



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2020**

**LATE**

**ON THE FOLLOWING MEASURE:**

S.B. NO. 2231, RELATING TO ELECTRONIC SMOKING PRODUCTS.

**BEFORE THE:**

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

**DATE:** Wednesday, February 5, 2020      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Delanie D. Prescott-Tate, Deputy Attorney General

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Chair Baker and Members of the Committee:

The Department of the Attorney General provides the following comments on the bill.

The bill seeks to address the significant risks to public health caused by the rapidly growing use of electronic smoking devices and e-liquids in Hawaii, especially among the youth. The bill establishes the offense of unlawful shipment of e-liquid products to a person that is not a licensee; includes e-liquid and electronic smoking devices within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law; requires retailers of e-liquid products to obtain a retail tobacco permit from the department of taxation; requires wholesalers and dealers of e-liquid products to obtain a license from the department of taxation; provides funding for the University of Hawaii cancer center; repeals part XII of chapter 28, Hawaii Revised Statutes (HRS), relating to the Electronic Smoking Device Retailer Registration Unit; and repeals section 245-27, HRS (Supp. 2019), relating to delivery sales.

It should be noted that section 2 of S.B. No. 2231 essentially adopts the wording of HRS section 245-16 (2017 & Supp. 2019), which sets forth the offense of unlawful shipment of cigarettes. S.B. No. 2231 replaces the term "cigarettes" with "e-liquid products" to create a new offense intended to allow e-liquid products to be treated as tobacco products within the framework of the Cigarette and Tobacco Tax Law. The

inclusion of e-liquid products in the definition of "tobacco products" enables the State to restrict delivery of e-liquids to legitimate wholesalers and dealers of tobacco products.

For clarity and consistency, the newly added offense of unlawful shipment of e-liquid products should track the language of HRS section 245-16 and use the same language throughout the new offense. Specifically, the term "person" in subsections (a) and (f) should be replaced with the phrase "person or entity" so the sections read as follows:

(a) A person or entity commits the offense of unlawful shipment of e-liquid products if the person or entity:

\* \* \*

(f) Notwithstanding the existence of other remedies at law, any person or entity that purchases, uses, controls, or possesses any e-liquid products for which the applicable taxes imposed under title 14 have not been paid, shall be liable for the applicable taxes, plus any penalty and interest as provided for by law.

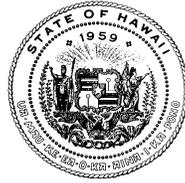
This also conforms the wording of subsections (a) and (f) with the "person or entity" wording in subsections (a)(2), (c), (d) and (e) of the same new section in section 2 of this bill. Use of the term "person or entity" is consistent with the wording in HRS section 245-16 and these terms are already defined in HRS section 245-1.

It should also be noted that subsection (b)(1), page 6, lines 11 to 14, exempts e-liquid products "from the applicability of this chapter as provided by section 245-62[.]" However, HRS section 245-62 applies to cigarettes, not e-liquids or tobacco products. The reference to HRS section 245-62 could be stricken from the new offense of unlawful shipment of e-liquid products, or HRS section 245-62 could be amended to include e-liquid and/or tobacco products.

This bill would allow the regulation of e-liquid products to be combined with the retail tobacco permitting process, a function already within the purview of the Department of Taxation, and would render the Electronic Smoking Device Retailer Registration Unit, created by 28-163, HRS (Supp. 2019), unnecessary. The Department of the Attorney General supports the repeal of part XII of chapter 28, HRS

(Supp. 2019), based upon this bill's goal of subjecting electronic smoking devices and e-liquids to taxation and regulation under chapter 245, HRS. Including e-liquids within the same regulatory framework as other tobacco products would conserve resources and make the regulation of e-liquid products a more efficient process for the public and retailers.

Thank you for the opportunity to provide comments.



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**Testimony in SUPPORT of S.B. 2231  
RELATING TO ELECTRONIC SMOKING PRODUCTS**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: February 5, 2020

Room Number: 229

1 **Fiscal Implications:** The Department of Health (DOH) defers the fiscal implications of  
2 implementation to the Department of Taxation (DOTAX) and of enforcement to the Department  
3 of the Attorney General (AG).

4 **Department Testimony:** The DOH supports Senate Bill 2231 (S.B. 2231) as a measure to  
5 protect the public's health, especially youth, from the harmful effects of tobacco use and  
6 initiation. This is a public health measure which comprehensively addresses Hawaii's youth  
7 vaping epidemic by prohibiting online sales to consumers and creating parity between the  
8 taxation and regulation of cigarettes and electronic smoking devices (ESD) containing e-liquid,  
9 and e-liquid products. Youth are price sensitive and historically, increasing the cost of cigarettes  
10 is associated with decreasing smoking rates, and likewise recent studies are now showing that  
11 increasing the price of e-cigarettes will reduce consumption by youth<sup>1,2</sup>.

12 Since the U.S. Food and Drug Administration (FDA) and Surgeon General declaration  
13 of the unprecedented youth e-cigarette epidemic in the fall of 2018, youth use continues to rise.  
14 By 2019, 27.5% of high school students said they vaped compared to 20.8% in 2018<sup>3</sup>. In total

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<sup>1</sup> Jawad, M., Lee, J. T., Glantz, S., & Millett, C. (2018). Price elasticity of demand of non-cigarette tobacco products: a systematic review and meta-analysis. *Tobacco control*, 27(6), 689–695. [doi:10.1136/tobaccocontrol-2017-054056](https://doi.org/10.1136/tobaccocontrol-2017-054056)

<sup>2</sup> Pesko, M. F., Huang, J., Johnston, L. D., & Chaloupka, F. J. (2018). E-cigarette price sensitivity among middle- and high-school students: evidence from monitoring the future. *Addiction (Abingdon, England)*, 113(5), 896–906. [doi:10.1111/add.14119](https://doi.org/10.1111/add.14119)

<sup>3</sup> Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

1 numbers, 4.1 million high school youth and 1.2 million middle school youth said they currently  
2 use e-cigarettes<sup>4</sup>. Youth who use e-cigarettes have been casualties in the outbreak of  
3 e-cigarette, or vaping, product use associated lung injury (EVALI) nationwide, and nationally by  
4 January 21, 2020 resulted in 2,711 confirmed hospitalizations and 60 deaths<sup>5</sup>. Hawaii youth in  
5 2017 had amongst the highest ESD rates in the nation, with 25.5% high school, and 15.7%  
6 middle school students reporting regular use.<sup>6</sup>

7 The DOH supports taxing e-liquid products, which includes the e-liquid as well as  
8 products with e-liquid pre-filled cartridges or pod-based products. The proposed tax would be the  
9 same as other tobacco products, which is 70% of the wholesale price. According to the U.S.  
10 Surgeon General, increasing the price of tobacco products is the single most effective way to  
11 reduce consumption<sup>7</sup>. A ten percent increase in price has been estimated to reduce overall  
12 cigarette consumption by 3-5%<sup>8</sup>. Research suggests that both youth and young adults are two to  
13 three times more likely to respond to increases in price than adults<sup>9</sup>.

14 The federal administration raised the national legal age of sale of all tobacco products,  
15 including ESDs, from 18 to 21 years of age. While such legislation is meant to prevent youth  
16 access and initiation of tobacco, the acceleration of unregulated online tobacco product sales has  
17 created a dangerous loophole, by providing an appealing option for underage smokers. In the  
18 current unregulated online market, youth easily, and often, circumvent the age verification  
19 process for purchasing tobacco. According to the Internet Tobacco Vendors Study (ITV),  
20 supported by the National Cancer Institute and the United States Food and Drug Administration  
21 (USFDA) Center for Tobacco Products, minors were successful in buying ESDs online 93  
22 percent of the time despite age restrictions. Another study found that ESDs were often shipped

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<sup>4</sup> Ibid.

<sup>5</sup> Centers for Disease Control and Prevention, Office on Smoking and Health. Outbreak of Lung Injury Associated with the Use of E-cigarette, or Vaping, Products, retrieved January 28, 2020 from [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information)

<sup>6</sup> Department of Health, [Hawaii Health Data Warehouse, Indicator-Based Information System](#), 2017 Hawaii Youth Risk Behavior Survey.

<sup>7</sup> U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2018 Jan 22].

<sup>8</sup> Ibid

<sup>9</sup> Ibid

1 from internet vendors without instructions or health warnings. Due to the easy access for  
2 minors through online marketing, public health researchers recommend more vigorous policies  
3 to prohibit sales to minors.<sup>10,11</sup>

4 The Department supports S.B. 2231 as a strong and comprehensive measure that  
5 addresses and prohibits online sales of ESDs, and provides key components, including  
6 increasing the price of ESDs with e-liquids, and regulatory parity between combustible cigarettes  
7 and ESDs to reduce access for Hawaii's youth and young adults and encourage users to quit.

8

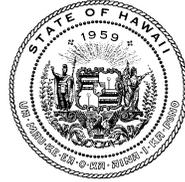
9 Thank you for the opportunity to testify.

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<sup>10</sup> Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

<sup>11</sup> Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features. Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

**DAVID Y. IGE**  
GOVERNOR  
**JOSH GREEN M.D.**  
LT. GOVERNOR



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

From: Rona M. Suzuki, Director  
Department of Taxation

**Re: S.B. 2231, Relating to Electronic Smoking Products**

Date: Wednesday, February 5, 2020

Time: 9:30 A.M.

Place: Conference Room 229, State Capitol

The Department of Taxation (Department) supports S.B. 2231. This measure makes multiple amendments to chapter 245, Hawaii Revised Statutes. These amendments will enable improved regulation of the sale of e-liquid.

The Department supports this measure, but respectfully requests the effective date be changed to January 1, 2021 to give the Department time to update its forms and instructions.

Thank you for the opportunity to provide testimony in support of this measure.

**SB-2231**

Submitted on: 2/3/2020 4:21:19 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Ching, MD, MPH	Testifying for American Academy of Pediatrics, Hawaii Chapter	Support	No

Comments:

The Hawaii Chapter of the American Academy of Pediatrics strongly supports this bill, which would regulate electronic smoking devices (ESDs) and e-liquids.

