

# DRAFT

WY 105  
GOVERNOR



DR. CHRISTINA M. KISHIMOTO  
SUPERINTENDENT

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

**Date:** 02/05/2020

**Time:** 09:15 AM

**Location:** 229

**Committee:** Senate Commerce, Consumer  
Protection, and Health  
Senate Education

**Department:** Education

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

**Title of Bill:** SB 2538 RELATING TO THE YOUTH VAPING EPIDEMIC.

**Purpose of Bill:** Bans the sale of flavored tobacco products. Prohibits mislabeling of e-liquid products containing nicotine. Establishes fines and penalties for violations. Requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession. Authorizes public school teachers to confiscate electronic cigarettes. Increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age. Authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine. Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

**Department's Position:**

The Department of Education (Department) appreciates the intent and offers comments and concerns on SB 2538.

There is zero tolerance for tobacco products and electronic smoking devices (ESDs) on the Department's campuses, transportation, and/or during DOE school-sponsored activities. In addition, any tobacco product or ESD found in a student's possession is a violation of Title 8, Chapter 19, Hawaii Administrative Rules (HAR) Student Misconduct, Discipline, School Searches, and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment, (Including Sexual Harassment), Bullying and/or Retaliation, and shall be seized by school administration

and forfeited to law enforcement in accordance with Section 712-1258, Hawaii Revised Statutes (HRS).

Nicotine products, including ESDs, are considered acutely toxic hazardous waste under the state's regulations. The regular and timely pick-up and disposal of ESDs are essential in ensuring schools do not harbor and store hazardous waste on their school campus.

This bill may inadvertently oppose the actions of the Department's highest priority, which is the safety and well-being of students. As such, the Department is working in partnership with the Hawaii Department of Health (DOH) to educate youth to make positive decisions about their health. In raising awareness about the risks and dangers of tobacco products and ESDs, the Department's efforts focus on the following:

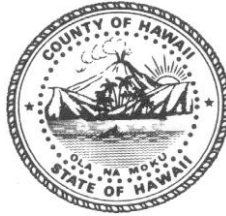
- Providing health education to develop skills that support healthy behaviors;
- Collaborating with DOH on the collection of Youth Risk Behavior Survey (YRBS) data on Hawaii's youth and their usage of tobacco and ESDs;
- Promoting public awareness through parent letters and flyers of Section 712-1258, HRS, which makes it unlawful for anyone under the age of 21 to be sold, purchase, use, or possess tobacco products and ESDs; and
- Monitoring students for compliance or violations of Chapter 19, as it relates to the use of tobacco products and ESDs.

Thank you for the opportunity to provide testimony on SB 2538.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).

**MITCHELL D. ROTH**  
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## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF SENATE BILL NO. 2538

A BILL FOR AN ACT RELATING TO THE YOUTH VAPING  
EPIDEMIC

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

COMMITTEE ON EDUCATION  
Senator Michelle N. Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair

Wednesday, February 5, 2020, 9:15 a.m.  
State Capitol, Conference Room 229

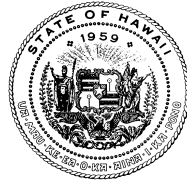
Honorable Chairs Baker and Kidani, Honorable Vice Chairs Chang and Kim, and Members of the Committee on Commerce, Consumer Protection and Health and Committee on Education. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 2538.

Electronic smoking device (ESD) use among youth in Hawai'i has reached epidemic levels, and ESDs have surpassed cigarettes as the most used tobacco product among youth. In last year's visit to Hawai'i, Surgeon General Jerome Adams brought up the fact that our state ranks 2 from the highest in the nation for ESD use. Statistics from the State Department of Health show 1 out of ever 6 public middle school students in Hawai'i has used an ESD.

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

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

The Office of the Prosecuting Attorney, County of Hawai'i SUPPORTS the passage of Senate Bill No. 2538. Thank you for the opportunity to testify on this matter.



**LATE**

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of S.B. 2538**  
**RELATING TO THE YOUTH VAPING EPIDEMIC**

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

SENATOR MICHELLE N. KIDANI, CHAIR  
SENATE COMMITTEE ON EDUCATION

Hearing Date: February 5, 2020

Room Number: 229

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

5 **Department Testimony:** The DOH supports the portion of Senate Bill 2538 (S.B. 2538) which  
6 makes it unlawful to sell, offer to sell, or possess with the intent to sell or offer to sell any  
7 flavored tobacco product, including menthol in the State; and the components that address the  
8 youth electronic smoking device (ESD) epidemic, that establish legal responsibilities and fines  
9 for retailers, and which prohibit mislabeling of e-liquid products containing nicotine. The DOH  
10 does not support the portion related to youth possession and use penalties and the additional  
11 confiscation management expectations on the DOE.

12 Since the 2018 U.S. Food and Drug Administration (FDA) and Surgeon General  
13 declaration of the youth e-cigarette epidemic, use among young people continues to rise. By  
14 2019, 27.5% of high school students said they vaped compared to 20.8% in 2018<sup>1</sup>. These figures  
15 represent a doubling of proportions between 2017 and 2019 for high schoolers (11.7% to 27.5%)

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<sup>1</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 and tripling effect for middle schoolers (from 3.3% to 10.5%)<sup>2</sup>. In total numbers, 4.1 million  
2 high school youths and 1.2 million middle school youths said they currently use e-cigarettes<sup>3</sup>.  
3 Hawaii youth in 2017 had amongst the highest ESD rates in the nation, with 25.5% high school,  
4 and 15.7% middle school students reporting regular use.<sup>4</sup>

5 Scientific studies are increasingly reporting that flavors are a major reason that youth use  
6 tobacco. According to the 2013-2014 Population Assessment of Tobacco and Health (PATH)  
7 study, 81% of 12-17 year old teens who had ever used a tobacco product initiated tobacco use  
8 with a flavored product. Additionally, 80% of current users had used a flavored product in the  
9 last month.<sup>5</sup> In 2019, the large majority of youth ESD users reported use of flavors with fruit,  
10 menthol or mint, candy, desserts, or other sweets being the most commonly used<sup>6,7</sup>. According  
11 to the same research, mint and menthol went from being among the least popular to among the  
12 most popular flavors for high school students over the past four years<sup>8</sup>. Data from another 2019  
13 study revealed that the most popular flavor among 10th and 12th grade Juul users was mint<sup>9</sup>.  
14 These data illustrate that trends among youth users of flavored e-cigarette products change  
15 quickly and therefore must be swiftly addressed.

16 The FDA Commissioner stated, “No child should be using any tobacco or nicotine-  
17 containing product. We need to do everything possible to reverse the alarming trend of rising  
18 youth use of novel products like e-cigarettes and help kids who may already be addicted.”<sup>10</sup>

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<sup>2</sup> Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

<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>

<sup>4</sup> Department of Health, [Hawaii Health Data Warehouse, Indicator-Based Information System](#), 2017 Hawaii Youth Risk Behavior Survey.

<sup>5</sup> Ambrose, B. K., Day, H. R., Rostron, B., Conway, K. P., Borek, N., Hyland, A., & Villanti, A. C. (2015). Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 314(17), 1871–1873. <https://doi.org/10.1001/jama.2015.13802>

<sup>6</sup> Campaign for Tobacco-Free Kids, Statement of Matthew L. Myers, President, “JAMA Studies Show Youth E-Cigarette Epidemic is Getting Worse and Kids Shifted to Mint/ Menthol After Other Flavors Were Restricted”, November 5, 2019, retrieved from [https://www.tobaccofreekids.org/press-releases/2019\\_11\\_05\\_jama](https://www.tobaccofreekids.org/press-releases/2019_11_05_jama)

<sup>7</sup> Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

<sup>8</sup> Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387

<sup>9</sup> Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O’Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA*. 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

<sup>10</sup> Press Announcement; Statement from FDA Commissioner Scot Gottlieb, MD, on the agency’s continued efforts to address growing epidemic of youth e-cigarette use, November 2, 2018.

1 However, the recent FDA announcement only prioritized the enforcement of flavored cartridge-  
2 based ESDs excluding tobacco- or menthol-flavored products. Other flavored and menthol-  
3 flavored ESDs used by youth including disposable, refillable, and e-liquids are not part of the  
4 priority. None of the ESDs on the market now have gone through premarket authorization to  
5 determine public health risks and benefits to the population as a whole, including whether non-  
6 tobacco users will start using the new products <sup>11</sup>.

7 The Department does not support the proposed increase in penalties in Section 5,  
8 beginning on page 10. Research shows that punitive provisions for youth possession or use are  
9 ineffective and may have the unintended consequence of stigmatizing youth and exacerbating  
10 socioeconomic, racial, gender and other disparities<sup>12</sup>.

11 The Department has concerns about the expectations in Section 3, page 6, lines 8 to 9,  
12 regarding coordination between each public school and the DOH on the proper disposal of  
13 electronic cigarettes. The DOH worked with the DOE to offer guidance and advice on the safe  
14 handling, storage, and disposal of ESDs. The DOH does not provide or manage any waste  
15 disposal services; rather, it regulates the disposition of solid and hazardous waste. Existing  
16 regulations for hazardous waste disposal (chapters 11-260.1 to 11-279.1, Hawaii Administrative  
17 Rules) require hazardous waste to be sent to a permitted hazardous waste treatment, storage, or  
18 disposal facility (TSDF), unless the generator is a Very Small Quantity Generator (VSQG).  
19 There are no commercial TSDFs in the state, and the waste will need to be transported to the  
20 U.S. mainland by a specialized hazardous waste transportation contractor. If the school is a  
21 VSQG, its hazardous waste can be managed at a permitted municipal solid waste facility. Public  
22 schools do not typically generate large quantities of hazardous waste nor acute hazardous waste.

23 The DOH offers comments on this measure as both a health and social justice issue to  
24 protect the next generation from lifelong addiction to tobacco use. The DOH suggests removing  
25 any provisions that may inadvertently shift the responsibility away from the tobacco industry and

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<sup>11</sup> U.S. Department of Human Services, FDA, Center for Tobacco Products, Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization, Guidance for the Industry, January 2020, FDA-2019-D-0661: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-priorities-electronic-nicotine-delivery-system-ends-and-other-deemed-products-market>

<sup>12</sup> ChangeLab Solutions. PUP in Smoke: Why youth tobacco possession and use penalties are ineffective and inequitable. Fact Sheet retrieved January 31, 2020 from <https://www.changelabsolutions.org/product/pup-smoke>

1 onto the youth whom they target, and to further allow the DOE to coordinate with the DOH on  
2 the solid and hazardous waste issue.

