette use. If tobacco flavored products are banned from the state ban cigarettes from being sold and ban the tax attached with them. There are other issues to battle - **HOMELESSNESS, the RAIL.. NOT tobacco**. If the issue is with minors mandate schools who catch kids using vapes under 18 go through a program, dont ban it for everyone else.

If people want to quit smoking cigarettes and choose to vape they should be ALLOWED to do that. that is freedom of choice. I oppose this bill.

In Strong Support for SB 1009

Aloha, my name is Alexis Cortes and I am currently a senior at Hawai`i Pacific University studying Public Health and a member of the Hawai`i Public Health Institute's Coalition for a Tobacco-Free Hawai`i's Youth Council. I am testifying in support of Senate Bill 1009 to end the sale of flavored tobacco products in Hawai`i.

Our Youth Counsel's top priority this year is to end the sale and distribution of flavored tobacco, including menthol, in Hawai`i. Vaping is currently a common trend that I am witnessing in my community. In the US, 81% of youth have used some form of tobacco product and these flavors contribute to this rate. Flavors like cotton candy, iced gummy bear, Hawai`i sweet roll, and even POG are attracting our youth to try tobacco products. There are currently around 15,500 different flavors available for purchase. In addition, the packaging of flavored tobacco products is often mistaken as actual candy products. Tobacco industries are aware of how to market towards our youth with colorful and "cool" packaging and they are their current targets. When doing presentations with the Youth Council, our props are primarily donations of confiscated vaping products from schools. Our vaping rates are three times the national average for middle school students and twice the national average for high school students in Hawai`i.

As a public health major, I know that Hawai`i has made great efforts on tobacco preventative measures like increasing the age of purchasing tobacco products to 21 years old. However, the tobacco industry is using the flavored tobacco as a tactic to hook a new generation that lead to a lifetime nicotine addiction. Within the Hawai`i Youth Risk Behavior Survey, 25% of high school students choose to vape is because of the availability of the flavors. Although combustible cigarettes are at an all time low, e-cigarettes use has skyrocketed by 78% from 2017 to 2018. Flavored tobacco is clearly responsible for the high spike of e-cigarette use.

By ending the sale of flavored tobacco, we are considering the quality of life for our keiki here in Hawai`i. I strongly urge lawmakers to keep our generation tobacco-free by ending the sale of flavored tobacco.

SB-1009

Submitted on: 2/10/2019 12:26:04 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Chung	Individual	Oppose	Yes

Comments:

This bill, while well-intentioned is NOT the solution and has very negative unintended consequences.

1. NOT ALL E-LIQUIDS CONTAIN NICOTINE

I started at the highest level of nicotine (over 24 mg) and am now at ZERO nicotine. If you ask many of the local vape shops, their biggest sellers are 0 and 3 mg.

2. E-LIQUIDS ARE NOT TOBACCO

Those against e-liquids consistently mix-up the terms “tobacco”, “nicotine” and “e-liquids”. E-liquids are flavored fluid that produce vapor.

3. BANNING E-LIQUIDS WILL DECIMATE HAWAII’S LOCAL MOM & POP STORES

Anecdotally, there are about 200 local vape shops in Hawaii – each with about 10 employees. Banning e-liquids will close these local businesses, cause about 2000 workers to lose their jobs, and significantly reduce tax revenues to the state.

4. LOCAL VAPE STORES DO NOT WANT KIDS VAPING

Local vape owners have already followed FDA regulations and have re-packaged their products. They are all interested in working with organizations like the DOE to educate our keiki about vaping.

5. BANNING E-LIQUIDS WILL CAUSE ADULTS TO GO BACK TO CIGARETTES

According to a study by the International Journal of Environmental Research & Public Research, a ban will cause adults who successfully stopped smoking cigarettes by using flavored e-liquids – to go back to smoking cigarettes. This is a terrible unintended public health consequence of this bill.

I urge you to reconsider and defer this bill.

Mahalo for the opportunity to testify.

SB-1009

Submitted on: 2/8/2019 8:33:30 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
April Pacheco	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/6/2019 3:57:55 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Adam mayer	Individual	Oppose	No

Comments:

Aloha I am a American citizen that is 40 years old! I was a heavy smoker of about 2 to 3 pack a day for about 13 years! I quite smoking with FLAVORED ejuice in my vape thatthat! That has giveing me all my smells back taste I could walk a few miles without stopping every 5 minutes to take a break! I dont want to get back on Cigarette but if you get rid of FLAVORS I will not be able to get the ejuice to keep me off the cigarette! I dont want to get back on them win my dad passed away from LOUNG CANCER from smoking as well! So pleas keep flavors!

From: barbrick@everyactioncustom.com on behalf of [Barbara Nosaka](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 1:22:47 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Barbara Nosaka
Honolulu, HI 96822

SB-1009

Submitted on: 2/6/2019 6:47:49 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Bainum	Individual	Oppose	No

Comments:

I strongly oppose any damn flavor ban.

SB-1009

Submitted on: 2/10/2019 11:07:38 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Medeiros	Individual	Oppose	No

Comments:

I am not a consumer of flavored e-liquids, however I oppose this bill. There are so many products that use flavorings as part of their marketing: cough syrups, coffee creamers, liquid hand soap, the list goes on. I don't think the State should start deciding what should be flavored or not, or which flavors are appropriate and which are not.

Moreover, the counties should not be allowed to create their own restrictions on which flavorings they like and which ones they don't - so, we'll have Maui permits guava flavor, but it's illegal on Kauai. This literally makes no sense.

There are ample laws prevent minors from using tobacco products, focus on education and enforcement.

For these reasons, I oppose this measure.

SB-1009

Submitted on: 2/12/2019 2:36:22 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carissa Holley	Individual	Support	No

Comments:

I support the banning of sales of tobacco-flavored products. This has brought upon an epidemic in our schools and in all public places. It is the norm for my children to walk around and see clouds of smoke. It has normalized youth vaping. It is highly addictive and needs to be banned.

SB-1009

Submitted on: 2/8/2019 2:17:50 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Azelski	Individual	Support	No

Comments:

With 8 in every 10 kids starting with a flavored tobacco product, and 42% of Hawaii high schools students trying e-cigarettes, we have an urgent need to act. With over 15,000 flavors on the market, restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of nicotine addiction and its associated health-related and monetary costs.

SB-1009

Submitted on: 2/6/2019 6:23:08 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/10/2019 6:03:34 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ben	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/7/2019 3:00:53 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Wolery	Individual	Oppose	Yes

Comments:

Banning flavors will ban ALL including tobacco. As tobacco is not a single flavor, it is a mixture of many flavors to make a Tobacco LIKE flavor.

All adult smokers quit traditional cigarettes with the help of flavors.

We do not want kids to have these devices. And would gladly take them from them. If possible. So that they could not use them. Parenting is the problem in this scenario.

Costco is selling flavored alcoholic Ice pops now. Which is way more similar to kids items. and those include 6.7% alcohol. They are easy to mix up with other ice pops in the freezer.

Yet that is perfectly fine?

If you want another black market on the island, go ahead and pass this into law. We see making fireworks illegal works so well. oh and drugs too.

guess you will do what you do best. and continue to take our freedoms away from us. to make us conform to the standard you think we should have.

SB-1009

Submitted on: 2/6/2019 5:01:57 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Brucato	Individual	Support	No

Comments:

From: davidcao@everyactioncustom.com on behalf of [David Cao](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 1:23:52 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

My name is David Cao and I am a student pharmacist. I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
David Cao
Hilo, HI 96720

SB-1009

Submitted on: 2/12/2019 2:28:36 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Pyle	Individual	Support	No

Comments:

I strongly support SB1009 to protect the health of children, teens and adults by prohibiting flavored tobacco products, including electronic smoking devices, because the flavors promoted and added appeal to new smokers and new user of ESDs. The purpose and effect is to promote smoking and vaping to new users, with more young people becoming addicted to nicotine products. Please pass SB1009 to protect public health, including the health of those under the age of 21, who are most vulnerable targets of the tobacco and ESD industry, who use the added flavors to entice young people to use dangerous and addictive nicotine products.

SB-1009

Submitted on: 2/8/2019 10:07:41 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Emma Whitney	Testifying for Emma Whitney Photography	Support	No

Comments:

To Whom it May Concern,

My name is Emma Whitney, and I am the owner of Emma Whitney Photography. I live in Kula and I am writing you regarding a very important issue, for our community and out keiki.

I am writing regarding the upcoming hearing for the measure SB1009. I am testifying in STRONG, and UNYIELDING SUPPORT of SB1009.

For me, it is inconceivable that this is even a question on the table, for the facts regarding the harm of tobacco are undeniable. The use of candy flavors to directly target children, are reprehensible and as undeniable. When I was coming of age, in the 80's and 90's, tobacco manufacturers used menthol tobacco to do this, and it worked. This is the cigarette that my friends chose, because it tased minty.

The tobacco industry is depending on our lifelong addiction, for their monetary security, so it is no surprise that they are scared, for when the true nature of the addiction and health impacts, came to light, the number of smokers hit record lows. To now use flavors that mirror sugar children's candies, to gain new smokers, reaches a whole new level of low! This tragic and disgusting and it is only hurting our children and our community.

It should alarm you, that 42% of all High School students, and 27% of Middle School students have tried these products. Of course, they have! Candy flavored anything, is appealing. All of these children are at an enormous risk for long term, severely detrimental, and terminal health issues.

These products do not help people quit, as they are touted. Instead, children are picking them up and getting hooked. By choosing to sell these products, we are contributing to the inevitable long term harm of these children.

Please, protect our children. No one needs candy flavored tobacco.

Mahalo for doing right by our community.

Aloha,â€

Emma Whitney

SB-1009

Submitted on: 2/7/2019 5:52:49 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ericka	Individual	Oppose	No

Comments:

I, Ericka, oppose the flavor ban of e-cig liquids, SB-1009.

I have quit smoking cigarettes after 23 years, by using flavored e-liquid. I have been free of cigarettes and it's vast amount of chemicals, which caused me to contract asthma, for 7 years. I haven't the need to use my Ventolin HFR inhaler as much as when I was a smoker. I rarely if ever, need a puff.

Flavored e-liquids has helped me , by training my brain not to like the nastiness of menthol, and combustion(burning ash) taste of regular and menthol cigarettes.

As a former 2-pack/day smoker,I highly recommend that bill SB-1009 is not passed. Passing this bill may, and possibly will interfere with so many people's desires to quit smoking,as I did. I understand that there are other techniques out there such as, workshops, tobacco hotline, gums ,etc. But, not all people are alike and not all strategies and techniques work the same on others.

Thank you for your time! Mahalo nui loa,

Ericka

SB-1009

Submitted on: 2/9/2019 2:45:08 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Winternitz	Individual	Support	No

Comments:

I am testifying as a concerned citizen who supports this effort to keep dangerous and addictive tobacco products from being marketed to children. It is ethically indefensible to allow this practice to continue.

SB-1009

Submitted on: 2/7/2019 8:47:53 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
francis luu	Individual	Oppose	No

Comments:

Hello,

I oppose this bill, because i quit smoking 5 years ago using flavored liquids and I'm 39 years old once i quit smoking cigarettes it's very hard to go back to tobacco flavor. I even tried to take take a drag of a cigarette and all i taste is disgusting so i asking not to ban flavor eliquids.

Date: February 9, 2019

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Re: **Strong Support of SB1009**, Relating to Flavored Tobacco Products

Hrg: February 13, 2019 at 9:10 AM in Capitol Room 229

Aloha Senate Committee on Commerce, Consumer Protection, and Health,

I am writing in **strong support of SB1009**, which bans the sale of flavored tobacco products, including menthol, in Hawai'i.

Hawai'i is in the midst of a youth vaping epidemic. Studies find that 80% of kids who vape start with a flavored vape product and 80% of kids who vape regularly use flavored products. It is no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, including Fruit Hoops, Sour Straws, or Cookie Monsta- whom is the industry really targeting with flavors?

It is critical to include menthol in the tobacco flavor ban. Menthol is commonly found in products that start tobacco use, due to menthol's cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, which has led to higher tobacco use and tobacco-related health disparities in groups including the Native Hawaiian community.

The vast majority of vape products, and the products most commonly used by youth, contain the *highly addictive* chemical, nicotine. Nicotine impairs brain development of youth and young adults, heart function and blood sugar control, as well as increasing the risk of anxiety and depression in youth.

Thanks to Hawai'i's leadership in tobacco prevention, cigarette smoking among our youth is at an all-time low. But, candy flavored vape products are now introducing large numbers of our kids to nicotine who would otherwise not be exposed. Kids who are unlikely to start smoking and who vape are eight times more likely to go on to smoke tobacco cigarettes compared to similar kids who don't vape. And, research shows that nearly 80% of youth who vape would never have started vaping if flavored products were unavailable.

Lastly, research shows that adult tobacco smokers prefer *tobacco* flavored vape, which will continue to be available under SB1009 for adult smokers who wish to vape.

We need to ban flavored tobacco products, including menthol, to prevent a new generation of youth from becoming addicted to nicotine.

I **strongly support SB1009** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Kea'au, HI

SB-1009

Submitted on: 2/7/2019 5:59:37 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jake J. Watkins	Individual	Oppose	No

Comments:

Dear Chair Baker & Senate Committee on Commerce, Consumer Protection, and Health,

I am writing in STRONG OPPOSITION to SB1009.