Electronic smoking devices (also known as vape devices) are clearly products meant to approximate the use of cigarettes and other tobacco products. Electronic smoking devices take a mixture of chemicals, including nicotine, and vaporize it at high temperatures. These devices emit nicotine byproducts and a variety of other chemicals, and they have not been fully studied in regards to safety. E-cigarette vapor has been shown to include carcinogens and toxins including nicotine, nitrosamines, diethylene glycol, formaldehyde, and acetaldehyde. The U.S. Food and Drug Administration has exhibited concern regarding the safety of electronic smoking devices as well.

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 Hawai'i have decreased through the years, ESD use has rapidly increased, threatening significant public health gains made over the last decade. This is particularly concerning because e-cigarettes provide a new way to deliver highly addictive 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.

Online sales of e-cigarettes or vaping devices and liquid nicotine also needs to be regulated and monitored. Many young people can easily access vaping supplies via the internet. This bill would prohibit online shipment of tobacco products to consumers, limiting it to licensed sellers.

ESDs are the only tobacco product without a tobacco tax, yet they are essentially sold and used in the same manner. Please bring the tax amount on par with other tobacco products.

Please do not let vaping continue to go unregulated in Hawai'i. Thank you for your consideration and supporting this important bill.





## American Heart Association testimony in SUPPORT of SB 2231, Relating to Electronic Smoking Products

### Chairman of the Board

Mark Yamakawa

### President

Kahealani Rivera, MD

### Board Members

Rick Bruno, MD, FACEP  
Brandt Farias  
Mimi Harris  
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Kazuma Nakagawa, MD,  
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office

The American Heart Association **supports** SB 2231 which makes unlawful shipment of E-liquid products to anyone other than a licensee or permittee, includes e-liquid and electronic smoking devices within the definition of “tobacco products” in existing cigarette tax and tobacco tax state law, requires that wholesalers and retailers of electronic smoking devices obtain a tobacco license/permit, increases the license fee for wholesalers or dealers and the retail tobacco permit fee, and allocates \$100,000 of the tax revenue to the Hawaii Tobacco Prevention and Control Trust Fund. **We strongly urge that the allocation to that Fund be increased to help the community better address the education and prevention programs needed to overcome the tobacco industry’s heavy marketing investment in Hawaii.**

In Hawaii, tobacco use claims 1,400 lives each year and creates \$526 million in annual health care costs (\$141.7 million of that is covered by the state Medicaid program). Hawaii residents’ state & federal tax burden from tobacco-caused government expenditures is \$836 per household. Hawaii’s estimated tobacco tax and license revenue, estimated to be almost \$138.8 million does not come close to offsetting the losses to the state caused by tobacco use. Tobacco use declines related to state taxes directly reduce these smoking-caused economic burdens for all taxpayers, and Hawaii businesses which bear the brunt of employee healthcare costs in our state.

The tobacco industry spends an estimated \$25.5 million each year marketing its products in Hawaii. Hawaii’s less than \$5 million investment in tobacco prevention, control and cessation programs last year pale in comparison, and fall well short of the Centers for Disease Control’s (CDC) best practice recommendation of a \$13.7 million annual investment. Allocating revenue generated from taxing tobacco products to community prevention, education and cessation programs would help to increase the desired impact of this legislation by further reducing the use of electronic smoking devices by our youth and most health vulnerable populations.

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. As stated in the bill’s preface, Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate. The American Heart Association is working to combat this problem the same way we have battled health problems for nearly a century: We’re relying on the science.

Even though there is more work needed to fully understand all the dangers of e-cigarettes, there’s plenty of evidence they’re harmful for growing minds and bodies.

That’s why the American Heart Association is funding \$20 million of new research to understand how vaping and nicotine affect the still growing hearts, brains, lungs and blood vessels of young people. This is important because there are few studies in this area.

Here's a look at the latest science about vaping and nicotine, as well what science hasn't uncovered yet.

### **Safety of vaping vs. cigarettes**

One of the most basic things people want to know is whether vaping is better for you than cigarettes. It's easy to jump to the conclusion that vaping is better. After all, there is no mystery about smoking: It can kill you.

The problem is, no one knows if vaping is safe in the long run because e-cigarettes haven't been around long enough to be studied deeply. Some diseases can take years and even decades to develop, including cancer and atherosclerosis (artery blockages that can cause heart attacks and strokes).

Another reason it's difficult to study vaping is that people switch back and forth between smoking, vaping and not using either. We can see short-term effects in animals exposed to one or another, but understanding long-term effects requires long-term studies.

In addition to a lack of sufficient research, some contents of e-cigarettes remain unknown. The Food and Drug Administration – responsible for judging the safety of things Americans put into their bodies – has not yet evaluated these products for safety.

We do know that the lines between the vaping industry and Big Tobacco have blurred. Altria, the maker of Marlboro and Skoal, has invested more than \$12 billion into Juul, which makes e-cigarettes that are extremely popular with young people. The investment is 35% of Juul's value.

Big Tobacco has a history of misrepresenting facts about nicotine and smoking. So vaping-safety claims from industry or research supported by industry should be met with skepticism. For example, there's the claim that vaping produces only water "vapor" or aerosols – which sound far healthier than cigarette smoke. But there is a lot more than water in that aerosol.

The aerosols actually contain multiple chemicals known to be toxic. Some aerosols contain heavy metals and other toxic ingredients (like the volatile organic compounds you try to avoid in some house paint).

Some of the flavors designed to make e-cigarettes more attractive to children have been shown to harm lung tissue, heart muscle cells, the lining cells of blood vessels, and the cells we need for blood clotting after injury.

These studies have been done in cells from human volunteers, and in some cases, the functions of these cells have been studied in volunteers after they vape.

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And

remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

### **E-cigarettes as tools to quit smoking**

The idea that vaping is a better way to quit cigarettes than reliable methods using FDA-approved nicotine replacement products isn't backed up by the weight of science.

Of the small number of studies about this, most show no advantage for e-cigarettes over the temporary use of FDA-approved products such as gum, lozenges and patches. The latter products have been proven helpful as part of an overall program for quitting, which should also include counselling and can include medications to reduce cravings.

One study frequently cited by industry and its supporters did show e-cigarettes to be effective in stopping smoking. However, as is often the case with science, that part of the study's results doesn't tell the whole story.

The study, published in The New England Journal of Medicine, was conducted in England. That's significant because the e-cigarettes in England are far different from those in the U.S. English products have much lower levels of nicotine, and physicians there actually encourage their use to quit smoking.

Two reports from Public Health England are often referenced for stating "e-cigarettes are less harmful than combustible cigarettes." But those studies did not compare e-cigarette use to zero-nicotine exposure. And, those reports rely on small studies or reviews sponsored by organizations supported by Big Tobacco.

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn't work for many people. They cut back, but they still smoke while vaping and they remain addicted. That's called "dual use" in public health literature. The dangers of cigarettes remain, with the added dangers of vaping.

Unfortunately, dual use is a major problem among young people. Dual use also is something the American Heart Association is working to address through our massive new initiative combatting youth vaping called #QuitLying. Research shows some kids who had never smoked but began their exposure to nicotine by vaping later switched to smoking or did both.

The Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start any nicotine-containing product.

### **The dangers of nicotine and the unknown**

When discussing the dangers of e-cigarettes, many people think about the tragic outbreak of vaping-related deaths across the country. As an organization we are extremely concerned about this problem, which is still being investigated and has been linked to vaping THC well as using "off-brand" e-cigarette products.

But nicotine remains a major concern about e-cigarettes. They can contain unusually high levels of nicotine. One e-cigarette refill pod can contain as much nicotine as an entire pack of cigarettes and kids are sometimes vaping 2-4 pods a day. And open pod e-cigarette products popular among Hawaii youths can contain even much more nicotine.

That's especially troubling because many studies in animals show nicotine is a neurotoxin (a poison affecting the nervous system). It can affect brain development from early fetal life through adolescence, permanently changing the ability to think or reason.

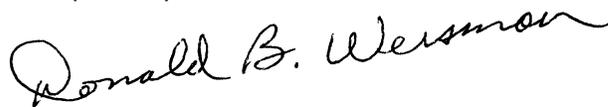
The National Academies of Science, Engineering and Medicine and the World Health Organization believe nicotine delivery via e-cigarettes during pregnancy can adversely affect the development of the fetus, and can affect immune system and lung function.

E-cigarettes are now the most popularly used tobacco product among Hawaii's youth. According to recent Department of Health data, approximately 42 percent of Hawaii's youths have tried e-cigarettes, and 25 percent are now regular users. On neighbor island, regular use of e-cigarettes by youths tops 30 percent.

By adding e-liquid and electronic smoking devices within the definition of the state's "tobacco products" it would apply the tobacco tax to those products. This would have the greatest impact on reducing e-cigarette use rates among the youth market, which is more price sensitive, and which is the most highly targeted by tobacco industry marketing and advertising.

The American Heart Association urges your strong support of SB 2231, with our suggested increase in investment in tobacco prevention and control funding, as a means to continue to curtail tobacco use in any form, especially among our youth, if we are to control our state's healthcare costs and keep its Pre-Paid Healthcare law sustainable.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

Donald B. Weisman

Hawaii Government Relations/Communications Director



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

### **SB 2231 – RELATING TO ELECTRONIC SMOKING 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 2231, which establishes the unlawful shipment of tobacco products, applies the tax on other tobacco products to electronic smoking devices and e-liquids, increases the license and permit fees for wholesalers, dealers, and retailers engaged in the sale of tobacco products and allocates a portion of funds collected from excise taxes on tobacco products to tobacco control programs.

According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration’s National Youth Tobacco Survey, the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by 135% between 2017 and 2019.

The following statistics highlight the problem we are facing.

- In the United States, youth are more likely than adults to use e-cigarettes.
- In 2019, more than 5 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 10.5% of middle school students and 27.5% of high school students.
- In 2017, 2.8% of U.S. adults were current e-cigarette users.
- In 2015, among adult e-cigarette users overall, 58.8% also were current regular cigarette smokers, 29.8% were former regular cigarette smokers, and 11.4% had never been regular cigarette smokers.
- Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Tobacco retail licensing is a policy tool that enables the state to regulate businesses that sell tobacco products to ensure they comply with tobacco laws by holding retailers accountable and actively enforcing tobacco youth access laws with strong retailer

penalties that include suspension and revocation for non-compliant retailers. Strong tobacco retail license laws are part of a comprehensive strategy to reduce tobacco use among youth and young adults. ACS CAN supports updating the state's licensing law and fees and we recommend revenues generated from the license fees be used for the active enforcement of tobacco control laws and support tax parity for all tobacco products.