3

4 Thank you for the opportunity to testify.

5



American Cancer Society  
Cancer Action Network  
2370 Nu`uanu Avenue  
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808.432.9149  
[www.acscan.org](http://www.acscan.org)

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

Senate Committee on Education  
Senator Michelle Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair

**SB 2538 – RELATING TO THE YOUTH VAPING EPIDEMIC**

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

Thank you for the opportunity to provide testimony in support with comments on SB 2538, which creates a safe harbor for disposal of electronic smoking devices, requires teachers to confiscate electronic smoking devices, prohibits the advertising, sales, and remote sales of flavored tobacco products, and amends the penalties for violations of use and possession by individuals under the age of 21.

Flavors in tobacco products are a marketing weapon the tobacco manufacturers use to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal. Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies. Products with flavors like li hing gummy bears, taro pancake, cotton candy, and passion orange guava are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth. Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.

We take no position on provisions to create a safe harbor for disposal of electronic smoking devices in section 2 of the bill. We would defer to the Department of Education for implementation and administration of this part.

We also take no position on the provisions to require public school teachers to confiscate electronic smoking devices in section 3 of the bill. We would defer to the Department of Education for implementation of this requirement for teachers. We do



note the Department does have rules under Hawaii Administrative Rules Title 8, Chapter 19, to address smoking and tobacco products.

While we support provisions to restrict the sale of flavored tobacco products, we do have concerns over the increases of fines for violations of possession of a tobacco product by persons under the age of 21. In section 5 of the measure, fines are increased from \$10 to \$100 for the first offense and \$50 to \$300 for subsequent offenses. While these increased penalties are discretionary and other options in lieu of the fine currently exist in the measure, we are wary of the fine increases that affect youth who may be addicted to these products. We would support any effort to remove all monetary fines for under-age use and possession for these reasons.

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

Senator Michelle N. Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair  
Members of the Education Committee

Re: Strong Support SB 2538, Relating to the Youth Vaping Epidemic

Hrg: February 5, 2020 at 9:15 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>1</sup> is in **Strong Support of SB 2538**, which would end the sale of all menthol and flavored tobacco products in the state and prohibit mislabeling of e-liquid products containing nicotine. The Coalition also recommends amendments regarding the creation of a safe harbor program within the Department of Health for disposal of e-cigarettes, enabling teachers to confiscate e-cigarettes from underage students, and penalties for underage tobacco users.

### **This measure will help to save lives.**

Tobacco use remains a serious threat to public health. Each year, Hawai'i spends \$526 million in health care costs and \$141.7 million in Medicaid costs due to smoking. Tobacco products with menthol, sweet flavors, and colorful packaging are designed to attract teens and young adults. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. A report by the U.S. Food and Drug Administration, issued in 2013, found that menthol cigarettes led to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking. Candy flavors such as Fruit Hoops, Sour Straws, and Cookie Monsta are designed to appeal to kids, and make nicotine go down easier. With 81% of youth starting with a flavored product<sup>ii</sup>, regulating the flavors designed to capture and addict new customers prioritizes the health and safety of our community over tobacco's special interests.

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

Hawai'i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act. More troubling is that because of the historic declines in smoking, big tobacco has decided to focus on candy flavors and nicotine delivery solutions. Tobacco giant Altria, maker of Marlboro, is investing in the popular vaping company Juul, which has 76% of the e-cigarette market share and is worth \$16 billion.

### **Help us protect our keiki and vulnerable groups from deceptive marketing practices by the industry.**

The industry claims that they're not targeting kids, but their actions tell a different story. With over 15,500 e-cigarette flavors and growing, these products are not being responsibly marketed. The industry selects colorful packaging and ads that appeal to taste and pop culture. Tobacco companies have a long history of using these same tactics to entice new and younger users and make them repeat customers. Addiction is the opposite of freedom. We're fighting to keep our kids free from the deadly addiction to these products. The health of Hawaii's keiki must be protected from the predatory marketing of tobacco companies.

### **Hawai'i voters support ending the sale of flavored tobacco in Hawai'i.**

In a poll<sup>iii</sup> conducted by Ward Research Inc. for the Coalition in November 2019, 77% of registered Hawai'i voters were in support of prohibiting flavored tobacco products, including e-cigarettes, and 70% support including menthol.

### **E-cigarettes are not FDA-approved tobacco cessation products.**

We have yet to see any scientific evidence, beyond anecdotal data, that e-cigarettes have helped smokers to quit completely from tobacco use. The concern is that with the aggressive and deceptive marketing of these products, we are seeing other consequences: **1) people who have never smoked are using e-cigarettes, 2) children are picking them up as a path to smoking, and 3) smokers are using them to perpetuate their habit instead of to completely quit.** A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth and young adults who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes<sup>iv</sup>. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

### **The Coalition opposes laws that focus on penalizing youth use and possession of tobacco products, including e-cigarettes.**

Possession of tobacco products by underage persons ("PUP") unfairly punish and stigmatize children, who become addicted at such a young age as a result of the tobacco industry's aggressive marketing to kids. PUP laws are a known tobacco industry tactic<sup>v</sup> that shift the blame away from the industry's irresponsible marketing and retailers' violations of our Tobacco 21 law. Further, PUP laws are not effective on reducing underage tobacco use and

divert policy attention from effective tobacco control strategies and reinforce the tobacco industry's position that parents or guardians are responsible for restricting minors' access to tobacco.

**The Coalition recommends consideration of other measures to decrease youth use of tobacco products.**

Instead of criminalizing our children or placing the burden on our public-school educators, the focus should be on passing laws that are known to be effective at reducing tobacco use. Confiscation and disposal will not solve our youth vaping epidemic and will place high cost and burden on the Department of Education for disposal of these hazardous materials. The health of our children needs to be protected at all costs, in and out of the classroom. When children are not in school, it is unclear what the enforcement will be. Rather than focus on punitive laws, we must hold the industry responsible. Vaping products must be regulated and treated in the same manner as tobacco products to counter the tobacco industry's targeted marketing to kids.

The Centers for Disease Control and Prevention outlines a number of proven strategies to prevent youth tobacco use, none of which include penalizing youth for possession or using tobacco products. Recommended efforts include: regulating tobacco products; decreased access to tobacco products; increased price of tobacco products; tobacco prevention policies and programs in schools; and increased enforcement of restrictions on tobacco sales to minors.

Prohibiting the sale of flavored tobacco products can help to keep kids from ever starting to smoke cigarettes or e-cigarettes, and can encourage those addicted to these products, to quit. We appreciate Hawaii's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction. We respectfully urge the committee to **pass SB 2538** nothing our recommendation above.

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.

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

<sup>iii</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>iv</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>v</sup> Wakefield M, Giovino G Teen penalties for tobacco possession, use, and purchase: evidence and issues Tobacco Control 2003;12:i6-i13; via [https://tobaccocontrol.bmj.com/content/12/suppl\\_1/i6.citation-tools](https://tobaccocontrol.bmj.com/content/12/suppl_1/i6.citation-tools)



## Testimony in Support of RE: Relating to Youth Vaping Epidemic

Hawaii Dental Hygienists' Association

Feb 3, 2020

Dear Chair Baker, Vice Chair Chang and Respected Members of the Committee on Commerce, Consumer Protection and Health and Chair Kidani, Vice Chair Mercado Kim and Members of the Committee on Education:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports Senate Bill 2538** which proposes to amend Chapter 302A, HRS by prohibiting the sale or distribution of flavored tobacco products.

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

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

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports SB 2538** to ban the sale of flavored tobacco products in Hawaii. Dental hygienists strive daily to educate patients on ways to improve their oral health, which includes discussing the harmful effects of smoking and tobacco related products. We look forward to working with lawmakers toward our common goal of increased health and decreased dental disease in our great State.

Thank you for your time and consideration.

**SB-2538**

Submitted on: 2/3/2020 4:22:22 PM

Testimony for CPH on 2/5/2020 9:15:00 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 prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

Please also consider a revision to hold tobacco and e-cigarette companies responsible for this problem. They hope to shift the blame from this billion-dollar industry onto the

young people that they have targeted with their deadly and highly addictive product. Comprehensive tobacco retailer licensing policies place responsibility on retailers rather than young consumers. With appropriate funding and enforcement, these retailer licensing policies have proven more effective in reducing youth initiation of tobacco and nicotine.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.





**Testimony to the Senate Joint Committee on Commerce, Consumer Protection, and  
Health, and Education  
Wednesday, February 5, 2020; 9:15 a.m.  
State Capitol, Conference Room 229**

**RE: SENATE BILL NO. 2538, RELATING TO THE YOUTH VAPING EPIDEMIC.**

Chair Baker, Chair Kidani, 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. 2538, RELATING TO THE YOUTH VAPING EPIDEMIC.

The bill, as received by your Committee, would:

- (1) Require the Department of Education (DOE) to establish and administer a safe harbor program by which persons under the age of twenty-one may dispose of electronic cigarettes in their possession;
- (2) Requires a public school teacher or educator to confiscate an electronic cigarette if it is found in the possession of a student under the age of twenty-one;
- (3) Prohibit the sale or advertising of tobacco products, remote retail sales and the marketing of nicotine-free products that contain nicotine, and raises the civil fines for violations beginning January 1, 2021;
- (4) Requires a first-time violator to complete a tobacco education program or a tobacco use cessation program, and perform three hours of community service; and
- (5) Requires the notification of a violation to the minor violator's parents within fifteen days and the parent's election of a penalty other than a civil fine.

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-

**Testimony on Senate Bill No. 2538**

**Wednesday, February 5, 2020; 9:15 a.m.**

**Page 2**

oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

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@hawaiiipca.net](mailto:eabe@hawaiiipca.net).

Wednesday, February 5, 2020 at 9:15 AM  
Conference Room 229

**Senate Committee on Consumer Protection and Health**

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

**Senate Committee on Education**

To: Senator Michelle Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair

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

**Re: Testimony in Support of SB 2538  
Relating to Youth Vaping Epidemic**

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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 2538**, which bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, and establishes fines and penalties for violations. The measure also requires the Department of Education (DOE) to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession and authorizes public school teachers to confiscate electronic cigarettes, among other provisions.

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

initiating tobacco use. Candy and fruit flavors improve the taste and reduce the harshness of tobacco products, making them more appealing and easier for beginners to try tobacco products and ultimately become addicted. The popularity of electronic cigarettes among youth is concerning, as these products contain nicotine.

E-cigarette use or vaping among youth and young adults has become a national public health concern. Research conducted by the University of Hawaii Cancer Research Center, an NCI designated institute, found that the use of e-cigarettes by middle and high school aged children is rising at an alarming rate. 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, electronic smoking device (ESD) use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Products are glamorized in order to appeal to our youth, using flavors such as candy, fruit, chocolate, mint, Kona coffee, Maui Mango, Shaka strawberry, and Moloaka'i hot bread.

SB 2538 is an important step toward guarding against the harmful effects of smoking and e-cigarette use.

Thank you for the opportunity to testify.