Any regulation of flavors should occur at the federal level - Congress empowered FDA to establish tobacco product standards such as restricting flavors only if FDA determines that such action would be appropriate for the protection of the public health based on science and evidence. Potential Harm Reduction Should Be Considered - E-vapor category is relatively new, some public health and tobacco control researchers have reached the preliminary conclusion that e-vapor products may present a compelling risk reduction opportunity compared to combustible cigarettes. Mitch Zeller, Director of the Center for Tobacco Products at FDA, along with many scientific experts, has recognized the promise tobacco harm reduction and potentially reduced risk products may hold for public health. In a recent letter to the World Health Organization, 53 global experts on nicotine policy stated that policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives and cause harm as a result. In a recent survey of 4,618 e-vapor consumers, almost half of participants said that a lack of variety of flavors would make reducing or completely switching from smoking cigarettes less likely.

Approximately 90% of adult e-vapor consumers report using flavored products. Hawaii should respect the preferences of adult consumers to use flavored products, especially when they could play a role in reducing tobacco-related harm. We believe regulators and legislators should tailor public policies to reflect the uniqueness of this category, including the fact that these products emit vapor, not smoke.

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself.” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and not have access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase.

This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the loss of a multitude of local businesses, creation of a black market, and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha,
Johnathon Myers
Concerned Constituent & Consumer

From: jpmg@everyactioncustom.com on behalf of [Jhoana Gonzales](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 1:17:58 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Jhoana Gonzales
Hilo, HI 96720

SB-1009

Submitted on: 2/9/2019 8:24:22 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
JamesDustin Ling	Individual	Oppose	No

Comments:

I oppose SB1009. I smoked cigarettes for 7 years, I was smoking about 2-3 packs a day at one point. I did move to vaping and quit smoking using a tobacco flavored product, but I continued to have the urge to have a "real" cigarette due to always tasting the tobacco flavor. Once I switched over to something that didnt remind me of having a cigarette I was able to stop having cravings for a cigarette and able to move on with my healthier life. There have been many studies showing that people have quit using vape even fruity flavored vapes, they like the taste they like the smell, overall they are happy they are able to step away from all the harmful carcinogens they intake with they smoke a cigarette. If this bill passes we will be spending a magnitude of tax dollars to enforce a solution that wont fix the reason they even proposed it. As a adult I should have the right to choose what flavor I taste when I vape, Let us not blame vape or a flavor of vape on poor guardianship, the problem is not the vape or the type of flavor.

If this bill comes to pass we will be hurting the future of our islands by taking away something that allowed a huge percentage of the world quit smoking cigarettes. I oppose SB1009

SB-1009

Submitted on: 2/9/2019 7:09:03 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jason graham	Individual	Oppose	No

Comments:

Quite frankly the flaws of this ruling would completely eliminate vaping for the state, decimating businesses and jobs for people in the state. Also would revert alot of previous smokers back to that nasty and very unhealthy habit. It has been shown that tons of people stopped smoking because of cigarettes and that has been a very direct result of having the various selection of flavors. Reconsider and do not ban flavors

SB-1009

Submitted on: 2/7/2019 10:53:11 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Fia	Individual	Oppose	No

Comments:

A legal product should not be taken away from adults who choose to partake in flavored items. If youth usage is a concern, then strictly enforce the current rules of selling to underage people, possession, etc. Why hurt people who follow the rules when there is a law already on the books to address the youth problem?

SB-1009

Submitted on: 2/8/2019 9:17:39 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kacey sakamoto	Testifying for baldwin high school peer education program	Support	No

Comments:

SB-1009

Submitted on: 2/7/2019 4:21:17 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaenz	Individual	Oppose	Yes

Comments:

From: kbraun2000@everyactioncustom.com on behalf of [Kathryn Braun](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 2:28:23 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Kathryn Braun
Honolulu, HI 96813

SB-1009

Submitted on: 2/7/2019 9:35:18 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/9/2019 12:49:08 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Weiner	Individual	Support	No

Comments:

I strongly support HB276, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Our state has one of the highest per capita uses of flavored tobacco products among middle school and high school students in the US. After the tremendous success of the Tobacco Free Coalition, the legislature, and many others in drastically reducing teen tobacco use in Hawaii, tobacco use among teens has made a drastic U-turn with the introduction and promotion by tobacco companies of flavored, "cool," e-cigarettes. These products have deliberately targeted children by adding many, many flavors with candy names like "Fruit Hoops", using colorful candy-like packaging directed toward children, and advertising that stresses good taste and smell of these products. In fact, the taste and packaging of flavored tobacco products are so enticing that young children have ingested the flavored juice with tragic results.

These electronic products were originally marketed as a safe way to wean off cigarettes. This assertion has no scientific evidence to back it up and misleads our keiki who feel that using ESP's is not only cool, but also safe. Ironically, tobacco companies have cynically taken advantage of gullible consumers by significantly increasing the nicotine concentration in the flavored "juices" so that new users are instantly hooked on nicotine, which is one of the most addicting substances known to man. This means that our keiki are rapidly becoming addicted to nicotine, instantly creating a life-long market for tobacco companies.

Unfortunately, the FDA has been slow to recognize the harmful potential of vaping despite frantic warnings from the American Academy of Pediatrics. Finally the head of the FDA has suggested some control of flavored ESP's in gas stations and convenience stores, which doesn't at all cover on line or tobacco store purchases, and there is no review of sales to minors until 2022. Also, flavored smokeless tobacco and hookah are

not addressed. This is reminiscent of the long and difficult push to control tobacco sales, which was violently opposed by tobacco companies and their lobbyists. I am sure we all remember the insistence by Big Tobacco that there was no health risk from tobacco products.

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. I strongly support SB1009.

Sincerely,

Linda J. Weiner, MD

Pediatrics

Kauai

From: lpmoisan@everyactioncustom.com on behalf of [Lisa Yoshikawa](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 4:51:30 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Lisa Yoshikawa
Wailuku, HI 96793

SB-1009

Submitted on: 2/7/2019 3:01:50 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mealani Rahmer	Individual	Support	No

Comments:

Please support the flavor ban. Our youth matter so much, please help stop our youth getting addicted!! Please support SB1009 and support the flavor ban.

Thank you

SB-1009

Submitted on: 2/8/2019 12:29:07 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle K.	Individual	Support	No

Comments:

There are too many kids at risk of addiction to flavored tobacco products. These products must be ban ASAP to protect the health of the next generation. Please save our kids from exposure to harmful products marketed by greedy folks. Mahalo for your help!

SB-1009

Submitted on: 2/8/2019 11:46:31 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/6/2019 4:02:35 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Alana-Duones	Individual	Oppose	No

Comments:

Aloha,

My name is Nathan I am a former smoker of 15 year's, I oppose HB276, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away to legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because place other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use state and nation wide, will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.

Mahalo Nui Loa for your your time

Members of the Committee,

Flavors are a very important part of the success story of vapor products in getting thousands of Hawaii residents off of cigarettes. Throughout my life I have never seen anything more effective at helping people stop smoking. Vaping is estimated to be at least 95% less risky than smoking, so this is a huge win for public health.

A recent study, attached, confirms what I have seen firsthand. Cigarettes are proven scientifically to be better than standard nicotine replacement therapy -- therapy which is supported by insurance companies and workplace policies across the state. Surveys of vapor product users confirms the near-universal importance of non-tobacco flavors in their replacement of combustible tobacco. People do not stop liking tasty flavors after age 18 -- ADULTS LIKE FLAVORS.

As a practical matter, flavor bans are unenforceable. Almost all eliquid is artificially flavored, including tobacco-flavor eliquids. Thus to define what a "tobacco flavor" is will have to identify specific chemical compounds that make up the flavor. Judging what those compounds are and measuring them will be effectively impossible and very expensive to even attempt.

The proposed legislation is misguided and misinformed, and should not be adopted.

P. Kuromoto

ORIGINAL ARTICLE

A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy

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ABSTRACT

BACKGROUND

E-cigarettes are commonly used in attempts to stop smoking, but evidence is limited regarding their effectiveness as compared with that of nicotine products approved as smoking-cessation treatments.

METHODS

We randomly assigned adults attending U.K. National Health Service stop-smoking services to either nicotine-replacement products of their choice, including product combinations, provided for up to 3 months, or an e-cigarette starter pack (a second-generation refillable e-cigarette with one bottle of nicotine e-liquid [18 mg per milliliter]), with a recommendation to purchase further e-liquids of the flavor and strength of their choice. Treatment included weekly behavioral support for at least 4 weeks. The primary outcome was sustained abstinence for 1 year, which was validated biochemically at the final visit. Participants who were lost to follow-up or did not provide biochemical validation were considered to not be abstinent. Secondary outcomes included participant-reported treatment usage and respiratory symptoms.

RESULTS

A total of 886 participants underwent randomization. The 1-year abstinence rate was 18.0% in the e-cigarette group, as compared with 9.9% in the nicotine-replacement group (relative risk, 1.83; 95% confidence interval [CI], 1.30 to 2.58; $P < 0.001$). Among participants with 1-year abstinence, those in the e-cigarette group were more likely than those in the nicotine-replacement group to use their assigned product at 52 weeks (80% [63 of 79 participants] vs. 9% [4 of 44 participants]). Overall, throat or mouth irritation was reported more frequently in the e-cigarette group (65.3%, vs. 51.2% in the nicotine-replacement group) and nausea more frequently in the nicotine-replacement group (37.9%, vs. 31.3% in the e-cigarette group). The e-cigarette group reported greater declines in the incidence of cough and phlegm production from baseline to 52 weeks than did the nicotine-replacement group (relative risk for cough, 0.8; 95% CI, 0.6 to 0.9; relative risk for phlegm, 0.7; 95% CI, 0.6 to 0.9). There were no significant between-group differences in the incidence of wheezing or shortness of breath.

CONCLUSIONS

E-cigarettes were more effective for smoking cessation than nicotine-replacement therapy, when both products were accompanied by behavioral support. (Funded by the National Institute for Health Research and Cancer Research UK; Current Controlled Trials number, ISRCTN60477608.)

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SWITCHING COMPLETELY FROM CIGARETTE smoking to e-cigarette use would be expected to reduce risks to health.¹⁻³ There are questions about risks and benefits of use of e-cigarettes for different purposes, but an important clinical issue is whether e-cigarette use in a quit attempt facilitates success, particularly as compared with the use of nicotine-replacement therapy.

A Cochrane review showed that e-cigarettes with nicotine were more effective for smoking cessation than nicotine-free e-cigarettes.⁴ A trial that compared e-cigarettes with nicotine patches for smoking cessation used cartridge e-cigarettes with low nicotine delivery and no face-to-face contact. It showed similar low efficacy for both treatments.⁵ (For further details of previous trials, see the Supplementary Appendix, available with the full text of this article at NEJM.org.) Our trial evaluated the 1-year efficacy of refillable e-cigarettes as compared with nicotine replacement when provided to adults seeking help to quit smoking and combined with face-to-face behavioral support.

METHODS

DESIGN AND OVERSIGHT

We conducted a two-group, pragmatic, multicenter, individually randomized, controlled trial. National Health Service (NHS) stop-smoking services are available free across the United Kingdom.⁶ This trial was conducted in three service sites from May 2015 through February 2018. The Health and Lifestyle Research Unit that delivers the service for two London boroughs (Tower Hamlets and City of London), along with the Leicester and East Sussex services, recruited participants and delivered the interventions. Participating services included trial information in their advertising. Participants were also recruited through social media. Adult smokers were invited to participate if they were not pregnant or breast-feeding, had no strong preference to use or not to use nicotine replacement or e-cigarettes, and were currently not using either type of product.

The trial was approved by the National Research Ethics Service (reference number, 14/LO/2235). Collective unblinded data were seen only for the purposes of the meetings of the data

monitoring and ethics committee. Data analyses were conducted with blinding to treatment assignments. All the authors contributed to the trial design, participated in the interpretation of the data, vouch for their completeness and accuracy, and made the decision to submit the manuscript for publication. All the authors vouch for the fidelity of the trial to the protocol, available at NEJM.org.

PROCEDURES

Smokers were provided with trial information, prescreened for eligibility, and, if eligible, invited to a baseline session. There, eligibility was confirmed, written informed consent and baseline data were obtained, and participants set up their quit date (normally the following week).⁷

Randomization took place on the quit date to limit differential dropout. Randomization sequences (1:1 ratio in permuted blocks of 20, stratified according to trial site) were generated with the use of a pseudorandom number generator in Stata software and were embedded into an application that only revealed the next treatment assignment once a participant had been entered into the database.

Product use started immediately after randomization. All the participants received the same multisession behavioral support as per U.K. stop-smoking service practice.^{7,8} This support involved weekly one-on-one sessions with local clinicians, who also monitored expired carbon monoxide levels for at least 4 weeks after the quit date.

Participants were contacted by telephone at 26 and 52 weeks. Interviewers asked about product use and thus were aware of the treatment assignments. Participants who reported abstinence or a reduction in smoking of at least 50% at 52 weeks were invited back to provide a carbon monoxide reading. Participants were compensated £20 (\$26 U.S.) for their travel and time at the 52-week validation visit.

Nicotine-Replacement Group

Participants were informed about the range of nicotine-replacement products (patch, gum, lozenge, nasal spray, inhalator, mouth spray, mouth strip, and microtabs) and selected their preferred product. Use of combinations was encouraged, typically the patch and a faster-acting oral product. Participants were also free to switch

products. The way that nicotine replacement was provided differed slightly among trial sites (see the Supplementary Appendix). Supplies were provided for up to 3 months, as per standard practice. The cost to the NHS of a 3-month supply of a single nicotine-replacement product is currently approximately £120 (\$159 U.S.).