The committee may want to consider including electronic smoking devices into the definition of tobacco products to ensure that all related products are subject to the same tax.

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



## HIPHI Board

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McCorriston Miller Mukai  
MacKinnon LLP

Date: February 4, 2020

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

Re: Strong Support SB 2231, Relating to Electronic Smoking  
Products

Hrg: February 5, 2020 at 9:30 am at Conference Room 229

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> is in **Strong Support of SB 2231** which (1) imposes a tax e-liquids and electronic smoking devices (ESDs) that include e-liquid; (2) requires e-liquid wholesalers to obtain a license and a e-liquid retailers to obtain a tobacco permit; (3) restricts the shipment of tobacco products to anyone other than a licensee; (4) funds health education and prevention programs relating to risks and dangers of ESD youth use; and (5) repeals various statutory provisions relating to ESDs.

### **E-cigarette use among youth and young adults has become a public health concern.**

In 2017, 1 in 4 (25.5%) public high school students and more than 1 in 6 (15.7%) public middle school students in Hawai'i reported that they are regularly vaping<sup>ii</sup>. Hawai'i has the third highest high school e-cigarette rate in the Country. Because ESDs remain unregulated, e-cigarette companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that e-cigarettes are dangerous and a health threat to youth and young adults<sup>iii</sup>. According to an article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations<sup>iv</sup>."

**Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax.**

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll<sup>v</sup> conducted by Ward Research Inc. for the Coalition in November 2019, 86% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products. Because ESDs are not subject to current State tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. The Coalition recommends that the tax also be applied to all electronic smoking devices as defined in HRS 712-1258.

The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs. In the same poll conducted by Ward Research, 93% of registered Hawai'i voters believe it is important to dedicate some of the funding from an ESD tax to tobacco prevention and cessation programs.

**ESD licensing and permits protect both consumers and merchants.**

The Coalition recommends that ESD sellers and vendors obtain a tobacco permit and/or license which is currently required for any tobacco retailer or wholesaler. This consistency would assist with the communication and enforcement of current tobacco tax and purchase laws. In addition, the Coalition supports the proposed increased fees for the tobacco permit and license.

**This measure corrects the loophole in our minimum age selling and tax laws.**

Online ESD sellers simply ask users to click a button to verify their age – a process that is both ineffective and inadequate. This measure helps to correct this loophole by requiring that ESD products be shipped to a registered and licensed seller allowing the State to enforce current tobacco selling and taxation laws.

To reiterate, 25.5% of our high school youth reported that they are regularly vaping. However, our adult rate is 4.3%<sup>vi</sup>. A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes<sup>vii</sup>. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids. The current Surgeon General, VADM Jerome Adams issued an advisory in December 2018 “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people<sup>viii</sup>.” Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to save our youth from a lifetime of addiction.

Thank you for the opportunity to testify. We strongly support SB 2231 and respectfully ask you to pass this measure as is out of committee.

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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

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.

<sup>ii</sup> 2017 Youth Risk Behavior Surveillance System (YRBS).

<http://www.hawaiihealthmatters.org/indicators/index/dashboard?id=83016762154173692>

<sup>iii</sup> U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General* (2017). From [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Exec\\_Summ\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)

<sup>iv</sup> Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796. <https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>

<sup>v</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=807 Hawaii registered voters (maximum sampling error +/-3.3%), conducted between November 7 – December 4, 2019.

<sup>vi</sup> 2016 Behavioral Risk Factor Surveillance System (BRFSS).

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

<sup>vii</sup> Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis

Samir Soneji, PhD<sup>1,2</sup>; Jessica L. Barrington-Trimis, PhD<sup>3</sup>; Thomas A. Wills, PhD<sup>4</sup>; et al  
JAMA Pediatr. 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

<sup>viii</sup> Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

# HUI NO KE OLAPONO

95 Mahalani St. Rm #21

Wailuku, HI 96793

P - (808)244-4647, F – (808)442-6884

Hui No Ke Ola Pono supports banning the sale of flavored tobacco products for these reasons:

Lack of tobacco regulations on e-cigarettes has led to astronomical levels of youth vaping in Hawai'i. In order to reverse the alarming trend, Hawai'i must enact policies that create uniform regulations across all tobacco products, as well as allowing counties to create local solutions.

The tobacco industry claims that they're not targeting kids, but their actions tell a different story. With flavors like "Blue Raspberry Sour Straws", "Cookie Monsta," or "Maui Mango" the answer is clear. Flavors are designed to appeal to kids, while nicotine gets them hooked for life. Some troubling facts:

- In 2017, 42% of Hawai'i high schoolers reported ever using an electronic smoking device.
- Hawaii has the highest reported vaping rate among middle schoolers and the second highest vaping rate among high schoolers in the nation, just behind Colorado
- **32.3%** of Maui County high school students and **18.3%** of Maui County middle school students reported current use of e-cigarettes (2017)
- **41.7%** of Maui County Native Hawaiian high school students and **27.8%** of Maui County Native Hawaiian middle school students reported current use of e-cigarettes (2017)
- Only **4.7%** of adults in Hawaii reported current use of e-cigarettes (2017)
- 81% of youth who ever used tobacco products started with a flavored product
- 97% of youth who vape say they use a flavored product
- 90% of adult smokers started by age 18, and 95% started by 21. The tobacco industry is quoted as saying that, "The base of our business is the high school student."

## **ACTIONS HAWAI'I CAN TAKE TO REDUCE YOUTH VAPING**

### **TAX E-CIGARETTES AS TOBACCO PRODUCTS**

E-Cigarettes are the only tobacco products without a tobacco tax. These products often contain nicotine, which is derived from tobacco, and have not been approved by the FDA for cessation. Thus, they should be regulated via taxation as a tobacco product.

### **END THE SALE OF FLAVORED TOBACCO PRODUCTS**

Appealing flavors are driving the youth vaping epidemic. With thousands of kid-friendly flavors on the market and little regulation, the industry has no incentive to stop selling flavors like Strawberry Milk Moo or Blue Raz Cotton Candy.

### **RESTORE COUNTY AUTHORITY TO TAKE ACTION**

Counties need and want the ability to address youth vaping in their communities, but are prevented by state law. Changing the state law to give counties the authority to regulate the sale of e-cigarettes will allow for local solutions.

Mahalo a nui loa for your time and consideration.



**Testimony to the Senate Committee on Commerce, Consumer Protection, and Health  
Wednesday, February 5, 2020; 9:30 a.m.  
State Capitol, Conference Room 229**

**RE: SENATE BILL NO. 2231, RELATING TO ELECTRONIC SMOKING PRODUCTS.**

Chair Baker, Vice Chair Chang, and Members of the Joint 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. 2227, RELATING TO ELECTRONIC SMOKING PRODUCTS.

The bill, as received by your Committee, would, among other things:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Apply the Cigarette Tax and Tobacco Tax Law (Chapter 245, Hawaii Revised Statutes (HRS)) to e-liquid and electronic smoking devices, and revising the definition of "smoke" under that law to include activities that constitute "vaping";
- (3) Prohibit the shipment of e-liquid products under the Cigarette Tax and Tobacco Tax Law, and establishing criminal penalties for violations;
- (4) Provide that on July 1, 2020, and thereafter, \$100,000 of Cigarette Tax and Tobacco Tax revenues collected be allocated to the University of Hawaii Cancer Center to support tobacco- and cancer-prevention research; and
- (5) Take effect on July 1, 2020.

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

**Testimony on Senate Bill No. 2231**

**Wednesday, February 5, 2020; 9:30 a.m.**

**Page 2**

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.

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

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or [eabe@hawaiipca.net](mailto:eabe@hawaiipca.net).

# 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](mailto:info@hysn.org)

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

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

Kokua Ohana Aloha (KOA)

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

January 31, 2020

To: Senator Roslyn Baker  
And members of the Committee on Consumer Protection and Health

## Testimony in Support of SB 2231 Related to Electronic Smoking Devices

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2231 Relating to Electronic Smoking Products.

Hawaii has the fifth highest amount of vaping in the United States. 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.

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

Funding education and prevention programs for youth on the risks of electronic smoking devices is needed and appropriate.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director



**STATE OF HAWAII**  
DEPARTMENT OF EDUCATION  
Hana High & Elementary School  
P.O. BOX 128  
HANA, HAWAII 96713

Aloha,

I have been a school counselor in rural Maui for almost 20 years. The past 2-3 years there has been a significant rise in electronic cigarette use by students in my school as young as 3<sup>rd</sup> and 4<sup>th</sup> grade. As you know there are devastating consequences to beginning this habit as children and young adults. As a school and community we are doing all we can to educate and prevent this from happening including parent meetings, prevention presentations, counseling, etc, however, we are no match for big-vape companies with unlimited money for advertising to children on social media.

Our community is predominantly Native Hawaiian, data shows that our people have the highest use rate in our state. Something more has to be done to turn the tide away from these harmful devices.

As a counselor, as a mother, as a very concerned citizen, please do all you can to ensure regulation so our children do NOT have access to these devices. This includes a flavor ban (which will directly impact children) and online sale regulation, I am terrified about their future health and happiness if this continues unregulated.

Me ka mahalo,

*Moani Aiona*

Moani Aiona, School Counselor  
Hana High & Elementary School

The Hawaii State Department of Education (HIDOE) and its schools do not discriminate on the basis of race, sex, age, color, national origin, religion, or disability in its programs and activities. Please direct inquiries regarding HIDOE nondiscrimination policies as follows:

ADA/Section 504 Inquiries	Title VI, Title IX, and other inquires
Krysti Sukita, ADA/504 Specialist	Anne Marie Puglisi, Director
Civil Rights Compliance Office	Civil Rights Compliance Office
Hawaii State Department of Education	Hawaii State Department of Education
P.O. Box 2230	P.O. Box 2230
Honolulu, Hawaii 96804	Honolulu, Hawaii 96804
(808) 586-3322 or relay	(808) 586-3322 or relay
<a href="mailto:crco@notes.k12.hi.us">crco@notes.k12.hi.us</a>	<a href="mailto:crco@notes.k12.hi.us">crco@notes.k12.hi.us</a>



**Committee  
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Tommy Noyes  
808 639-1018

Ron Rector  
808 639-2443

Valerie Woods  
808 822-2420

Ron Wiley  
808 245-9527

February 3, 2020

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

**SUPPORT FOR  
SB 2231 RELATING TO ELECTRONIC SMOKING PRODUCTS**

Aloha Committee Members,

The undersigned are members of the Friends of Kamalani and Lydgate Park Beach Cleanup Team, and we would like to register our strong support for SB 2231.