**LATE**



Hawaii Dental Association

To: Senate Committee on Commerce, Consumer Protection & Health  
Senate Committee on Education

Time/Date: 9:15 a.m., February 5, 2020

Location: State Capitol Room 229

Re: SB 2538, Relating to the Youth Vaping Epidemic

Aloha Chair Baker, Chiar Kidani, Vice Chair Chang, Vice Chair Mercado and members of the Committees:

The Hawaii Dental Association (HDA), a professional association comprised of approximately 950-member dentists, is in **strong support** of SB 2538, relating to the youth vaping epidemic. This bill, among other provisions, bans the sale of flavored tobacco products and prohibits mislabeling of e-liquid products containing nicotine. It requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession and authorizes public school teachers to confiscate electronic cigarettes.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. We will continue to support legislation aimed at enhancing and promoting oral health.

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

Mahalo for the opportunity to testify in support of SB 2538.



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

February 2, 2019

Honorable Chairs Senators Roz Baker and Michelle Kidani  
Honorable Vice-Chairs Senators Stanley Chang and Donna Mercado Kim  
Members of the Committees of Commerce, Consumer Protection and Health and Education

RE: Strong Support of SB2538, banning sale of all flavored tobacco products **including** menthol and mint in Hawaii

Dear Senators Baker, Kidani, Chang and Kim, and members of the Committees on Commerce, Consumer Protection and Health and Education,

This measure is extremely critical to the health of the children of our state and our entire state as well. Please vote in favor of SB2538, banning all flavored tobacco products including menthol and mint in Hawaii.

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers than they or any of us would like.

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

All our young people deserve protection from a lifetime of addiction. Sadly, Hawaii has one of the highest rates of middle schoolers and high schoolers currently using e-cigarettes in the nation—15.7% of middle schoolers and 25.5% of high schoolers! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain.

Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old!

Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups, such as the African American community. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. In the Philippines, market share of menthol cigarettes was 55%. The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians and Filipinos die at higher rates of lung cancer than other groups. Also, 81% of youth who have ever used tobacco products started with a flavored product and 97% of youth who vape say they use a flavored product.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our schools, from elementary through high school and beyond. We urge you to please vote in favor of SB2538 and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

*Valerie Chang*

Valerie Chang  
Executive Director

# 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.

**SB-2538**

Submitted on: 2/3/2020 9:45:32 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Aloha and Good Morning –

My name is Laks Abraham and I'm the Community Program Manager for Blue Zones Project – Central Maui. I writing today in support of SB2538, relating to flavored tobacco products.

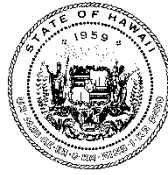
This is a national concern, which prompted a statement released from FDA Commissioner Gottlieb, on steps to address the national epidemic of youth e-cigarette use. The commissioner quotes, "I use the word "epidemic" with great care. E-cigs have become an almost ubiquitous – and dangerous – trend among teens. The disturbing and accelerating trajectory of use we're seeing in youth, and the resulting path to addiction, must end." I'm sharing this with you because we, as a community are facing this epidemic right here in Maui County, rearing some of the highest youth vaping usage rates in the nation.

Blue Zones Project Hawaii will continue to support legislation to protect our keiki from tobacco products and continue to encourage smoke-free lifestyles and preventive measures for youth vaping.

Flavored tobacco products are intended to attract and addict youth to tobacco, which is wrong. It's as simple as that. Please support SB2538 and ensure our keiki are protected from big tobacco and help us work to decrease youth vaping in Hawaii. Mahalo!

Laksmi Abraham, Community Program Manager

Blue Zones Project – Central Maui



**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>



**TO:** The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair  
Senate Committee on Commerce, Consumer Protection & Health

The Honorable Michelle N. Kidani, Chair  
The Honorable Donna Mercado Kim, Vice Chair  
Senate Committee on Education

**FROM:** Philip J. Bossert, Executive Director  
Hawaii Association of Independent Schools

**RE:** SB 2538 - RELATING TO THE YOUTH VAPING EPIDEMIC  
In Support

**DATE:** Wednesday, February 5, 2020  
9:15 AM, Conference Room 229

Aloha Chair Baker, Chair Kidani, Vice Chair Chang, Vice Chair Kim and Members of both Committees:

The Hawaii Association of Independent Schools (HAIS) supports SB 2538.

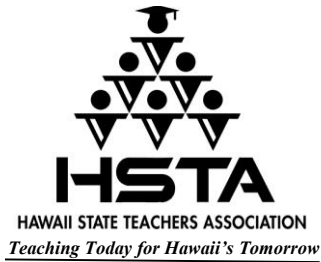
HAIS is a membership organization that currently represents 102 of Hawaii's independent K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 119 private K-12 schools in the State.

Approximately 38,000 children attend these 119 private schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic sweeping the country. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support SB 2538 because, in banning the sale of flavored tobacco products and increasing the penalties for the purchase of e-cigarettes by persons under the

age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students.

Thank you for the opportunity to submit testimony and we look forward to working with you as this important measure moves through the legislative process.



**LATE**

Corey Rosenlee  
President  
Osa Tui, Jr.  
Vice President  
Logan Okita  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEES ON  
EDUCATION AND COMMERCE, CONSUMER PROTECTION,  
& HEALTH

RE: SB 2538 - RELATING TO THE YOUTH VAPING EPIDEMIC

WEDNESDAY, FEBRUARY 5, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Kidani, Chair Baker, and Members of the Committees:

The Hawaii State Teachers Association **provides comments on SB 2538** which bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, establishes fines and penalties for violations, requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession, authorizes public school teachers to confiscate electronic cigarettes, increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age, authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine, and requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

**Hawaii State Teachers Association supports some components of the bill however we are concerned with others. We strongly support banning the sale of flavored tobacco products. Flavored tobacco products are strongly correlated to usage among youth. With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 97% of youth who vape say they use a flavored product.**

We also support providing a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession. It's important that we provide our youth with a way out when it comes to the use and possession of e-cigarettes and e-cigarette products. For this reason, we also suggest expanding the safe harbor program to accept other electronic smoking device products such as e-liquids.

**We do not support the component of the bill requiring public school teachers to confiscate electronic smoking devices because it does not solve the youth vaping epidemic.** The confiscation of these devices is extremely difficult because it has to be visible before a teacher can attempt to confiscate it. Furthermore, if a teacher witnesses a student vaping but the student has hidden the device, the teacher is unable to confiscate it. These products are already contraband as set by the BOE and DOE and **teachers are already confiscating what they can when they can but this does not reduce the use of these products by students at all.**

**We also do not support increasing fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age.** Imposing higher fines on youth will not solve the vaping epidemic. **Conversely, what will help solve the youth vaping epidemic is banning flavored tobacco, imposing a tax on electronic smoking products so that they are on par with the taxation of traditional tobacco products, and using funds from taxation to support health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth.**

To ensure we reduce the youth vaping epidemic in the most effective and targeted way, we respectfully ask you to consider our comments on **SB 2538**.



TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 5, 2020

Re: HB 2457 RELATING TO THE YOUTH VAPING EPIDEMIC

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

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

We STRONGLY OPPOSE SB 2538 Relating to the Youth Vaping Epidemic. This measure bans the sale of flavored tobacco products. Prohibits mislabeling of e-liquid products containing nicotine. Establishes fines and penalties for violations. Requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession. Authorizes public school teachers to confiscate electronic cigarettes. Increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age. Authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine. Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Currently Hawaii has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids and tobacco products. However, we are finding that the retailers are not intentionally selling these products and devices to those under the age of 21. With new technology and printers, some of the fake IDs that the minors present to the sales staff upon check out look like the real state IDs.

The majority of the vape shops on our islands are responsible and have a policy that they won't sell a vape device or cigarettes to anyone 21 years old and under. Retailers often go as far as to not selling to the adult that accompanies the minor into the store if it is revealed that the device or product that they are seeking to purchase is for the minor. Retailers have no control over their products once they are sold and the customer walks out the door with them. It is often the case that an adult family member or friend that purchases the vape devices for the minors and gives the device to the minor away from the retail store.

Many adults that are 21 and older enjoy their electronic vaping device with their favorite flavored e-liquid. Many adults like the sweet flavors of chocolate, candy, fruit, and vanilla to name a few. The New England Journal of Medicine published an article last year that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

We do however applaud the section in the bill that creates a safe harbor of minors to dispose of their vape products as well as harsher penalties towards the minor who is breaking the law by using this device. Maybe with stricter penalties underage vaping would lessen as they are the ones ultimately getting penalized for breaking the law.

Mahalo again for this opportunity to testify.



**SB-2538**

Submitted on: 2/3/2020 10:20:14 AM

Testimony for CPH on 2/5/2020 9:15:00 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	Yes

Comments:

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



Testimony of Kimo Haynes,  
President of the Hawaii Petroleum Marketers Association

**OPPOSING SENATE BILL 2538, RELATING TO THE YOUTH VAPING EPIDEMIC**

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

Senate Committee on Education  
The Honorable Michelle Kidani, Chair  
The Honorable Donna Mercado Kim, Vice Chair

Wednesday, February 5, 2020 at 9:15 a.m.  
Hawaii State Capitol, Conference Room 229

Chairs Baker and Kidani, Vice Chairs Chang and Kim, and members of both Committees,

I am Kimo Haynes, president of the Hawaii Petroleum Marketers Association (“HPMA”). HPMA is a non-profit trade association comprised of members who directly market liquid motor fuel products across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and who buy liquid motor fuel products at the wholesale level and sell or distribute products to retail customers, other wholesalers, and other bulk consumers.

Senate Bill 2538, Relating to the Youth Vaping Epidemic, bans the sale of flavored tobacco products, prohibits mislabeling of e-liquid products containing nicotine, establishes fines and penalties for violations, and establishes anti-smoking and cessation education programs, including requiring the Hawaii Department of Education to establish a safe-harbor program.

**HPMA opposes SB 2538 because it goes too far by prohibiting the sale, distribution and marketing of all flavored tobacco products to persons of legal age.**

HPMA fully agrees with stricter enforcement of laws that prohibit the sale and distribution of tobacco products to underage buyers. However, we prefer language that prohibits the sale or distribution of flavored tobacco products, except menthol or mentholated cigarette, e-liquid and smokeless tobacco products, in the state of Hawaii.

Thank you for allowing HPMA the opportunity to submit written testimony on this bill.

# EMMA WHITNEY

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## PHOTOGRAPHY

To Whom it May Concern,

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

I am writing regarding the upcoming hearing for the measure SB 2538 I am testifying in STRONG, and UNYIELDING SUPPORT of SB 2538.

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

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

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

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

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

Mahalo for doing right by our community.

Aloha,  
Emma Whitney



January 31, 2020

Michael Ferreira  
927049 Elele St  
Kapolei, HI. 96707

**SB 2538**

RELATING TO THE YOUTH VAPING EPIDEMIC.  
Bans the sale of flavored tobacco products. Prohibits  
mislabeling of e-liquid products containing nicotine.