E-Cigarette Group

A starter pack, called One Kit (Aspire, U.K. Ecig Store), was provided to facilitate initial use and teach participants how to use refillable e-cigarette products, along with one 30-ml bottle of Tobacco Royale flavor e-liquid purchased from U.K. Ecig Store, containing nicotine at a concentration of 18 mg per milliliter. The kit had a 2.1-ohm atomizer and 650-mAh battery. During the trial, the company discontinued this kit, so One Kit 2016 (Innokin, U.K. Ecig Store), with a 1.5-ohm atomizer and 1000-mAh battery, was used for 42 participants. Participants were asked to purchase their future e-liquid online or from local vape shops and to buy a different e-cigarette device if the one supplied did not meet their needs. They were encouraged to experiment with e-liquids of different strengths and flavors. Those who were unable to obtain their own supply were provided with one further 10-ml bottle, but this was not offered proactively. Participants received oral and written information on how to operate the e-cigarette.

The original One Kit, including five atomizers, U.K. adapter, spare battery, and e-liquid, was purchased wholesale for £19.40 (\$26 U.S.). The cost of One Kit 2016, including the same extras, was £30.25 (\$40 U.S.).

Participants in the e-cigarette group and those in the nicotine-replacement group were asked to sign a commitment to not use the non-assigned treatment for at least 4 weeks after their quit date. This was to minimize contamination between the trial groups.

MEASURES

At trial visits, the following data were recorded: smoking status, expired carbon monoxide level (at baseline, 4 weeks, and 52 weeks), use and ratings of trial products, ratings of withdrawal symptoms (weeks 1 through 6), adverse reactions (presence or absence of nausea, sleep disturbance, and throat or mouth irritation), and

respiratory symptoms (presence or absence of shortness of breath, wheezing, cough, and phlegm). The Supplementary Appendix provides further details of trial measures.

The primary outcome was 1-year sustained abstinence, calculated in accordance with the Russell Standard⁹ as a self-report of smoking no more than five cigarettes from 2 weeks after the target quit date, validated biochemically by an expired carbon monoxide level of less than 8 ppm at 1-year follow-up and not contradicted by any previous self-report or validation result. Carbon monoxide validation is the standard measure in trials assessing nicotine-containing products (see the Supplementary Appendix). Participants who died (one in each group) were excluded. Participants who were lost to follow-up or did not provide biochemical validation were classified as not being abstinent in the primary analysis.

Secondary abstinence outcomes included sustained abstinence from 26 to 52 weeks, at 4 weeks, and at 26 weeks and the percentage of participants without sustained abstinence from 26 to 52 weeks who reduced their cigarette consumption by at least 50%. We also assessed 7-day abstinence at 4, 26, and 52 weeks. In addition, we compared the trial groups with respect to relapse rate and time to relapse and with respect to the measures listed above.

STATISTICAL ANALYSIS

We calculated that a sample of 886 participants would provide the trial with 95% power (at a two-sided alpha level of 0.05) if the true percentages of 1-year abstinence were 23.8% in the e-cigarette group and 14.0% in the nicotine-replacement group (relative risk, 1.7). Since trial setup, the abstinence rate in stop-smoking service clinics declined to 10%, but the sample of 886 participants would provide 85% power if the percentages were 17.0% and 10.0% in the respective groups.

The primary and secondary abstinence outcomes were analyzed by regression of smoking status at each time point onto trial group. Primary analyses were adjusted for trial center to account for the stratification factor. In sensitivity analyses, each model was further adjusted for baseline covariates selected with the use of stepwise regression. Binary regressions were conducted by means of the generalized linear model

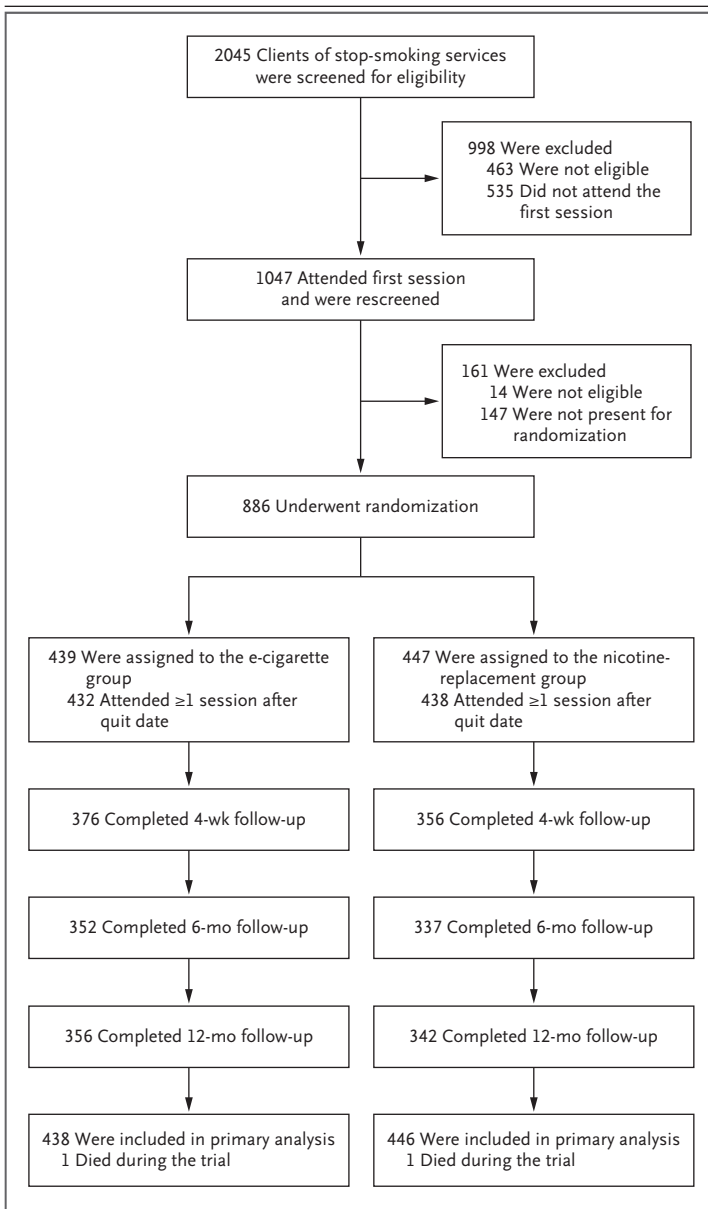


Figure 1. Screening, Randomization, and Follow-up.

Reasons for ineligibility in 463 of the 2045 persons screened are detailed in Table S11 in the Supplementary Appendix. Of the 438 participants in the e-cigarette group who were included in the primary analysis, 3 stopped treatment and declined follow-up and 13 stopped treatment and permitted follow-up. Of the 446 participants in the nicotine-replacement group who were included in the primary analysis, 5 stopped treatment and declined follow-up and 36 stopped treatment and permitted follow-up.

with binomial distribution and logarithmic link to estimate the relative risk for e-cigarettes as compared with nicotine-replacement therapy.

To assess the effect of missing data on the primary outcome, we conducted four prespecified

sensitivity analyses, which excluded participants who did not attend at least one behavioral-support session, excluded participants who used the nonassigned product for at least 5 consecutive days, excluded participants who did not complete the 52-week follow-up, and imputed missing information with the use of multiple imputation by chained equations.¹⁰ Missing data were imputed for 136 participants in each group, and 50 data sets were imputed.

We also estimated mean differences and 95% confidence intervals between trial groups in product ratings and in change scores between baseline and follow-up time points in withdrawal symptoms, as well as between-group differences in the percentage of participants who had adverse reactions or respiratory symptoms, using binomial regression with adjustment for trial center (see the statistical analysis plan, available with the protocol at NEJM.org). Analyses were conducted with the use of Stata software, version 15 (StataCorp).

RESULTS

PARTICIPANTS

A total of 2045 clients of stop-smoking services were screened, and 886 underwent randomization (439 to the e-cigarette group and 447 to the nicotine-replacement group). Of the randomly assigned participants, 78.8% completed the 52-week follow-up (Fig. 1). The sample was composed largely of middle-aged smokers, with 40.7% entitled to free prescriptions (a marker of social disadvantage or poor health) (Table 1, and Table S1 in the Supplementary Appendix).

EFFECTS OF TREATMENT ON ABSTINENCE

The rate of sustained 1-year abstinence was 18.0% in the e-cigarette group and 9.9% in the nicotine-replacement group (relative risk, 1.83; 95% confidence interval [CI], 1.30 to 2.58; $P < 0.001$) (Table 2). The absolute difference in the 1-year abstinence rate between the two groups was 8.1 percentage points, resulting in a number needed to treat for one additional person to have sustained abstinence of 12 (95% CI, 8 to 27). The result did not change substantially in the four sensitivity analyses (relative risk, 1.75 to 1.85; $P \leq 0.001$ for all comparisons) (Table S2 in the Supplementary Appendix). Abstinence rates were higher in the e-cigarette group than in the nico-

Table 1. Characteristics of the Participants at Baseline.*

Characteristic	E-Cigarettes (N=438)	Nicotine Replacement (N=446)	Total (N=884)
Median age (IQR) — yr	41 (33–53)	41 (33–51)	41 (33–52)
Female sex — no. (%)	211 (48.2)	213 (47.8)	424 (48.0)
Employed — no. (%)	299 (68.3)	316 (70.9)	615 (69.6)
Entitled to free prescriptions — no. (%)	181 (41.3)	179 (40.1)	360 (40.7)
Median no. of cigarettes per day (IQR)	15 (10–20)	15 (10–20)	15 (10–20)
Median expired carbon monoxide level (IQR) — ppm	20 (13–27)	21 (13–28)	20 (13–28)
Score on the Fagerström Test for Cigarette Dependence†	4.5±2.5	4.6±2.4	4.6±2.4
Past use of nicotine replacement — no. (%)	328 (74.9)	334 (74.9)	662 (74.9)
Past use of e-cigarettes — no. (%)	186 (42.5)	181 (40.6)	367 (41.5)

* Plus–minus values are means ±SD. There were no significant differences between the trial groups. IQR denotes interquartile range. Data on additional characteristics are provided in Table S1 in the Supplementary Appendix.

† Scores range from 1 to 10, with higher scores indicating greater dependence.

Table 2. Abstinence Rates at Different Time Points and Smoking Reduction at 52 Weeks.*

Outcome	E-Cigarettes (N=438)	Nicotine Replacement (N=446)	Primary Analysis: Relative Risk (95% CI)‡	Sensitivity Analysis: Adjusted Relative Risk (95% CI)
Primary outcome: abstinence at 52 wk — no. (%)	79 (18.0)	44 (9.9)	1.83 (1.30–2.58)	1.75 (1.24–2.46)‡
Secondary outcomes				
Abstinence between wk 26 and wk 52 — no. (%)	93 (21.2)	53 (11.9)	1.79 (1.32–2.44)	1.82 (1.34–2.47)§
Abstinence at 4 wk after target quit date — no. (%)	192 (43.8)	134 (30.0)	1.45 (1.22–1.74)	1.43 (1.20–1.71)¶
Abstinence at 26 wk after target quit date — no. (%)	155 (35.4)	112 (25.1)	1.40 (1.14–1.72)	1.36 (1.15–1.67)‡
Carbon monoxide–validated reduction in smoking of ≥50% in participants without abstinence between wk 26 and wk 52 — no./total no. (%)	44/345 (12.8)	29/393 (7.4)	1.75 (1.12–2.72)	1.73 (1.11–2.69)

* Abstinence at 52 weeks was defined as a self-report of smoking no more than five cigarettes from 2 weeks after the target quit date, validated biochemically by an expired carbon monoxide level of less than 8 ppm at 52 weeks. Abstinence between week 26 and week 52 was defined as a self-report of smoking no more than five cigarettes between week 26 and week 52, plus an expired carbon monoxide level of less than 8 ppm at 52 weeks. Abstinence at 4 weeks was defined as a self-report of no smoking from 2 weeks after the target quit date, plus an expired carbon monoxide level of less than 8 ppm at 4 weeks. Abstinence at 26 weeks was defined as a self-report of smoking no more than five cigarettes from 2 weeks after the target quit date to 26 weeks; there was no validation by expired carbon monoxide level.

† The analysis was adjusted for trial center only.

‡ The analysis was adjusted for trial center, marital status, age at smoking initiation, and score on the Fagerström Test for Cigarette Dependence.

§ The analysis was adjusted for trial center, age, score on the Fagerström Test for Cigarette Dependence, and age at smoking initiation.

¶ The analysis was adjusted for trial center, education level, partner who smokes (yes or no), and score on the Fagerström Test for Cigarette Dependence.

|| The analysis was adjusted for trial center, sex, age, and partner who smokes (yes or no).

tine-replacement group at all time points (Table 2, and Table S3 in the Supplementary Appendix).

We conducted a post hoc analysis, in which participants with 1-year abstinence who used nonassigned products (see the Supplementary Appendix) were removed from the sample (3% [2 of 79] in the e-cigarette group were using

nicotine replacement and 20% [9 of 44] in the nicotine-replacement group were using e-cigarettes). This resulted in a 1-year abstinence rate of 17.7% in the e-cigarette group, as compared with 8.0% in the nicotine-replacement group (relative risk, 2.21; 95% CI, 1.52 to 3.22).

Among participants in whom full abstinence

Table 3. Attendance and Treatment Adherence.