We collaborated with appointed and elected officials to designate portions of Lydgate Beach Park as the County of Kauai's first tobacco-free park, and we believe in advancing the health and wellness of our youth by protecting them from becoming tobacco product addicts.

Electronic smoking products—especially but not limited to flavored vaping compounds—are pernicious devices clearly profiting the tobacco industry by addicting children to nicotine. The detrimental long-term public health effects of nicotine addiction is established science.

Please fulfill your allegiance to the people of Hawaii and advance Senate Bill 2231 as written and without dilution. It is your responsibility to protect our youths' health, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality of life impairments.

Sincerely,

Tommy A. Noyes

General Coordinator  
The Friends of Kamalani and Lydgate Park



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 2231 - RELATING TO ELECTRONIC SMOKING PRODUCTS

WEDNESDAY, FEBRUARY 5, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Baker and Members of the Committees:

The Hawaii State Teachers Association **strongly supports SB 2231** which establishes the offense of unlawful shipment of e-liquid products, includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth, and repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

The use of e-smoking products among youth is at epidemic levels. According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, **the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.** Furthermore, 1 in 5 high school students reported using e-cigarettes in the past month according to the Surgeon General. **Locally, Hawaii's 2017 Youth Risk Behavior Survey revealed that over 42% of Hawaii high school students have tried using electronic smoking devices and over 25% of Hawaii high school students indicated that they are regular users.**

Adolescence in a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as

diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

**The electronic cigarette industry has gone largely unregulated for far too long and has therefore been able to market their products both directly and indirectly to our youth. It is time that regulation of the e-cigarette industry be on par with the regulation of traditional tobacco products. As such, this bill would align taxation of electronic smoking device products to that of other tobacco products at 70 % of the wholesale price.** Because taxation of tobacco products is a proven strategy to reduce usage among youth, this bill would help deter children from not only trying e-cigarettes but also from becoming habitual users of these products.

This bill will also prohibit the direct shipment of e-liquids to consumers which will help ensure these harmful chemicals don't end up in the hands of our keiki via online purchases. Additionally, it will help provide funding for enhanced health education and prevention programs to educate youth on the dangers of using e-cigarette products. For these reasons, we respectfully ask you to **support on SB 2231.**



February 4, 2020

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

From: Cory Smith, VOLCANO eCigs  
CEO and Owner

RE: SB2231 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 15 locations statewide and employ over 80 full-time workers to support sales of our products not only here in Hawaii, but to most USA states as well as over 30 International countries. We stand in opposition to SB2231 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet SB2231 deceptively refers to vapor products as “Electronic Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.
- SB2231 states in its justification that the bill and its regulations are needed to curb youth usage. It states “The Surgeon General's report noted that e-cigarette use has increased considerably in recent years, growing an astounding nine hundred percent among high school students from 2011 to 2015”. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use ecigarettes are doing so to replace the use of traditional tobacco.
  - o <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>
  - o <https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>
- 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
  - o [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)
- A recent study published by the New England Journal of Medicine concluded that ECigarettes 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



these products, not tighter regulations that steers vapers back towards tobacco cigarettes

o <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.

o <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththat-vaping-is-as-toxic-as-smoking/article/2646804>

o [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

- SB2231 States in its justification that the use of licensing and permit fees will help “protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit”. We fail to see how requiring retailers to obtain a permit will translate to ‘protecting the public’. Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.

- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.

o [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/Ecigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)

- SB2231's justification states that without taxing vapor products, “smokers may be tempted to purchase less expensive products such as e-liquid”. This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes. An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device. Furthermore, a 15ml bottle of e-liquid (the smallest bottle size currently offered) is currently retailed at \$12.99 at all of our locations, which is nearly 33% more costly than a standard pack of cigarettes, yet it provides nearly the same amount of puffs.

- Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state. We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.



It is our belief that this continuing unjustified classification and requirements are 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.

Sincerely,

Cory N. Smith  
CEO & Owner  
VOLCANO Fine Electronic Cigarettes.  
1003 Bishop Street #1260  
Honolulu, HI 96813  
[cory@volcanoecigs.com](mailto:cory@volcanoecigs.com)

**SB-2231**

Submitted on: 2/3/2020 10:21:28 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	No

Comments:

We strongly oppose this bill. Adults should be able to make the choice to vape or enjoy flavors themselves.



**TO:** Senate Committee on Commerce, Consumer Protection, and Health  
**RE:** SB 2231 - Potential Tax on Vapor/Electronic Cigarette Products  
**DATE:** January 31, 2020

Distinguished Committee members:

Logic Technology Development, LLC ("Logic"), headquartered in New Jersey, is one of the largest suppliers of electronic cigarettes/vapor products in the United States.

We write to you today to express our opposition to the proposed bill, SB 2231, that seeks to impose a tax on vapor products at a rate of 70 percent.

**We urge you to reject the proposed percentage-based tax, which would be crippling to the industry and the jobs and economic activity it supports. Instead, we ask you to consider introducing legislation that would tax all e-liquids at a rate of 10 cents per milliliter of e-liquid, irrespective of whether they contain nicotine.**

Our position is clear: minors should not use electronic cigarettes and should not be able to obtain these products. We market our products to adult smokers only and we abide by federal and state regulations that govern our industry. Logic, unlike others in the industry, is not instinctively anti-tax. We recognize the state's interest in deriving revenue via taxation. We have supported efforts nation-wide to implement tax mechanisms on vapor products that provide stable, predictable revenue, without doing irreparable harm to the industry.

Excise tax revenue from vapor sales in traditional retail outlets alone in Hawaii could amount to over \$180,000 under our proposed plan, according to the latest available data from MSAi, which tracks tobacco shipments nationwide.<sup>1</sup> This estimate does not include excise receipts from specialty shops (i.e. vape stores, tobacconists or the internet), which would increase the total revenue substantially. For example, in North Carolina, sales to these shops represented 90 percent of the total excise receipts based on MSAi estimates compared to the year-end actuals. If the same were true in Hawaii, tax collections would exceed **\$1.8 million**.

**It is critical that any tax levied on vapor products in Hawaii is applied in a way that does not drive existing sales across state lines or to online sites that are not concerned with regulatory compliance. Any efforts to impose a percentage-based tax mechanism will only have the effect of increasing incentives for tax evasion and avoidance, thus undermining the state's revenue collections.**

Our proposal reduces incentives for tax avoidance by implementing a tax strictly on the consumable material, applied at a fixed level per milliliter of e-liquid sold. States that have implemented similar tax structures have reported little-to-no industry disruption or job loss.

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<sup>1</sup> Estimate is based on 720,284 consumer units (CU) sold in the last 52 weeks in Hawaii. Using a conservative estimate of a 2.5 milliliter average per CU, we can calculate the estimated revenue generated

A fixed 10 cent per milliliter tax on **all** e-liquids provides the most certainty and predictability over revenue while providing ease and simplicity of administration.

Conversely, states that have implemented a percentage-based structure, similar to that which you support, saw the category stagnate and businesses close, resulting in economic loss. In Pennsylvania, a 40 percent wholesale tax resulted in 100 businesses closing in the first year, with 1,000 jobs lost, according to the Vapor Technology Association. In Vermont, where a percent-based wholesale tax is set to take effect, there is already anecdotal evidence of small businesses relocating to states with more advantageous tax structures.

**Further, any percentage-based tax inevitably advantages the cheapest products in the marketplace.** The result of this is larger price differentials between the highest and lowest quality products, a price incentive for adult consumers to move to the cheapest brands, and a race to the bottom for manufacturers that may compromise safety or quality. A fixed tax on the liquid consumed across all devices avoids such a scenario.

From a revenue perspective, the math is simple - as adult consumers migrate to the cheapest products on the market, the state will take in less in tax revenue (both sales and excise) as they are applied as a percentage of the cost.

As the regulatory burden continues to grow on responsible suppliers such as Logic, less scrupulous operators that are not concerned with regulatory obligations, youth access, product quality or consumer protection, will continue to exploit a largely unregulated environment. Indeed, once the federal regulatory requirements take effect on the category next year, it is already estimated that the number of products on the legal market will shrink by up to 90 percent.

We believe that adult smokers should be given the choice and opportunity to purchase and try electronic cigarettes as an alternative to the known harms of smoking combustible cigarettes. By levying the wrong tax on electronic cigarettes in Hawaii, adult consumers who already made the switch to electronic cigarettes may return to smoking, abandoning the products that may have the potential to lower risk.

It is our hope that the Legislature will take these points into full consideration as it considers its tax policy and the impact it may have on jobs, public health and state revenue. We remain at your disposal to meet with you or your staff, or to provide further information at any stage.

Yours respectfully,



**Rick Chandler**  
State Government Affairs

**SB-2231**

Submitted on: 1/31/2020 8:18:12 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 5:14:40 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimo Rodrigues	Testifying for Irie Hawaii	Support	No

Comments:

**SB-2231**

Submitted on: 2/1/2020 1:54:55 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hilary Lang	Testifying for Hana High & Elementary	Support	Yes

Comments:

Aloha,

I am a teacher at Hana High & Elementary School for 11 years. I was an elementary teacher and now I am a middle school teacher. I have 7 and 11 year old children. We have had students as young as 3rd grade using vape products and bringing them to school. They are particularly drawn to the fun flavors, cute packaging, and being like their middle school family and friends. My kids are so excited about cotton candy, chocolate, strawberry, etc. Adults who are cigarette smokers are not looking for cotton candy flavor. Those are targeting my children. We have DARE at our school and anti-vape poster contests, but many students are not interested because they already use it. Vape products have highly addictive nicotine and many chemicals that are very hard on growing bodies and minds. There are many vape products that are easy for the kids to conceal (looking like regular classroom supplies, candy, or tiny enough to keep in their clothing). When the kids use these chemical products, they have a hard time focusing on their academic classes. Nicotine is very addictive. Our children have so many challenges growing up to have large corporations targeting them to be life long customers addicted to their products. They are not old enough to make educated and informed choices about this level of addiction, chemical dependency, medical problems, loss of academic learning, and social emotional problems. Please help us keep these tobacco and nicotine products out of the hands of children so that they have an opportunity to grow up with healthy minds and bodies.