The evidence of the danger to our youth from vaping is starting to surface. I watched a news story about a young man who received a double lung transplant from vaping and will have to undergo rejection medication and monitoring for the rest of his life. He has a twin brother who continues to use even when faced with his body identical having endured what he did.

Because of this and the marketing of these products enticing youth to take up a nicotine addiction in the most insidious of ways, I support the banning of these products as outlined in the Senate Bill. Thank you.

Michael Ferreira  
808-679-5370

**SB-2538**

Submitted on: 2/1/2020 1:00:05 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

1. 81% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes.
2. Tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava.
3. I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

**SB-2538**

Submitted on: 2/1/2020 1:49:48 PM

Testimony for CPH on 2/5/2020 9:15:00 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	No

Comments:

Aloha,

1. 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. 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

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

The Honorable Michelle N. Kidani, Chair  
The Honorable Donna Mercado Kim, Vice Chair  
Members of the Senate Committee on Education

Re: **Strong Support for SB2538**, Relating to the Youth Vaping Epidemic

Hrg: February 5, 2020 at 9:15 AM in Capitol Room 229

Aloha Senate Committees on Commerce, Consumer Protection and Health and Education,

I am writing in **strong support of SB2538**, which bans the sale of flavored tobacco products; prohibits mislabeling of e-liquid products containing nicotine; establishes fines and penalties for violations; requires the Department of Education to establish a safe harbor program by which persons under 21 years of age may dispose of electronic cigarettes in their possession; authorizes public school teachers to confiscate electronic cigarettes; increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under 21 years of age; authorizes a court to impose, as a penalty on a person 18-21 years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; and, requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Hawai'i is in the midst of an unprecedented youth vaping (nicotine addiction) epidemic and has one of the highest rates of youth e-cigarette use in the nation.

With ultra-potent 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, our youth.

The reality is, **flavors hook kids**. More than 80% of kids who use e-cigs report having started with a flavored product. In research comparing vaping patterns, kids who use flavored products puff deeper and more often than when using unflavored products. More than 80% of kids who use flavored e-cigs say *they wouldn't vape if flavors were unavailable*.

And it not just the sweet flavors. Mint and menthol are especially insidious. Recent research finds that mint flavor is quickly gaining popularity among high school students.

Menthol is an anesthetic compound found naturally in mint plants that provides a cooling sensation. Menthol is added to tobacco cigarettes to reduce the throat burn caused by



smoking, making it easier for non-smokers to start smoking and get hooked on nicotine. Menthol also increases the satisfaction smokers experience while smoking. The prevalence of menthol cigarette smoking (and nicotine addiction) is highest among members of communities with significant health disparities, including native Hawaiians.

Tobacco industry proponents will say that flavored e-cigarettes should remain available to help smokers quit combustible tobacco cigarettes. But the reality is that for each adult who tries to quit smoking with e-cigarettes, 81 kids start using e-cigs. And, kids who use e-cigarettes are four times more likely to go on to smoking combustible tobacco cigarettes than kids who don't use e-cigs.

Under the SB2538 flavor ban, unflavored and tobacco-flavored e-cigarettes would remain available for adult cigarette smokers seeking to use e-cigs to quit smoking. Research finds that youth are not attracted to unflavored or tobacco-flavored e-cigs.

SB2538 strongly promotes factual labeling of e-liquids to make it more likely that both adults and youth will be easily able to determine if a product contains the highly addictive drug, nicotine. This is particularly important for youth, many of whom are unaware that most e-liquids and e-cigs contain nicotine, and, the products most popular with kids contain ultra-potent nicotine salts.

SB2538 also appropriately places priority on tobacco education over punitive measures for those under 21 caught vaping and provides a non-punitive means for underage users to surrender e-cigs and liquids for safe disposal.

I **strongly support SB2538** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

**SB-2538**

Submitted on: 2/3/2020 7:23:09 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I've seen kids vaping to sweet candy flavors, but never plain. Obviously the flavors are hooking them in. Stop the sweet candy flavors!

**SB-2538**

Submitted on: 2/3/2020 7:07:40 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

This is a no-brainer. How many more teens do we have to get addicted to or die before something is done? Do the right thing and ban flavored vape juice.

**SB-2538**

Submitted on: 2/3/2020 2:41:31 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/2/2020 11:15:54 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Dear Hawaii State Legislature,

My name is Elijah Carigon and I am a senior at Waiakea High School in Hilo. I am writing to you in testimony of SB2538 and my strong support for this bill.

I believe the youth of Hawaii are tremendously impacted by the effects of vaping, in particular, the flavors used to entice young users. Although the use of traditional cigarettes is quite low among the youth of Hawaii, the use of e-cigarettes and vaping devices is at an all-time high. Flavors are the primary reason why young people are enticed to start vaping.

The US Surgeon General, CDC, and FDA have declared that vaping among youth to be an epidemic. Currently 97% of youth who vape report that they use a flavored product and 81% of youth who have used tobacco products actually started with a flavored one. Additionally, and most importantly, in Hawaii, 1 in 4 high school students vape while 1 in 5 middle school students vape.

As a student, I can honestly say that vaping is a major problem among young people here in Hawaii. In my school, students are constantly trying to find ways to vape. They do it in the bathrooms and other locations throughout the school. My mom is a middle school teacher in Hilo and she sees that vaping is a huge problem among the students at her school. Students as young as 11 years old are getting hooked on vaping and it is mainly due to the flavors.

Young people really are the ones being targeted by the tobacco industry. With flavors such as sour patch, cotton candy, green apple, mango, and bubble gum, it is easy to see just exactly who the tobacco industry is going after. These flavors make it very easy and appealing for youth, basically children, to start vaping and soon become addicted to nicotine. Besides the life-impacting effects of nicotine addiction, other toxic chemicals are found in vaping such as formaldehyde, arsenic, and lead among several other toxins.

My sincere plea to you, on behalf of my peers, the youth of Hawaii, is to vote in support of SB2538.

Thank you very much for your strong consideration of my testimony.

Sincerely,

Elijah Carigon

**SB-2538**

Submitted on: 2/1/2020 7:53:16 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Senators Baker, Chang, Kidani, and Kim,

Please support and pass SB2538. Hawaii needs to ban the sale of all e-cigarette/tobacco flavored products. Both are deadly habits, easily started with using flavored products. As a physician of many adolescents, I have witnessed a tremendous increase in my patients using e-cigarettes. When I offer to help them quit, they state that they cannot, due to peer pressure or pressure from siblings or relatives, even parents, to use e-cigarettes. Many of our youth do not have the ability to control their own life. Thus, we need to do our part in making the community they live in, a healthy community- one without flavored e-cigarette/tobacco products.

Respectfully submitted,

Colleen F Inouye MD MMM FACOG

**SB-2538**

Submitted on: 2/2/2020 10:12:58 PM

Testimony for CPH on 2/5/2020 9:15:00 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 and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

Please also consider a revision to hold tobacco and e-cigarette companies responsible for this problem. They hope to shift the blame from this billion-dollar industry onto the



young people that they have targeted with their deadly and highly addictive product. Comprehensive tobacco retailer licensing policies place responsibility on retailers rather than young consumers. With appropriate funding and enforcement, these retailer licensing policies have proven more effective in reducing youth initiation of tobacco and nicotine.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**SB-2538**

Submitted on: 2/2/2020 9:51:51 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

My name is Logan Lau and I am from 'Ä€ina Haina. I am currently a sophomore in high school and am testifying in strong support of the bill SB2538.

Although I cannot be here to testify in person because I am currently at school, I believe that this pill must be passed for three main reasons.

First, flavored tobacco products entice younger generations which causes an influx of younger vape and e-cigarette users. Currently, the percentage of high school students who vape is on the rise with polls averaging around 40%. Which is nearly a 30% increase from just two years ago.

Secondly, flavored tobacco products may have started with the intention of being an alternative to smoking which could decrease the number of smokers however it has miserably failed. Instead of encouraging smokers to quit and use vapes companies like JUUL are encouraging younger generations to starts vaping, which we know can become highly addictive and lead to smoking. It is clear that these flavored tobacco products are completely counterproductive in their intentions.

Lastly, a real-life, personal example of the effects of teen vaping. Recently my mother's co-worker who is a nurse opened up about her son and his struggle with vaping. It all started when he was a student at Kalani High School and he began to vape using various flavors that made vaping look very appealing. However, this soon turned into a serious addiction and his previous straight A's and 4.0 GPA began to take a swift downturn. Despite this, he was able to get into USC however, within the first quarter that he was there he was introduced to weed and marijuana and was instantly hooked. Now he has dropped out of a great college, has a serious addiction, mental illness, and is currently in drug rehab. I had a chance to talk to him and ask him what happened to his life, and where it went wrong. He responded saying, it all started when he began vaping and got hooked on its flavors.

Thus, I stand in strong support of the bill SB2538, because flavored tobacco products target younger generations enabling a whole generation of addiction, because flavored tobacco products are counterproductive, and because these stories of how vaping ruins people's lives are all too common.

Thank you

**SB-2538**

Submitted on: 2/2/2020 10:40:39 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I support SB2538 in banning the sale of flavored tobacco products. When I was a kid, I remember despising the smell of cigarettes/tobacco and swore to myself that I would never smoke. However, if flavored products had been available then, I don't know if I would have been able to abstain. How many kids do you know that can say "no" to candy when it's right in front of their faces and actively marketed to them?

Tobacco companies are making and marketing deadly and addictive products that look and taste like our favorite childhood flavors, such as Hawaiian POG, Ono Orange Cream, and Halawa Guava. By utilizing flavors, manufacturers are making it seem that it's "safe" by capitalizing on these nostalgic flavors we all know and love. This makes it difficult for children/adolescents to say "no" since their brains are still forming and decision-making capabilities are developing.

With that, I oppose penalizing youth. We need to hold the industry accountable through regulations instead of punishing youth who have fallen prey to their predatory marketing tactics.

Please support HB2457 to make it easier for our kids to live an addiction-free future.

**SB-2538**

Submitted on: 2/2/2020 9:41:51 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I stongly support SB2538 banning flavored electroinic smoking devices and the flavored liquids.

I stongly agree that electronic smoling devices have been mislabeled. Fines and violations need to take effect immediately.

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



To our Distinguished Legislators:

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

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

An alarming number of Maui County high school students, over 30%, are currently using e-cigarettes, while less than 5% of adults in Hawai'i are current users. These products are proving to be dangerous in themselves. A good portion of them will go on to use combustible tobacco products, which are the leading cause of preventable death and disease in the United States. Children are 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

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

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

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

In fact, the same documents show that tobacco companies have targeted minority groups like African Americans and Native Hawaiians even more so than other groups, which is evidenced by the fact that over 40% of Maui County Native Hawaiian high school students are using e-cigarettes. If our solution is to arrest and fine kids for being caught with these products, then more Native Hawaiian kids are going to end up criminalized for their addiction than other kids. This is a social justice issue that can't be ignored. Don't hold kids responsible for the industry's insidious manipulation. Hold the industry accountable, as they should be.