Variable	E-Cigarettes (N=438)	Nicotine Replacement (N=446)
Median no. of contacts completed (IQR)*	5 (4–5)	5 (4–5)
Maximum no. of contacts completed — no. of participants (%)		
1	8 (1.8)	10 (2.2)
2	25 (5.7)	40 (9.0)
3	38 (8.7)	45 (10.1)
4	86 (19.6)	106 (23.8)
5	281 (64.2)	245 (54.9)
Use of assigned products during the initial 4 wk†		
Median no. of days on which product was used (IQR)	28 (25–28)	24 (19–27)
Daily use during the entire 4 wk — no. (%)	232 (53.0)	46 (10.3)
Median no. of days on which product was used in past wk (IQR)‡	7 (7–7)	6.5 (3.5–7)
Use of assigned products at 26 wk — no. (%)	180 (41.1)	33 (7.4)
Use of assigned products at 52 wk — no. (%)	173 (39.5)	19 (4.3)

* The maximum number of contacts was five: at the target quit date, 1 week, 4 weeks, 26 weeks, and 52 months.

† For use of assigned products, missing information was imputed from the information from the next weekly behavioral-support consultation, if available (e.g., for missing information at consultation 3, information was taken from consultation 4).

‡ The results were similar for weeks 1 through 4.

was not achieved, more had a carbon monoxide–validated reduction of smoking by at least 50% in the e-cigarette group than in the nicotine-replacement group (Table 2). Time to relapse and relapse rates at 52 weeks among participants with sustained abstinence at 4 weeks did not differ substantially between the two trial groups (hazard ratio for time to relapse, 1.14; 95% CI, 0.96 to 1.34; relative risk of relapse at 52 weeks, 1.27; 95% CI, 0.93 to 1.73).

TREATMENT ADHERENCE AND RATINGS AND EFFECTS ON WITHDRAWAL SYMPTOMS

Overall adherence was similar in the two groups, but e-cigarettes were used more frequently and for longer than nicotine replacement (Table 3). In the nicotine-replacement group, 88.1% of participants used nicotine-replacement combinations. In the e-cigarette group, practically all participants used refillable e-cigarettes (Table S4 in the Supplementary Appendix).

Among participants with 1-year abstinence, 80% (63 of 79) were using e-cigarettes at 52 weeks in the e-cigarette group and 9% (4 of 44) were using nicotine replacement in the nicotine-

replacement group. Further details of product use (including the use of nonassigned products) are provided in the Supplementary Appendix, including Tables S4 and S5.

Both e-cigarettes and nicotine-replacement products were perceived to be less satisfying than cigarettes. However, e-cigarettes provided greater satisfaction and were rated as more helpful to refrain from smoking than nicotine-replacement products (Table S6 in the Supplementary Appendix).

Among participants with abstinence at 1 week after their quit date as well as participants with abstinence at 4 weeks, those in the e-cigarette group had less severe urges to smoke than did those in the nicotine-replacement group (Table 4). They also reported a smaller increase from baseline in irritability, restlessness, and inability to concentrate than those in the nicotine-replacement group during the first week of abstinence. Between-group differences in hunger and depression were in the same direction but less substantial. By week 4, participants in either group who were abstinent reported little withdrawal discomfort (Table S7 in the Supplementary Appendix).

Table 4. Urges to Smoke in Participants with Abstinence at 1 Week or 4 Weeks after Quit Date.*

Variable	1 Wk after Quit Date		Mean Difference (95% CI)	4 Wk after Quit Date		Mean Difference (95% CI)
	E-Cigarettes (N=158)	Nicotine Replacement (N=131)		E-Cigarettes (N=186)	Nicotine Replacement (N=132)	
Score for frequency of urge	2.5±1.1	2.8±0.9	-0.4 (-0.6 to -0.1)	1.9±0.9	2.2±0.8	-0.3 (-0.5 to -0.1)
Score for strength of urge	2.7±1.1	3.2±1.0	-0.5 (-0.7 to -0.2)	2.1±1.1	2.4±1.0	-0.3 (-0.6 to -0.1)
Composite urge score	2.6±1.0	3.0±0.9	-0.4 (-0.6 to -0.2)	2.0±1.0	2.3±0.9	-0.3 (-0.5 to -0.1)

* Plus-minus values are means ±SD. Scores for frequency of urge ranged from 1 (not at all) to 6 (all the time). Scores for strength of urge ranged from 1 (no urges) to 6 (extremely strong). The composite score (range, 1 to 6, with higher scores indicating more severe urges) is an average of the frequency and strength scores.

Table 5. Respiratory Symptoms at Baseline and at 52 Weeks.*

Symptom	E-Cigarettes (N=315)		Nicotine Replacement (N=279)		Relative Risk (95% CI)†
	Baseline	52 Weeks	Baseline	52 Weeks	
	<i>number (percent)</i>				
Shortness of breath	120 (38.1)	66 (21.0)	92 (33.0)	64 (22.9)	0.9 (0.7–1.1)
Wheezing	102 (32.4)	74 (23.5)	86 (30.8)	59 (21.1)	1.1 (0.8–1.4)
Cough	173 (54.9)	97 (30.8)	144 (51.6)	111 (39.8)	0.8 (0.6–0.9)
Phlegm	137 (43.5)	79 (25.1)	121 (43.4)	103 (36.9)	0.7 (0.6–0.9)

* Symptoms were assessed by asking whether participants had the symptom (yes or no).

† Relative risk was calculated by means of logistic regression. Symptoms at 52 weeks were regressed onto trial group, with adjustment for baseline symptoms and trial center.

SAFETY EVALUATION

Two participants died during the trial. One died from ischemic heart disease in the e-cigarette group and one from traumatic spine injury in the nicotine-replacement group.

There were 27 serious adverse events in the e-cigarette group and 22 in the nicotine-replacement group (Table S8 in the Supplementary Appendix). No serious adverse event in either group was classified by the trial clinician as being related to product use, but we noted 1 respiratory event in the nicotine-replacement group and 5 in the e-cigarette group (2 in participants who were smoking and not vaping, 2 in participants who were smoking and vaping, and 1 in a participant whose status with respect to smoking and vaping was not known) (see the Supplementary Appendix).

Of the prespecified adverse reactions of interest, nausea was reported more frequently in the nicotine-replacement group (37.9%, vs. 31.3% in

the e-cigarette group) and throat or mouth irritation more frequently in the e-cigarette group (65.3%, vs. 51.2% in the nicotine-replacement group). There was little difference between the two groups in the percentage of participants reporting severe nausea (6.6% in the e-cigarette group and 6.5% in the nicotine-replacement group) or severe throat or mouth irritation (5.9% and 3.9%, respectively) (Tables S9 and S10 in the Supplementary Appendix).

Regarding the prespecified respiratory symptoms of interest, the incidence of cough and phlegm production declined in both trial groups from baseline to 52 weeks. However, among participants who reported cough or phlegm at baseline, significantly more were symptom-free at the 52-week follow-up in the e-cigarette group than in the nicotine-replacement group (Table 5). To determine whether this was due to the higher abstinence rate in the e-cigarette group, we ran an exploratory analysis that controlled for

abstinence status at 52 weeks. This did not change the results (relative risk for cough, 0.8; 95% CI, 0.6 to 0.9; relative risk for phlegm, 0.7; 95% CI, 0.6 to 0.9).

DISCUSSION

E-cigarettes were more effective for smoking cessation than nicotine-replacement therapy in this randomized trial. This is particularly noteworthy given that nicotine replacement was used under expert guidance, with access to the full range of nicotine-replacement products and with 88.1% of participants using combination treatments.¹¹

Our trial showed a stronger effect of e-cigarettes than previous trials.^{5,12,13} This could be due to the inclusion of smokers seeking help in quitting, the provision of face-to-face support, and the use of refillable e-cigarettes with free choice of e-liquids. Previous trials provided limited or no face-to-face support and used first-generation cartridge products. Refillable devices are generally more efficient at nicotine delivery.¹⁴

The trial provides some indications of why e-cigarettes had better results than nicotine-replacement treatments. As in previous studies,^{5,15} e-cigarettes were more effective in alleviating tobacco withdrawal symptoms and received better ratings than nicotine-replacement therapy. They may also have allowed better tailoring of nicotine dose to individual needs.

The rate of continuing e-cigarette use was fairly high. This can be seen as problematic if e-cigarette use for a year signals ongoing long-term use, which may pose as-yet-unknown health risks. On the positive side, ongoing e-cigarette use may ameliorate withdrawal symptoms, such as constipation,¹⁶ mouth ulcers,¹⁷ and weight gain,¹⁸ and continue to provide some of the positive subjective effects previously derived from smoking.¹⁹ Provided that ongoing e-cigarette use has similar effects to long-term nicotine-replacement use, for heavy smokers with a high risk of relapse, long-term e-cigarette use may also assist with preventing relapse.²⁰ Among participants in our trial in whom full abstinence was not achieved, those in the e-cigarette group were more likely to reduce their smoke intake than those in the nicotine-replacement group, but it is unclear whether this affects future abstinence.

E-cigarettes caused more throat or mouth irritation, and nicotine replacement caused more nausea; these effects were mostly mild. There were mixed signals regarding the effects of e-cigarettes on the respiratory system. More participants in the e-cigarette group than in the nicotine-replacement group reported respiratory serious adverse events, although the difference was not significant and some of the affected participants were not vaping. Meanwhile, we detected positive effects of e-cigarette use on some respiratory outcomes. Similar positive effects were reported previously. A switch to e-cigarettes was accompanied by a reduction in respiratory infections in an online survey,²¹ and two case studies described nonsmokers with chronic throat and nose infections that resolved after they started to vape. Antibacterial effects of propylene glycol and glycerin were suggested as possible explanations.^{22,23} (For more on e-cigarettes and the respiratory system, see the Supplementary Appendix.)

The trial had several limitations. Product assignments could not be blinded. Positive expectations have limited effects on long-term abstinence, but if nicotine replacement was seen as an inferior option, participants in the nicotine-replacement group could have put less effort into their quit attempt than those in the e-cigarette group. We tried to limit expectation effects by recruiting only participants with no strong product preference. Abstinence rates in the nicotine-replacement group were also at least as high as in usual practice²⁴ (see the Supplementary Appendix). Nevertheless, lack of blinding could affect the results. Carbon monoxide validation detects smoking only over the past 24 hours, so there may have been some false negative results. Several participants in the nicotine-replacement group used e-cigarettes during the trial, but this would dilute rather than amplify any effects of e-cigarettes. The 1-year follow-up rate of 79% was similar to the rates of 78%,¹⁹ 79%,⁵ and 75%²⁰ observed in other studies involving the same general population and setting. Achieving higher follow-up rates among smokers engaged in face-to-face treatment is difficult, because they tend to feel embarrassed if they do not quit, and some avoid further contact. Multiple imputation showed consistent results; nevertheless, incomplete follow-up represents another limitation of the trial.

The findings are likely to be valid for depen-

dent smokers who seek help but may not be generalizable to smokers who are less dependent or who try e-cigarettes for reasons other than quitting smoking. In addition, they may not be generalizable to less effective first-generation e-cigarettes. Moreover, not all service clients want e-cigarettes. In a previous study, 69% accepted the offer of an e-cigarette starter pack.²⁵ (For comparison, 57% of service clients opt for nicotine replacement and 25% for varenicline.²⁶)

Further trials are needed to determine whether our results generalize outside the U.K. services. In addition, e-cigarette studies are needed that compare different levels of support. This is important for focusing public health messages on either encouraging smokers to switch to e-cigarette use within support services or recommending use with less intensive or no support.

In our trial, refillable e-cigarettes had greater efficacy than nicotine-replacement therapy, even though nicotine replacement was provided in combinations and under expert guidance.

A data sharing statement provided by the authors is available with the full text of this article at NEJM.org.

Supported by the National Institute for Health Research (NIHR) Health Technology Assessment Programme (project number, 12/167/135) and by a grant (A16893) from the Cancer Research UK Prevention Trials Unit.

Disclosure forms provided by the authors are available with the full text of this article at NEJM.org.

We thank all trial participants and the managers and clinicians of participating National Health Service stop-smoking services; the members of the trial steering committee and data monitoring and ethics committee (listed in Table S15 in the Supplementary Appendix); NIHR research project managers (Simon Bevan, Alexa Cross, Avril Lloyd, and Jennifer Cook) and other NIHR staff; and the staff of the Barts Clinical Trials Unit (in particular, Irene Kaimi, Benoit Aigret, Richard Ostler, Samanah Haidary, and Alberto Stella).

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SB-1009

Submitted on: 2/6/2019 3:40:14 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
puna	Individual	Oppose	No

Comments:

Aloha

My name is Puna I am a everyday vapor and I really enjoy my flavored e liquid. Having a wide variety of flavors to choose from helps me not smoke combustible cigarettes, I used to smoke at least 3 packs a day and now I have been vaping for over 5 years it has made a positive impact on my health. I know a lot of other adults from age 30-70 who has had a positive impact from ENDS products. I believe that if you can have flavored alcohol which has taken hundreds of lives every year we should be able to vape flavored eliquids for adults. I don't see why the state is trying to pass this flavor ban when the flavors isn't the actual problem health wise. These flavors are actually having a positive effect on people's lives. Not only do these flavors help people find a healthier alternative to combustible cigarettes some even quit smoking and vaping. Coming from an employee point of view it is our goal to get people to quit smoking combustible cigarettes and give them a healthier alternative then eventually they will stop vaping because they do not need a nicotine fix at all. As an employee this is my goal to help the community. Please take this into consideration and mahalo Nui loa for your time

From: hoart@everyactioncustom.com on behalf of [Paul Ho](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 1:21:03 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Paul Ho
Honolulu, HI 96814

From: patriciablair@everyactioncustom.com on behalf of [Patricia Blair](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 2:36:25 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Patricia Blair
Kailua, HI 96734

SB-1009

Submitted on: 2/7/2019 4:29:37 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina Spencer	Individual	Oppose	No

Comments:

Don't ban my flavors!

Aloha!