Hilary Lang

A concerned teacher and parent

Wednesday, February 5, 2020 at 9:30 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 2231  
Relating to Electronic Smoking Products**

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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 2231** which establishes the offense of unlawful shipment of e-liquid products; includes e-liquid within the definition of "tobacco products" in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; and allocates a portion of funds collected in excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for the youth.

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.

Without regulation, e-cigarette manufacturers will continue to aggressively market their products by using young adults and celebrities as endorsers, glamorizing its use, promoting deep discounts, and offering popular local e-liquid flavors such as Kona coffee, Maui mango, and pineapple.

Now that the FDA has deemed ESDs as tobacco products, this measure timely and appropriately seeks to regulate and tax e-liquids, which are not currently taxed, the same way as other tobacco products. In addition, a use of a portion of these revenues would help in curbing the prevalence of e-cigarette use especially among our youths.

Thank you for the opportunity to testify.

Date: February 1, 2020

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 for SB2231**, Relating to Electronic Smoking Products

Hrg: February 5, 2020 at 9:30 AM in Capitol Room 229

Aloha Senate Committee on Commerce, Consumer Protection and Health,

I am writing in **strong support of SB2231**, which establishes the offense of unlawful shipment of e-liquid products; includes e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; allocates a portion of funds collected from excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and, repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addition) epidemic and has one of the highest rates of youth e-cigarette use in the nation. Due to the highly concentrated nicotine salt e-liquids available in a multitude of sweet flavors, these products are highly attractive to, and pose a huge risk of addiction and life-long impaired brain development for, youth who use these products.

E-cigarettes are far less expensive than combustible tobacco cigarettes, making them economically attractive to youth. Tobacco taxes are a proven strategy to discourage use of tobacco products, especially among price-sensitive youth.

Youth education is key to preventing nicotine use and addiction, making it critical to allocate tobacco taxes to fund youth prevention and education programs.

Bringing ESDs within the definition of tobacco products for licensing and permitting will create a level playing field for all retail establishments selling any tobacco products, allowing state agencies to readily and effectively communicate regulatory changes, product recalls and other important information to retailers.

Restricting shipment of e-liquids to licensed retailers only will further limit ESD access to underage youth.

I **strongly support SB2231** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

February 2, 2020

**Strong Support of SB 2231 RELATING TO ELECTRONIC SMOKING PRODUCTS.**

To the House of Representatives

Hrg: Tuesday, February 4, 2020, 8:30 a.m., Conference Room 329

**I strongly support SB 2231 RELATING TO ELECTRONIC SMOKING PRODUCTS, which would These bills will regulate e-cigarettes by: (1) requiring e-cigarette retailers and wholesalers to obtain a tobacco license and/or permit; (2) establishing a tax on e-liquid and electronic smoking devices of 70% of the wholesale price; and (3) only allow the shipment of ESDs to those with a tobacco license.** In addition, it also appropriates monies towards tobacco prevention, control, and research.

State lawmakers have been trying to regulate ESDs for the last five years. 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 with ESD prevention efforts and 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 SB 2231 RELATING TO ELECTRONIC SMOKING PRODUCTS and ask you to pass this out of committee.**

Sincerely,  
*Jessica Cambra ~mother of 3 Maui boys*  
*101 Kealahilani Street*  
*Kahului HI 96732*  
*808-280-0055*

**SB-2231**

Submitted on: 2/2/2020 9:39:01 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Mih	Individual	Support	No

Comments:

Dear Senators:

As a pediatrician in Honolulu and medical director of the Kapi'olani Smokefree Families Tobacco & Nicotine Cessation Program, I strongly support this bill, which would regulate electronic smoking devices (ESDs) and e-liquids.

Electronic smoking devices (also known as vape devices) are clearly products meant to approximate the use of cigarettes and other tobacco products. Electronic smoking devices take a mixture of chemicals, including nicotine, and vaporize it at high temperatures. These devices emit nicotine byproducts and a variety of other chemicals, and they have not been fully studied in regards to safety. E-cigarette vapor has been shown to include carcinogens and toxins including nicotine, nitrosamines, diethylene glycol, formaldehyde, and acetaldehyde. The U.S. Food and Drug Administration has exhibited concern regarding the safety of electronic smoking devices as well.

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 Hawai'i have decreased through the years, ESD use has rapidly increased, threatening significant public health gains made over the last decade. This is particularly concerning because e-cigarettes provide a new way to deliver highly addictive 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.

Online sales of e-cigarettes or vaping devices and liquid nicotine also needs to be regulated and monitored. Many young people can easily access vaping supplies via the internet. This bill would prohibit online shipment of tobacco products to consumers, limiting it to licensed sellers.

ESDs are the only tobacco product without a tobacco tax, yet they are essentially sold and used in the same manner. Please bring the tax amount on par with other tobacco products.

Please do not let vaping continue to go unregulated in Hawai'i. Thank you for your consideration and supporting this important bill.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**SB-2231**

Submitted on: 2/3/2020 4:15:46 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

**SB-2231**

Submitted on: 2/3/2020 9:21:41 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jake lowery	Individual	Support	No

Comments:

I am a 7th grade student and i think tobaco should not be targetting children. Fun flavors attract kids like me. Elementary kids really like cotten candy flavor. Adults don't. Even menthol flavor is fun for teens. All of these flavors and advertising should not be available to kids, but they are. Please help us stop this problem.

**SB-2231**

Submitted on: 2/3/2020 9:25:10 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
meleana	Individual	Support	No

Comments:

Companies should not target children because its pretty much just ruing childrens lives.

How dare you. meleana 7th grader

**SB-2231**

Submitted on: 2/3/2020 9:51:21 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laksmi M Abraham	Individual	Support	No

Comments:

I strongly support SB2231 and the following measures:

Tobacco License and Permit requirement:

- This requirement is critical to educating and enforcing current laws applicable to ESD retailers.
- Currently, the tobacco license is only \$2.50 annually and a retail permit is \$20 annually. The proposed increase is \$250 for a tobacco license and \$50 for a retailer permit. These fees are still much lower than alcohol license and permit fees. In comparison the annual wholesale liquor license for the City and County of Honolulu is \$2,640.

ESD tax:

- Currently there is no tobacco tax attached to e-cigarettes. This bill would tax electronic smoking devices and e-liquid, which includes the e-juice as well as products with e-liquid pre-filled cartridges or pod-based products.
- The proposed tax would be the same as other tobacco products, which is 70% of the wholesale price. Retail price of some e-liquids is offered as low as \$0.99 cents per bottle.
- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.

Online Sales:

- This bill would prohibit online shipment of tobacco products to consumers. Only a tobacco licensee is able to purchase and ship e-cigarettes online.

Funding for ESD health and education programs for youth

- Funding for tobacco prevention and control programs complement and strengthen the effect of tobacco policies in reducing smoking rates.

Sincerely,

Laksmi Abraham

**SB-2231**

Submitted on: 2/3/2020 9:39:16 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dusty	Individual	Support	No

Comments:

I am a 7th grade student. Vaping or smoking in any way makes your lungs look like a raizen and it could have some bad consequences like lung cancer and when it comes to vaps and the nicatin inside is really bad for kids. Flavors attract them more.

**SB-2231**

Submitted on: 2/3/2020 9:34:27 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
koalii shamblin	Individual	Support	No

Comments:

My name koalii im a 7th grader from hana school from Maui, Hawaii. Tobacco is bad for everyone and it can give you cancer and can hurt a lot of kids if people are trying to hurt and kill other people and children when they dont want to be hurt.

**SB-2231**

Submitted on: 2/3/2020 9:22:51 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cole camara	Individual	Support	No

Comments:

**I am a 7th grade student and i think tobaco should not be targetting children. Fun flavors attract kids like me. Elementary kids really like cotten candy flavor. Adults don't. Even menthol flavor is fun for teens. All of these flavors and advertising should not be available to kids, but they are. Please help us stop this problem.**

**SB-2231**

Submitted on: 2/3/2020 9:32:05 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
janaiah kaupe	Individual	Support	No

Comments:

***Aloha i am a 7th grade student that thinks tabacco/vaping company's should not be allowed to target children because of causes with death and being led sick or into the hospital . tabacco can cause your lungs to collapse or can cause popcorn lungs . vaping can lead to having vapor smoke in your lungs and can also cause yellow/rotten teeth along with tabacco .***

**SB-2231**

Submitted on: 2/3/2020 9:29:09 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J-Lah Sinenci	Individual	Support	No

Comments:

i am a 7th grade student and i think vaping companies are targeting kids mostly.

**SB-2231**

Submitted on: 2/3/2020 9:30:10 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cherish-piimauna-beck	Individual	Support	No

Comments:

**ALOHA!! Im a 7th grade student and I think that tabaco should not target kids my age because there to young to start smoking tabaco.I know that many kids other schools smoke tabaco because of the smell or the flavor like unicorn tears,cotton cand i dont no but i here that many kids like it to make them popular and just know that if people dont accept you for who you are then accept your self for who you want to be in the futur that means no to smoke tabaco.**

**SB-2231**

Submitted on: 2/3/2020 12:32:08 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nedabiah hoopai-feliciano	Individual	Support	No

Comments:

I'm a 7th grader and I think the tabaco company should not target us children because if us kids start vaping or smoking cigerettes there gonna get addited to it and can't stop doing it also they will be doing it until they die.They will be dead because they were smoking sooo much of cigerettes and vapes. Also, because they would be a bad examples for other children and other fucture generationthat is coming into the would.

**SB-2231**

Submitted on: 2/3/2020 12:35:45 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
nanea morton	Individual	Support	No

Comments:

my name is nanea morton and i and a middle schooler from hana school and i tink tobacco coumpinays should NOT target kids my age or younger. i think this because tobacco can be in possecion of a kid my age and younger, and i dont tink thats ok.

nanea morton

**SB-2231**

Submitted on: 2/3/2020 12:41:33 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ocean Lanakila Kanuha	Individual	Support	No

Comments:

Hi, I my name is Ocean Lanikila Kanuha and I am a 7th grader at Hana School in Hawaii. I don't think tobacco products should be targeted to kids because they can die. Flavors attract kids more than adults. This is not ok.