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

Thank you for your time.

Jamil Folio

February 2, 2020

**Strong Support of SB 2538 RELATING TO THE YOUTH VAPING EPIDEMIC.**

To the House of Representatives

Hrg: Wednesday, February 5, 2020, 9:15 AM, Conference Room 229

**I strongly support SB 2538 RELATING TO THE YOUTH VAPING EPIDEMIC, which would Ban the sale of flavored tobacco products.**

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.

**Again, I strongly support SB 2538 RELATING TO THE YOUTH VAPING EPIDEMIC 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-2538**

Submitted on: 2/3/2020 8:24:14 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John A. H. Tomoso	Individual	Support	No

Comments:

02-03-20

**RE: SB2538**

I support this Bill, because I am very concerned that tobacco companies ("the industry") are producing and marketing deadly and addictive products that look and taste like favorite childhood flavors. I believe we have a public health emergency in that our youth are becoming addicted to a harmful substance.

John A. H. Tomoso+, MSW

51 Ku'ula St., Kahului, H 96732-2906

CC: CTFH-Maui



**SB-2538**

Submitted on: 2/3/2020 9:18:09 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 9:20:46 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cole camara	Individual	Comments	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-2538**

Submitted on: 2/3/2020 9:22:00 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 9:23:17 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 9:27:02 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

hi im a 7th grade student at hana school and i think vaping is just targeting kids mostly.

**SB-2538**

Submitted on: 2/3/2020 9:29:49 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 9:32:26 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Talimailelagi	Individual	Support	No

Comments:

I beleive that vaping can lead to seveure death or ill.

**SB-2538**

Submitted on: 2/3/2020 9:37:36 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 9:32:34 AM

Testimony for CPH on 2/5/2020 9:15:00 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 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-2538**

Submitted on: 2/3/2020 9:46:07 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mary santa maria	Individual	Support	No

Comments:

Please pass SB2538. Flavored tobacco products including electronic cigarette juices lead to addiction in our teens and preteens. The brains of these youth can be injured and developmentally disrupted by the use of the chemicals in the juices. Include please all menthol, mint, and evergreen flavors as well as Hawaii specific flavors such as likiloi and guava. I oppose fines as penalties for youth, but encourage other approaches like tobacco education and cessation programs.

Sincerely

Mary Santa Maria

Makawao Hawaii

**SB-2538**

Submitted on: 2/3/2020 10:08:31 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Miriam Mendoza Martinez	Testifying for Coalition for a free tobacco Hawaii	Support	No

Comments:

**My name is Miriam Mendoza Martinez and I am a student at Konawaena High school. I am in favor of this bill which bans the sale of flavored tobacco in Hawaii. The tobacco consumption rates on this Island are extremely high. Today the youth is suffering due to the marketing of these products because they appear just like our favorite candy flavors. Just at my school alone many teens vape in the bathrooms and even in classrooms around other students making it seem cool when maybe they're just that addicted or hooked up to the nicotine that it is very hard to just spend a few minutes without vaping. Additionally, teens are now hanging out in the bathrooms vaping for whole class periods so this is not only affecting their health but affecting their education. As part of my coalition I support this ban because I have seen people that want to quit and it is extremely hard to quit. These products are causing severe health issues throughout our island and even nation wide. Also, I have seen and talked to many people that want to stop especially with all the recent deaths but can't because they need help and also sometimes they're parents don't even know what they are going through so they don't have the emotional support to quit making it so hard for them. Overall, Hawaii should ban the sale of flavored tobacco products because it is taking control of many people especially the youth affecting their lives in many negative ways there are no benefits with these harmful products to society so why should we keep them if all they do is cause more and more harm.**

**SB-2538**

Submitted on: 2/3/2020 10:25:56 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Hagan	Individual	Support	No

Comments:

**As a parent, nurse, and teacher, I am strongly in SUPPORT of the Flavored Tobacco Ban. We have an epidemic in youth vaping/e-cigarette use in Hawaii and statistics show that 81% of youth who vape say that they started with a flavored product. The sweet flavors- some of them locally themed like Maui Mango and Hawaiian POG and coming in deceptive packaging that looks like candy- lure kids in, decrease perception of harm, and then they become addicted to nicotine. Menthol is another flavor popular with those trying tobacco for the first time due to its cooling properties. Furthermore, menthol has historically targeted vulnerable groups and is popular amongst Native Hawaiians and Pacific Islanders, making it a social justice issue as well as a public health one. The health risks of e-cigarettes are well documented as are the disruptions to classes and schools.**

**However, I am CONCERNED about the language criminalizing youth. Some research has suggested that these types of law can actually be counterproductive, and they are inequitable because they disproportionately affect youth of color and low income. It is not the right approach to penalize and stigmatize our youth. The solution lies in preventing them from getting addicted in the first place, not by punishing them once they do become addicted.**

**We have an opportunity to intervene in this unfolding public health crisis in Hawaii by passing a bill banning flavored tobacco products to protect our youth without criminalizing them. As the parent of a soon-to-be 11 year-old starting middle school this Fall, there is no time to delay.**

**Mahalo,**

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

I am submitting written testimony in support of SB2538. As a long-time pediatrician on Kauai, I have been very discouraged by the rise in the use of vaping products among intermediate and high school students. Others of my patients complain that they are unable to use the rest rooms in school due to the widespread vaping done in the bathrooms. This is particularly disheartening after all of the extensive and successful efforts of the past 20 plus years to cut down on teen smoking.

It is well-established that youth are attracted by tasty flavors and clever colorful packaging of e-cigarette products. This is a deliberate strategy by tobacco companies to mislead teens as to the “risk-free” nature of these products. Local tobacco manufacturers have resorted to flavors such as Hawaiian Sweet Rolls, Halawa Guava, and Hawaiian POG, among others. Over 80% of young people who use vaping products begin with flavored liquids. In addition, another fact well-known to the public health community is that lower income smokers, especially Hawaiians and Pacific Islanders, start with and continue smoking menthol cigarettes. Cigarette companies are well-aware of this phenomenon and target these groups specifically with menthol advertising. In effect, flavored and menthol tobacco products are starter drugs, as nicotine is one of the most addicting substances.

It cannot be stressed enough that vaping products contain much higher nicotine concentrations than cigarettes, yet another strategy to hook vulnerable teens and maintain the nicotine dependence. E-cigarettes are marketed as a “tobacco cessation” product, but in fact are even more highly addictive and toxic than cigarettes and are manufactured to assure more and more need for the addicting nicotine in the vaping liquid. Smokers who believe they have “quit smoking” are only exchanging one poison delivery system for another.

In summary, there are no redeeming reasons for allowing flavored and menthol tobacco products, and many to make them illegal. It is time to protect our keiki from deadly substances and stand up to the tobacco industry. I implore you to vote for SB2538.

Linda Weiner, MD  
Pediatrics, Kauai

**SB-2538**

Submitted on: 2/3/2020 11:14:14 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

**SB-2538**

Submitted on: 2/3/2020 12:30:30 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 12:34:20 PM

Testimony for CPH on 2/5/2020 9:15:00 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.



**SB-2538**

Submitted on: 2/3/2020 12:56:17 PM

Testimony for CPH on 2/5/2020 9:15:00 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 don't 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-2538**

Submitted on: 2/3/2020 12:35:59 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 12:46:54 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 12:48:06 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 12:52:56 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 1:04:33 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Aloha, my name is Namahana (7th grader at Hana school), and I dont think they should target kids with tobacco because if kids start smoking at a young age their life could end really early and the human population could eventually lower by a lot. Flavors and fun packages attract kids

**SB-2538**

Submitted on: 2/3/2020 1:19:26 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cyrus	Individual	Support	No

Comments:

**My name is Cyrus D., and I am from Kalihi, on the island of Oahu. I am testifying as a high school student. I am testifying on the SB2538 - Relating To The Youth Vaping Epidemic. I am testifying in support of this bill.**

**I support the banning of flavored tobacco products because I see teens near or outside the school I am currently attending vaping. Every time I walk to school or go home, most of the time, the smell of flavored vapors, such as Strawberry and Bubblegum, suddenly appear, and it is distinguishable that it is from an electronic cigarette. My friends and I would always cover our nose and mouth to avoid inhaling the vapor since studies show that the vapers affect one's lungs and even the brain. Seeing this youth breathing-in flavored tobacco products makes me worried for them. Many of them might not be thinking or know the negative consequence of vaping. The worst thing is when my friends, my sister, and I are at the bus stop waiting for the bus. There are times when an individual, or several of them, is vaping at the bus stop, and often we have no choice but to leave where we are, away from all the vapors. It is displeasing. Besides this experience, I conducted an educational presentation to health classes in the school I am attending, and their experiences of encountering flavored tobacco seem to be the same. The most common experience students had is finding that e-cigs and e-juice are places next to candies in convenient stores, and the sweets appear identical to the tobacco product. Flavored tobacco products are affecting the youth, including me, in our community, and something needs to happen.**

**In addition to my experiences, Hawaii's youth vaping epidemic is on the rise. Our state is one of the smallest states in our country, yet the youth vaping is one of the highest rates. According to the Hawaii YRBS (2017), about 15.7% of middle schoolers, and 25.5% of high schoolers are currently vaping in our small state. This statistic is high and concerning because electronic cigarettes contain dangerous chemicals such as nicotine. As we all know, nicotine is a highly addictive chemical that can impact the lungs and the adolescent's brain. Apart from the nicotine and other dangerous drugs, the youth vaping rates in our state and other areas are high due to the number of flavors that exist in the market. There are over 15,500 flavors currently being irresponsibly sold in the market. The flavors are for sure attracting the youth to try different ones, but one thing they don't know is that the nicotine has hooked them in a dangerous path.**

**As a future healthcare worker, the health of the youth and future generations is important. It bothers me that the Tobacco companies are focused on targeting the youth. I am in full support of this bill- SB2538 - for the safety of the youth and the future generation.**



**SB-2538**

Submitted on: 2/3/2020 1:25:37 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 1:30:37 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I am an 8th grade student. Vaping and tobacco products shouldnt target kids. Smoking is bad in general but its even worses for kids. Smoking at a young age is very bad because your brain and body or still growing and it couol effect your growth. Also it is very bad for your lungs and heath in general. It is very addictive and it is hard to stop smoking .

**SB-2538**

Submitted on: 2/3/2020 1:38:25 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

hola

**SB-2538**

Submitted on: 2/3/2020 1:40:26 PM

Testimony for CPH on 2/5/2020 9:15:00 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 am a 8th grade student. I believe vaping products shouldn't be targeted at youth. If kids see adds that their 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 arent 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-2538**

Submitted on: 2/3/2020 1:41:34 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

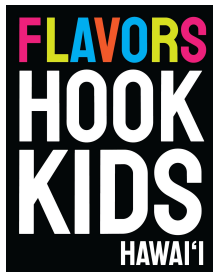
Submitted on: 2/3/2020 1:49:29 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Im a student from Hana and I think youth vaping is bad because it is targeted to young kids with flavors like Cotten candy, Bubble gum and more but they know kids will like candy flavors so they make them and advertise them everywhere for kids to see.



Date: February 5, 2020

To: Chairs Roz Baker and Michelle Kidani  
Vice Chairs Donna Mercado Kim and Stanley Chang  
Members of the Senate Committees on Commerce, Consumer Protection, and Health and Education

Re: Support: SB 2538 relating to Flavored Tobacco Products

Hrg: Wednesday, February 5, 2020 at 9:15am in Room 229

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Dear Chair, Vice Chair, and Members,

The Flavors Hook Kids HI Campaign is pleased to submit this written testimony in **STRONG SUPPORT** SB2538. Flavors Hook Kids Hawai'i is working to protect Hawai'i's keiki by prohibiting the sale of all flavored tobacco products, including menthol, to prevent the tobacco industry from enticing children with these flavors. Endorsed by more than 200 organizations, community leaders and advocates, this campaign is a joint initiative of the American Heart Association, the American Lung Association, the American Cancer Society Cancer Action Network, the Campaign for Tobacco-Free Kids, and the Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in our state and the nation, killing 480,000 Americans annually. Hawaiian middle and high school e-cigarette use rates are truly alarming, (42% of all high school students and 27% of all middle school students reporting ever having used a "electronic vaping device."<sup>1</sup> Furthermore, we have recently seen a drastic increase in the number of youth who use tobacco products. From 2017 to 2018 rates have increased among high schoolers from 11.7% to 20.8% and in middle schoolers from 3.3% to 4.4%.<sup>2</sup> It is clear that we must act and we must act now.

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<sup>1</sup> 2016 Behavioral Risk Factor Surveillance System (BRFSS). <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=5203&localeId=14>

<sup>2</sup> CDC, "Tobacco Use is Rising" February 2019 Report.

**Prohibiting the sale of flavored tobacco products, including menthol cigarettes, in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction.** Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.<sup>3</sup>

### **Menthol is the Most Popular Tobacco Flavor Among Youth**

Most insidious among the flavors preferred by youth, are mint and menthol. Given that many of our youth are now addicted to nicotine and will look for easy, similarly tastings products if flavored e-cigarettes are removed from the market, we strongly recommend that the committees consider expanding this proposed legislation to include menthol, mint and mentholated combustible tobacco. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

After a thorough review of the evidence, TPSAC concluded that "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."<sup>4</sup>

### **Flavored Tobacco Products Are Pervasive**

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using

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<sup>3</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

<sup>4</sup> Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011  
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>



menthol cigarettes (the only remaining flavored cigarette) has been increasing.<sup>5</sup> Menthol cigarettes comprised 36 percent of the market in 2018.<sup>6</sup>

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.<sup>7</sup> Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”<sup>8</sup> The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.<sup>9</sup>

Although tobacco companies claim to be responding to adult tobacco users’ demand for variety, it’s clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use in the state.

### **Flavored Tobacco Products Are Popular Among Youth**

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.<sup>10</sup> Just like with cigarettes, menthol e-cigarette are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.<sup>11</sup> Another national survey found

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<sup>5</sup> Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

<sup>6</sup> U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018*, 2019, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereporrt2018.pdf> [data for top 5 manufacturers only].

<sup>7</sup> Zhu, S-H, et al., “Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites,” *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

<sup>8</sup> HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: 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, 2016.

<sup>9</sup> Marynak, K., et al., “Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014-2016,” *MMWR* 67(10): 294-299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.

<sup>10</sup> FDA, “Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products,” September 11, 2019,

[https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm\\_source=CTPEblast&utm\\_medium=email&utm\\_term=stratout&utm\\_content=pressrelease&utm\\_campaign=ctp-vaping](https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm_source=CTPEblast&utm_medium=email&utm_term=stratout&utm_content=pressrelease&utm_campaign=ctp-vaping).

<sup>11</sup> Cullen, KA, et al., “e-Cigarette Use Among Youth in the United States, 2019” *JAMA*, published online November 5, 2019.

that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.<sup>12</sup> Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”<sup>13</sup>

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>14</sup> The manufacturer of JUUL, the most popular e-cigarette, claims that each JUULpod contains as much nicotine as a pack of twenty cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”<sup>15</sup> Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. More than half of youth smokers use menthol cigarettes, including seven out of ten African American youth smokers.<sup>16</sup> The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted marketing by the tobacco industry.<sup>17</sup> As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.<sup>18</sup>

### **The industry wants to blame the users, to avoid further restrictions on the sale of their product.**

A tactic used by the industry around the country is to encourage the penalization of youth who they have successfully addicted to their product through the introduction of youth possession penalties and criminalization. These policies do not work, but allow the industry to ensure their users are hooked for

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<sup>12</sup> FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

<sup>13</sup> FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.

<sup>14</sup> HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.

<sup>15</sup> National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

<sup>16</sup> Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, published online October 20, 2016.

<sup>17</sup> SAMHSA’s public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015. [http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRA2&weight=ANALWT\\_C&results\\_received=true](http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRA2&weight=ANALWT_C&results_received=true) and [https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results\\_received=true&row=CIG30BR2&weight=ANALWT\\_C](https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C).

FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013, <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.

<sup>18</sup> TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

life rather than accessing critical cessation and education programs that would lead to a decrease in customers. In lieu of penalizing children for using a product they were told was safe and then marketed to them, we suggest that the state consider implementing youth/parent educational programming and alternative youth cessation programs to address the issue of under-21 tobacco consumption.

Here in Hawai'i we have access to several important programs for our youth smokers:

Youth Cessation Programs:

- **Hawai'i Tobacco Quitline Youth Program:** Recently the Hawai'i quitline expanded its services to provide evidence based strategies for youth who have become addicted. The Youth Program can be accessed via phone at 1-800-QUIT-NOW (784-8669) or online at <https://hawaiiquitline.org/how-it-works/youth-program>. Program features include: Personalized counseling from highly skilled Youth Quit Coaches, Educational materials, Quit plan development, Anonymous, non-judgmental support, Support between scheduled calls via a toll-free support line, Discussion of triggers, peer influences, environmental/household exposure to tobacco use, stressors, Relapse prevention through planning and preparation, Total of 5 intervention calls.  
<https://hawaiiquitline.org/new-generation-nicotine-addicts/>
- **American Lung Association – INDEPTH:** an Alternative to Teen Nicotine Suspension or Citation: <https://www.lung.org/stop-smoking/helping-teens-quit/indepth.html> This program is offered nationwide as an alternative to more punitive punishments for youth that are not proven to be effective. Developed by the American Lung Association in partnership with the Prevention Research Center of West Virginia University, this new free education program is available for any school or community to establish to help our teens make healthier choices.
- **CAN WE SAY SOMETHING ABOUT the STANFORD TOOLKIT?**

National Youth e-cigarette cessation programs

- Truth Initiative – E-Cigarette Quit Program: <http://www.thisisquitting.com/>;  
<https://www.becomeanex.org/>
  - Early evaluation results from this program are promising. The program has been promoted entirely through earned media and organic social media and it has seen a high level of enrollment and high levels of engagement with the program. It shows that young people are interested in quitting vaping and can be engaged in an easily accessible, anonymous digital platform promoted through social media.
- National Cancer Institute's SmokefreeTeen Quit Vaping: <https://teen.smokefree.gov/quit-vaping>

Youth Education Programs:

- Campaign for Tobacco-Free Kids – Taking Down Tobacco: <https://www.takingdowntobacco.org/>
- Stanford Medicine Tobacco Prevention Toolkit – E-Cigarettes and Vape Pens: <https://med.stanford.edu/tobaccopreventiontoolkit/E-Cigs.html>
- CATCH My Breath – Youth E-cigarette Prevention Program: <https://catchinfo.org/modules/e-cigarettes/>

**The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result.** Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our kids and vulnerable populations. By prohibiting adopting this policy would become one of only a handful of states that have already taking action to *end* the sale of flavored tobacco products. **Thank you for considering a strong and comprehensive policy. It will save lives.**

Sincerely,

A handwritten signature in cursive script that reads "Liza Ryan Gill". The signature is written in black ink and is positioned below the word "Sincerely,".

Liza Ryan Gill, MA  
Campaign Manager  
Flavors Hook Kids HI  
[lfreitas@tobaccofreekids.org](mailto:lfreitas@tobaccofreekids.org)

## Appendix

### A1: Examples of Flavored Tobacco Products



### A2: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

### **A3:Flavors Hook Kids HI- Supporting and Endorsing Organizations**

#### **HEALTH ORGANIZATIONS**

'Ohana Health Plan  
Adventist Health – Castle  
Akamai Recovery Maui  
American Academy of Pediatrics – Hawaii Chapter  
American Cancer Society Cancer Action Network (ACS CAN)  
American Heart Association  
American Lung Association  
American Pharmacist's Association –  
Academy of Student Pharmacists (APhA-ASP)  
Big Island Substance Abuse Council  
Blue Zones Project  
Campaign for Tobacco-Free Kids  
Coalition for a Drug-Free Hawaii  
Coalition for a Tobacco-Free Hawai'i a program of  
Hawai'i Public Health Institute  
Get Fit Kauai  
Hamakua Kohala Health Centers  
Hana Lima Physical Therapy  
Hawaii Association for Health, Physical Education,  
Recreation & Dance (HAHPERD)  
Hawaii COPD Coalition  
Hawaii Dental Hygienists' Association  
Hawai'i Nurses' Association  
Hawaii Pacific Health  
Hawaii Primary Care Association  
Hawaii Public Health Association  
Hui Malama Ola Na OIwi  
I Ola Lahui  
Kaho'omiki; Hawaii Council of Physical Activity  
and Nutrition  
Kapiolani Medical Center for Women & Children  
Kauai Rural Health Association  
Keiki Injury Prevention Coalition  
Lāna'i Community Health Center  
Malama Pono Health Services  
National Community Pharmacist Association  
Hawaii Student Chapter  
Oahu Kidney Care LLC  
Papa Ola Lōkahi  
Pediatric Therapies Hawaii  
Project Vision Hawai'i  
Tobacco Prevention Project, Daniel K. Inouye  
College of Pharmacy  
Waimānalo Health Center

#### **YOUTH AND COMMUNITY ORGANIZATIONS**

Ahuimanu Elementary's School Community Council  
Alexander Academy of Performing Art  
American Youth Soccer Organization (AYSO)  
Association of Hawaiian Civic Clubs  
Baldwin HS Peer Education  
Big Island Interscholastic Federation (BIIF)  
Bridge Club Hawaii  
Hale 'Ōpio Kaua'i Inc.  
Hawaii Appleseed Center for Law & Economic Justice  
Hawaii Association of Independent Schools (HAIS)  
Hawaii Children's Action Network  
Hawaii Health and Harm Reduction Center  
Hawaii High School Athletic Association (HHSAA)  
Hawaii Job Corps Center  
Hawaii Youth Services Network  
Hui Ola Pono (UH Public Health's Student Organization)  
Kauai Path Inc.  
Kiwanis Club of the Valley Island  
Konawaena HS Wellness Committee  
Maui Economic Opportunity, Inc. (MEO)  
Maui Interscholastic League (MIL)  
Moanalua HS Peer Education Program  
Pacific American Foundation  
Parents for Public Schools Hawai'i  
Pono Hawaii Initiative  
The Food Basket, Hawaii Island's Food Bank  
The Friends of Kamalani and Lydgate Park-Beach  
Cleanup Team  
Waiakea High School PTSA  
Waipahu Int. Youth for Safety Club  
We Are One Inc.  
**ELECTED OFFICIALS & GOVERNMENT**  
Sen. Stanley Chang  
Rep. Stacelynn Eli  
Rep. Sharon Har  
Maui County Councilmember Kelly King  
Hawai'i County Councilmember Sue Lee Loy  
Kuliouou-Kalani Iki Neighborhood Board #2  
Makakilo/Kapolei/Honokai Hale Neighborhood Board #34  
Makiki/Lower Punchbowl/Tantalus Neighborhood Board #10  
Mililani/Waipio/Melemanu Neighborhood Board #25  
Nanakuli-Maili Neighborhood Board #36  
Pearl City Neighborhood Board #21  
Waipahu Neighborhood Board #22  
County of Kauai Office of the Prosecuting Attorney

West Hawaii Community Health Center  
HEALTH & COMMUNITY LEADERS

Tina Alcain  
Frank R. Baum, M.D.  
Danielle Bergan  
Janet Berreman, M.D.  
Gregg Brenes, pastor  
Jeenna Canche  
Clifford Chang, MPH  
Valerie Chang, JD  
Michelle Ching, JD  
Jeffrey H. Chester, DO  
Carmen Cook, LMFT  
Patti Cook  
Joan Craft, RN  
Keawe Kaholokula. PhD  
Gary Hooser  
Carol R. Ignacio  
Colleen F Inouye, M.D.  
Mark Levin, J.D.  
Jasmin Kiernan, RN  
Bryan Mih, M.D.  
Michael Robinson, MBA, MA  
Janice Shishido  
Elizabeth K. Tam, M.D.  
Catherine Taschner, J.D.  
Jill Tokuda  
John A. H. Tomoso, MSW, ACSW, LSW  
Linda Weiner, M.D.  
Stacy Woodson  
Cassiopia Yamashita

Department of Education  
Office of Hawaiian Affairs (OHA)  
SCHOOLS  
Chiefess Kamakahahei Middle School  
Damien Memorial School  
Kamaile Academy  
Maryknoll School  
Maui Preparatory Academy  
Mid Pacific Institute  
Sacred Hearts Academy  
Saint Louis Schools  
Waiakea High School  
Waimea Middle Public Conversion Charter School  
BUSINESSES  
Emma Whitney Photography  
Ganesha Body Piercing  
Heartlight Montessori Homeschool  
Home Remedies Interior Design  
Paia Tattoo Parlor  
Shaka Tea  
The Man Cave  
The Root Cellar Studio Mau

**SB-2538**

Submitted on: 2/3/2020 1:42:52 PM

Testimony for CPH on 2/5/2020 9:15:00 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  
& Committee on Education  
Wednesday, February 5, 2020; 9:15 a.m.  
State Capitol, Conference Room 229

Dear Chair Baker, Chair Kidani, and Joint Committee Members,

My name is Ramic Santiago and I **support** SB 2538: RELATING TO THE YOUTH VAPING EPIDEMIC.

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  
& Committee on Education

Wednesday, February 5, 2020; 9:15 a.m.  
State Capitol, Conference Room 229

Dear Chair Baker, Chair Kidani, and Joint Committee Members,

I support SB 2538: RELATING TO THE YOUTH VAPING EPIDEMIC.

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 SB2538 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

The Honorable Senator Michelle N. Kidani, Chair  
Mark J. Hashem, Vice Chair  
Donna Mercado Kim, Vice Chair  
Members of the Committee on Education

From: Ruthie Diaz, BSW  
[rddiaz@hawaii.edu](mailto:rddiaz@hawaii.edu)  
Honolulu, HI 96813

Re: Support for SB 2538: RELATING TO THE YOUTH VAPING EPIDEMIC

Hearing: Wednesday, February 5, 2020 at 9:15 am at Conference Room 229

---

Dear Chair Baker, Chair Kidani, and Joint Committee Members,

Thank you for the opportunity to submit testimony in SUPPORT of SB2538: RELATING TO THE YOUTH VAPING EPIDEMIC

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 SB2538, 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 SB2538 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

# Petition to Submit Testimony in Support of SB2538

Petition summary and background:	As Registered Dental Hygienists in the state of Hawaii, we are concerned that electronic smoking device (ESD) use among youth in Hawaii has reached epidemic levels. The toxic combination of nicotine and enticing flavors have made ESD use a preferred choice when compared to other tobacco products (ex. cigarettes). As oral health educators, it is our duty to inform our patients of the risks caused by smoking/vaping tobacco products (oral cancer, periodontal disease, tooth loss). We can avoid future nicotine addiction of our youth by addressing the problem now.
Action petitioned for:	We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT SB2538 and ban the sale of flavored tobacco products in an effort to stop this addicting behavior for the sake of our youth.

Printed name	Signature	Address	Comment	Date
Christopher Gamboa, RDH	<a href="mailto:gamboac@hawaii.edu">gamboac@hawaii.edu</a>			
Jennifer Takata, RDH	<a href="mailto:jen.takata@gmail.com">jen.takata@gmail.com</a>			
Catherine Nakamura, RDH	<a href="mailto:katynak@yahoo.com">katynak@yahoo.com</a>			
Darlee Motosue, RDH	<a href="mailto:dkmotosue@yahoo.com">dkmotosue@yahoo.com</a>			
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Jason Wolf, RDH	<a href="mailto:wolfrdh@gmail.com">wolfrdh@gmail.com</a>			
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Grace Gamboa, RDH	<a href="mailto:strwbrymochi@gmail.com">strwbrymochi@gmail.com</a>			
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Stacy Matsuyama Sekioka, RDH	<a href="mailto:stsekioka@gmail.com">stsekioka@gmail.com</a>			

Printed name	Signature	Address	Comment	Date
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Anna Akaka, RDH	<a href="mailto:annaakaka@gmail.com">annaakaka@gmail.com</a>			
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Tori Clegg, RDH	<a href="mailto:tclegg09@gmail.com">tclegg09@gmail.com</a>			
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Barbara Pfuhl, RDH	<a href="mailto:barbarapfuhl@gmail.com">barbarapfuhl@gmail.com</a>			
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Tracy Furukawa, RDH	<a href="mailto:alanandracy@hawaiiintel.net">alanandracy@hawaiiintel.net</a>			
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Theresa Brown, RDH	<a href="mailto:terri4brown@aol.com">terri4brown@aol.com</a>			
Mavis Gushiken, RDH	<a href="mailto:mavisg808@hawaii.rr.com">mavisg808@hawaii.rr.com</a>			
Lauren Kam-Felipe, RDH	<a href="mailto:lkamfelipe@gmail.com">lkamfelipe@gmail.com</a>			
Megan Akamine, RDH	<a href="mailto:akaminemegan@gmail.com">akaminemegan@gmail.com</a>			
Ashley Lopez, RDH	<a href="mailto:aklopezz@yahoo.com">aklopezz@yahoo.com</a>			
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Natasha Galarza, RDH	<a href="mailto:fongn@hawaii.edu">fongn@hawaii.edu</a>			
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Kristine Aguon, UHHD student	<a href="mailto:kaguon@hawaii.edu">kaguon@hawaii.edu</a>			
Katy Nakamura, RDH	<a href="mailto:katynak@yahoo.com">katynak@yahoo.com</a>			
Nora Macaraeg, RDH	<a href="mailto:noramac1500@yahoo.com">noramac1500@yahoo.com</a>			
Emeraude Thai, RDH	<a href="mailto:amythai@msn.com">amythai@msn.com</a>			
Dawn Hillary Pascual, RDH	<a href="mailto:dawnhillaryp@gmail.com">dawnhillaryp@gmail.com</a>			
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Jessica Lozano, RDH	<a href="mailto:jes_lozano@yahoo.com">jes_lozano@yahoo.com</a>			

Printed name	Signature	Address	Comment	Date
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Melinda Lau, RDH	mellau@gmail.com			
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Loreizl Cahinhinan, RDH	<a href="mailto:loreizl1@gmail.com">loreizl1@gmail.com</a>			







**SB-2538**

Submitted on: 2/3/2020 9:04:15 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

My name is Alysha Cosier and I am a pharmacy student. I am testifying in support of bill SB2538. I feel passionate about this bill because the use of Electronic Smoking Devices among youth in Hawai'i has increased and doubled or even tripled over the national rate. This vaping epidemic was brought by a perfect combination of easy access and flavorful tobacco products. If this epidemic continues, it would pose a significant risk for major health issues to the youth. Hawai'i is already experiencing a youth vaping epidemic. With 8 in every 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. I believe that the proposed ban on all flavored tobacco products and the increase in fines and penalties for any violations presented in this bill is essential in bringing a stop to this vaping epidemic. Again, I would like to emphasize my strong support for bill SB2538.

Thank you for the opportunity to testify.

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

Senator Michelle N. Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair  
Committee on Education

Coalition for a Tobacco Free Hawaii

Monday, February 3, 2020

Support for S.B. 2538, Relating to the Youth Vaping Epidemic

My name is Ashley Choo and I am a student at the University of Hawaii at Mānoa. As a Public Health major, I have focused on examining the long term health effects of vaping, specifically in underage populations. As a student, I have seen firsthand the damaging effects nicotine containing products has caused to my peers both mentally, physically, and socially. I strongly support S.B. 2538, Relating to the Youth Vaping epidemic, which would ban the sale of flavored tobacco products.

Nicotine products that look to mimic fruit or candy flavors appeal to underage populations. It is important to take measures that would prevent the initiation of e-cigarette usage such as that of implementing a flavor ban, increasing fines for those under the age of 21 purchasing tobacco products, and the regulation of mislabeled tobacco products that this bill proposes. Nicotine is a highly addictive substance that alters neurotransmitters in the brain. Allowing the exposure of such harmful chemicals to adolescents' continually developing brains is detrimental to the productivity, physical well-being, and mental state of the individual.

Although the long-term health effects of vaping are still vague and have yet to be studied in detail, it is evident in recent news the health effects e-cigarettes have caused. Individuals have suffered from various respiratory illnesses and pulmonary complications that have been linked to the usage of e-cigarettes. It is important to take the necessary measures to promote the cessation and decreased initiation of e-cigarette usage. By supporting S.B. 2538, it would ensure the safety of Hawaii's Youth. Thank you for the opportunity to testify.

**SB-2538**

Submitted on: 2/3/2020 7:10:53 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

To Whom it May Concern,

The sale of flavored tobacco should be banned in Hawaii. My name is Kourtney Kwok and I am a senior at Punahou School. I was always aware of the problem around tobacco, but it wasn't until a year ago that I first realized how troublesome the issue was becoming. When I learned that more than half of my younger cousin's class vaped, I knew this was a serious issue. She was only in middle school and yet kids her age were using drugs. A couple months later, news regarding e-cigarette related illnesses and deaths were happening almost every week. It was surprising and concerning to see the numbers skyrocket on TV. I remembered those kids my cousin mentioned and felt a need to do something about it. I didn't want them to get sick, and I definitely didn't want any of my younger siblings or relatives to be involved with tobacco.

Tobacco, whether it's in the form of a cigarette or vaping liquid has significant effects on a child's brain development and overall health. There are hundreds of different carcinogenic and dangerous chemicals found in tobacco products, such as arsenic, formaldehyde, cadmium or lead. Young kids end up using these products mainly because of the various flavors offered. E-cigarettes, for example, offer over 16,000 unique flavors. For kids unaware of the harmful effects, this is what can hook them into using this dangerous product. Big Tobacco companies use this to their advantage by marketing flavors in ways that are familiar to children. They use packaging and designs similar to name brand candies and cereals to appeal to a younger audience.

By banning the sale of flavored tobacco, it would prevent kids from getting hooked into using these products. The law may state you need to be 21 and over to purchase these items, but those who are underage still manage to get a hold of them. In fact, Hawaii has one of the highest vaping rates in both middle and high school for the United States. Ending the sale of these addicting and enticing flavors would stop kids from continuing or joining. Educating others does play a role in prevention, but so does stopping the source as well. Without cool flavors to choose from, many youth would be discouraged from starting in the first place. This is why completely stopping the sale of flavored tobacco is important.

Whichever side of the argument you fall on, at the very least this action should be taken. Yes, this decision will affect businesses and adults who choose to use tobacco, but it

will also save the lives of children in our community. Placing this bill into law will prevent kids from ever getting the opportunity to try using tobacco. While it is inevitable for there to be economic repercussions, I believe it is a necessary sacrifice we should all be making. When it comes to the health of those around us, especially of those in the next generation, it is an issue we should take seriously. Therefore, I ask everyone reading this to take action in their community. Talk to your local representative or simply those around you about this problem. By spreading awareness, educating others, and advocating for this bill, we can be one step closer to ending this epidemic.

Sincerely,

Kourtney Kwok

**SB-2538**

Submitted on: 2/3/2020 8:27:26 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

## Comments:

Hi my name is Mayra Mendoza and I'm a Junior at Konawaena High School. I strongly support the ban of flavored tobacco in our state because it is affecting so many individuals and they have no idea what it's doing to them. I'm concerned about the people who use flavored tobacco to be cool because it is really not and they are doing it because they know people who do it. Also, some people want to use it to stop smoking cigarettes but it is worse, and it is not helping them at all. Even people who don't use flavored tobacco are being affected because of second hand smoke and that is what hurts me the most because they are just random people who shouldn't suffer the consequences that other people are causing. I wouldn't want any of my little siblings or my family to be around those environments and that is why I am advocating against flavored tobacco. Even at my school I see vaping constantly and it is getting way out of hand. Bathrooms are getting closed down, and people who are at the wrong place at the wrong time are getting punished for things they didn't even do. So overall, I would like for this bill to get passed because it is really important for it to get passed. Lots of people would benefit from this and we would all be healthier. I wholeheartedly support this bill because it will do no harm, it would only help everyone in our society and cause better habits in our lives.

**SB-2538**

Submitted on: 2/3/2020 7:32:17 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Hi, my name is Alana Cayabyab. I'm 16 years old and a Junior at Kauai High School on the island of Kauai. I am in strong support of SB2538 as it works towards the end of flavored tobacco sales because I want to protect our future generations from the addictive nicotine and the many chemicals that are behind it. I've never smoked once in my life, but I'm constantly seeing my fellow peers and even younger get so addicted to these products mainly because they are drawn to these candy flavors that these companies advertise. I believe that if we end these sales, teens will find the real flavor disgusting causing them to stop. Being the oldest out of three, I don't want my younger siblings who are 3 and 8 years old to be influenced by these products and eventually start themselves. We are the future generation, we need to act now for the sake of our tomorrow. thank you for your time.

**SB-2538**

Submitted on: 2/3/2020 5:36:10 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I am writing in STRONG OPPOSITION to this proposed Bill.

Any regulation of flavors should occur at the federal level - Congress empowered FDA to establish tobacco product standards such as restricting flavors only if FDA determines that such action would be appropriate for the protection of the public health based on science and evidence.

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

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

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



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

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

Thank you for considering this testimony.

Aloha,

Johnathon Myers

Concerned Constituent & Consumer

**SB-2538**

Submitted on: 2/1/2020 5:49:38 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

**SB-2538**

Submitted on: 2/1/2020 1:49:22 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I'm Alex and I strongly oppose this bill!

**SB-2538**

Submitted on: 2/1/2020 11:45:56 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

**SB-2538**

Submitted on: 2/2/2020 9:01:40 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

A ban on flavored tobacco is an attack on our liberties.

**SB-2538**

Submitted on: 2/2/2020 1:21:48 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

**SB-2538**

Submitted on: 2/2/2020 10:24:14 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

**SB-2538**

Submitted on: 2/4/2020 8:25:32 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:



**SB-2538**

Submitted on: 2/1/2020 11:30:46 AM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/3/2020 4:55:48 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

**SB-2538**

Submitted on: 2/3/2020 12:59:27 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

I think that they should have the law state that vaping or tobacco relating products only be sold at a select number of stores that have security cameras that would stop kids from getting vaps and tobacco products.



**LATE**

February 5, 2020  
State Capitol, Conference Room 229

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

Senator Michelle Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair  
Committee on Education

**Re: Support of SB 2538, Relating to the Youth Vaping Epidemic**

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, **supports SB 2538 to ban the sales of flavored tobacco products in Hawai'i with comments on Section 5 regarding fines.**

At Kapi'olani Medical Center for Women & Children, we often treat pediatric and adult patients who are adversely affected by tobacco products in multiple ways. For the past few years, we have seen an increasing number of teenagers and young children coming in who are screening positive for e-cigarette or vape use.

Initiation of e-cigarette use is almost always associated with a flavored product. Studies have shown that flavored tobacco-use is particularly enticing to youth. The e-cigarette and vape companies use attractive packaging and flavors that are very similar to candy products and sweets that are easily recognizable by children and teens. These flavors include common candies like cotton candy, sweet tart, blue raspberry, and even local Hawaii-inspired flavors like POG (passion orange guava), Hawaii Sweet Roll, and Pele's Papaya. One of the biggest concerns with e-cigarettes is the lack of longitudinal studies on health and safety of these products. It took decades for the harmful side-effects of combustible cigarettes to become well-known, and we do not want our youth to be the ones to suffer from any potential health effects of e-cigarettes or vape products. We cannot sit by as a generation of adolescents becomes addicted to nicotine because of these flavored products.

While we support the intent of this bill, **we do have concerns about the inclusion of fines under Section 5.** Previous research shows that these fines are not effective in preventing youth use. We should focus on the industry responsible for this epidemic, rather than the youth that have become victims of it.

In the best interest of our local youth, we would like to request your **support of HB 2457** to ban flavored tobacco products, but reconsider the use of fines defined under Section 5.

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

**SB-2538**

Submitted on: 2/4/2020 10:48:20 AM

Testimony for CPH on 2/5/2020 9:15:00 AM

**LATE**

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

Comments:

**LATE**

**SB-2538**

Submitted on: 2/4/2020 12:41:29 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/4/2020 1:35:32 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/4/2020 3:39:01 PM

Testimony for CPH on 2/5/2020 9:15:00 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 this bill due to the fact that our youth are becoming addicted to electronic smoking devices because of the various fruit and candy flavors. Our youth and young adults are dying because of vaping and is all because they start off by using flavored e-juices that get them addicted. It is time to put a stop to these candy, fruity and minty flavors so our kids will not want to try them in the first place! Hear our pleas when we say that our kids here on Hawaii island are using these devices on ALL parts of the island and at young ages as early as 11 years old! We do not want our kids to be using oxygen tanks when they're in their 20's, we don't want our kids needing lung transplants, we do not want our kids to die in their sleep because they simply could not breath anymore because their lungs are inflamed... hear our cries when we say we do not want our younger generations to continue this trend because of "flavor" experimentation, or because "everyones doing it" or because "it's the cool thing to do"... our children are dying all across this country PLEASE help us in getting ALL flavors banned including menthol!

With great concern, Kai Gacayan- community member, mother of 4 young children



**LATE**

**SB-2538**

Submitted on: 2/4/2020 1:22:43 PM

Testimony for CPH on 2/5/2020 9:15:00 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 Robak and i think youth vaping is very bad because it can harm every living cell in you.

**LATE**

**SB-2538**

Submitted on: 2/4/2020 1:44:50 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/4/2020 1:35:36 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

**LATE**

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

Comments:

Im a eight grade student and weed can help and affect you and all my cuzin do em

**LATE**

**SB-2538**

Submitted on: 2/4/2020 1:43:23 PM

Testimony for CPH on 2/5/2020 9:15:00 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-2538**

Submitted on: 2/4/2020 5:25:54 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

**LATE**

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

Comments:

**LATE**

**SB-2538**

Submitted on: 2/4/2020 8:23:46 PM

Testimony for CPH on 2/5/2020 9:15:00 AM

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

Comments:

Honorable Senators:

I strongly oppose SB2538. The suggested fines and penalties are both absurd and unobtainable. The added cost to our already burdened court system and economy cannot support the suggested programs.

Respectfully submitted,

Theresa Revell

**SB-2538**

Submitted on: 2/4/2020 9:48:10 PM

Testimony for CPH on 2/5/2020 9:15:00 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:

Adults like flavors. Vape like alcohol is an adult vice. The use of alcohol among highschool students in Hawaii are identical to that of vaping. There are just as many flavors of alcohol as there are vape. Freedoms and the freedom to do businesses should not be infringed upon due to bad parenting and teens breaking the law! Enforcement is needed not bans and freedoms taken away!

**LATE**