I have been fortunate to meet, work and help thousands of children, parents, co-workers and the public for four decades in various roles in the private and government sectors.

Through these experiences, I have seen the devastating effects of tobacco use on health, academics, families and interpersonal relationships. Because of this, I will do my part to prevent any incidents or trends that may lead children or adults towards starting a career in tobacco use.

Please consider a ban on candy flavored tobacco products.

TOBACCO TESTIMONY

Work Performance = as a supervisor in the service and transportation industries, I have seen employees terminated for continuing to smoke in restricted areas or calling in sick due to respiratory illness, causing financial hardship for their families.

Non-attendance = as a teacher, I have seen the symptoms of asthmatic and/or sick children worsened by second smoke leading to absenteeism and educational implications when coupled with rising academic standards.

Reckless Behavior = as a high school counselor, I know of minors who chose to run or find other places to stay because they realized the hazards of second hand smoke or could not tolerate the overwhelming smell of their home. In other situations, minors avoided going inside their homes until very late and loitered outside which led to reckless behaviors and tragic events.

Meltdowns = as a middle school counselor, I guided students through emotional episodes, attempted damage control and mediated the relationship with parents because children do not fully realize the addictive nature of tobacco and felt they were being poisoned at home and in their cars.

Athletics = as an Assistant Athletic Director and coach, I have seen participation and performance of student-athletes compromised by tobacco use or the effects of regular exposure to second hand in family settings.

Cultural Implications = as an urban garden and conservationist, it is disheartening when children cannot enjoy the natural fragrances of our mix of native and other flora because their senses have been compromised.

Mahalo for your consideration!

Sam Kakazu Jr.

School Counselor, Department of Education (retired)

Assistant Athletic Director, J.B. Castle High School

Blue Zones Project, Schools Committee, Tobacco Policy

Supervisor, HawkTree International/Island Movers (retired)

Field Agent, USDA/NASDA

SB-1009

Submitted on: 2/8/2019 9:14:26 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
shalea	Testifying for peer education (BHS)	Support	No

Comments:

To the House Committee on Health,

I strongly support SB276, which would regulate electronic smoking devices (ESD) and e-liquids as tobacco products through taxation, online shipment restrictions, and licensing and permitting. In addition, it also appropriates \$200,000 to the Hawai'i Tobacco Prevention and Control Trust Fund.

I am a junior at H.P Baldwin High school and vaping is very prominent here in school. Students vape in class without the teacher knowing because of how small the newer models are. A lot of the students that I know that vape, their parents do not know. They get access to the e-cigarette from buying online because it is that easy to but an ESD online. On top of that, the e-liquids are just as easy to access because they are inexpensive. I believe that this regulation will prevent even more students from getting their hand's on e-cigarettes and e-liquid.

Hawai'i is in the midst of a youth vaping epidemic, and we must regulate these products to reverse this trend. ESDs are the only tobacco products without a tobacco tax and sellers are not required to obtain a tobacco permit and license to sell. Tobacco taxes and increasing the price is a proven strategy that discourages use of these products, especially among youth. I appreciate that a portion of revenues generated from this tax will be dedicated to tobacco prevention, cessation, education programs, which will help support individuals who want to quit. In addition, restricting online sales to retailers with a tobacco license will prevent sales to underage youth.

I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,

Shalea Castillo

SB-1009

Submitted on: 2/8/2019 9:15:49 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelby Blietz	Testifying for Baldwin Peer Education Program	Support	No

Comments:

To Whom It May Concern,

I'm writing today to petition a ban on the sale, distribution, and manufacture of flavored tobacco and nicotine in Hawaii in support of SB1009.

Baldwin High Schools Peer Education Program (also known as PEP) is made up of high school students grade 10 and above. Our program discusses the consequences and the harmful impact vaping has on teens all around us. In PEP, we do presentations, make flyers, do activities and try to spread as much awareness as possible for students to make good decisions. Although the use of cigarettes has gone down, teens have picked up another way to become addicted to nicotine. In Maui alone, 50% of teens have tried vaping, 32% of teens in Maui are current users.

As a high school student myself, I see my peers become addicted to nicotine and how much it impacts their lives. Vaping has become an epidemic, and a ban on the sale and distribution of candy-flavored vaping products in Hawaii would only be beneficial. Although it seems like the "cool" and "edgy" thing to do nowadays, it has dangerous chemicals in them that people tend to look over (i.e., acetaldehyde which is found in hairspray, benzene which is located in gasoline, and toluene which is found in paint thinner.) Even though it's not affecting them now, vaping is relatively new, and nobody knows how it will change daily users in the future. In the past, we saw how much cigarettes affected the generation before us. Let's put an end to this epidemic before it becomes too late.

The electronic cigarette market does market to teens, no matter how much they deny it. The advertisements are flashy, bright, and pulls the viewers in. No matter what flavor, you're still putting chemicals and terrible things into your body that you don't even know are there. There is only so much awareness people can

spread about this topic. Please help us keep this generation from falling back into old habits from the previous generation; this is one of the most significant issues around us right now.

Sincerely,

Shelby Blietz

Baldwin Peer Education Program

From: shay.chanhodges@everyactioncustom.com on behalf of [Shay Chan Hodges](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 1:32:07 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Shay Chan Hodges
Haiku, HI 96708

SB-1009

Submitted on: 2/9/2019 4:44:47 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Stevenson	Individual	Oppose	No

Comments:

Aloha,

I oppose bill SB1009. As i am a former smoker of over 12 years. I stopped smoking traditional cigarettes with vaping. I as an adult have the right to choose a healthier lifestyle. Vaping is just that. I switched to vaping because of the multitude of flavors available. I would rather smell like a strawberry cereal than a nasty old cigarette any day. I have not smoked a cigarette for over 12 years now. I can taste my food , i can breath easier , i dont smell like an ashtray all day. This flavor ban will destroy an industry that saves lives. As i get it flavors may attract underage teens to try it, though it was the same as cigarettes. Many young people smoke and continue to smoke by any means necessary. We need to come together and figure out a way to make a difference and somehow curb the underage from getting their hands on anything illegal for them to do. Dont blame an industry that has had such a positive influence on many , many folks.

Much mahalos for your time.

SB-1009

Submitted on: 2/9/2019 6:24:13 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Larson	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/7/2019 1:03:29 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/9/2019 5:02:51 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
taeleipu liliu	Individual	Oppose	No

Comments:

My name is Taeleipu Liliu

I oppose this flavor ban because i have a right to choose what flavors i want to vape and flavored e-liquids is FDA approved. I have been smoking cigarettes for 10 years and i stopped smoking cigarettes by switching to vaping i dont smell like tobacco now because of the flavors i vape like watermelon or strawberry.

SB-1009

Submitted on: 2/9/2019 9:43:44 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiffany L. Alana-Diones	Individual	Oppose	No

Comments:

Aloha my name is Tiffany. I would like to OPPOSE this bill SB1009 to ban flavors, because I have smoke cigarettes for about 12 yrs. And the only thing that helped me is vaping. and the only flavor that i every vaped is Pineapple Dream. so please dont ban any flavores. Thank you

SB-1009

Submitted on: 2/10/2019 2:25:50 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noel Araki	Individual	Oppose	No

Comments:

I Oppose this bill.

I would Support if this banned flavored vape liquids or artfically flavored tobacco (processed) But this bill also will restrict natural unprocessed (no additional chemicals or flavorings added to the tobacco leaf) tobacco products. As such I cannot support this bill.

-Noel Araki

SB-1009

Submitted on: 2/10/2019 9:04:35 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/10/2019 10:56:23 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Dietrich	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/9/2019 4:20:37 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
DANIEL DRAPESA	Individual	Oppose	No

Comments:

My wife smoked cigarettes for more than fifteen years. She would constantly get sick and would get winded easily. She tried quitting many times with no success. After trying vaping she was able to quit over night. She has been smoke free for over a year and a half now with out the urge to return. Her health has dramatically improved and she can run and play with our children. With out flavored Eliquids this all would not be possible and she would most likely got back to traditional cigarettes.

Aside from my wife's story, I myself work at brick and mortar Vape shop. My coworkers and I would have our careers threatened by this bill passing and becoming law. That would take away our livelihood and the means that we provide for our families.

On a daily basis at work I meet adults who are of age who tell me how vaping has helped them quit and stay off smoking for a month, a year, five years or more. They tell me that vaping was the only way that truly worked for them. Studies show its 95% less harmful. Studies also show vaping gives smokers twice the likelihood of quitting over other methods (I.e. patches, gum, etc.)

VAPING IS NOT SMOKING!! Alot of your supporting details bundle the two together and they are not the same thing.

A more effective path you could presue would be stricter punishments for retailers that sell to underage and for parents of kids caught vaping or with parafanalia. Parents need to be accountable for their children. Often times they are the ones buying it for the kids. In closing I wish to express opposition to SB 1009 and any other flavor ban. Thank you for your time and consideration.

Sincerely,

Daniel Drapesa Sr.

Hello, my name is Dylan Catian, I am a senior at Kalani high school and currently live in Palolo Valley. I am testifying in strong support of measure SB1009.

Starting back in middle school I began to notice my peers using these eccentric devices known as e-cigarettes, not knowing exactly what they were. Throughout my time as a 13-year old middle school student, up to today, e-cigarettes have evolved and grown exponentially. New incognito devices such as the juul have become the norm, making vaping a casual task among my peers at Kalani, and the entirety of Hawaii's students. During school, it is almost assured that the bathrooms will smell like a newly opened candy shop. These candy-like flavors are the things attracting kids to vaping. The flavors entice kids, making it easier to get addicted. However, they do not know that with the e-liquid they are inhaling things like: nickel, tin, diacetyl, a chemical linked to lung cancer, and nicotine.

As a member of the Coalition for a Tobacco-Free Hawaii's Youth Council I'm trying to make a difference with my friends, but we are no match for the tobacco industry. But that didn't stop us. We have made presentations to organizations across the state, and now have over 100 organizations and community leaders endorsing a call to end flavored tobacco in Hawaii. Some notable organizations being:

HEALTH ORGANIZATIONS

‘Ohana Health Plan

Adventist Health – Castle

Akamai Recovery Maui

American Academy of Pediatrics – Hawaii Chapter

American Cancer Society Cancer Action Network (ACS CAN)

American Heart Association

American Lung Association

American Pharmacist's Association – Academy of Student Pharmacists (APhA-ASP)

Big Island Substance Abuse Council

Blue Zones Project

Campaign for Tobacco-Free Kids

Coalition for a Drug-Free Hawaii

Coalition for a Tobacco-Free Hawai'i

Get Fit Kauai

Hamakua Kohala Health Centers

Hana Lima Physical Therapy

Hawaii Association for Health, Physical Education, Recreation & Dance (HAHPERD)

Hawaii COPD Coalition

Hawaii Dental Hygienists' Association

Hawai'i Nurses' Association

Hawaii Pacific Health

Hawaii Public Health Association

Hawai'i Public Health Institute

Hui Malama Ola Na Oiwi

I Ola Lahui

Kaho'omiki; Hawaii Council of Physical Activity and Nutrition

Kapiolani Medical Center for Women & Children

Kauai Rural Health Association

Keiki Injury Prevention Coalition

Lāna'i Community Health Center

National Community Pharmacist Association – Hawaii Student Chapter

Papa Ola Lōkahi

Pediatric Therapies Hawaii

Project Vision Hawai'i

Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy

West Hawaii Community Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

American Youth Soccer Organization (AYSO)

Baldwin HS Peer Education

Hale 'Ōpio Kaua'i Inc.

Hawaii Association of Independent Schools (HAIS)

Hawaii Children's Action Network

Hawaii High School Athletic Association (HHSAA)

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

Kauai Path Inc.

Kiwanis Club of the Valley Island

Konawaena HS Wellness Committee

Moanalua HS Peer Education Program

Pacific American Foundation

Pono Hawaii Initiative

The Friends of Kamalani and Lydgate Park-Beach Cleanup Team

Waiakea High School PTSA

Waipahu Int. Youth for Safety Club

We Are One Inc.

ELECTED OFFICIALS & GOVERNMENT

Sen. Stanley Chang

Rep. Stacelynn Eli

Rep. Sharon Har

Maui County Councilmember Kelly King

Hawai'i County Councilmember Sue Lee Loy

Makakilo/Kapolei/Honokai Hale Neighborhood Board #34

Mililani/Waipio/Melemanu Neighborhood Board #25

Waipahu Neighborhood Board #22

County of Kauai Office of the Prosecuting Attorney

HEALTH & COMMUNITY LEADERS

Tina Alcain

Frank R. Baum, M.D.

Danielle Bergan

Janet Berreman, M.D.

Gregg Brenes, pastor

Clifford Chang, MPH

Valerie Chang, JD

Jeffrey H. Chester, DO

Carmen Cook, LMFT

Joan Craft, RN

Keawe Kaholokula. PhD

Gary Hooser

Carol R. Ignacio

Colleen F Inouye, M.D.

Mark Levin, J.D.

Jasmin Kiernan, RN

Bryan Mih, M.D.

Michael Robinson, MBA, MA

Janice Shishido

Elizabeth K. Tam, M.D.

Catherine Taschner, J.D.

Jill Tokuda

John A. H. Tomoso, MSW, ACSW, LSW

Linda Weiner, M.D.

Cassiopia Yamashita

SCHOOLS

Chiefess Kamakahelei Middle School

Maui Preparatory Academy

Mid Pacific Institute

Sacred Hearts Academy

Saint Louis Schools

Waiakea High School

BUSINESSES

Emma Whitney Photography

Ganesha Body Piercing

Heartlight Montessori Homeschool

Home Remedies Interior Design

Paia Tattoo Parlor

The Root Cellar Studio Maui

I am in strong support of measure SB1009 because we cannot let these candy flavored tobacco products continue to addict my friends and peers any longer.