**SB-2231**

Submitted on: 2/3/2020 12:49:59 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
zaesha-myah Anela okealoha ortiz	Individual	Support	No

Comments:

Im a 7th grader and i dont think that vaping is ok exspetially if the vape and tabako compony` is targeting littel kids

**SB-2231**

Submitted on: 2/3/2020 12:58:05 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stratton McClure	Individual	Support	No

Comments:

I am a 7th grade student at Hana School. I think that tobacco should not be targetting kids. Flavors attract kids. Tobacco companies flavor products so they can attract more people including children.

**SB-2231**

Submitted on: 2/3/2020 12:59:22 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Beverly Victorine-Dyment	Testifying for Doe	Support	No

Comments:

To Whom it may concern,

I am a Special Educational Assistant at the Hana High and Elementary School. I have been here working at the school for over 16 years. I have seen the difference in the amount of students vaping at our school and it saddens me that there is more and more younger students starting to vape. It doesn't help that manufacturers are making flavors that draw these children to wanting to even vape more. Some flavors that are candy smelling and tasting. Even menthol attracts kids. We as teachers and parents need to show this young generation that there is more in life to do than just Vaping. Teaching them that following or peer pressure is not the right thing to do. That you do have the right and do not need to be afraid to say no. To stand up to other peers or friends that think vaping makes you look like your older or mature but in fact it just makes you getting closer to death. So please help us stop the Vaping with them, our younger generation. To help them see the risk in vaping that one day can cause them to become very ill or even lose their lives. Please help our young generations to have a chance to have better futures for themselves.

**SB-2231**

Submitted on: 2/3/2020 1:31:51 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kawaiolaakealoha Sanita	Individual	Support	No

Comments:

Hi I am Kawaiolaakealoha Sanita a 8th grade student ant Hana High and Elementary School. I'm here to say that tobacco products are very bad for not just minors but also adults to. Vapes, weed, cigerets ec. are all very bad and for your phycical and metal health. I know the side affects that affect minors and adults. Smoking weed can sometimes cause certian peopls brain to react differently which can cause depression and suicidal thoughts. "Marijuana use has also been linked with depression and anxiety, and with suicidal thoughts among teens" says the Center for Disease Control and Pervation. What I read from them tells me that smoking can really harm everyone espesally teens. We as a comunnity need to stop tobacco and drug abuse for our generation.

**SB-2231**

Submitted on: 2/3/2020 1:40:42 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kaimana	Individual	Support	No

Comments:

ikua is musty

**SB-2231**

Submitted on: 2/3/2020 1:42:26 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zoe	Individual	Support	No

## Comments:

Hello! My name is Zoe and I'm an 8th grade student. I believe vaping products shouldn't be targeted at youth. If kids see ads that they're interested in, they are possible to get it and may not even know what they're doing. They don't know the risks or affects. Vaping and nicotine could change the course of their lives and not for the better. These kids aren't fully developed and this will mess them up even worse than if they were adults. Some affects kids could get by vaping is slow brain development, affect memory, concentration, learning, self-control, attention, and mood increase the risk of other types of addiction as adults. Having big companies affect the next generation like this should stop.

**SB-2231**

Submitted on: 2/3/2020 1:43:50 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jessa	Individual	Support	No

## Comments:

Hello! My names Jessa S. :). I'm from Hana, Maui which is on the eastside of the hawaiian island Maui. I'm 13 years of age and a 8th grade student. My reason for this is to tell u my opinion on Why tobacco products shouldn't target youths. I think tobacco products shouldn't target the youth because if this targets our youth it could change their future, which when they get into society they can change other peoples future. Such as if they get too addicted to tobacco at a young age such as 13-18 years old they wont be doing as well in school which when they get older they won't have a much of a future they could be proud of. The kids these days see ads on how these products are ok for them to use. Such as the people that make these products as everyday looking objects. Like office supplies, children juice boxes, jacket strings, and etc. So with this said I would want these kids to have a better future by not using these "products" and live a healthy non tobacco life.

**SB-2231**

Submitted on: 2/3/2020 1:46:16 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ekolu	Individual	Support	No

Comments:

I'm in the 8th grade and think that its bad that the tobaco companys are targeting little kids by selling products that are pleasing to their liking. This is causing problems for these young kids like having health issue due to vaping. Several cases has shown us that it is taking their lives because of them using it. We need to take a stand and get it off the shelves for good. These products are dangerous for us students, so if it is banned for good, we will not have to worry about it any more. It will also not be so tempting when it is easily accessed to young kids. Help save us from dying.

Mahalo

Testimony to Senate Committee on Commerce, Consumer Protection, and Health  
Wednesday, February 5, 2020; 9:30 a.m.  
State Capitol, Conference Room 229

Dear Chair Baker, Vice Chair Chang, and Committee Members,

My name is Ramic Santiago and I **support** SB2231: RELATING TO ELECTRONIC SMOKING PRODUCTS.

There are too many children under 18 that are choosing to vape in Hawaii. According to the Center for Disease Control and Prevention Hawai'i ranks second in children ranging from 6th to 12th grade who choose to vape (1). According to Kaiser Health News numbers reported in 2018 translate to 3 million high school students nationally who vape. These staggering numbers continue to rise with advancements in vaping technology. Vaping devices can come in a variety of sizes and others like the JUUL product which is the size of a small USB port and can be used almost undetectable. Nicotine levels are manipulated and highly concentrated like the JUUL that can contain as much nicotine as 20 packs of cigarettes.

Nicotine is extremely unhealthy for youth because it can be extremely harmful to the developmental process in the youths brain and nicotine causes changes in the brains synapses which are built faster than the adults brain (1). Most e cigs contain nicotine and nicotine use in adolescence may further the risk for future addiction to drugs (1). There are many carcinogenic chemicals used in the production of e-cigs including cancer-causing compounds and heavy metals such as nickel, tin, and lead (1).

Many vaping products come with or are used with flavor additives such as candy flavorings. These flavorings are targeted at making nicotine products familiar to youth and make the vaping product more palatable to taste than traditional burning tobacco products which are restricted by the 2009 Family Smoking Prevention and Tobacco Control Act which banned fruit and candy flavorings in cigarettes but did not include smokeless tobacco products like chew and e-cigs.

As of January 2020 the Trump administration has enacted a ban on the flavoring of e-cigarettes which use pre filled cartridges but does not include tank based systems where users fill their own nicotine and flavor mixturing(2). Furthermore, mentol pre-filled vaping devices are excluded from the ban (2) . According to the National Institute on Drug Abuse 66% of teens vape only flavoring (2). Banning pre-filled e-cig products will have little effect when teens can still get ahold of products that contain flavored vaping products like fillable tank systems.

Hawaii needs to further the Trump administration's efforts to reduce the increasing number of underage children who use vaping products. Hawaii needs to ban all flavored vaping products in the state to fight the epidemic of underage teen vaping.

Sincerely,

Ramic P.H. Santiago, B.S.  
1614 Emerson Street # 5  
Honolulu, Hawaii 96813

Resources

1. Center for Disease Control and Prevention(2019). Smoking and Tobacco Use
2. MarketWatch.(2020). Federal Government Bans Popular E-cigg Flavors to the Curb.
3. NIH National Institute on Drug Abuse.(2015). Teens and E-cigs.

Testimony to Senate Committee on Commerce, Consumer Protection, and Health  
Wednesday, February 5, 2020; 9:30 a.m.  
State Capitol, Conference Room 229

Dear Chair Baker, Vice Chair Chang, and Committee Members,

I support SB2231: RELATING TO ELECTRONIC SMOKING PRODUCTS

Tobacco killed my husband last March from smoking. He ended up dying from COPD and had lung cancer. He suffered greatly before he passed away and died an early death.

We have 6 grandchildren that I don't want to have the same fate as their grandfather. Our keiki are a vulnerable group and must be protected. Don't make it easy for electronic smoking devices to get into the hands of our kids from accessibility online and for being cheap to buy.

Please pass SB2231 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

Date: February 5, 2020  
To: The Honorable Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Committee on Commerce, Consumer Protection, and Health  
  
From: Ruthie Diaz, BSW  
[rddiaz@hawaii.edu](mailto:rddiaz@hawaii.edu)  
Honolulu, HI 96813  
  
Re: Support for SB2231: RELATING TO ELECTRONIC SMOKING PRODUCTS  
  
Hearing: Wednesday, February 5, 2020 at 9:30 am at Conference Room 229

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Dear Chair Baker, Vice Chair Chang, and Committee Members,

Thank you for the opportunity to submit testimony in SUPPORT of SB2231: RELATING TO ELECTRONIC SMOKING PRODUCTS

I am a non-traditional student at the University of Hawai'i, Mānoa, and completing the master's degree at the Myron B. Thompson School of Social Work. As a full-time student, social work practicum student, and a part-time employee, I have opportunities to engage with the communities at the University of Hawai'i as well as the Oahu community working with individuals and families. Most importantly, I am a mother of two children, ages five and an 11. I care deeply for my children as well as all the youth of Hawai'i, and prevention is key to many health risks.

Although there are various stories that I have encountered with electronic nicotine delivery systems ENDS and vape products, the one I can recall involves my four-year-old son. I live in a condominium with a wraparound lanai that welcomes cool trade wind breezes on most days. Because of this, my lanai doors are always wide open. My home is a smoke-free building, which should eliminate such behaviors and provide clean air for my family. However, addictive behaviors will often lead to the disregarding of such rules. Neighboring units smoking on their lanai lead to clouds of smoke to travel down to my family's unit. My four-year-old smelled the strawberry flavors and savored it. Luckily, he spoke out loud and mentioned that it smells like candy. I knew what it was, and I had no choice but to report it to our building management and close my lanai door. I realized that the smell of such flavors was very enticing to my four-year-old, and had I not stopped him, he would have continued to inhale the vape products contaminating our fresh air. This was a teaching moment for my older child about the health risk and the inconvenience it causes other people and families, but not necessarily to a four-year-old. This experience allowed me to see how dangerously enticing these ENDS flavors to even the youngest children. It made me aware of how normalized use or even continued exposure to ENDS and vape products may lead to experimentation and subsequent addiction.

Bill SB2231, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

The opposition's argument that the use of ENDS and vape products is successful as a smoking cessation product has not been proven true, nor is it FDA approved. A study conducted in 2016 by Garcia-Arcos *et al.*, concluded that mice who were exposed to aerosolized nicotine-free and nicotine-containing e-cigarette fluid "triggered

effects normally associated with the development of COPD including cytokine expression, airway hyper-reactivity, and lung tissue destruction" (Garcia-Arcos et al., 2016). The medically proven and documented health risks and addictive behaviors of ENDS and vaping outweighs the unsubstantiated arguments of successful cessation for existing smokers.

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if SB2231 becomes law.

Garcia-Arcos, I., Geraghty, P., Baumlin, N., Campos, M., Dabo, A. J., Jundi, B., ... Foronjy, R. (2016). Chronic electronic cigarette exposure in mice induces features of COPD in a nicotine-dependent manner. *Thorax*, *71*(12), 1119–1129. doi: 10.1136/thoraxjnl-2015-208039

Testimony to Senate Committee on Commerce, Consumer Protection, and Health  
Wednesday, February 5, 2020; 9:30 a.m.  
State Capitol, Conference Room 229

Dear Chair Baker, Vice Chair Chang, and Committee Members,

My name is Ramic Santiago and I **support** SB2231: RELATING TO ELECTRONIC SMOKING PRODUCTS.

There are too many children under 18 that are choosing to vape in Hawaii. According to the Center for Disease Control and Prevention Hawai'i ranks second in children ranging from 6th to 12th grade who choose to vape (1). According to Kaiser Health News numbers reported in 2018 translate to 3 million high school students nationally who vape. These staggering numbers continue to rise with advancements in vaping technology. Vaping devices can come in a variety of sizes and others like the JUUL product which is the size of a small USB port and can be used almost undetectable. Nicotine levels are manipulated and highly concentrated like the JUUL that can contain as much nicotine as 20 packs of cigarettes.

Nicotine is extremely unhealthy for youth because it can be extremely harmful to the developmental process in the youths brain and nicotine causes changes in the brains synapses which are built faster than the adults brain (1). Most e cigs contain nicotine and nicotine use in adolescence may further the risk for future addiction to drugs (1). There are many carcinogenic chemicals used in the production of e-cigs including cancer-causing compounds and heavy metals such as nickel, tin, and lead (1).

Many vaping products come with or are used with flavor additives such as candy flavorings. These flavorings are targeted at making nicotine products familiar to youth and make the vaping product more palatable to taste than traditional burning tobacco products which are restricted by the 2009 Family Smoking Prevention and Tobacco Control Act which banned fruit and candy flavorings in cigarettes but did not include smokeless tobacco products like chew and e-cigs.

As of January 2020 the Trump administration has enacted a ban on the flavoring of e-cigarettes which use pre filled cartridges but does not include tank based systems where users fill their own nicotine and flavor mixturing(2). Furthermore, mentol pre-filled vaping devices are excluded from the ban (2) . According to the National Institute on Drug Abuse 66% of teens vape only flavoring (2). Banning pre-filled e-cig products will have little effect when teens can still get ahold of products that contain flavored vaping products like fillable tank systems.

Hawaii needs to further the Trump administration's efforts to reduce the increasing number of underage children who use vaping products. Hawaii needs to ban all flavored vaping products in the state to fight the epidemic of underage teen vaping.

Sincerely,

Ramic P.H. Santiago, B.S.  
1614 Emerson Street # 5  
Honolulu, Hawaii 96813

Resources

1. Center for Disease Control and Prevention(2019). Smoking and Tobacco Use
2. MarketWatch.(2020). Federal Government Bans Popular E-cigg Flavors to the Curb.
3. NIH National Institute on Drug Abuse.(2015). Teens and E-cigs.

Testimony to Senate Committee on Commerce, Consumer Protection, and Health  
Wednesday, February 5, 2020; 9:30 a.m.  
State Capitol, Conference Room 229

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Re: Support for SB2231: RELATING TO ELECTRONIC SMOKING PRODUCTS

Hearing: Wednesday, February 5, 2020 at 9:30 am at Conference Room 229

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**SB-2231**

Submitted on: 2/3/2020 4:13:30 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

Strongly support SB2231

Tax and regulate vape products  
Protect Our Keiki

Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate \$200,000 of the revenues to tobacco prevention, control, and research.

[www.WeAreOne.cc](http://www.WeAreOne.cc)

**SB-2231**

Submitted on: 2/3/2020 8:07:59 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathleen Hagan	Individual	Support	No

Comments:

**As a nurse, parent, and teacher concerned about the prevalence of vaping in our middle and high schools in Maui County, I am writing in strong support of SB2231. We have an epidemic of youth vaping/e-cigarette use in Hawaii and this is a multi-pronged approach to help curb it. Taxing tobacco products is a proven way to reduce youth initiation. Limiting online shipment of tobacco products to those with a license will reduce access to electronic smoking devices for our youth. Allocation of funds from taxes on these tobacco products towards education and prevention programs will raise awareness about the health risks of electronic cigarette use which are still widely unknown or underestimated in our community. As a nurse with training as a tobacco cessation specialist, I have seen first-hand how hard it is for people to quit tobacco; so much better for us to keep our keiki from getting addicted in the first place!**

**Mahalo,**

**Kathleen Hagan, MS, APRN, ANP-BC**

**SB-2231**

Submitted on: 2/3/2020 5:34:15 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Johnathon G. Myers	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/3/2020 8:52:55 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alayna Revell	Individual	Oppose	No

Comments:

I oppose this bill.

**SB-2231**

Submitted on: 2/3/2020 9:34:13 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
P Kuromoto	Individual	Oppose	No

Comments:

Mail order sales is a major reason why vaping has been so successful in helping people quit smoking. It also makes Hawaii business competitive on a national scale.

**SB-2231**

Submitted on: 2/3/2020 12:55:02 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
DOC	Testifying for irie Hawaii	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 6:30:00 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Monique gunn	Testifying for Tobacco king llc	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/3/2020 10:45:08 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
HANALEI BENN	Individual	Oppose	No

Comments:

Im Against this bill because it feel it could affect me and other in many ways. I myself work at shop that sales those products. If we couldnt bring them in for peoples smoking needs I would down grade are sale profits which could affect my working hours. Which starts to take away from my family. I also use these products and havent had any sort of health problems. If any thing after not smoking cigarettes for the last two years I feel 50% better then what I use to.

**SB-2231**

Submitted on: 2/3/2020 12:23:11 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randi D	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/3/2020 10:38:35 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Miyakado	Individual	Oppose	No

Comments:

Hi All

I OPPOSE this Bill. I do understand the recent news articles have dramatically hyped up the usage of ecigarettes in a bad way, but you have to review both sides and all the studies. Labeling an ecig as a tobacco product is not correct. An ecig or parts of it have nothing to do with tobacco, doesn't contain tobacco or nicotine which makes it mislabeled. Ecigarettes have helped millions of people actually quit smoking cigarettes (Less second hand smoke). Its a known fact that ecigs contain very little nicotine and no tar (like regular cigarettes) which is the leading cause of lung illnesses. ***Just imagine if you have ban or heavily tax ecigarettes how many people will go back to smoking, all that second hand smoke or even worse all the illegal pods will be obtained which puts the user at greater risk as shown in numerous articles. This bill the way its written will not only cause more issues but will push people to the black market which is the number one reason people are getting sick.***

The problem is not the product but the illegal usage by underage users. Instead of taxing and penalizing small businesses which are already struggling to make ends meet penalize the end user, if they are underage issue a stiff penalty, if someone sells to an underage user penalize them, same with cigarettes and alcohol.

I do support tougher laws/ penalties for those who break the laws as it punishes the guilty party. As with the other Bills that try to limit the usage or tax a product that doesn't always contain nicotine only puts a burden or punishes the law abiding citizen. There have been recent studies that show that e-cigarettes have helped people quit smoking regular cigarettes (reducing second hand smoke) and contrary to popular belief it doesn't cause lung disease or other illnesses as stated by the CDC.

***"CDC DROPS its warning against vaping nicotine for adults as officials say it's blackmarket THC e-cigarettes that are 'driving' the outbreak of almost 3,000 lung illnesses"***

**[https://www.dailymail.co.uk/health/article-7900803/CDC-drops-warning-against-vaping-nicotine-adults.html?fbclid=IwAR1n\\_hqDYRZ07tF5oMc8K\\_e0wLvVvh8Ik4NUz5Xgjhp3w6BCuh7MU66Ye9I](https://www.dailymail.co.uk/health/article-7900803/CDC-drops-warning-against-vaping-nicotine-adults.html?fbclid=IwAR1n_hqDYRZ07tF5oMc8K_e0wLvVvh8Ik4NUz5Xgjhp3w6BCuh7MU66Ye9I)**

Here is another articles that references ecigs from the CDC.

**[https://reason.org/commentary/cdc-survey-shows-flavors-arent-driving-youth-vaping/?fbclid=IwAR051bwZRSZB4hhH2J\\_Id\\_Hqr\\_9SQafJRaBGrwjWND852H6UvaznRBBfKKY](https://reason.org/commentary/cdc-survey-shows-flavors-arent-driving-youth-vaping/?fbclid=IwAR051bwZRSZB4hhH2J_Id_Hqr_9SQafJRaBGrwjWND852H6UvaznRBBfKKY)**

The problem is the illegal use of ecigs which needs to be addressed with tougher laws or punishments. Punish those who are breaking the laws and not the law abiding citizen who chooses to smoke ecigs.

Best Regards

Sheldon Miyakado

REGISTERED VOTER.

**SB-2231**

Submitted on: 2/3/2020 11:27:05 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

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

Comments:

We strongly oppose SB2231.

Owning a business in Hawaii is very hard. We have tremendous competition from big box stores, national convenience stores, online sales, and even foreign online mega sites such as wish.com, Alibaba, and others. In addition to competition, price wars etc we have an enormous amount of shipping added to the cost of our goods sold thanks to the Jones act. On top of all of the competition and product costs challenges we have the cost of doing business, enormous employee insurance coverages and state regulation costs, taxes, rent, advertising, and more. As a business I am lucky to profit 10 cents on every dollar we bring in.

Doing business is extremely hard in Hawaii please do not take more of our customer away by imposing an additional tax on goods we sell. We are facing many bills that if passed will devastate many businesses in Hawaii, this is one of them.

**SB-2231**

Submitted on: 2/2/2020 11:27:36 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Bauguess	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose SB2231 because it would cause an unfair increase in the price of eliquids. Please reconsider and vote against SB2231. Eliquids are not a tobacco product therefore please do not tax them as one.

Mahalo,

Louis Bauguess

**SB-2231**

Submitted on: 2/2/2020 7:59:40 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chase Yoshida	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/3/2020 6:39:09 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andy Takaaze	Individual	Oppose	No

Comments:

I oppose all e-smoking device or e-liquid bans, all they do is take away more rights from law abiding adults. If you want to stop underage usage inact possession laws similar to that we have for alcohol.

**SB-2231**

Submitted on: 2/1/2020 8:05:50 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha Board. Please OPPOSE Bill SB2231 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS. SO PLEASE OPPOSE THIS BILL.

Thanks for your time.

Valentino Miranda-Kepa

**SB-2231**

Submitted on: 2/1/2020 1:48:08 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alex Abe	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/2/2020 2:16:23 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dallas Nelson	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/2/2020 10:24:56 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/1/2020 5:51:41 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Kim	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 5:11:19 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dillon rellez	Testifying for irie hawaii	Oppose	No

Comments:

When you are a legal age you should be able to put what you want into your body, so why make it harder for people to get it. Wouldn't that only create more crime?

**SB-2231**

Submitted on: 2/1/2020 5:54:41 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Riley	Testifying for Irie Hawaii	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 3:30:09 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vin Kim	Individual	Oppose	No

Comments:

This will create a huge black market and will not solve any issue.

**SB-2231**

Submitted on: 1/31/2020 3:37:57 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teddy Kim	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 5:04:15 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
pua	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 5:11:04 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jericho Tobin	Individual	Oppose	No

Comments:

Vaping has only helped me

**SB-2231**

Submitted on: 1/31/2020 5:13:19 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
natalea mikami	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 5:14:39 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hoku	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 6:00:13 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ASHLEY MATTOS	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 6:09:19 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ellen benton	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 1/31/2020 8:19:20 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi Muronaka	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/1/2020 11:31:59 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Cooper	Individual	Oppose	No

Comments:

E-vapor flavor doesn't harm anyone. Don't ban the flavors people like.

**SB-2231**

Submitted on: 2/1/2020 11:45:09 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cindy Nettles	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/1/2020 2:55:54 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kahealani	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/2/2020 1:22:47 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimo Cruz	Individual	Oppose	Yes

Comments:

**SB-2231**

Submitted on: 2/1/2020 2:53:56 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Heaukulani	Individual	Oppose	No

Comments:

To whom it may concern,

I am opposing the current bill that will destroy the vaping industry here in Hawaii and put hundreds of people out of employment/business. Our goal for public health is to have people quit smoking traditional tobacco cigarette which is the #1 cause for cancer here in America.

Yet we demonize this new technology which has helped millions of Americans make the switch and drastically improving their health. If this bill is about protecting children, vape shops here include stores in the mainland have strict guidelines and rules they follow that does not allow anyone under 21 to purchase any type of vaping devices or juice.

The questions we should be asking is HOW are these teens getting their hands on these devices? Where are their parents? Who's giving them money to try and purchase these devices? It's obviously not the vape shops who are allowing this to happen in fear of heavy fines. We do not advertise on TV or newspaper and try to attract young children.

We are ADULTS and we enjoy flavors as much as anyone else. What is the point of making a switch AWAY from tobacco, just to vape tobacco flavored e-liquids? That is the NUMBER 1 reason why so many adults make the switch, "I can stop killing myself smoking cigarettes while enjoying banana, strawberry, grape, etc!"

I implore you to take your time and review these bills that could possibly destroy something that in my opinion, a "PUBLIC HEALTH MIRACLE".

Vinh Tran,

Resident of Honolulu, Hawaii.

**SB-2231**

Submitted on: 2/1/2020 12:13:10 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katelyn Kapua	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/1/2020 3:19:05 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Revell	Individual	Oppose	No

Comments:

I oppose SB2231.

Respectfully submitted,

Theresa Revell



February 5, 2020 Tuesday, February 4, 2020  
State Capitol, Conference Room 229

**To:** Senator Rosalyn Baker, Chair  
Senator Stanley Chang, Vice Chair  
Committee on Commerce, Consumer Protection, and Health

**From:** Maile Ketelsen, Program Coordinator  
Kapi'olani Smokefree Families: Tobacco & Nicotine Cessation Program

**Re: Support of SB 2231, Relating to Flavored Products for Electronic Smoking Devices**

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **strongly supports SB 2231** to regulate shipment of e-liquid products, include e-liquid and electronic smoking devices under current tobacco tax laws, increase tobacco license and retail permit fees, and allocate a portion of funds from tobacco taxes to fund health education and electronic smoking prevention programs for youth.

As a hospital-based tobacco and nicotine cessation program, we see the multitude of ways that these tobacco products impact the health of families in Hawai'i. We are very concerned that these electronic smoking devices are creating a generation of keiki that are hooked on nicotine. While there is decade's worth of research on smoking cessation, there is very little research on how to help our adolescents to quit using these e-cigarette products. It is crucial that we focus on prevention by taking measures such as creating tax parity between ESDs and cigarette products as research has shown taxes to be effective in lower tobacco use, regulating online sales to keep these products out of the hands of minors, and funding health programs to deliver clear messages to youths about the risks of ESDs.

In the best interest of our local youth and families, we would like to request your **support of SB 2231**.

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

**SB-2231**

Submitted on: 2/1/2020 2:54:13 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph E Yarbrough	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/3/2020 11:20:17 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
stacia deponte	Testifying for irie hawaii smoke shop	Oppose	No

Comments:

i feel that flavor juice shouldn't be banned, maybe the penalties for underage selling and buying should be more strict

**SB-2231**

Submitted on: 2/3/2020 10:35:41 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
shane kinoshita	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/4/2020 8:25:57 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Watanabe	Individual	Oppose	No

Comments:

**SB-2231**

Submitted on: 2/4/2020 9:18:59 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Stevenson	Individual	Oppose	No

Comments:

I oppose sb2231. This will kill off an industry that many small brick and mortar shops have given their all to do. An industry that saves lives. Please look at alternative ways to accomplish your goal.

**SB-2231**

Submitted on: 2/4/2020 10:47:15 AM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jan Shishido	Individual	Support	No

Comments:

**LATE**

**SB-2231**

Submitted on: 2/4/2020 3:17:59 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shani Gacayan	Individual	Support	No

Comments:

I strongly support bill HB245 as we have many across Hawaii island and state who are addicted to vaping products and by imposing taxes on these devices we are able to use some of those funds to educate our younger generations from using them as well as getting help for our youth and teens that are already addicted.

Also by limiting and/or stopping on-line sales of electronic smoking devices, e-juice, our youth are unable to easily purchase them on-line and have easy access to these devices that only bring harm to their bodies.

With great concern,

Kai Gacayan-community member and mother of 4 young children

**LATE**

**SB-2231**

Submitted on: 2/4/2020 1:50:46 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jacob pu	Individual	Support	No

Comments:

am a 8th grade student. i think tobaco products are bad for kids because they have different kinds of flavors that are adicting to kids.

**SB-2231**

Submitted on: 2/4/2020 12:30:49 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mikkel	Individual	Comments	No

## Comments:

I am part of a 7th grade class that doesn't support the use of vaps and or other tobacco related products and hopes that you will soon pass a law prohibiting the use of targeted ads on kids cartoons or shows that show tobacco products. kids,teens,and adults should know the risks of using electric smoking devices.

**LATE**

**SB-2231**

Submitted on: 2/4/2020 12:36:53 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ho'ola'i fillazar	Individual	Support	No

Comments:

im a 7th grade student and i dont think the tabaco company should target us childeren becuse if us kids start vaping or smoking cigarettes there gonna get addicted and cant stop and there gonna keep on doing it until they die and the reason there gonna be dead is because of all those things they ur smoking like the vapes and the ciggerets.And vapes have all kinds of thing in there liquid like hair spray,gasoline,clorox,laundry diturgent.And all that bad stuff can make ur lungs callaps.

**SB-2231**

Submitted on: 2/4/2020 1:44:23 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
julian	Individual	Support	No

Comments:

Hi, I am an 8th grade student at Hana School. my thought's about tobacco killing kid's is bad.

**SB-2231**

Submitted on: 2/4/2020 12:56:30 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laumana	Individual	Support	No

Comments:

I am a 7th grade student and i think that tobacco products are bad for the whole enviornment because alot of people dont know or they do but they dont care about the causes of their actions.

**LATE**

**SB-2231**

Submitted on: 2/4/2020 1:31:29 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kawelo	Individual	Support	No

Comments:

My name is Kawelo and i am against electronic vaping because it causes cancer and so much more harmful thing and to just see people vaping disguts me.

**SB-2231**

Submitted on: 2/4/2020 1:37:23 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shaunnie tolentino-kaiwi	Individual	Support	No

Comments:

My name is Shaunnie im a 8th grader here at Hana High and Elementary school. I am writing this to testify on my behalf saying that the tabaco company should not be targeting us young youths. I have seen the product that they are making and it looks like what every child would like to have. It looks like a juice box, candy and jackets that make them hide it. These types of things should not be happening. It is dangerous for us kids and if you care for young children and their future, you need to put a stop to this kinds of companies. Flovoring is what is drawing us young kids to vape. Stop it once and for all.

Mahalo,

Shaunnie

**LATE**

**SB-2231**

Submitted on: 2/4/2020 1:41:38 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deslyn	Individual	Support	No

Comments:

Im a middle school student from Hana and electronic smoking devices are dumb because they disguis vapes as juice boxes or hoodies to make it more appealing to a kids eyes.

**LATE**

**SB-2231**

Submitted on: 2/4/2020 7:47:01 PM

Testimony for CPH on 2/5/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Baker and members,

Yes! A sensible measure to fund education programs from the sale of these noxious product.

Mahalo, Ann S. Freed