SB-1009

Submitted on: 2/10/2019 9:24:06 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
devan ferreira	Individual	Oppose	No

Comments:

Aloha, my name is Devan Ferreira and for the past four years I've been smoking cigarettes. Trying to quit various times on my own was hard and every attempt was unsuccessful. However with vaping and being able to choose the flavor of my liking I was able to quit the harsh dangers of cigarettes. I strongly oppose S.B. 1009 for the simple fact that this bill is unfair in the statement that flavor e-liquid is reason of our Underage vaping epidemic. Vaping and being able To choose flavored e-liquid has not only improved the health of my family, my close friends but also my own health as well. Taking away the right of legal aged adults to choose the flavored e-liquid is a right that shouldn't be taken away from law abiding citizens that are trying to achieve a healthier life style away from traditional cigarettes. The underage vaping epidemic is being caused by certain vaping devices such as "juul" and other devices like them that are easily purchased in convenient stores, gas stations etc, roughly 90% of vape shops have followed the age laws with no sales to minors. With the legal age to smoke at 18 or 21 in other states such as Hawai'i, These manufactures and shops will be getting punished for something completely out of their control. With the reason of the epidemic staring in easy accessible stores such as gas stations or your local convince store where they don't take asking for an I.D. Seriously. With that being said I strongly oppose bill S.B. 1009

SB-1009

Submitted on: 2/11/2019 10:53:13 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marc	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/11/2019 11:40:04 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jess Lovely	Individual	Oppose	No

Comments:

Once again this is the taxation of a single product that doesn't make sense to me. As I read this bill it looks to me like the money is going to allocated to mental health programs? If you want to raise money for mental health programs why are we trying to start taxing vapor products? The two things are not related. You can raise more money for the state by simply raising our excise tax by 2%. The funds can be allocated to many different programs to help all kinds of people. Imagine how beneficial a 2% increase will be for all the programs needing funds. Not to mention you also make money on all the people travelling through our state.

SB-1009

Submitted on: 2/11/2019 10:41:13 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jinna Kim	Individual	Oppose	No

Comments:

Hello,

Thank you for taking the time to read my testimony. I believe that banning flavors is not going to have a better outcome for helping us quit, it will make people reach out to the black market which is not regulated and be more harmful. Please understand that these flavors help previous smokers quit that choose to have a healthy lifestyle by choosing to vape with the flavors they enjoy. This is not targeting kids but also helping adults who enjoys these flavors. The age to smoke I understand but we should have the freedom to choose what is best for us, if there is a issue with kids smoking there should be a better alternative to punish the people who choose to purchase for there kids and make it a harsher punishment.

SB-1009

Submitted on: 2/11/2019 12:11:31 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Loor	Individual	Support	No

Comments:

Aloha,

My name is Lauren Loor and I live in Kahului, Maui. I strongly support SB1009 because vaping is a huge problem among our youth. There are over 15,000 vape flavors on the market that are heavily marketed to children because they are flavors like cotton candy, sour apple, gummy bear, ice cream and so on. The packaging also looks like juice boxes and other candy packaging. Youth in Maui are experimenting and using vaping products at much higher rates compared to the State average, with 50.7% (or 1 in 2 Maui youth) trying these products and 32.3% or (less than 1 in 3 Maui youth) regularly vaping. This is a an issue across the state and it needs to be addressed. Please support this bill for the future of our keiki.

Mahalo,

Lauren Loor

SB-1009

Submitted on: 2/11/2019 12:35:04 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chanster Vaquilar	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/11/2019 12:10:00 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teddy Kim	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/11/2019 1:09:14 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jostin A Iriarte	Individual	Oppose	No

Comments:

2/11/2019

Dear Hawaii State Representatives,

Aloha,

My name is Jostin and I Strongly oppose the Senate Bill 1009 (SB1009). As a small business owner and active member in the Vape community, I have no doubt that a bill of this magnitude will affect thousands of people in the state of Hawaii that have nothing short of a positive impact in their lives, health, and especially, the purpose of quitting combustible cigarettes. We DO NOT support teenage vaping; WE DO NOT SELL OR MARKET TO ANYONE UNDER THE LEGAL AGE OF AN ADULT PRODUCT; WE COMPLY WITH ALL THE CURRENT STATE AND U.S. FOOD AND DRUG ADMINISTRATION'S (FDA) LAWS AND REGULATIONS. Being a small business owner in Hawaii, my business Hi Lyfe Vaporz, LLC has acquired over 10 active employees. A bill like this will impact our business, as well as, many across the state in a negative manner such as: causing people to lose their jobs and homes, they would be unable to provide for their families, and many may end up going back to combustible cigarettes, which has been proven to be a known negative health factor throughout the world. The FDA has implemented many stringent rules and regulations which makes it very difficult for all the Vape industry's manufactures, and retailers to comply with, as well as stay up to date.

One of the problems with the youth vaping epidemic isn't Flavors, the issue is with enforcement to retailers of age restriction. By completely banning anything in this industry that has helped many adults, it will have a negative impact. Taxes alone from the industry generates a good amount of funding to our state. It's important to understand taking away vaping may greatly impact revenue to the state for health and research, ect.

Bill's like this simply goes against the positive impact vaping has made for all legal adults, who transitioned to a better alternative than combustible cigarettes. I humbly ask to think about this impact before passing such a bill. Myself, my family, as well as our employees, and customers will be greatly affected in a negative way. I am a former smoker of 20 years and I oppose SB1009 for the simple fact that this bill is unfair in the statement of making Flavors as the being the root cause of the teenage vaping epidemic. That is false. As a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members, and friends of legal smoking and vaping age, (whether it be state age laws or federal) to stay away from and stop smoking cigarettes. Since I've quit smoking and started vaping, having flavors to enjoy while vaping should be a right, as a law-abiding citizen that shouldn't be taken away from legal adults. As an adult we should have a choice to vape our preference of flavor!! The vaping epidemic in Hawaii and the USA of teenagers are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores, etc. At least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21. The vape shops, manufactures, and companies that have followed the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward the real issue, which is age enforcement.

The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because places other than vape shops do not take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults, by taking away something "flavors" or vaping Eliquids etc, has made a huge impact on, by lessening the amount of Traditional tobacco cigarette use state and nationwide.

This will greatly urge citizens to go back to combustible cigarettes which is definitely more toxic due to the fact that my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Also please take a look at Senator Richard Burr in his explanation of what his thought are on this matter here is the link.

https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2x2xiS590W_qe6WHKH6gg-zoelq8tkh57g3f9V61aOjxwX3HfPRq68yM

Here is a statement by Senator Burr https://www.c-span.org/video/?c4777366/senator-burr-floor-speech-fda-ban-menthol-cigarettes&fbclid=IwAR2z1rLX_JvapiK2KmZUNLe0eW_D_G1AbPiLxgldNRnA--RQOfRFg61DLu8

Please also see attachment with some statements from CDC, FDA, Surgeon General and US Department of Health & Human Services

Mahalo for your time and consideration Jostin Iriarte iriarte96792@gmail.com

To whom it may concern,

I am opposing the bill presented. As a long time vaper of 7+ years, vaping has been a huge help in my life and my health. I've been cigarette free for the last 4 years due to vaping and my doctor has commended me for the improvement of my overall health condition.

I believe this bill is unfair and unconstitutional to what us Americans believe in, which freedom of choice. It's unfair that something like vaping which is so innovative in helping millions of Americans quit dangerous traditional tobacco cigarette is being ignored and demonized as being far more dangerous, even though there's hundreds of studies saying otherwise or opposite.

This bill will cause thousand of Hawaii residents to go right back to smoking and thousand who work at small mom and pop vape shops to be unemployed, and their shops shut down and go out of business. There are much bigger issues here in Hawaii:

-Homelessness

-Alcohol, Flavored Alcohol, deaths caused by drunk driving which was recently in the news.

-High cost of living and limited homes and apartments for locals born and raised here, causing thousand each year to leave their homes to live in the mainland.

I implore you to please look over this bill you're trying to pass and see if it's in the best interest for the people of Hawaii.

I vape and I use flavored e-liquids and it saved my life along with millions around the world. Please don't take that away from us.

Sincerely, Vince Tran of Honolulu, Hawaii

SB-1009

Submitted on: 2/11/2019 4:18:11 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry weaver	Individual	Oppose	No

Comments:

My name is Henry I am a former smoker of 20 year's, I oppose HB276, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away to legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because place other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use state and nation wide, will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I quit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas.

Thank you for your your time

SB-1009

Submitted on: 2/11/2019 3:02:38 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vin Kim	Individual	Oppose	No

Comments:

February 13, 2019

RE: SUPPORT SB1009 Relating to Flavored Tobacco Products

Aloha Chair Baker, Vice Chair Chang and Members of the Committee,

My name is Malia Mierzwa, and I am in the 7th grade at Kailua Intermediate School.

I asked my mom to come here today to ask you to please support SB1009 Relating to Tobacco Products. I think if you ban flavors, you will stop a lot of young kids from using vaping products.

Everyday at my intermediate school, I see kids vaping. In some of my classes my friends and I see kids secretly vaping on the side of class. Kids also skip class to go to the bathrooms or to sneak to restricted places on campus to vape or smoke. Before and during lunch and recess kids hide from the security guards to vape and smoke too.

Kids will hotbox the bathrooms, which means filling the bathroom up with a vaping cloud. If you just want to use the bathroom, you have no choice but to walk into that vape cloud. Another problem is that parents will just buy products for their kids. One girl I know got in trouble for vaping, and her parents said to just go to them next time, and they will buy it for her.

I have also been asked on campus to try vaping by my schoolmates. Most of the kids really think it is harmless, and they say it's safe, that it won't hurt you. That's not true, it can harm your blood vessels, which bring oxygen throughout our bodies. It can also harm your lungs, and there are still studies being done to learn more about what vaping does to teenagers.

I just wanted to share with you some of the ways vaping is a part my 12-year old everyday life, even though I don't vape. Kids really like smoking the flavored products. That's what they prefer. I know that banning flavors will help to decrease kids and all people from using vaping products.

Thank you for listening to my testimony. Please pass SB1009 to ban the sale of all flavored tobacco.

Sincerely,

Malia Mierzwa

SB-1009

Submitted on: 2/11/2019 8:41:28 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Ching, MD, MPH	Individual	Support	No

Comments:

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

As a pediatrician, I have seen first hand the harm that this type of marketing causes my patients. Patients steal parents' credit cards, buy the supplies online or from friends, and use in classrooms and on campuses. These products are undeniably attractive to teenagers yearning to demonstrate their independence and adulthood. We know that children who vape are likely to become smokers and may have lifelong health problems because of this. Most substance issues begin as teenagers. If we can reduce the attraction of vaping to teenagers, we will be able to improve the health and wellness of our children across their lifespan.

Sincerely,

Michael S.L. Ching, MD, MPH, FAAP

House of Committee on Commerce, Consumer Protection, and Health

Representative Rosalyn H. Baker, Chair

Representative Stanley Chang, Vice Chair

RE: SB1009 Hearing 2/13/2019 9:10AM

Aloha

The island of Oahu has many issues concerning its residents and visitors that should be addressed by the board to whom I am writing this to. One of the issues that you are discussing right now pertains to flavored tobacco products and the use of them by residents of the state especially underage users. I do agree that the use of flavored tobacco products by minors is a problem but bill SB1009 which is proposed is not the right way of dealing with the issue. I don't know a right way to address this problem, but I can point out ways that will prevent this bill from working and in return hurting Hawaii's residents and tax payers of this beautiful state.

I started using tobacco products at the age of sixteen and have been using them ever since then. I started smoking Marlboro Lights and later moved to stronger ones like Marlboro Reds. None of the tobacco products that I started with or kept using were flavored in anyway including using menthol. Flavor did not attract me to start using tobacco products, but the curiosity of a sixteen-year-old kid did. The age to use tobacco products at that time was 18 but that doesn't prevent a curious teenager from getting what they want, and if anything, it makes it more desirable if they do. Minors these days are not getting flavored tobacco products from retail stores and they never will till they are of age. The easiest way of getting them today would be to get them online or from someone they know of age and willing to buy it for them. Many online websites don't require much to obtain flavored tobacco products like e-liquid for vaporizers. At the most they require either a birthdate which you select the month, day and date of the year you were born or just clicking the yes button saying that you are over 21 years of age. Any minor that is old enough to order something online will be able to figure out the birthdate they need to put to make it seem like they are of legal age to the site. Once they gain access, the whole inventory of that site is available to them and all they need is a credit card or visa gift card to purchase it. I currently work at a vaporizer store in the city of Honolulu and our establishment is strict on ID checking and making sure that no minor enters/purchases anything from the establishment or that any of the products that we sell are to our knowledge, being bought for a minor. Everyday we have to turn away eighteen to twenty-year-old kids that try to sneak by and hope that we are lenient or can slip by without us knowing. We even must turn away parents and grandparents that come in with minors that try to buy it for them to be the "cool" one in the minor's eyes. We constantly get from guardians that come in with minor why is it that they can't buy the products since the kid just was telling them what to buy but they are the ones buying it.

Kids are always going to find a way to get what they want and what they are most curious about and in return the adults that are trying to get off from traditional tobacco products are the ones that will be most affected by this bill. Many adults were successful in getting off tobacco products like cigars, cigarettes and chew by switching to vaping. Most cigar and cigarette users were able to make the switch using flavored e-liquid. The flavors helped by making it enjoyable to vape and if they would get the urge to smoke a cigar or cigarette, it would make them taste horrible as well as the smell. Many ex-smokers can't go back to cigarettes or cigars after vaping because of how horrible it tastes and the smell that lingers from the smoke. The flavors would help keep them from smoking and stay off the tobacco products that we for sure know kills. The whole reason that smokers switch to vaping is so that they can stay away from traditional tobacco. A flavor ban will take away a very big part of vaping that plays a positive role in helping people switch and not want to go back. Banning flavored e-juice will also force many ex-smokers to get their products online which will result in vaporizer stores statewide to close their doors come January 1, 2020. There will be hundreds of residents that are part of the industry that will be without a job once that happens and all the money that would have been spent in the state would be going elsewhere. Money will be leaving our state economy, hundreds will be out of a job and no taxes can be collected from any of the businesses that were forced to close.

This is the reason why I don't believe that bill **SB1009** will be effective in a positive way for the residents and tax payers of the state of Hawaii. I am writing this testimony because **I STRONGLY OPPOSE SB1009 AND FEEL THAT IT SHOULD NOT BE PASSED.** One group of the population should not have to be sacrificed for the other's sake. Just because some of the population is obese doesn't mean that we should ban everyone from eating rice and gravy. That's why we educate kids and adults about proper nutrition and a well-balanced diet. Everyone has the right to make choices including children and the only way we can help in making the best decisions for us would be through education. The vaping industry along with teachers, parents and government officials should work together to help solve this problem of underage vaping. Everyone in this state is part of one big Ohana and as an Ohana we should be coming together when trying to fix a problem involving all of us. Thank you for taking the time to listen to me.

Much Mahalo,

Timothy M. Oishi

SB-1009

Submitted on: 2/12/2019 6:03:59 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Support	No

Comments:

SB-1009

Submitted on: 2/12/2019 6:04:45 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Support	No

Comments:

SB-1009

Submitted on: 2/12/2019 6:40:23 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Luna-Gaballo	Individual	Oppose	No

Comments:

Flavored tobacco products such as candy flavored e-liquid helped my husband finally quit smoking for almost over 20 years. His life has been healthier since and is able to be around me and my kids with out us complaining about the smell of smoke that cigarettes used to leave behind. I feel as if you are taking away the only thing that helped my husband quit smoking when nothing else works.

SB-1009

Submitted on: 2/11/2019 6:04:12 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Higa	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/12/2019 6:48:03 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonovan Iriarte	Individual	Oppose	No

Comments:

Flavored tobacco products such as candy flavored e-liquid helped many people I know finally quit smoking for almost over 20 years. I noticed that their lives have been healthier since and I am able disagree with this because it has helped so much people be health by quitting cigarettes who tried everything else and still did not work.

SB-1009

Submitted on: 2/12/2019 7:27:30 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimana Brummel	Individual	Support	Yes

Comments:

Aloha, I am Kaimana Brummel of Pukalani, Maui. I am a mom of two kids and I coach youth volleyball and canoe paddling. I am writing to support SB 1009 relating to flavored tobacco products.

In my years coaching teens and youths, I have witness a significant increase in youth e-cigarette use first hand. The statistics back up what I see daily: in Maui County 32% of high school students and 25% of middle school studnets are activty using ESDs.

Flavored tobacco products are intended to attract and addict youth to tobacco. Sadly, it's working. I see and smell kids using flavored tobacco products almost exclusively. Please support SB1009 and choose our keiki over big tobacco.

Kaimana Brummel

Pukalani, Maui, HI

SB-1009

Submitted on: 2/12/2019 8:21:50 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
thomas wills	Individual	Support	Yes

Comments:

Testimony:

Date: February 12, 2019

To: Sen. Rosalyn H. Baker, Chair

Sen. Stanley Chang, Vice Chair

Members of the Senate Committee on Commerce, Consumer Protection, and Health

Re: Strong support of SB 1009, Relating to Flavored Tobacco Products

Hrg: February 13, 2019 at 9:10 AM at Capitol Conference Room 229

I strongly support SB 1009, which would ban the sale of flavored tobacco products.

I support this bill because previous research has shown that flavorings make tobacco products, particularly e-cigarettes, attractive to adolescents. Recent data from Hawaii and other states have shown that e-cigarette use is quite prevalent among school students, even among middle school students who are 12-14 years of age. This is resulting in a high rate of addiction to nicotine, which was previously not known in Hawaii because rates of cigarette smoking were relatively low and the high taxes on cigarettes in Hawaii result in less frequent smoking among students who do smoke. It looks like e-cigarettes are changing this situation and that a number of students may graduate from school being addicted to nicotine.

In addition to showing that e-cigarette use is prevalent among Hawaii school students, our studies have shown that e-cigarette use is linked to several adverse outcomes. Using e-cigarettes is related to initiation of cigarette smoking among previous nonsmokers, hence is contributing to nicotine addiction through another mechanism. It is also related to asthma and bronchitis.

Recent authoritative articles by physicians and pharmacologists in the New England Journal of Medicine have emphasized that nicotine is as addictive as heroin, that flavored tobacco products increase the likelihood of adolescents becoming addicted,

and that there is increasing evidence of harmful respiratory effects from e-cigarette vapor. (See, for example, "The Dangerous Flavors of E-Cigarettes," New England Journal, January 30, 2019.) Many public health experts have noted that the current epidemic of e-cigarette use among adolescents is creating risk for public health and that steps should be taken to reduce use among teenagers. All the research I have seen indicates that eliminating flavorings would be a large and effective step toward this goal.

I have heard some people argue that the FDA is going to take action against flavorings soon.

I don't believe it. I have heard similar arguments for years about tobacco policy. The tobacco companies agreed in 2006 to run ads about the risks of cigarette smoking and nicotine addiction, but IT TOOK 12 YEARS before they finally agreed to do this. (You are just seeing the se ads in the newspapers now.) The FDA tried to use its legal authority to put graphic warning labels on cigarette packages beginning in 2010, but THIS NEVER HAPPENED because the tobacco companies kept filing lawsuits against it. The writing on the wall is that if FDA tries to take action against flavored tobacco products, the tobacco companies will just do the same thing all over again and delay action for 10 or 20 years. Meanwhile a new generation of teenagers will become addicted to nicotine.

For the reasons given above, I strongly support SB 1009 and ask you to pass this out of committee.

Yours sincerely,

Thomas A. Wills, Ph.D.

Director, Cancer Prevention in the Pacific Program

University of Hawaii Cancer Center

From: hopehoapili@everyactioncustom.com on behalf of [Barbara Dinoff](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 2:47:51 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

We have an epidemic of cancer. Vaping is using tobacco. Would you like your children or grandchildren being diagnosed with it?

Sincerely,
Barbara Dinoff

Sincerely,
Barbara Dinoff
Honolulu, HI 96815

From: wdatario@everyactioncustom.com on behalf of [Wilson Datario](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 2:56:46 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

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We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Wilson Datario
Pepeekeo, HI 96783

From: sfey@everyactioncustom.com on behalf of [Shelley Fey](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 5:38:00 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Shelley Fey
Honolulu, HI 96821

From: ccnalu@everyactioncustom.com on behalf of [Camille Chong](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 6:11:24 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Camille Chong
Honolulu, HI 96826

From: caagcaoi@everyactioncustom.com on behalf of [Clifford Agcaoli](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 6:48:34 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Clifford Agcaoli
Hilo, HI 96720

From: tylercpeterson40@everyactioncustom.com on behalf of [Tyler Peterson](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 7:52:12 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Tyler Peterson
Kula, HI 96720

From: cricketlachica@everyactioncustom.com on behalf of [Christopher La Chica](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 8:38:45 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Christopher La Chica
Mililani, HI 96789

From: shelly.ogata@everyactioncustom.com on behalf of [Shelly Ogata](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 9:02:27 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Shelly Ogata
Hilo, HI 96720

From: oliviag2@everyactioncustom.com on behalf of [Olivia Graham](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 10:21:25 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Olivia Graham
Hilo, HI 96720

From: pat.fleckconsulting@everyactioncustom.com on behalf of [Patricia Fleck](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 11:19:34 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Respectfully ,

Patricia Fleck

Sincerely,
Patricia Fleck
Kailua Kona, HI 96740

From: mdeycaza@everyactioncustom.com on behalf of [Michael deYcaza](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 11:53:11 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

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Sincerely,
Michael deYcaza
Honolulu, HI 96815

From: tenaya.jackman@everyactioncustom.com on behalf of [Tenaya Jackman](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 12:05:47 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

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Sincerely,
Tenaya Jackman
Honolulu, HI 96815

From: satsp@everyactioncustom.com on behalf of [Dawn Pung](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 12:15:13 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Dawn Pung
Hilo, HI 96720

From: weeklyupdate@everyactioncustom.com on behalf of [Cristeta Ancog](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 12:25:45 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

I am a pediatrician with more than 29 years of taking care of keiki in Hawaii.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Cristeta Ancog
Aiea, HI 96701

From: stephandjim@everyactioncustom.com on behalf of [Stephanie Austin](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 12:37:43 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Stephanie Austin
Haiku, HI 96708

From: nihipalim001@everyactioncustom.com on behalf of [Michele Nihipali](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 1:23:31 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Michele Nihipali
Hauula, HI 96717

From: debz96789@everyactioncustom.com on behalf of [Debbie Apolo](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 1:25:34 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Debbie Apolo
Mililani, HI 96789

From: kurikir001@everyactioncustom.com on behalf of [Ronald Kuriki](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 1:28:34 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Ronald Kuriki
Honolulu, HI 96816

From: mmg2b@everyactioncustom.com on behalf of [Michelle Gray](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 2:12:24 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Michelle Gray
Honolulu, HI 96825

From: mkyono@everyactioncustom.com on behalf of [Mae Kyono](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 2:45:46 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Mae Kyono
Honolulu, HI 96826

From: mrahmer@everyactioncustom.com on behalf of [Mealani Rahmer](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 1:21:20 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Mealani Rahmer
Pahoa, HI 96778

From: normandgorby@everyactioncustom.com on behalf of [normand dufresne](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 2:36:41 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
normand dufresne
Pahoa, HI 96778

From: levin@everyactioncustom.com on behalf of [Mark Levin](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 5:56:58 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. I see this as an educator on the campus of the University of Hawai'i, where the number of students walking the campus while vaping is still increasing rapidly.

While the circumstances on the campus may warrant your attention otherwise, those circumstances are simply the downstream impacts of the youth vaping epidemic.

Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Mark Levin
Honolulu, HI 96822

From: mgagen@everyactioncustom.com on behalf of [MARILYN J.Gagen](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 7:55:13 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
MARILYN J. Gagen
Kamuela, HI 96743

From: randall8@everyactioncustom.com on behalf of [Rachel Randall](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Saturday, February 9, 2019 10:54:06 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Rachel Randall
Kaneohe, HI 96744

From: may.okuhama@everyactioncustom.com on behalf of [May Okuhama-Wong](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 2:47:18 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
May Okuhama-Wong
Pukalani, HI 96788

From: jessica.adkins@everyactioncustom.com on behalf of [Jessica Adkins](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 2:11:15 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Jessica Adkins
Kahului, HI 96732

SB-1009

Submitted on: 2/12/2019 10:45:21 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elise Carmody	Individual	Support	No

Comments:

I am in favor of this bill.

I started smoking when I was 12. If you are at all familiar with the tobacco trials of the 1980-90's the tobacco companies intentionally marketed to children because their research showed that pre and teenage people were more susceptible to nicotine addiction than adults.

One of the ways they marketed to young people was with flavored cigarettes.

This is just history repeating itself. The vaping industry is using flavored products to attract young users who are more susceptible to nicotine addiction and thereby becoming life-long customers.

Hawaii has a history of attempting to protect young people from this addiction. "On November 23, 1998, Hawaii, along with 45 other states that had filed similar actions against the tobacco companies, entered into a "global" settlement. Under the Master settlement agreement ("MSA"), which memorialized the "global" settlement, the tobacco companies agreed to take steps aimed at reducing or eliminating tobacco use by minors and educating the public at large about the dangers of tobacco use. MSA, at 18-47, available at <http://www.library.ucsf.edu/tobacco/litigation> (Nov. 1998)."

Proponents will say that tobacco and vaping products are illegal for persons under 21. That is true and has been true for many years. However, it has never stopped a young person from obtaining tobacco.

Unavailability of flavored products will make vaping less attractive to young people and hopefully save many from years of ill health due to addiction to nicotine.

From: leilani.abafo@everyactioncustom.com on behalf of [Leilani Abafo](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 2:04:19 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

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Sincerely,
Leilani Abafo
Makawao, HI 96768

From: bmih@everyactioncustom.com on behalf of [Bryan Mih](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 1:32:36 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

Dear Senators:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support SB1009, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as cherry, raspberry, citrus, vanilla, chocolate, mint, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect and is often seen in cough drops. Low doses of menthol in tobacco can reduce the painful and irritating effects on the lining of the nose, mouth, and airways, which allows smokers to inhale more easily. This makes it much easier for young people to initiate tobacco use.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to pass SB1009.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP
Pediatrician

Sincerely,
Bryan Mih
Honolulu, HI 96822

From: clint.gima@everyactioncustom.com on behalf of [Clint Gima](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 1:26:47 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

As a high school teacher, I am witness to the epidemic hitting our youth. E-cig companies are targeting youth because they know they are easily influenced, have the resources, and can get their peers to get addicted. By adding candy and kid-friendly flavors to their liquid 'juice,' these companies are blatantly breaking laws by enticing youth.

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Clint Gima
Paia, HI 96779

From: tsgbrown@everyactioncustom.com on behalf of [Theresa Brown](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Sunday, February 10, 2019 8:23:33 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Currently I work as a dental hygienist in a dental clinic with youth/ young adults ages 16-24. When I ask if they smoke, they reply "No". If I ask if they "Vape" they say "Yes". They do not understand that vaping IS smoking!

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

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Sincerely,
Theresa Brown
Kailua, HI 96734

From: lisa.kakiuchi-gima@everyactioncustom.com on behalf of [Lisa Kakiuchi-Gima](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 11:04:09 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Lisa Kakiuchi-Gima
Kahului, HI 96732

From: eochoa@everyactioncustom.com on behalf of [Erick Ochola](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Sunday, February 10, 2019 1:42:57 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Erick Ochola
Kapolei, HI 96707

From: deforest.carol@everyactioncustom.com on behalf of [Carol DeForest](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 12:39:54 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Carol DeForest
Wailuku, HI 96793

From: naomi.mccall@everyactioncustom.com on behalf of [Naomi McCall](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 11:20:09 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Naomi McCall
Kula, HI 96790

From: keithshirota84@everyactioncustom.com on behalf of [Keith Shirota](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 10:47:17 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
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Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Keith Shirota
Kahului, HI 96732

From: kuuleimauigirl@everyactioncustom.com on behalf of [Ivy Sylva](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 11:38:14 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Ivy Sylva
Makawao, HI 96768

From: kelciedemello@everyactioncustom.com on behalf of [Kelcie De Mello](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 12:42:08 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

It's also critical to include menthol cigarettes in the flavored tobacco ban. Menthol cigarettes are a popular starter product, as it has cooling properties that mask the harshness of tobacco smoke and nicotine. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the Native Hawaiian community, and has led to health disparities.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Kelcie De Mello
Wailuku, HI 96793

From: cdeconto@everyactioncustom.com on behalf of [Courtney DeConto](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 2:10:37 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Courtney DeConto
Waianae, HI 96792

From: shilpa.patel@everyactioncustom.com on behalf of [Shilpa Patel](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Monday, February 11, 2019 1:02:17 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Shilpa Patel
Honolulu, HI 96822

SB-1009

Submitted on: 2/12/2019 12:44:04 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
?lka?aka Pang	Individual	Oppose	No

Comments:

I am in strong opposition to this because it is our right to our own flavored tobacco products. Please do not take away this right from us. A result could be people going back to smoking actual cigarettes. This bill is unfair...

KĀ«'Ā“ loa au i kĀ“ia pila no ka pono o ke kanaka ma kĀ“ia moku kau'Ā• ina ku'i 'o Hawai'i, he hiki nĀ• iĀ• mĀ• kou ke koho i ke 'ano puhi 'ana i makemake 'ia. No ke aha 'oukou e kĀ• 'ili 'ana i ia pono maiĀ• mĀ• kou mai?

From: tiajoaquin@everyactioncustom.com on behalf of [Ti'a Aiwohi Joaquin](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Tuesday, February 12, 2019 11:15:07 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

Sincerely,
Ti'a Aiwohi Joaquin
Wailuku, HI 96793

From: sshanka2@everyactioncustom.com on behalf of [Surina Shankar](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Tuesday, February 12, 2019 10:14:25 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Surina Shankar
Makawao, HI 96768

From: rrsakamoto@everyactioncustom.com on behalf of [Ronald Sakamoto](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Tuesday, February 12, 2019 11:34:02 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Ronald Sakamoto
Honolulu, HI 96817

From: clafountain@everyactioncustom.com on behalf of [Christine Prentice](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Tuesday, February 12, 2019 11:41:59 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction. The industry is promoting flavors that mimic popular food or candy to hide the fact that they contain nicotine and with more kids who were never smokers using these products, we have an urgent need to act. I strongly support SB1009 and ask you to pass this out of committee.

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored eliquids and menthol cigarettes.

As a parent of school-aged children and a healthcare provider working in the schools, I have personally seen and smelled young consumers using flavored electronic products. The packaging on these items are clearly geared towards looking like candies, treats, and gums.

We cannot allow Hawaii's children to be part of the unknown diseases and health effects of the future. We cannot allow Tobacco companies to continue using our kids as lab rats. We don't yet know how all the chemicals in the liquid and smoke, when inhaled, affect the different organs and tissues. But think about inhaling nicotine, gasoline, nail polish, toluene, benzene, varnish, cadmium, and formaldehyde! We already know that these exposure or contact to these chemicals cause harm. When the research catches up to show all the detrimental health effects, today's children will be turning into adults, plagued with chronic lung diseases - COPD, asthma, cancer, popcorn lung, etc.

These companies are targeting our youth, with more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups! Look at how long it took us to figure out the effects of traditional tobacco cigarettes and remember when they wanted to market fruity flavored cigarettes to teens. Look at the millions of people - current smokers, previous-smokers, and second-hand smokers, affected with high blood pressure, chronic lung conditions, cancer, and a multitude more of health effects. Do we want to allow our State's population health to suffer and become worse as years progress? Do we want our children and grandchildren to have shorter life expectancies, higher health premiums, and the like, due to increasing younger populations smoking.

We must end the sale of candy-flavored tobacco to protect our youth from a lifetime of addiction.

Mahalo,
Christine Prentice
Waianae, HI 96792

Sincerely,
Christine Prentice
Waianae, HI 96792

From: jodikunimitsu@everyactioncustom.com on behalf of [Jodi Kunimitsu](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Tuesday, February 12, 2019 11:41:59 AM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Jodi Kunimitsu
Kihei, HI 96753

From: rhiana.lau@everyactioncustom.com on behalf of [Rhiana Lau](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Tuesday, February 12, 2019 12:02:10 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

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Sincerely,
Rhiana Lau
Honolulu, HI 96814

SB-1009

Submitted on: 2/12/2019 1:41:22 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Revell	Individual	Oppose	No

Comments:

Aloha Senators,

Please oppose this bill.

Respectfully submitted,

Theresa Revell

SB-1009

Submitted on: 2/12/2019 2:41:46 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

SB-1009

Submitted on: 2/12/2019 3:13:01 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

A ban on characterizing flavors could contribute to the growth of the “Do-It-Yourself” DIY involves purchasing separately, and then mixing, liquid nicotine, propylene glycol, glycerin, and flavors to make an e-liquid for an open device. Details on how to mix flavors and liquid nicotine are readily available online. Materials for DIY – some of which are of unknown quality and origin – are inexpensive and widely available. FDA has not yet explored issues raised by the separate sale, and home-mixing, of nicotine and flavorings.

21 Age Restriction Already in Place. Hawaii already has put a 21 and older ban on sales of vapor products in place. Kids should not use any nicotine product and access to such products, including those with characterizing flavors. No manufacturer should use children’s cartoons or youth-oriented candy trademarks to market their products. When its rulemaking is final, FDA will have comprehensive authority over the sale and marketing of all tobacco and tobacco-derived nicotine products. This authority includes the ability to take further action as required to prevent illegal underage purchase. This ban would essential destroy the vapor industry as all flavors - even the “natural tobacco flavor” mentioned in the bill are the results of flavoring. This means all vapor products would be illegal if this bill passes. I am sure this is not what you meant to do with this bill, and its result would mean the lose of my business and creation of a black market and increased online sales of unregulated products.

Thank you for considering this testimony.

Aloha, Valentino Miranda-Kepa

LATE

SB-1009

Submitted on: 2/12/2019 5:02:51 PM
Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	Yes

Comments:

We strongly oppose this bill. People need to make the choice for themselves. If people don't like the flavors, then boycott them.

Also why aren't flavored drug company nicotine products banned???????



Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports HB 276 to ban the sales of flavored tobacco products in Hawaii.**

At Kapi'olani Medical Center for Women & Children, we often treat pediatric patients who are adversely affected by tobacco products in multiple ways. We have babies in the NICU (neonatal intensive care unit) who were born early due in part to the effects of smoke exposure during pregnancy. We see young children routinely coming in with asthma and ear infections because they are being exposed to secondhand and thirdhand smoke. Now, we have teenagers and young kids coming in who are screening positive for e-cigarette or vape use.

One of the biggest concerns with e-cigarettes is the lack of longitudinal studies on health and safety of these products. It took decades for the harmful side-effects of combustible cigarettes to become well-known, and we do not want our youth to be the ones to suffer from any potential health effects of e-cigarettes or vape products.

Initiation of e-cigarette use is almost always associated with a flavored product. Studies have shown that flavored tobacco-use is particularly enticing to youth. The e-cigarette and vape companies use attractive packaging and flavors that are very similar to candy products and sweets that are easily recognizable by children and teens. These flavors include common candies like cotton candy, sweet tart, blue raspberry, and even local Hawaii-inspired flavors like POG (passion orange guava), Hawaii Sweet Roll, and Pele's Papaya.

In the best interest of our local youth, we would like to request the ban of flavored tobacco products that have been enticing to the youth. Thank you for the opportunity to provide testimony on this measure.



P: 808-446-0382

F: 808-876-0245

HANALIMAPT.COM

To the Honorable Members of the Committee:

LATE

From Dr. David Peterson, owner

Please note my strong support of HB701, which will allow me, as a Physical Therapist, to deliver the most advanced and effective treatment to my patients. I hold a Doctorate in Physical Therapy and have worked in several hospital systems, including Maui Memorial Hospital and Kula Hospital. As doctors, Physical Therapists are cognizant of patient safety and we are ethically and legally bound to ensure that safety. Dry Needling has been practiced safely and effectively for many years in most states, and I look forward to providing this service to patients in Hawaii. Thank you for your consideration of this bill.

Dr. David Peterson, PT

TESTIMONY OF
LARRY S VERAY



TO

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

ON SB 1009

RELATING TO FLAVORED TOBACCO PRODUCTS

FEBRUARY 12, 2019

Aloha, Chair Rosalyn Baker, Vice Chair Stanley Chang and Committee members. I am Chair for the Pearl City Neighborhood Board No. 21 and I am submitting this testimony on behalf of the Board. Our Board voted in support of SB 1009.

This bill is extremely important for the State Legislature to be proactive and get in front of a potential problem that impacts the health of all citizens in Hawaii. You need to make this a priority to ban flavored tobacco, including e-cigarette products for all of Hawai'i. Candy flavored tobacco sets the wrong precedence to entice our youth into starting a potentially life-long addiction to nicotine. You have the ability to stop our youth from a major epidemic of vaping and pave the way for them with a healthy future on all our islands.

We most strongly urge you to pass SB 1009. Mahalo!

Very respectfully,

Larry S. Veray

SB-1009

Submitted on: 2/13/2019 2:08:10 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

Date: February 13, 2019

To: The Honorable Rosalyn H. Baker, Chair
The Stanley Chang, Vice Chair
Committee on Commerce, Consumer Protection, and Health

From: Members of the Mid-Pacific Institute Do What You Love Service Club

Re: Strong Support for SB1009, Relating to Flavored Tobacco Products

Hrg: Wednesday, February 13, 2019 at 9:10 am at Conference Room 229

Thank you for the opportunity to submit testimony in **SUPPORT** of SB1009, which bans the sale of flavored tobacco products, effective 1/1/2020.

The Mid-Pacific Institute Do What You Love Service Club is committed to reducing the rates of e-cigarettes and vape product use amongst teenagers. This year, we are supporting an e-cigarette educational campaign on the Mid-Pacific Institute and UH Manoa campuses in hopes to heighten the awareness of the harmful effects of these products.

At Mid-Pac, we see our peers becoming dependent on e-cigarettes, mostly because of the flavored products. Teenagers think that e-cigarettes and vape products are harmless because they are candy flavored and they taste good. The truth is that once teenagers start using products like Juul, it is not long before they become addicted to these products and cannot stop. Not only is this bad for their health, but this can lead to a decrease in their grades and getting in trouble with the school and the law. Some students started using vapes because they tasted good, and now they are using regular cigarettes too.

On behalf of the Mid-Pacific Do What You Love Service Club, we urge you to protect the youth of Hawai`i and pass SB1009 into law.

LATE

SB-1009

Submitted on: 2/12/2019 9:00:53 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy Mierzwa	Individual	Support	No

Comments:

Aloha Chair Baker,

Thank you for hearing SB1009. As a parent of three children, I strongly support this measure. Children are much more likely to smoke flavored tobacco products. It draws them in and makes them life long smokers.

The tobacco industry has done a terrific job at marketing these flavors to kids. Children do not think they are harmful or that they are becoming addicted. ESD use continues to rise, and now smoking, after years of decline, is on the rise as well. I know we can do better for public health.

Please pass SB1009 banning flavored tobacco products.

Mahalo,

Peggy Mierzwa

From: vikir@everyactioncustom.com on behalf of [Viki Roemmling](#)
To: [CPH Testimony](#)
Subject: Strong Support of SB1009, Relating to Flavored Tobacco Products
Date: Friday, February 8, 2019 6:39:17 PM

Dear Senate Committee on Commerce, Consumer Protection, and Health,

The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Hrg: February 13, 2019 at 9:10 AM at Capitol Room 229

I strongly support SB1009, which would end the sale of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

Hawai'i is already experiencing a youth vaping epidemic. Studies have shown that 8 in 10 kids start with a flavored tobacco product. It's no coincidence that the rise in youth vaping has coincided with an explosion of sweet e-liquid flavors used to hook kids. With more than 15,500 flavors, these products are being irresponsibly marketed – who is the industry really targeting with flavors like Fruit Hoops, Sour Straws, or Cookie Monsta?

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Sincerely,
Viki Roemmling
Wailuku, HI 96793

LATE

SB-1009

Submitted on: 2/12/2019 7:39:33 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	No

Comments: