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**Testimony in SUPPORT of H.B. 1570
RELATING TO THE YOUTH VAPING EPIDEMIC**

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

Hearing Date: 2/10/2022

Room Number: Videoconference

1 **Fiscal Implications:** The fiscal impact of a ban on flavored tobacco products in Hawaii would
2 result in modest reductions in Hawaii's tax revenues while at the same time leading to reductions
3 in chronic diseases and health care spending, including Medicaid spending in the state.

4 **Department Testimony:** The Department of Health (DOH) supports House Bill 1570
5 (H.B. 1570) as both a health equity and social justice issue to protect the next generation from
6 lifelong addiction to tobacco use. H.B. 1570 prohibits the sale of flavored tobacco products and
7 synthetic nicotine products (including menthol) and prohibits the mislabeling as nicotine-free
8 any e-liquid products containing nicotine.

9 The absence of protective policies to act as a preventive buffer between the promotion of
10 enticing and low-priced electronic smoking devices (ESDs) also known as e-cigarettes and
11 youth, contributed to the twenty-two percent increase for high school and thirteen percent
12 increase in use rates by middle school students. Thirty-one percent of Hawaii's high school and
13 eighteen percent of Hawaii's middle school students reported using e-cigarettes in the past 30
14 days with highest rates on the neighbor islands.^{1,2} The unrestricted promotion of e-cigarettes has

¹ HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii's Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, State-level. http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html

² HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii's Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, Middle Schools, State-level. http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_MS_ST.html

1 addicted a new generation of young people to nicotine, increased exposure to harmful substances
2 and likelihood for smoking cigarettes in the future.³ There is no safe amount of tobacco use, and
3 during the pandemic, youth who use e-cigarettes may be putting themselves at greater risk for
4 COVID-19 infection.⁴ Comprehensive evidence-based prevention policies are needed that restrict
5 flavored tobacco products and regulate e-cigarettes.

6 Between 2020-2021, youth access to flavored synthetic nicotine products increased in
7 popularity through disposable products such as Puff Bar. Synthetic nicotine products fall into
8 regulatory gaps that currently dodge U.S. Food and Drug Administration (FDA) authority
9 potentially circumventing the premarket tobacco product application requirement for all e-
10 cigarette products.^{5,6}

11 Since 2014 e-cigarettes have been the most commonly used tobacco product among U.S.
12 youth.⁷ Scientific studies report that flavors are one of the main reasons that youth use tobacco.
13 According to the 2013-2014 Population Assessment of Tobacco and Health (PATH) study, 81%
14 of 12-17-year-old youths who had ever used a tobacco product-initiated tobacco use with a
15 flavored product. Additionally, 80% of current users had used a flavored product in the last
16 month.⁸ In 2019, the majority of youth who vaped reported using flavored ESDs, with fruit,

³ US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. pdf icon [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.

⁴ Gaiha SM, Cheng J, Halpern-Felsher B. Association Between Youth Smoking, Electronic Cigarette Use, and Coronavirus Disease 2019. *Journal of Adolescent Health*. Published online August 11, 2020. doi:10.1016/j.jadohealth.2020.07.002

⁵ *What you need to know about new synthetic nicotine products*. (n.d.). Truth Initiative. Retrieved February 1, 2022, from <https://truthinitiative.org/research-resources/harmful-effects-tobacco/what-you-need-know-about-new-synthetic-nicotine-products>

⁶ Jordt, S.-E. (2021). Synthetic nicotine has arrived. *Tobacco Control*. <https://doi.org/10.1136/tobaccocontrol-2021-056626>

⁷ Arrazola RA, Singh T, Corey CG, et al. Tobacco use among middle and high school students—United States, 2011–2014. *MMWR Morb Mortal Wkly Rep* 2015;64:381–5. PMID:25879896

⁸ 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>

1 menthol or mint, candy, desserts, or other sweets being the most commonly used.^{9,10} According
2 to the same research, mint and menthol went from being among the least popular to among the
3 most popular flavors for high school students over the past four years.¹¹ Data from another 2019
4 study revealed that the most popular flavor among 10th and 12th grade Juul users was mint.¹²
5 These data illustrate that trends among youth users of flavored e-cigarette products change
6 quickly and therefore must be addressed swiftly.

7 Menthol flavors are too often exempted from tobacco control policies.¹³ Menthol is an
8 organic compound that has cooling, analgesic, and irritative properties, which can change the
9 way the brain registers the sensations of taste and pain.¹⁴ Menthol in cigarettes can make
10 harmful chemicals more easily absorbed in the body.¹⁵ Menthol also facilitates absorption by
11 masking the harshness of, and making it easier to inhale cigarette smoke. The availability of
12 menthol cigarettes likely increases experimentation and progression to regular smoking and the
13 availability of menthol increases the likelihood of addiction for youth smokers.^{16,17} Exempting
14 menthol perpetuates social injustice as menthol flavoring has been used by the tobacco industry
15 to appeal to youth, racial minorities, and marginalized populations. The tobacco industry has

⁹ 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

¹⁰ 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

¹¹ 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

¹² 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

¹³ *The importance of strong local flavored tobacco policies*. (n.d.). Truth Initiative. Retrieved February 1, 2021, from <https://truthinitiative.org/research-resources/emerging-tobacco-products/study-highlights-importance-strong-local-flavored>

¹⁴ 45 U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. 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, 2014.

¹⁵ U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998

¹⁶ 8 U.S. Food and Drug Administration, Tobacco Products Scientific Advisory Committee. Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations. March 23, 2011. Available at: [https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco Products Scientific Advisory Committee/UCM269697.pdf](https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco%20Products%20Scientific%20Advisory%20Committee/UCM269697.pdf)

¹⁷ U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013. Available at: <http://purl.fdlp.gov/GPO/gpo39032>

1 targeted minority groups such as the lesbian, gay, bisexual and transgender (LGBT) community,
2 Asian Americans, Pacific Islanders, Native Hawaiians, and African Americans.^{18,19,20} Menthol
3 use is also high among those with behavioral health conditions and those who are
4 socioeconomically disadvantaged.^{21,22}

5 The DOH supports H.B. 1570 as a measure to protect Hawaii’s next generation from
6 lifelong addiction to tobacco use by prohibiting the sales, distribution, and mislabeling of all
7 flavored tobacco and synthetic nicotine products. Such enactment could lead to “Reversing the
8 Youth Vaping Epidemic in 2022.”

9 Thank you for this opportunity to testify.

10 **Offered Amendments:** None

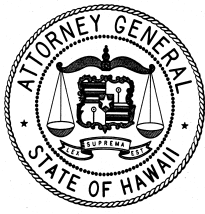
¹⁸ Washington, H. (2002). *Burning Love: Big Tobacco Takes Aim at LGBT Youths* | *AJPH* | Vol. 92 Issue 7. American Journal of Public Health. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.7.1086>

¹⁹ Muggli, M. E., Pollay, R. W., Lew, R., & Joseph, A. M. (2002). Targeting of Asian Americans and Pacific Islanders by the tobacco industry: Results from the Minnesota Tobacco Document Depository. *Tobacco Control*, 11(3), 201–209. <https://doi.org/10.1136/tc.11.3.201>

²⁰ Primack, B. A., Bost, J. E., Land, S. R., & Fine, M. J. (2007). Volume of Tobacco Advertising in African American Markets: Systematic Review and Meta-Analysis. *Public Health Reports*, 122(5), 607–615.

²¹ National Survey on Drug Use and health, 2018

²² National Survey on Drug Use and health, 2018



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 1570, RELATING TO THE YOUTH VAPING EPIDEMIC.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

DATE: Thursday, February 10, 2022 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 329, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chair Yamane and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill and provides the following comments regarding this bill.

The purpose of the bill is to address the health dangers caused by the use of electronic smoking devices (ESDs). The bill would create new offenses for retailers selling flavored tobacco products or synthetic nicotine products, mislabeling e-liquid products, and advertising ESDs to individuals under twenty-one years old. This bill also adds synthetic nicotine products to section 712-1258, Hawaii Revised Statutes (HRS), which currently criminalizes sales of tobacco products and ESDs to individuals under twenty-one years old and adds definitions for "heated smoking product" and "synthetic nicotine product" to section 712-1258, HRS.

Section 2 of this bill adds a new section to chapter 712, HRS, which is in the Penal Code; however, on page 7, lines 6-17 the bill states that the penalties for violating the section are administrative fines ". . . paid to the department of health and deposited into the Hawaii tobacco prevention and control trust fund. . . ." Administrative fines do not belong in the Penal Code, but if this section is to remain in the Penal Code, the Department suggests that the word "administrative" be stricken from the phrase "administrative fine" on page 7, lines 7, 10, and 11.

Section 2 also addresses sentencing issues. As part of the sentencing provisions set forth on page 7, lines 14-17, the bill requires "[a]ll fines shall be paid to the department of health and deposited into the Hawaii tobacco prevention and control

trust fund established pursuant to section 328L-5." Although this bill directs that the moneys be paid to the Department of Health and then deposited into the Hawaii Tobacco Prevention and Control Fund, for clarity purposes, the Department suggests on page 7, lines 14-15 deleting "paid to the department of health and" so the moneys would be directly deposited into the Hawaii Tobacco Prevention and Control Fund.

However, the Department notes that because section 706-643(2), HRS, provides "(2) All fines and other final payments received by a clerk or other officer of a court ... [and] all such funds shall be deposited with the director of finance to the credit of the general fund of the State", amendments to section 706-643(2), HRS, may be required to redirect funds that currently go automatically to the state general fund, in addition to amending the wording in the bill.

On page 14, lines 8-19, section 3 of this bill adds the definition of "synthetic nicotine products" to section 712-1258, HRS. The definition of "synthetic nicotine products" includes cigarettes and cigars, which are already included in the definition for "tobacco product" in sub-section 712-1258 (7), HRS. Including "a cigarette, cigar" on page 14, lines 13-14 may be confusing for enforcement and compliance, as cigarettes and cigars are traditionally tobacco products derived from tobacco. See section 245-1, HRS, defining "cigarette" to mean "any roll for smoking made wholly or in part of tobacco, irrespective of size and shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco." See also section 245-1, HRS, definitions for "large cigar" and "little cigar".

Finally, in section 2, on page 5, line 20, the Department notes the effective date is January 1, 2023, and the effective date for section 3 found on page 15, line 15 would be July 1, 2022. Because both section 2 and section 3 would impact both retailers and enforcement agencies, having the same effective date may reduce confusion and aid in compliance and enforcement efforts.

Thank you for the opportunity to provide comments.

**Testimony before the Hawaii House Committee on Health,
Human Services & Homelessness
Regarding Banning the Sale of Flavored Tobacco and Vapor Products
Lindsey Stroud, Director
Consumer Center
Taxpayers Protection Alliance
February 10, 2022**

Chairman Yamane, Vice-Chair Tam, Members of the Committee:

Thank you for your time today to discuss the issue of banning flavored sales of tobacco and vapor products. My name is Lindsey Stroud, and I am Director of The Taxpayers Protection Alliance's (TPA) Consumer Center. TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government's effects on the economy. TPA's Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

Per the statement from the legislation's sponsor, this proposal is an effort to address youth use of tobacco and vapor products. While such efforts are laudable, policymakers should refrain from excessive prohibition when addressing such issues. Rather, than punish adult former smokers, Hawaii lawmakers ought to fund robust tobacco control programs, including education and prevention.

Youth Use of Tobacco and Vapor Products is Declining

The legislation is tilted "Relating to the Youth Vaping Epidemic." This is an interesting choice of words given how lawmakers did not ban flavored tobacco products in the 1990s when Hawaiian youth were overwhelmingly using combustible cigarettes, which are far more deadly than tobacco harm reduction products such as e-cigarettes.

According to data from the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Surveillance Survey (YRBSS) – and the same survey the legislation relies on – in 1995, 68.8 percent of high school students reported ever-using combustible cigarettes and 32.4 percent were current users, defined as having smoked a cigarette on at least one occasion in the 30 days prior to the survey.¹

While youth of vaping is a reason of concern, it also coincides with a significant decline in youth use of combustible cigarettes. In 2019, 17.8 percent of high schoolers reported ever-trying cigarettes and only 5.3 percent were current users, representing declines of 74.1 percent and 83.6 percent, respectively, from 1995 rates.

Moreover, the legislation is relying on 2019 figures on youth use which disregard recent surveys that have found that youth use of vapor products is on the decline. In 2019, 48.3 percent of Hawaiian high school students reported ever-trying e-cigarettes, 30.6 percent reported past 30-day use, and 7.9 percent reported using vapor products daily.

In 2021, according to the National Youth Tobacco Survey, an estimated 11.3 percent of high school students and 2.8 percent of middle school students reported having used a vapor product on a least one occasion in the month prior to the survey.² Further, only 3.1 percent of high school students and less than one percent of middle schoolers reported daily e-cigarette use. The rate of decline is remarkable: among high school students, vaping rates have declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes.

Robust Tobacco Control Funding – Not Bans – to Address Youth Tobacco and Vapor Product Use

Interestingly, in Section 1 of the proposed legislation, when determining the cost of smoking to the Aloha State, the sponsor relies on data from the CDC's *Best Practices for Comprehensive Tobacco Control Programs 2014* guide.³

According to the CDC, the “2014 edition describes an integrated programmatic structure for implementing interventions proven to be effective and provides the recommended level of state investment to reach these goals and to reduce tobacco use in each state.”⁴ Of the proposed approaches from the CDC, none are bans. For Fiscal Year 2014, the CDC recommended that Hawaii dedicate \$13.7 million annually for tobacco control programs, with \$9.9 million suggested for a minimal.⁵

This is intriguing because the Aloha state spends very little of existing tobacco monies on robust tobacco control programs. In 1939, under the Territorial Government, Hawaii first imposed an excise tax on tobacco products.⁶

Between 2000 and 2020, Hawaii collected an estimated \$2.1 billion in cigarette taxes.⁷ During the same 20-year period, the Aloha State increased the tax rate on cigarettes nine times. The last tax increase raised the rate by \$0.20, to \$3.20 per pack.

Tobacco taxes are not the only form of tobacco-revenue the state collects. In the mid-1990s, Hawaii sued tobacco companies to reimburse Medicaid for the costs of treating smoking-related health issues. And, in 1998 with 45 other states, the Aloha State reached “the largest civil litigation settlement in U.S. history” through the Master Settlement Agreement (MSA).⁸

Under the MSA, states receive annual payments – in perpetuity – from the tobacco companies, while relinquishing future claims against the participating companies. Between 2000 and 2020, Hawaii collected \$974.4 million in MSA payments.⁹

Despite increasing taxes, and perpetual settlement payments, the Aloha State allocates very little of state funding towards tobacco control.

Between 2000 and 2020, Hawaii allocated only \$168.9 million in state funds towards tobacco control programs.¹⁰ This is 7.9 percent of what the state collected in cigarette taxes in the same 20-year time span and 17.3 percent of MSA payments. In total, in 20 years, Hawaii allocated only 5.4 percent of what the state received in tobacco taxes and settlement payments towards tobacco education and prevention efforts. In essence, for every \$100 received in tobacco-related taxes and settlement payments, the state spent \$5.40 funding tobacco control programs.

Moreover, increased taxes did not create increases to state tobacco control funding. For example, in 2010, the state increased the cigarette tax by \$0.60, to \$2.60 per pack. This led to an immediate 14.8 percent increase in cigarette tax collections, from \$104.4 million in 2009 to \$119.9 million in 2011. During the same time period, tobacco control funding decreased by 24.8 percent, from \$10.5 million in 2009 to \$7.9 million in 2010.

If lawmakers truly care about youth use of age-restricted products, especially tobacco products, they ought to invest more funding in robust tobacco control programs. In 2020, Hawaii dedicated only \$6.1 million in state funding to such programs, that amounts to just \$20.62 per person under the age of 18.

(See Supplemental Graph 1.1)

Vapor Product Emergence Correlates to Significant Declines in Young Adult Smoking Rates

Electronic cigarettes and vapor products were Aloha introduced to the U.S. in 2007 “and between 2009 and 2012, retail sales of e-cigarettes expanded to all major markets in the United States.”¹¹ Moreover, between September 2014 and May 2020, e-cigarette sales in the U.S. increased by 122.2 percent.¹²

Examining data from the CDC’s BRFSS finds that e-cigarettes’ market emergence has coincided with a significant reduction in smoking rates among young adults.

In 1998, among current adult smokers, 24 percent were 18 to 24 years old. In 2008, this had decreased by 22.1 percent to 18.7 percent of adult smokers in Hawaii being between 18 to 24 years old.

In the years after e-cigarette's market emergence in the early 2010s, smoking rates among current smokers aged 18 to 24 years decreased by 50.9 percent. Indeed, in 2010, among current smokers in Hawaii, 23.2 percent were between 18 to 24 years old. In 2020, only 11.4 percent of current smokers were 18 to 24 years old.

Further, since 2016, when the U.S. surgeon general issued an alarm about youth e-cigarette use, smoking rates among adults aged 18 to 24 years in the Aloha State have decreased by five percent, with an average annual decrease of 4.7 percent.

(See Supplemental Graph 1.2)

Adult Vaping Rates

Despite providing annual data on cigarette and smokeless tobacco use, the CDC's BRFSS only reports on adult e-cigarette use for 2016 and 2017.

In 2017, according to the BRFSS, 4.7 percent of Hawaii adults were current e-cigarette users. Similar to income status among smokers, lower income persons are more likely to use vapor products. In 2017, among current adult e-cigarette users, 9.7 percent reported household incomes of \$25,000 or less per year. Conversely, only four percent reported earning \$50,000 a year or more.

Economic Impact of Vaping in Hawaii

In 2021, according to the analysis by the Vapor Technology Association, the industry created 190 direct vaping-related jobs in Hawaii. These jobs generated more than \$8.2 million in wages.¹³ Moreover, the industry has created hundreds of secondary jobs in the Aloha State, bringing the total economic impact in 2021 to \$54.7 million. In the same year, Hawaii received more than \$4.6 million in state taxes attributable to the vaping industry.

Unfortunately, efforts by anti-vaping organizations and policymakers have negatively affected vape shops in the Aloha State. The number of employees has decreased by 57.9 percent from 451 in 2018 to 190 in 2021, representing a loss of \$9.9 million in wages.¹⁴ Further, state tax collections in 2021 were down 51.2 percent from 2018's level of \$9.5 million. Overall, the economic output from the vaping industry in Hawaii was reduced from \$100.7 million in 2018 to \$54.7 million in 2021, a 45.7 percent decrease.

(See Supplemental Graph 1.3)

Flavors Are Not Main Reason for Youth E-Cigarette Use

According to the sponsor statement of this proposal, flavors are the reason why Hawaiian youth are using e-cigarettes.

This is simply not true. In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”¹⁵

Further, in analyses of state youth tobacco use surveys, other factors including social sources are most often cited among youth for reasons to use e-cigarettes and vapor products.

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.¹⁶

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”¹⁷

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”¹⁸ Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”¹⁹ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”²⁰

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”²¹

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.²²

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.²³

(See Supplemental Graph 1.4)

Flavor Bans Lead to Increased Combustible Cigarette Use

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California.²⁴

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use.

Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette.²⁵ Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019.

Worse, despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette. Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019.

An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco’s flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years.²⁶ Although the ban did have an effect in decreasing vaping rates, the authors noted “a significant increase in cigarette smoking” among participants aged 18 to 24 years old.

Other municipal flavor bans have also had no effect on youth e-cigarette use.²⁷ For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

Further, studies have found that banning flavors in e-cigarettes leads to subsequent combustible cigarette use. A 2018 study published in *Tobacco Control* found that banning flavored “e-cigarettes alone would likely increase the choice of cigarettes in smokers.”²⁸ A July, 2021 survey

in *Nicotine & Tobacco Research* found that one-third (33.2 percent) of survey respondents would “likely switch to [combustible] cigarettes” if flavors were banned in e-cigarettes.²⁹

In August 2021, an article in *American Journal of Public Health (AJPH)* co-authored by 15 past presidents of the Society for Research on Nicotine and Tobacco (SRNT). This prime academic global organization involved with nicotine and tobacco evidence-based research warned that: “Because both youth and adult smokers find e-cigarette flavors attractive, banning all (or most) flavors risks reducing smokers’ use of e-cigarettes to quit smoking at the same time that it reduces youth vaping.”³⁰

(See Supplemental Graph 1.)

Health Effects of Electronic Cigarettes and Vapor Products

Despite recent media reports, e-cigarettes are significantly less harmful than combustible cigarettes. Public health statements on the harms of e-cigarettes include:

Public Health England (PHE): In 2015, a landmark report relying on 185 studies and produced by PHE (a leading health agency in the United Kingdom), found “that using [e-cigarettes are] around 95% safer than smoking,” and that their use “could help in reducing smoking related disease, death and health inequalities.”³¹ In 2018, the agency reiterated their findings, finding vaping to be “at least 95% less harmful than smoking.”³²

As recent as February 2021, PHE provided the latest update to their ongoing report on the effects of vapor products in adults in the UK. The authors found that in the UK, e-cigarettes were the “most popular aid used by people to quit smoking [and] ... vaping is positively associated with quitting smoking successfully.”³³

The Royal College of Physicians (RCP): In 2016, RCP found the use of e-cigarettes and vaping devices “unlikely to exceed 5% of the risk of harm from smoking tobacco.”³⁴ RCP is another United Kingdom-based public health organization, and the same group which was the first to highlight the link between smoking and lung cancer, and other tobacco related diseases, in 1962.

The National Academies of Sciences, Engineering, and Medicine: In January 2018, the academy noted “using current generation e-cigarettes is less harmful than smoking.”³⁵

Cochrane Review: Researchers at the Tobacco Addiction Group analyzed studies that examined the effects of e-cigarettes in helping smokers quit. The researchers found 61 studies that had over 16,700 adults that had smoked. The studies compared the instances of quitting smoking using e-cigarettes to other nicotine replacements including nicotine replacement therapy, nicotine-free e-cigarettes, behavioral support and others. Of the available evidence, the authors found that more people “probably stop smoking for at least six months using nicotine e-cigarettes than using nicotine replacement therapy ... or

nicotine-free e-cigarettes.” The authors also found that e-cigarette “may help more people to stop smoking than no support or [behavioral] support only.”³⁶

Society for Research on Nicotine and Tobacco (SRNT): An article in August 2021 co-authored by 15 past presidents of the SRNT reported that “Many scientists have concluded that vaping is likely substantially less dangerous than smoking”. Furthermore, they found that “A growing body of evidence indicates that vaping can foster smoking cessation” and warned “Studies have found that policies intended to restrict e-cigarette use may have unintentionally increased cigarette smoking”.³⁷

Menthol Bans Have Little Effect on Smoking Rates, Lead to Black Markets, Lost Revenue and Will Create Racial Tension

Beyond e-cigarettes, policymakers’ fears about the role of menthol and flavorings in cigarettes and cigars are overblown and banning these products will likely lead to black markets.

Data from the National Health Interview Survey (NHIS) finds nearly a third of all American adult smokers smoke menthol cigarettes. In a 2015 NHIS survey, “of the 36.5 million American adult smokers, about 10.7 million reported that they smoked menthol cigarettes,” and white menthol smokers “far outnumbered” the black and African American menthol smokers.³⁸

Although lawmakers believe banning menthol cigarettes will deter persons from smoking those, such a ban will likely lead to black markets. A 2012 study featured in the journal *Addiction* found a quarter of menthol smokers surveyed indicated they would find a way to purchase, even illegally, menthol cigarettes should a menthol ban go into place.³⁹ Further, there is little evidence that smokers would actually quit under a menthol ban. A 2015 study in *Nicotine & Tobacco Research* found only 28 percent of menthol smokers would give up cigarettes if menthol cigarettes were banned.⁴⁰

Moreover, there is no evidence to suggest that menthol cigarettes lead to youth tobacco use. Analysts at the Reason Foundation examined youth tobacco rates and menthol cigarette sales.⁴¹ The authors of the 2020 report found that states “with more menthol cigarette consumption relative to all cigarettes have *lower* rates of child smoking.” Indeed, the only “predictive relationship” is between child and adult smoking rates, finding that “states with higher rates of adult use cause higher rates of youth use.”

Lawmakers should take note that menthol sales bans will strain minority communities. Although white Americans smoke more menthol cigarettes than black or African Americans, “black smokers [are] 10-11 times more likely to smoke” menthol cigarettes than white smokers.⁴²

Given African Americans' preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences.

A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market.⁴³ The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, “having a higher share of non-white households was associated with a lower probability of finding a local tax stamp” and “neighborhoods with higher proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes.”

Lawmakers in Hawaii should reexamine the case of Eric Garner, a man killed in 2014 while being arrested for selling single cigarettes in the city. In a 2019 letter to the New York City council, Garner's mother, as well as Trayvon Martin's mother, implored officials to “pay very close attention to the unintended consequences of a ban on menthol cigarettes and what it would mean for communities of color.”⁴⁴ Both mothers noted that a menthol ban would “create a whole new market for loosies and re-introduce another version of stop and frisk in black, financially challenged communities.”

Proposed Legislation Ignores Food and Drug Administration (FDA) Findings of Reduced Harm Tobacco Products

Under the proposal, flavored tobacco product that have been authorized a modified risk tobacco product order by the FDA would be banned.

In 2009, Congress gave the FDA the authority to regulate tobacco products under the Family Smoking Prevention and Tobacco Control Act (TCA). In addition to regulating tobacco products, the TCA authorizes the FDA to oversee manufacturing, distribution and marketing of tobacco products, including “specific restrictions on marketing tobacco products to children.”⁴⁵ Under the TCA, companies manufacturing new tobacco products – those that were introduced to market after 2007 – are required to submit an application to the FDA for authorization to sell those products.

In addition to regulations, the TCA addressed the then-growing product category of safer alternatives to cigarettes by requiring that “modified risk” claims are backed by robust evidence to show that they are less harmful than combustible cigarettes.

Section 911 of the TCA defines modified risk tobacco products as “any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.”⁴⁶

Tobacco companies must provide robust evidence that the modified risk tobacco product reduces the harms associated with tobacco.

Further, the FDA is given ongoing oversight authority via postmarket surveillance data and studies, which are required in Section 911. After issuing a modified risk order, the applicant must “conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health ... and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product.” These results “shall be submitted to the Secretary on an annual basis.”

The TCA provides the FDA with a full range of authority to recognize and permit the marketing of tobacco products that have reduced harm. Not only must companies submit rigorous scientific evidence that proves the product is less harmful than current tobacco products, but it also must monitor those products.

Should youth use become an issue, or perhaps long-term evidence indicates that the product may in fact not be less harmful, the FDA can withdraw the modified risk order and the company must quit marketing the product as such.

To date, the FDA has only granted 14 modified risk orders for tobacco products. In fact, eight of the modified risk orders were for smokeless tobacco products, and the remaining orders were for combustible and heated cigarette tobacco products. The agency has also refused to accept 10 other applications and has refused to file 11 applications.

Under the proposed legislation, seven tobacco products with modified risk orders would be banned for retail sale in the Aloha State despite the FDA authorizing the manufacturer to market the product as less harmful than combustible cigarettes.

Conclusion & Summary Points

Despite alarmism, electronic cigarettes are effective tobacco cessation products that have helped thousands of Hawaiian adults quit combustible cigarettes and flavors are essential in this use. Although youth use of vapor products is concerning, lawmakers must refrain from alarmist efforts that would restrict access to flavors. Rather than prohibition, lawmakers ought to invest already-existing tobacco monies to fund robust tobacco control programs including cessation efforts, education, and youth prevention campaigns.

- Combustible cigarette use among Hawaiian high schoolers are at record lows. In 2019, 5.3 percent reported current use of cigarettes, an 83.6 percent decrease from 1995.
- Nationally, current vapor product use among high school students has declined by 41.8 percent since 2020 and by 58.9 percent since 2019 when 27.5 percent reported using e-cigarettes on at least one occasion in the 30 days prior to the survey.
- The vapor industry has been an economic boon to Hawaii, generating \$54.7 million in economic activity in 2021 while creating 190 direct vaping-related jobs. Further, the industry has contributed more than \$4.6 million in state taxes.

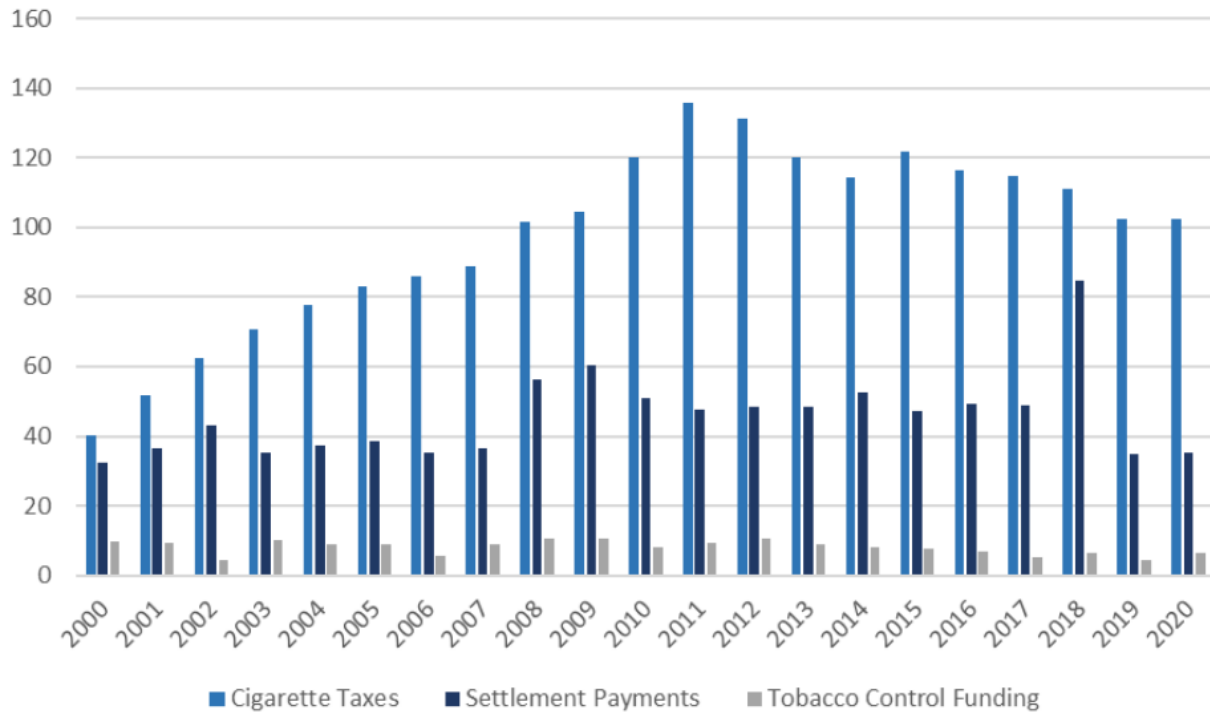
- Unfortunately, anti-vaping efforts have reduced the industry’s economic impact. The number of employees decreased by 57.9 percent from 451 employees in 2018. State tax collections were down 51.2 percent from 2018’s \$9.5 million, and overall economic activity was down by 45.7 percent from \$100.7 million in 2018.
- E-cigarettes’ market emergence is associated with low young adult smoking rates. In 2020, among current smokers in Hawaii, only 11.4 percent current smokers were 18 to 24 years old – a 50.9 percent decrease from 2010. Further, since 2016, smoking rates among young adults have decreased by five percent.
- Data from existing youth surveys on tobacco and vapor product use indicate that high school students are not using e-cigarettes because of flavors. Overwhelmingly, high school students cite “friends/family” and “curiosity” as reasons for e-cigarette use.
- State lawmakers should refrain from enacting bans on tobacco products that the FDA have deemed as *modified risk tobacco products*. In this distinction, the FDA recognizes the potential for such products to help adults quit smoking cigarettes, as well as reduce harm exposure.
- Lawmakers must recognize the consequences of prohibition including black markets and unintended consequences. In localities with flavor vapor product bans, youth use of combustible cigarettes increased after the ban.
- If lawmakers truly want to address youth use of tobacco and vapor products, they ought to invest more of existing tobacco monies on tobacco control programs, including education, prevention and cessation.
- In 2020, the Aloha State collected \$102.4 million in state cigarette excise taxes and \$35.3 million in tobacco settlement payments, yet allocated only \$6.4 million (4.6 percent) to tobacco control. In 20 years, for every \$100 the state received in tobacco-related payments, it spent \$5.40 funding tobacco control programs. This is less than the average price of cigarettes – which is \$9.55 per-pack.

Supplemental Graphs

1.1 Tobacco Monies and Tobacco Control Funding

Cigarette Taxes, Settlement Payments, Tobacco Control Funding

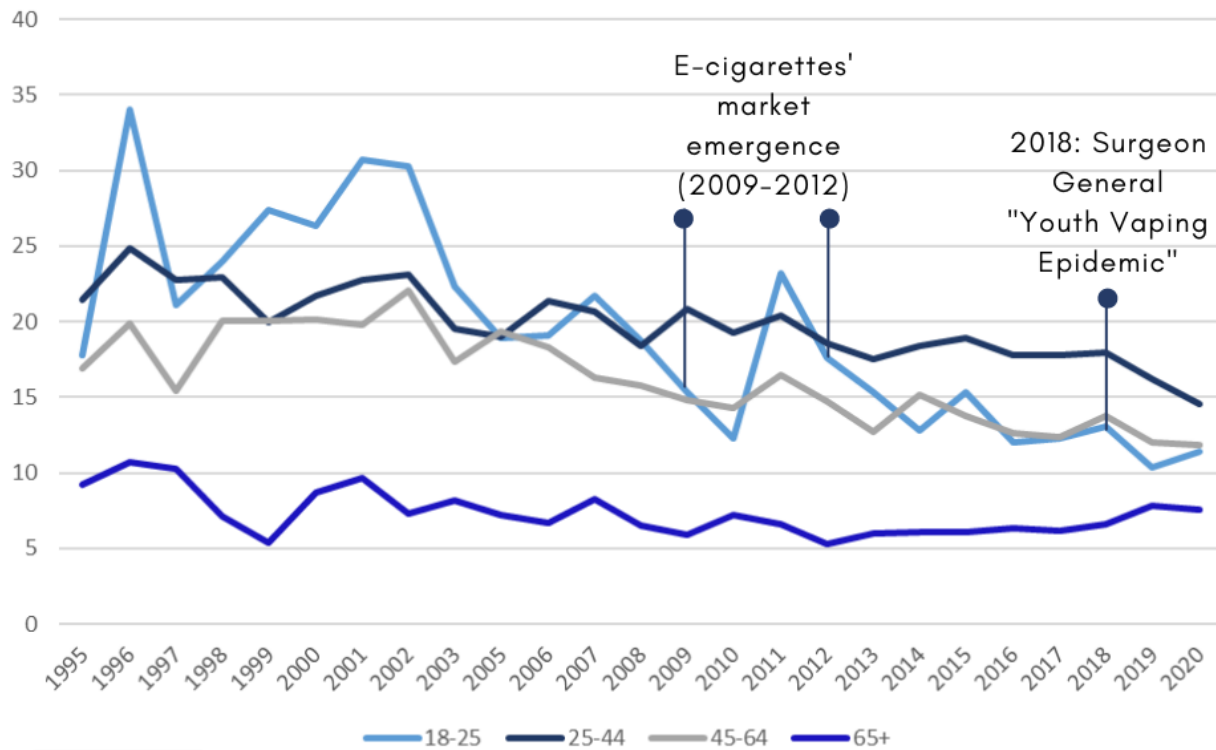
(Dollars, in millions)



1.2 E-Cigarettes and Young Adult Smoking Rates

E-CIGARETTES EMERGENCE LED TO SIGNIFICANT DECREASE IN SMOKING RATES AMONG YOUNG ADULTS

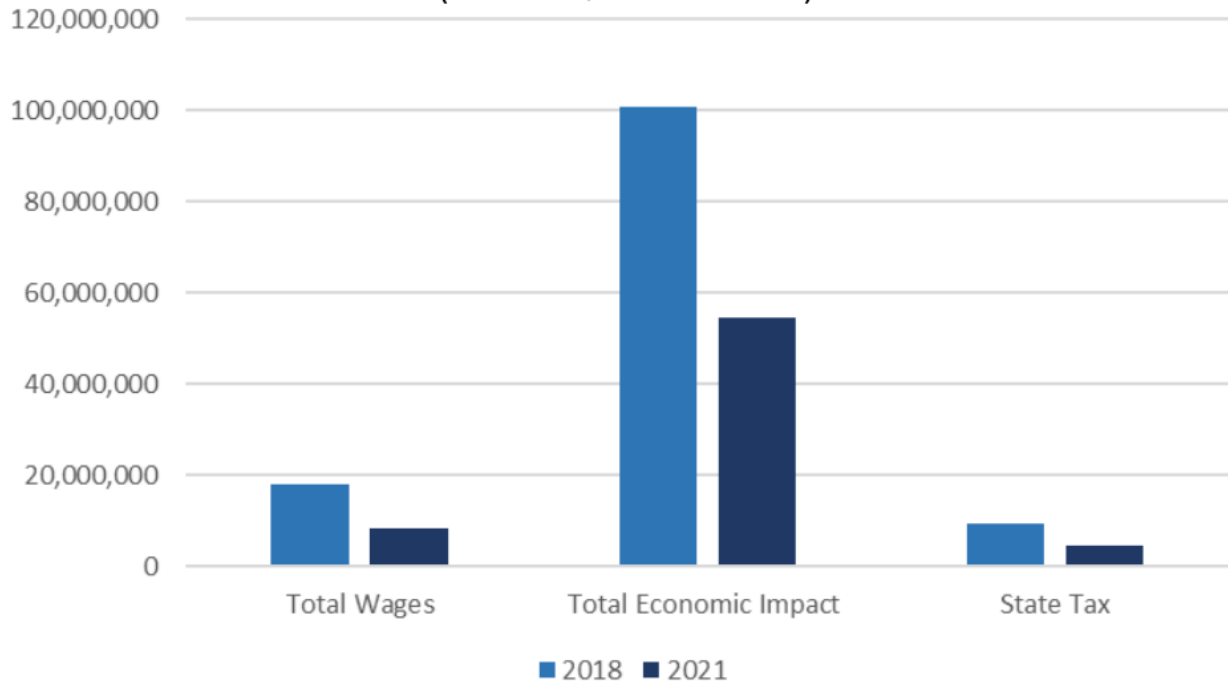
Current Smokers by Age Group (Percent)



1.3 Vape Shops Economic Impact

Vape Shop Economics

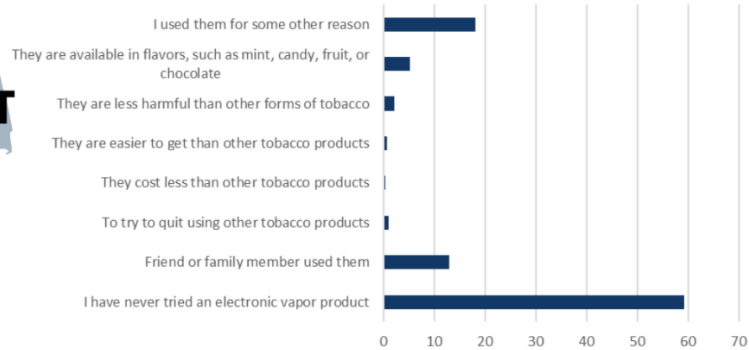
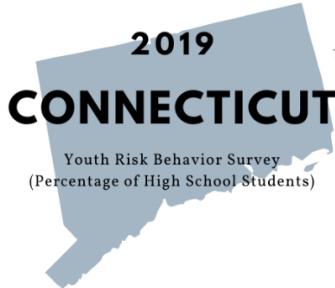
(Dollars, in millions)



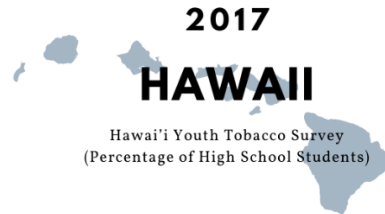
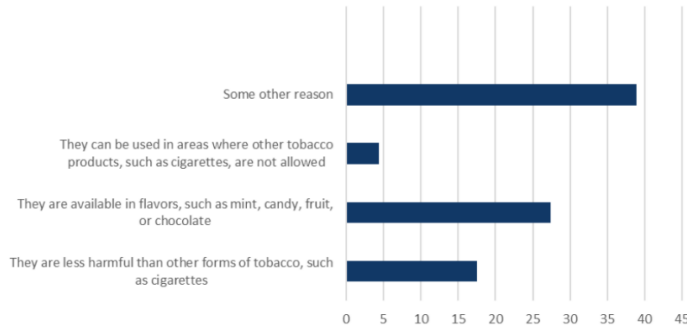
1.4 Reasons for Youth E-Cigarette Use, State Youth Risk Behavior Surveys

REASONS FOR E-CIG USE

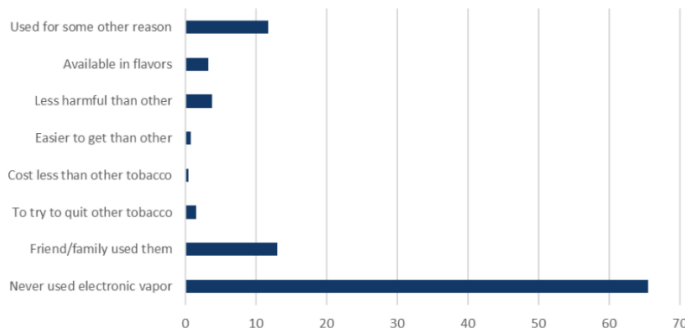
What is the main reason you have used electronic vapor products?



Reasons for e-cigarette use (among ever e-cigarette users, choose all that apply):



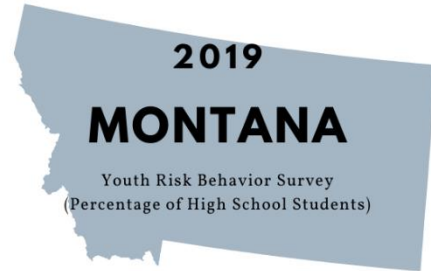
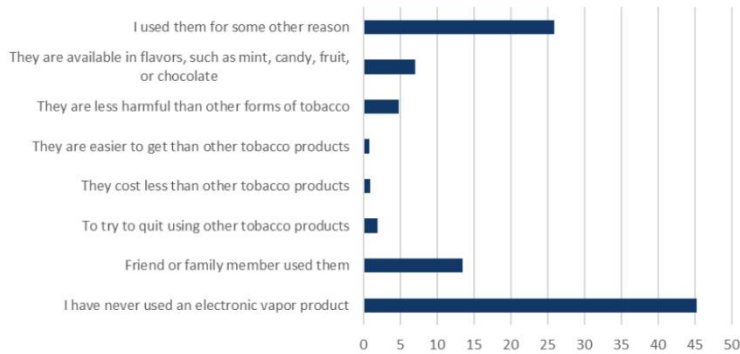
What is the main reason you have used electronic vapor products?



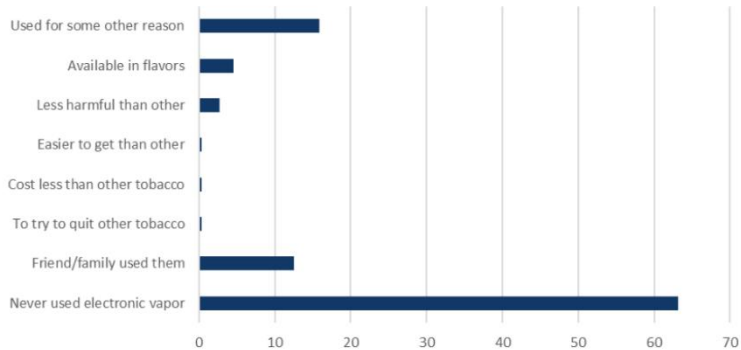
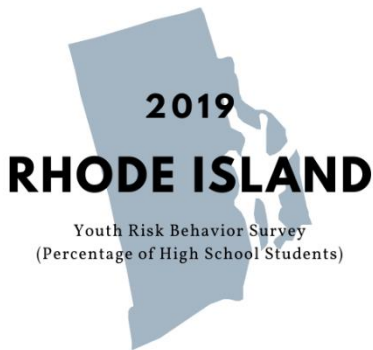
Source: World Health Organization

REASONS FOR E-CIG USE

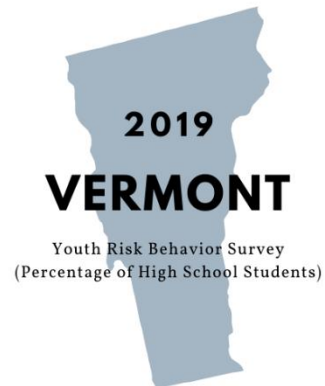
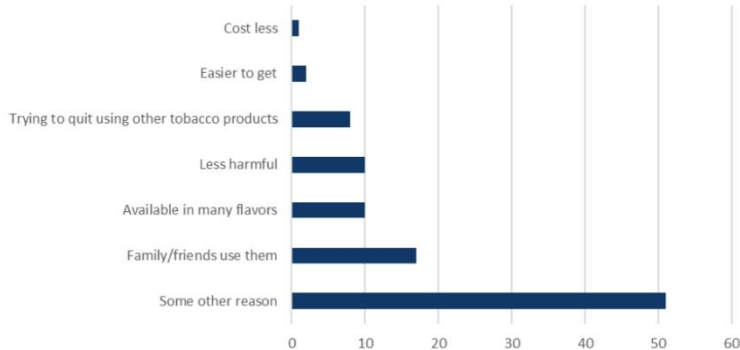
What is the main reason you have used electronic vapor products? (Select only one response.)

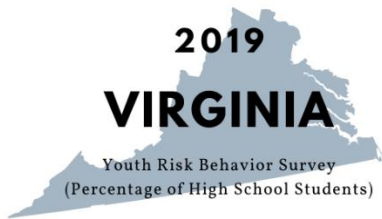


What is the main reason you have used electronic vapor products?

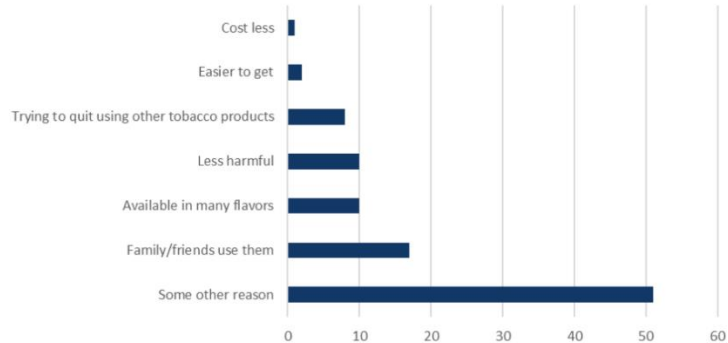


Primary Reason for Using Electronic Vapor Products (Among Current Users)





Primary Reason for Using Electronic Vapor Products (Among Current Users)

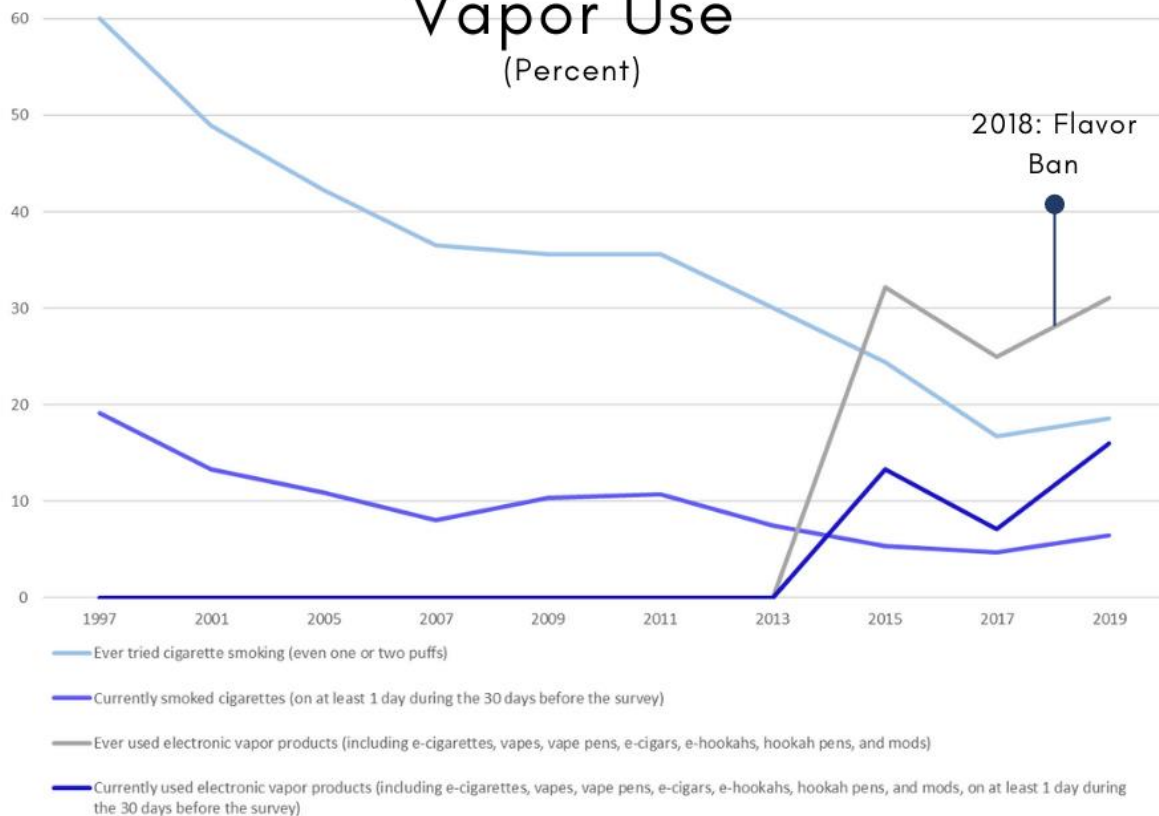


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1.4 Effects of San Francisco’s Flavor Ban

San Francisco HS Student Tobacco & Vapor Use (Percent)



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HB-1570

Submitted on: 2/7/2022 7:47:01 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Strongly Support HB1570

www.WeAreOne.cc

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

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

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 8, 2022

To Representative Ryan Yamane, Chair,
And members of the Committee on Health, Human Services and
Homelessness

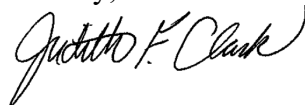
TESTIMONY IN SUPPORT OF HB 1570 RELATING TO THE YOUTH VAPING EPIDEMIC

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, support SB 1570 Related to the Youth Vaping Epidemic.

Thirty-one percent (31%) of Hawaii's students have used flavored tobacco products, a much higher rate than the national average. Tobacco is addictive and its use leads to many long-term health problems. Banning the sale of flavored tobacco products will help our youth grow up safe, healthy, and ready to succeed.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Health, Human Services, & Homelessness

Re: **HB 1570 – Relating to the Youth Vaping Epidemic**
Hawai'i State Capitol, Via Videoconference, Conference, Room 329
February 10, 2022, 9:00 AM

Dear Chair Yamane, Vice Chair Tam, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of HB 1570, relating to the youth vaping epidemic. This bill would ban the sale of flavored tobacco products and mislabeled e-liquid products.

Hawai'i's youth report some of the highest e-cigarette use rates in the nation. In 2020, the Centers for Disease Control and Prevention (CDC) announced that nearly half (48.3 percent) of Hawai'i high school students and 3 in 10 (30.6 percent) of middle school students have ever tried e-cigarettes.¹

Tobacco use is also a health equity and social justice issue. According to the CDC,² approximately 3 in 10 (31 percent) of Hawai'i high school students and nearly 2 in 10 (18 percent) of Hawaii middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island youth, these numbers climb to 4 in 10 (40 percent) for high school and 3 in 10 (30 percent) for middle school students.

Flavors in tobacco entice keiki to get hooked on nicotine. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019.³ Ending the sale of flavored tobacco products will reduce the appeal of these products to our children and youth. Menthol and mint should be included in the flavor prohibition, as their ability to soothe the throat makes them popular among youth.

Hawai'i needs to take action to tackle our growing youth vaping epidemic. Our state was successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs. We can and should reverse the trends in youth e-cigarette use. This bill would be an important start.

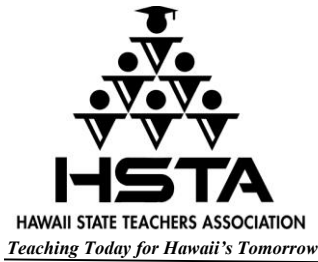
Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,
Nicole Woo
Director of Research and Economic Policy

¹ <https://www.lung.org/media/press-releases/hawaii-vaping-rates>

² <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>

³ https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm



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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON HEALTH, HUMAN
SERVICES & HOMELESSNESS

RE: HB 1570 - RELATING TO THE YOUTH VAPING EPIDEMIC

THURSDAY, FEBRUARY 10, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Yamane, and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1570**, relating to the youth vaping epidemic. This bill beginning 1/1/2023, bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. Establishes fines and penalties for violations. Includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

Flavored tobacco products have been proven as the entry point for youth to start smoking. 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 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say they only use a flavored product.

The use of e-smoking products among youth is at epidemic levels, especially in Hawaii. According to the 2017 Youth Risk Behavior Survey, **Hawaii has one of the highest rates of middle and high school usage in the nation at 15.7% and 25.5% respectively.** Moreover, 27% of middle school students and a whopping 42% of high school students have tried e-cigarettes. On the neighbor islands, usage trends are particularly concerning—in Hawaii county 34% of students reported they are regular users while on Kauai 32% are regular users.

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and

harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking. According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.

Lastly, HSTA opposes any increase of any fines for youth being added to this bill, as we feel they are the victims in this case. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed. So please do NOT add any fines or punishment on our youth who are the victims here. We just want to make this stance clear from the start.

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawaii State Teachers Association requests you **support this bill.**



Hawaii Dental Association

To: House Committee on Health, Human Services, & Homelessness
Time/Date: 9:00 a.m., February 10, 2022
Location: Via Videoconference
Re: HB 1570, Relating to the Youth Vaping Epidemic

Aloha Chair Yamane, Vice-Chair Tam, and members of the committee:

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 1570**, relating to the youth vaping epidemic. This bill bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. It establishes fines and penalties for violations and includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. Tobacco use is causally associated with higher rates of tooth decay, receding gums, periodontal disease, mucosal lesions, bone damage, tooth loss, jawbone loss and more. That is why the Hawaii Dental Association, like the American Dental Association, is working with dentists, educators, public health officials, lawmakers, and the public to prevent and, hopefully, eliminate the use of all tobacco products. HDA supports regulatory and legislative action to ban the sale and distribution of all e-cigarette and vaping products, with the exception of those approved by the FDA for tobacco cessation purposes and made available by prescription only. We will continue to support legislation aimed at enhancing and promoting oral health.

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

Mahalo for the opportunity to testify in support of HB 1570.

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**Rep. Ryan I. Yamane, Chair****Rep. Adrian K. Tam, Vice Chair****February 10, 2022 – 9:00 am****Testimony in Support of HB 1750 Relating to the Youth Vaping Epidemic**

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

The American Lung Association urges Hawaii officials to support House Bill 1750 and restrict the sales of flavored tobacco products to protect youth. Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

It is imperative that the bill restricts all flavors of tobacco, including menthol for the following reasons:

- 1. Menthol keeps the most vulnerable addicted.** Overwhelming scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage¹. Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations.
- 2. Menthol is a barrier for quitting tobacco.** In a letter to the Food and Drug Administration dated January 22, 2021, the Hawaii State Attorney General stated that menthol tobacco products “remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market.”
- 3. Menthol is preferred by young people because it masks harsh flavors of tobacco.** Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine².

¹ Kuiper NM, et al. Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015. *Nicotine Tob Res.* 2018;20(6):698–706.

² 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

The need for Hawaii to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019 nearly every 1 in 3 high schoolers in Hawaii vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.³

The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of House Bill 1570.

Pedro Haro
Executive Director
American Lung Association in Hawaii
pedro.haro@lung.org

³ American Lung Association. *State of Tobacco Control – Hawaii*. 2020



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
hicopd@gmail.com
(808)699-9839

February 8, 2022

Honorable Chair Representative Ryan Yamane
Honorable Vice-Chair Representative Adrian Tam
Members of the House Committee for Health, Human Services & Homelessness

RE: **Strong Support of HB1570 Relating to Tobacco Products (ban flavored nicotine)**

Dear Chair Yamane, Vice Chair Tam, and members of the Health, Human Services and Homelessness Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please vote in favor of HB1570**, which will ban the sale of flavored nicotine products and mislabeled e-liquid products.

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

Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and on in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019!"

While 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, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! 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! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine](#) at

www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs.

Flavors in tobacco and nicotine products entice youth, while the nicotine keeps them hooked for life. Our organization is daily working to help those whose lungs have been ruined by exposure to smoke and we are trying to reduce our numbers, NOT increase them. In 2020, 8 in 10 youth who currently use electronic smoking devices reported they use a flavored product, up from 7 in 10 in 2019 (National Youth Survey). Ending the sale of flavored tobacco and nicotine products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is at least as harmful as other tobacco and nicotine flavors. It is known for its ability to mask the harshness of tobacco and makes using nicotine easier to start and harder to quit. If our aim is to protect our vulnerable keiki and reduce the burden of tobacco in our communities, menthol MUST be included.

Ending the sale of all flavored tobacco and nicotine will advance health equity—disparities in tobacco use are due to the tobacco industry’s history of marketing menthol tobacco products to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Island smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among youth.

The March 2021 Tobacconomics Fact Sheet estimates that more than 3,000 smokers (5.6% of menthol smokers) would quit when flavored and menthol products are banned. Additionally, the fact sheet estimates 700 premature smoking-caused deaths will be avoided. Additionally, fewer youth will be initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing kids in Hawaii from becoming addicted smokers would secure millions of dollars in future health cost savings.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please **vote in favor of HB1570 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

HB-1570

Submitted on: 2/8/2022 5:04:50 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Keenan Reader	Maui Preparatory Academy	Support	No

Comments:

As a school, we directly see the impact of flavored tobacco products on teenagers. Kids are experimenting with flavored tobacco as companies have marketed products to kids. Unfortunately, many eventually get addicted to nicotine and move on to other drugs. Please consider putting the health and safety of our kids first and support the ban on flavored tobacco products.



TO: The Honorable Ryan Yamane, Chair
The Honorable Adrian Tam, Vice Chair
House Committee on Health, Human Services & Homelessness

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

RE: **HB 1570 – RELATING TO YOUTH VAPING EPIDEMIC - In Support**

DATE: Thursday, February 10, 2022
9:00 a.m.

Aloha Chair Yamane, Vice Chair Tam and Members of the Committee:

My name is Philip Bossert, and I am the Executive Director of the Hawaii Association of Independent Schools.

The Hawaii Association of Independent Schools (HAIS) strongly supports HB 1570.

HAIS is a membership organization that currently represents as members 100 of Hawaii's independent K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 112 private K-12 schools in the State.

Approximately 35,000 children attend Hawaii's private and parochial 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 HB 1570 because, in banning the sale of flavored tobacco products – including menthol-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 and help to protect the current and future generations of Hawaii's citizens.

Thank you for the opportunity to submit testimony.

HB-1570

Submitted on: 2/8/2022 4:59:14 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

The Hawaii Smokers Alliance is strongly opposed to HB1570.

We oppose the bill because it is a **shameful and bigoted attack on the rights and liberties of adults over age 21.**

We oppose this bill because it will cause a **black market** of flavor additives without any standards to ensure the product is not harmfully adulterated.

We oppose this bill because it will **harm local small businesses** that retail these products.

Thank You for Your Consideration

Michael Zehner, co-chair of Hawaii Smokers Alliance

hawaiismokersalliance.net

February 9, 2022

TO: Ryan I. Yamane, Chair
Adrian K. Tam, Vice Chair
Members of the House Committee on Health, Human Services, &
Homelessness

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

RE: **HB 1570** - Relating to the Youth Vaping Epidemic
Hearing Date: February 10, 2022
Time: 9:00 am

My name is William Goo. I represent the Cigar Association of America, Inc. (CAA).

CAA **opposes HB 1570** which seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the rising use of flavored tobacco products by youth in Hawaii especially with respect to electronic smoking devices. Cigars are the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. The Senate Committee on Health previously amended SB 3118 - Relating to Tobacco Products to state that cigars among other tobacco products are not subject to the flavor ban. Any ban on flavored tobacco products should exclude cigars.

Thank you for considering this testimony.

Date: February 10, 2022

To: The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair
Members of the Committee on Health, Human Services, and Homelessness

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

Re: Support for HB1570, Relating to the youth vaping epidemic

Hearing: Thursday, February 10 at 9:00AM; via videoconference

Thank you for the opportunity to submit testimony in SUPPORT of HB1570, which would ban the sale of flavored tobacco and synthetic nicotine products; prohibit mislabeling of e-liquid products containing nicotine; and prohibit the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and states that there is an urgent need to protect young people from a lifetime of nicotine addiction and associated health risks.

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products that are mislabeled as nicotine-free entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes.

The banning of flavored tobacco products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products in the State of Hawaii.

Mahalo,

Student Health Advisory Council



February 8, 2022

To: Chair Yamane
Vice Chair Tam
House Committee on Health, Human Services, and Homelessness

RE: **STRONG SUPPORT for HB1570**

Thank you for this opportunity to testify in support of HB1570, which would end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products, in Hawaii. Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make our state a healthier, happier place to live, work and play. To accomplish that goal, we address ways that we can lower obesity rates, tobacco use, and chronic diseases.

From 2017-2019, e-cigarette use more than doubled among high school students and tripled among middle school students.¹ Locally, 27% of middle school students and 42% of public high school students acknowledge trying electronic smoking devices in 2017.²

Despite the mounting evidence proving the deadly nature of flavored tobacco products, E-cigarette companies continue to use flavors to hook kids. According to the 2019 Youth Tobacco Survey, nearly all (97%) of current youth e-cigarette users use flavored products and 70% of users cited using e-cigarettes “because they come in flavors I like.”³ The tobacco industry also disproportionately targets minority communities with flavored tobacco and menthol advertising.

This bill is necessary to improve health outcomes, reduce preventable chronic conditions, reduce unnecessary healthcare spend, and save lives.

Thank you for this opportunity to testify in strong support of HB1570.

¹ Wang, T. W., et al. (2019). Tobacco Product Use and Associated Factors Among Middle and High School Students. Centers for Disease Control and Prevention. *Surveillance Summaries*, 68(12);1–22

² 2017 Hawai'i Youth Risk Behavior Survey.

³ Wang, T. W., et al. (2019). Tobacco Product Use and Associated Factors Among Middle and High School Students. Centers for Disease Control and Prevention. *Surveillance Summaries*, 68(12);1–22



Kaho'omiki
Hawai'i Council on Physical Activity & Nutrition

February 8, 2022

To: Chair Ryan Yamane
Vice Chair Adrian Tam
House Committee on Health, Human Services, and Homelessness

Re: **Strong Support** for **HB1570**

Thank you for your dedication to our community and for this opportunity to provide testimony in **strong support** of **HB1570**.

Kaho'omiki, the Hawai'i Council on Physical Activity and Nutrition, is a local nonprofit that supports and encourages lifelong healthy lifestyles and closely works with organizations across the state to better the lives of youth. Annually, we provide programs and events for over 15,000 youth and families across the State of Hawai'i.

The evidence is clear—ESD use by youth is on an upward trend in Hawaii, and overwhelming data from local and national sources, including the Centers for Disease Control and Prevention (CDC), cite numerous safety and public health concerns with its use. The CDC notes that “young people who use e-cigarettes may be more likely to smoke cigarettes in the future.” We also know that flavored products target kids and lead to an increased use—in 2018, there was a 78% increase in youth vaping, a majority of which involved flavored products, and even higher increases in Hawaii. We must take a stand against this critical public health epidemic for the benefit of our most vulnerable populations.

Thank you for this opportunity to testify in **strong support** of **HB1570**.

Sincerely,

Colby Takeda, MBA, MPH
President & Board Chair



February 9, 2022

Committee Members

Tom Christy
808 645-1594

Regina Floyd
702 292-2372

Brian Foster
808 639-3529

Doug Haigh
808 635-1120

Larry LaSota
808 651-0910

Larry Lindsay
808 634-4559

Scott McCubbins
816 781-5883

Graeme Merrin
808 651-7211

Ryan Moen
808 651-0726

Lelan Nishek
808 245-7747

Tommy Noyes
808 639-1018

Doug Shannon
909 496-1188

Valerie Woods
808 822-2420

Ron Wiley
808 245-9527

Tom Worthen
435 994-0023

Committee on Health, Human Services, & Homelessness
Hawaii State House of Representatives

STRONG SUPPORT FOR
HB1570 RELATING TO THE YOUTH VAPING EPIDEMIC

Aloha Rep. Ryan I. Yamane, Rep. Adrian K. Tam, and HHH Committee Members,

This testimony is submitted on behalf of the Friends of Kamalani and Lydgate Park committee, registering our strong support for HB1570.

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

Here's why we implore you to advance this bill:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of **ALL** flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Please fulfill your allegiance to the people of Hawaii and advance HB1570 as written and without dilution. It is your responsibility to protect our youths' health, not to assure the tobacco industry's and tobacco retailers' profits at the expense of assured life-long health degradation and quality of life impairments.

Sincerely,

s/ Tommy A. Noyes
General Coordinator
The Friends of Kamalani and Lydgate Park



February 10, 2022

9:00 am, Via Videoconference

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Testimony in SUPPORT of HB 1570 RELATING TO THE YOUTH VAPING EPIDEMIC

To: Rep. Ryan Yamane, Chair
Rep. Adrian Tam, Vice Chair

My name is Lisa Dau, RN, and I am the Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPC), which is a non-profit agency with a mission to decrease childhood injuries. KIPC **SUPPORTS** HB 1570, Relating to the youth vaping epidemic that bans the sale of flavored tobacco and synthetic nicotine products.

Tobacco flavors lure young people, while nicotine keeps them addicted for life. In 2020, 8 out of 10 young people who use e-cigarettes said they used a flavored product, up from 7 out of 10 in 2019. (National Youth Tobacco Survey). Stopping the sale of flavored tobacco products will limit their attractiveness and safeguard our children from a lifetime of addiction.

Menthol is just as dangerous as any other tobacco flavor, if not more so. Menthol is known for masking the harshness of tobacco, making it easier to start and harder to quit. We must include menthol if we want to safeguard our keiki and minimize the burden of tobacco in our communities.

Ending the sale of all flavored tobacco will improve health equality since the tobacco industry has a history of marketing menthol cigarettes to adolescents and people of color, which has contributed to inequities in tobacco use. Menthol cigarettes used by 78 percent of Native Hawaiian and Pacific Islander smokers in Hawai'i (Hawaii BRFSS, 2008). One of the most popular flavors among teenagers is mint and menthol flavored e-cigarettes.

We support of HB 1570, which will ban flavored tobacco products in the best interests of our local kids. If the goods lose their attractiveness, become more difficult to obtain, and our children are better educated about the health concerns of using these products, we may be able to mitigate the harm produced by the tobacco and vaping companies.

Thank you,

Lisa Dau, RN, MBA, BSN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition



Testimony in Support of HB1570

RE: Relating to Flavored Tobacco Products

Hawaii Dental Hygienists' Association

Feb 8, 2022

Dear Chair Yamane, Vice Chair Tan and Respected Members of the Committee on Health, Human Services, & Homelessness:

The Hawaii Dental Hygienists' Association (HDHA) strongly **supports House Bill 1570** which proposes to amend Chapter 712, HRS by prohibiting the sale or distribution of flavored tobacco products, as well as the mislabeling and selling such products as nicotine-free.

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

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

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports HB1570** 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.

Date: February 9, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Re: Strong Support for HB1570

I favor a ban on flavored tobacco products, especially e-cigarettes. It's much easier for children to get hooked on a tobacco product if the product is flavored. Flavors are designed to draw children in and Big Tobacco companies try to use flavors to get children to use tobacco products. These flavors are specifically marketed towards kids, with flavors like POG and Tropical Blast. This is wrong and needs to be stopped.

97% of children who vape say that they use a flavored product, and 81% of children who use tobacco products say that they started with a flavored product.

A common flavor is menthol, or mint. Other names (marketed towards children) are things like Ice and Chill. Menthol is an extremely popular way for youth to start vaping, because its cooling properties mask the harshness of the tobacco. This makes it much easier for them to start!

All in all, we need a flavor ban to protect the lives of children. Over 21,000 youth alive today will die from a tobacco related health issue. Banning the sale of flavored tobacco is a crucial step to reducing that devastating number.

Karena Meyermann

Mililani

Date: February 9, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Re: Strong Support for HB1570

Aloha mai kākou. My name is Joshua Ching and **I strongly support passage of HB1570.**

For most of my time throughout high school, I've been surrounded by the effects of the tobacco industry's targeting of students. From puffs of smoke clouding bathroom stalls to my classmates sneaking an inhale from their vape during class, it's a trend that I've seen often, and that has honestly become normalized in my day-to-day. That, above all else, should be the scariest thing – that for many high school students, the prevalence of a new and booming facet of the tobacco industry is just another thing in their everyday.

It didn't start to truly sink in, however, until a few of my closest friends began using e-cigarette products. Most of them were willing to spend upwards of \$30 for an elf bar or a dab pen – money that came out of their own pockets. When I talked to one of them, asking why they chose to vape, they told me that it helps them deal with their anxiety and body dysmorphia, since nicotine suppresses a user's appetite. As I inquired more, they told me that it was the sweet, candy-like flavors that kept them hooked — alongside the many TV shows and other forms of media that glamorized its use in their eyes. It was painful to see the people I cared about most get taken advantage of by the tobacco industry — an industry that weaponized the anxieties of a teenager by specifically marketing to them.

This story, however, isn't unique to just me — it's one that rings true for so many kids across Hawai'i. It comes as no surprise, then, that Hawai'i has one of the highest rates of middle school and high school vaping rates across the nation. Targeted marketing, whether through the use of flavors, ads, or media glorification, is driving up use rates among youth, and won't stop unless we do something about it — and with 21,000 youth slated to die over the next 50 years if use rates don't decline, it's one that we need to take action on now.

Native Hawaiians, moreover, are disproportionately affected by the tobacco industry's targeting, especially when it comes to tobacco. This is of particular

importance to me, as a Native Hawaiian who recognizes the history of corporate exploitation, public health disparities, and intergenerational poverty that has affected my lāhui generation after generation. Especially when it comes to menthol, which is primarily used by marginalized communities like Native Hawaiians, it's imperative that we end its sale to push for social equity.

We are facing a public health crisis of massive proportions. It's time, now more than ever, to prioritize the health and safety of my generation over boosting the coffers of an industry that profits off of addiction.

House Committee on Health, Human Services, & Homelessness
Chair Yamane, Vice Chair Tam and members of the House Committee on
Health, Human Services, & Homelessness

Testimony in strong support for HB1570

It is imperative that e-cigarettes are regulated the same as other tobacco products since they contain the same amount of nicotine (if not more) that make it harder for students to quit.

In my middle school, there used to be a widespread vaping issue among classmates. Many students were caught using e-cigarettes on several occasions including the class president at the time. In fact, most students looked up to the popular people in school and saw vaping as a status symbol. It is this type of pressure that continues the cycle in my school; however, these students should not be blamed for this behavior.

Youth are not the source of the issue and therefore should not be held responsible. I strongly believe that tobacco companies should be punished for marketing their products to youth in our state through candy flavors. Please help the students in my school as well as all students across the island by ending the sale of flavored tobacco products.

Noah Chang
Honolulu

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

I am writing today in strong support of HB1570.

So many of my peers have easy access to tobacco products. The flavor of these tobacco products tend to appeal to my age group as a teen. I have seen this vaping epidemic take over high schools. Countless times I have seen my peers vaping in the bathroom, and I smell the strawberry or mint flavored product fill the air. I have seen my peers get sick and/or deal with lung problems from smoking.

The availability and the targeting of these products has caused such great harm to Hawaii youth, and I want to see accountability from Big Tobacco who fuels this harm. Please pass HB1570 and help protect our youth from targeting by Big Tobacco.

Sincerely,
Misa Layne
Honolulu



Feb. 9, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Youth tobacco use is personal for me, it impacted my boyfriend who started to smoke at a young age. He finally quit at age 20 but started when he was a freshman in high school. Like many of our peers at the time he started with a Juul e-cigarette. And like many, it wasn't long before he was also smoking menthol cigarettes. It took him years to quit but he finally did. I am thankful for that, hopefully he does not have any health problems as he gets older.

The availability of flavored tobacco products negatively impacts the youth of Hawaii by being readily available for them to buy and smoke. Flavored tobacco products are clearly targeted at students as young as middle school, just look at the flavors that are available. These flavors make middle schoolers want to try tobacco products.

I think e-cigarettes need to be regulated like other tobacco products in order to stop students from transitioning to smoking, like my boyfriend.

Please pass HB1570 and end the sale of all flavored tobacco products to help keep our young people from starting a potentially lifetime of addiction through the use of flavored tobacco products.

Bailee Otto

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

My name is Jaelyn Natividad and I am writing in support of HB1570.

The availability of flavored tobacco products negatively impacts youth and other targeted groups by enticing these innocent people to purchase these harmful products. This being said, the more flavored tobacco is available in the community, the greater the increase of tobacco uses that occurs.

The importance of menthol flavors being in the ban for both e-cigarettes and other tobacco products is because menthol flavors are some of the most popular and are what attract people to purchase these products. If you think about it and relate it to food, many people want different varieties or flavors of food. E-cigarettes are no different; there is a flavor to appeal to every taste like Bubblegum, Hawaiian POG and Cotton Candy.

I believe that we need to regulate e-cigarettes as much as other tobacco products due to the harmful nicotine in these products that can result in a lifetime addiction by getting rid of all flavored tobacco products.

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Testimony in strong support for HB1570

The availability of flavored tobacco products negatively impacts youth and other targeted groups. Flavors make tobacco products more appealing to youth, and overall help the industry gain more underaged consumers.

Youth are subject to marketing with images ever present on social media and on shows on streaming services popular with youth. Youth easily become aware of who is able to supply them with these products.

While in the stall using the bathroom, the smell of sweet perfume with the mix of menthol flavors fills the air. It is important to me that menthol flavors be included in the ban for both e-cigs and other tobacco products because, youth are youth. To elaborate, youth are constantly attracted to the newest products through marketing. But, youth will be less likely to use a product that is unflavored and not one able to deliver that desired "Chill", "ICE" or "Frozen" flavor that menthol ads. By eliminating all flavors, including menthol, you eliminate products that attract new underage users.

In high school it is extremely normalized to have an e-cig addiction, with the same kind of constant use that was seen in adolescents from previous generations with cigarettes. It took decades to pass legislation to protect youth from flavored combustible cigarettes and menthol is still allowed. The result, while youth smoking rates declined, we still see 1,400 deaths a year in Hawaii from tobacco related illnesses. I think it is time to put in place laws that will protect this generation of youth from becoming addicted to nicotine via e-cigs. We need to protect our youth from being targeted by flavored e-cigarettes and finally get rid of menthol cigarettes too.

Please pass HB1570 and help protect my friends from a destructive future.

Shaneille Ramos
Keaau, Hawaii

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

My name is Carissa Angelize Esta and I **support HB1570.**

The reason this bill is so important to me is that I have a few adults in my family who have been using tobacco products since a young age, and now cousins around my age who are getting into it. It is sad to see that they are aware of the impact of tobacco on their bodies, but still dismiss it. Many of them smoke or use other tobacco products every day.

I had an uncle who quit, but ended up turning back to chewing tobacco when a loved one passed away. I do not believe that tobacco is a way of escape or a way to relax. I see it as a threat to the human body.

I have a cousin that I know uses e-cigarettes. I have also seen my fellow classmates and even younger classmen around sixth grade who use e-cigarettes. Our generation is always changing, we seem to be growing up too quickly, and we all want to find our place to fit into. I do not think the use of tobacco products is the best way for the younger generation to try and fit in. E-cigarettes are as bad as other tobacco products. Nothing about tobacco products is safe.

With so many flavors out there, including menthol, I feel the availability of flavored products makes it more of a temptation for those starting out or thinking about starting. Please help end the sale of all flavored tobacco products and pass HB1570.

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

My name is Kaya Pettit and I support HB1570.

Flavored tobacco products expose and hook people to nicotine from a young age. This affects them mentally and physically. E-cigarettes in particular contain high amounts of nicotine, increasing the risk of addiction. Nicotine alters the developing brain of youth and young adults, affecting things like memory and self control. Not just that, tobacco products can cause other problems such as lung and cardiovascular diseases.

Flavors, including menthol have been used by the tobacco industry to target their deadly products towards certain groups of people and younger possible consumers. It allows for people to get easily started and hooked on these addictive and harmful products, and ends up creating a lot of health problems for our generation.

It's not the youth's fault for getting addicted. While it may have been their decision to start, it is often because of peer pressure and the marketing specifically aimed towards youth that enticed them into starting. We shouldn't penalize the youth for falling for the traps of companies targeting them, rather focus on how to avoid getting them started in the first place. Ending the sale of all flavored tobacco products is a good place to start.

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

I am writing today in strong support of HB1570.

Flavored tobacco traps youth into wrongly devoting their lives to the craving of tobacco and can lead to bad mental and physical health which can carry on into adulthood. Flavors, including menthol wrongly make tobacco products more viable for the youth who could end up addicted to the product.

The damage and addiction that results from the use of cigarettes and other tobacco products are the same as that of e-cigarettes. We don't allow candy flavored cigarettes, why do we allow candy flavored e-cigarettes? We also need to close the menthol loophole as this sweet flavor is the most popular with youth in cigarettes and e-cigarettes.

Don't let another generation of youth fall prey to the tobacco industry, end the sale of all flavored tobacco in Hawaii.

Ethan Kimura
Hawaii Kai

Date: February 9, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Re: Strong Support for HB1570

Aloha,

I am here to ask for your help to end youth smoking in Hawai'i, and one of the best ways that you can help us is by making sure that youth cannot receive access to vaping by the internet. The Internet is a place of usefulness but can be used as a weapon by tobacco companies, for example websites like elementvape.com is a very easy way that youth can buy E cigarette merchandise; because not only do they sell disposable e-cigs, but they also sell flavors that can mask the use of E-cigs with a simple breath mint aroma. But the contents inside the liquid that smells so good to a teenager, is actually a chemical like formaldehyde which is normally used to keep dead animals looking like they never died and heavy metals that are toxic to the human body. If HB1570 passes in Hawai'i I can rest easily knowing that my family or friends won't be tempted by the scents of E-cigarette liquid.

Mahalo,

Tresyn Kekoakuikalani Molina

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness,

The availability of flavored tobacco products negatively impacts youth and other targeted groups in that they use candy-like flavors to trick youth and create an image of these dangerous products being seen as candy, or something good. These tobacco products also stigmatize and take advantage of our native culture to sell certain flavors like Mauna Dew, and Hawaiian POG.

While attending my public school middle school almost every single time I walked into the bathroom there was somebody vaping. Recently a couple of my neighbors had to go to the hospital because of their e-cigarette addiction, and it hurts to see children like me suffer due to these dangerous products taking advantage of them.

I also believe it's important that menthol flavor should be included in the ban for both e-cigarettes and other tobacco products because menthol is the most commonly used flavor, in particular among Native Hawaiians like myself.

I ask that you **support HB1570** and help protect our keiki.

Chanel Matsumoto

Date: February 1, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Re: Strong Support for HB1570

My name is DeAngelo Joshua and I urge you to support HB1570. I come from a family with a history of substance abuse and I would hate to see my little nieces and nephews get affected by the same fate. Currently, the availability of flavored tobacco products is ridiculous and impacts all youth across the state.

Some people believe that flavored e-cigarettes are “healthier” to use. However, they are just as bad, and even worse in some cases. The list of chemicals contained in e-cigarettes are concerningly long, with some mixtures/flavors having nicotine concentrations higher than combustible cigarettes, making them even more addictive. Menthol flavors of e-cigarettes is one example, with them often being more addictive than non-flavored counterparts, due to its cooling sensation.

For the sake of our youth, now and in the future, please pass HB1570.

DeAngelo Joshua Ola

Kauai

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Support for HB1570

Flavored tobacco products negatively impact youth by basically giving them a delivery system for toxic chemicals inside their body. Menthol is of particular concern in e-cigs and cigarettes. Please end the sale of all flavored tobacco products in Hawaii.

Kyllie Sasaki

Hawaii

Feb. 8, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

Flavored tobacco products hook youth. Most young people start vaping using flavored products and become addicted. It is important that menthol flavors are included in the ban because they are what get youth interested in consuming tobacco and e-cigarettes. The vibrant packaging and interesting flavors are what draw most young people in.

I avoid using the school bathroom during recess because of people vaping. Lots of my classmates actively vape or have tried vaping. As a result, they become addicted and their health is affected, mentally and physically.

Please help put an end to this and stop the sale of flavored tobacco products in Hawaii.

Lauryn Hashimoto

February 9, 2022

Rep. Ryan Yamane, Chair

Rep. Adrian Tam, Vice Chair

Members of the Committee on Health, Human Services &
Homelessness

Aloha my name is Kaidyn Yago and I am a sophomore at Kauai Highschool. I support HB 1570. Many of my fellow peers and friends have tried flavored e-cigarettes already in their life. I have even been offered them but have never tried. It has become a constant problem for teens and students in my school.

Please support HB1570 and help protect Hawaii's youth.

Rep. Ryan Yamane, Chair
Rep. Adrian Tam, Vice Chair
Members of the Committee on Health, Human Services &
Homelessness

I support HB1570 because flavored tobacco products affect youth and are used to target certain groups. These products are “attractive” to the youth and cause teens to get addicted at a very young age. Classmates of mine as young as 11 are using e-cigarettes they got online.

When I was 9, my grandfather passed away from lung cancer as a result of smoking. Knowing now that classmates of mine use e-cigarettes and tobacco products breaks my heart because I know this will take a toll on their health in the future.

It is important to include menthol in the ban in both vapes and cigarettes so youth do not switch from one to the other. Tobacco products cause enough deaths as it is, we don't need flavors targeted towards youth, it can cause serious problems for the future.

I hope that you will help my generation and community to be safe from these products and live healthy lives by ending the sale of all flavored tobacco products in Hawaii.

Neva Leung

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services, & Homelessness

My name is Caleb and I am writing in strong support of HB1570.

Currently, the perception that some youth have about e-cigarettes makes kids want to try vaping. Once they do, like many other types of tobacco products, they become addicted. Flavors play a big role in this. For the past few years in older grade levels, I have been seeing kids that I would never expect to vape. Recently, this problem has spread amongst kids the same age as me.

Some kids believe that smoking e-cigarettes can help relieve stress, especially due to the pandemic and having to adapt to virtual learning. However, e-cigarettes are not a healthy alternative. If we do not regulate them now, e-cigarettes will continue to negatively impact our generation and leave us with terrible health effects later down the line.

Again, I ask you to please support HB1570.

Caleb Plowman
Lihue

Date: February 9, 2022

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services & Homelessness

Re: Strong support for HB1570

Dear Representatives,

My name is Nigel and I would like to share why I support HB1570.

I know many students from my high school who are impacted by e-cigarettes. Many who start vaping have become addicted and abuse it. It breaks my heart to see other young people my age deal with addiction, which I know will only get worse. However, this problem is not just found in my school, but practically all schools across Hawaii. I even see on my Tiktok that teens are vaping all the time.

Flavors play a big role in why students try e-cigarettes and other tobacco products. Menthol in particular gets so many students addicted, creating a new generation where nicotine is normalized.

Unless action is taken now, the devastating outcomes that we know go along with tobacco use may be irreversible. It is important that we address e-cigarettes right now and pass this important piece of legislation.

Nigel Agcaoili

Dear Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services & Homelessness

Support for HB1570

E-cigarettes should be regulated the same as other tobacco products because they have dangerous chemicals that can be inhaled. They are also as addictive as other tobacco products. The availability of flavored tobacco in general negatively impacts youth or other targeted groups by tricking them into buying more tobacco products. It entices them and lures them in with flavors and hooks them onto using tobacco. Menthol flavors must be included in the ban for both e-cigarettes and other tobacco products because they are the sole reason why so many of our youth start using them in the first place.

My uncle frequently vapes and it affects his household. His house always smells like the thick, sweet, cotton candy vape juice. I think it spreads a message to his kids that it's ok to start vaping. It seems like almost everyone I know vapes because of how easy it is to obtain one.

Youth are the victims of the marketing scams that e-cig companies put out. They are just caught in the act and these companies are putting out more flavors to make more money. The health and well-being of the youth are not being considered. Please support HB1570.

Jeanine Longboy

To: Chair Yamane, Vice Chair Tam and members of the House
Committee on Health, Human Services & Homelessness

I support HB1570 because kids are getting more and more
addicted to tobacco products because of the lack of
regulations, in particular all of the flavors that are available.

My best friend vapes, he has stopped coming to church and
started doing more and more drugs and it's because he has
access to purchase these supplies. And he only buys FLAVORED
pods.

The ease of purchasing e-cigarettes online means anyone can
buy it and anyone can use it. Please help protect Hawaii's keiki
and support HB1570.

Savannah Hubbard

Date: February 9, 2022

To: Rep. Ryan Yamane, Chair
Rep. Adrian Tam, Vice Chair
Members of the Committee on Health, Human Services &
Homelessness

RE: **Support HB1570**

My name is Marissa Matsushige. We need to regulate e-cigarettes and other tobacco products to save the lives of those that are affected by this. Flavored tobacco products can easily hook the youth thus resulting in a higher chance in addiction.

On a daily basis in the school bathroom I notice people vaping. I choose to block out and ignore that aspect of school. I don't appreciate the second hand smoke and other things that affect myself and others that don't participate in smoking, but I have no choice but to be subjected to it.

In my community a lot of people are affected by this and they could potentially be harshly affected by the health risks. Tobacco is easily accessible with many menthol flavors, masking the harsh flavor of the tobacco products thus, making it easier to be addicted.

The companies that make and sell these products should be held accountable for their actions which negatively affect the youth.

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services & Homelessness

I support HB 1570 because the availability of flavored tobacco negatively impacts youth by deceiving them with packaging and flavors similar to name brand candies and cereals. By the time they first try vapes, they are hooked, and are forced to continue to profit the tobacco and e-liquid market.

Although I do not have any personal connections to this issue, I realize that it is a massive issue in the community of Hawaii, and although it may sound selfish, I want to protect the rest of the community who remains untouched by this epidemic. There are kids who are just 11 years old and have already started using tobacco and e-liquid products! This needs to be solved, and the only way to is to create hard and fast rules for tobacco companies to follow.

It is important to me that menthol flavors are included in the ban for both e-cigarettes and other tobacco products because they are just as addictive, if not more! They are also targeting youth and Native Hawaiians with menthol, a market that may be unaware of the health consequences. Tobacco and e-liquid companies are specifically targeting them, knowing they will fall for the traps they set. These companies are the ones who need to be punished for hooking our people, all to make a profit.

Thank you for the opportunity to submit testimony.

Eden Thompson

February 9, 2022

Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services & Homelessness

Strong Support for HB1570

Flavored tobacco products are the most effective when it comes to hooking and intriguing the interest for younger groups. For health concerns, it is important to ban menthol flavors in both e-cigarettes and other tobacco products due to the industry using menthol to target younger groups, being unaware of the health risks they are taking.

During my time in high school, many of my peers believed e-cigarettes are a healthy alternative to smoking cigarettes or other tobacco products. Due to their ignorance, many have ended up being treated in the hospital for poor lungs.

Please protect our youth and end the sale of all flavored tobacco in Hawaii

Aron Taguiam

Rep. Ryan Yamane, Chair
Rep. Adrian Tam, Vice Chair
Members of the Committee on Health, Human Services & Homelessness

I am writing in support of HB1570

Youth are more likely to fall victim to e-cigarettes and other tobacco products because of their flavors and easy access. Vaping is a problem at my school, and bathrooms are almost always filled with vapor. Second hand smoke is a problem to me and many other students. Bathrooms are hardly usable during breaks. Flavors tempt youth to want to try tobacco products of all types. And it can only take once for some youth to get addicted. I possible life long addiction with many harmful effects on the body

Easy access has made it simple to try, and once you do, get addicted. Not only is their health affected but their financial situation could be at risk too. Given the total cost of a lifelong addiction.

The youth is the victim in this case. More penalties won't have much of an effect on the people who are addicted or people who don't think they will get caught. Also the toll on their bodies is a major penalty by itself. We need to focus on the industry and stop the sale of all flavored tobacco products in Hawaii.

Tanner Hubbard
Kauai

Dear Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services & Homelessness

I am writing to ask for your support for HB1570

My name is Kirra Carvalho. I believe we need to end the sale of all flavored tobacco products because they have similar negative effects on our bodies. The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes it easy for them to access and try it. When they soon become addicted, they will continue to get more and more. It is important that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because they are just as much a flavor as any other one. It still has the same negative effect and should be banned.

My younger sister, who is a 7th grader, came up to me one day and said she found out so many of her classmates vape. I thought that was crazy because she's so young and I couldn't believe kids her age were vaping.

I support the stance that youth penalties should not be included in flavor ban bills because for these young students it is their time to learn. We want to help them quit and show them the harmful effects of it. Not punish them for falling victim to an industry that targets them.

Date: February 9, 2022

To: Chair Yamane, Vice Chair Tam and members of the House
Committee on Health, Human Services & Homelessness

Re: Support for bill HB1750

I believe we need to end the sale of all flavored tobacco products since these products are relatively cheap and easily accessible which makes youth more vulnerable. They are highly addictive and can cause many illnesses that youth may not be aware of. Tobacco products cause many of the same health effects and one isn't better than the other. They all end in pain or death.

My best friend is majorly affected by vaping and I wish he could come to terms with his addiction and quit. Banning all flavored tobacco and regulating vapes like other tobacco products would be a big help to him and many others. These kids don't understand the purchase they are making and how detrimental it is to their health. I urge you to support legislation to ban all flavored tobacco.

Maddison Hubbard

To: Chair Yamane, Vice Chair Tam and members of the House Committee on Health, Human Services & Homelessness

Support HB1750

Students and my peers should not be addicted to tobacco products this young when they still have the rest of their life to live and tobacco products could overtake that life. Flavored tobacco products help get them to try and become addicted when young, it could affect them for the rest of their life.

This is personal for me, my brother is addicted to e-cigarettes. I can tell it affects his exercises, and if flavors were banned and e-cigarettes controls were put in place, there would have been less of a chance he would've gotten addicted in the first place.

Many teenagers now can get a hold of e-cigarettes without an ID or a parent even knowing. E-cigarette companies cater to a younger audience, please control these products like other tobacco products and help protect kids like my brother.

Leia Mokiao-Higashi
Lihue

Rep. Ryan Yamane, Chair, Rep. Adrian Tam, Vice Chair
Members of the Committee on Health, Human Services &
Homelessness

Please support HB1570

Among the many issues of e-cigarettes and other flavored tobacco products, there is one that sticks out: The availability of these flavored products and how it can have a long-lasting impact on youth. Menthol flavors cover the harsh taste of e-cigarettes and other tobacco products alike and causes adolescents to get addicted to the taste of tobacco products.

Unlike other tobacco products, a license isn't required to sell e-cigarettes and almost anyone is eligible to sell these products. This allows youth to get their hands on e-cigarettes, which research has shown to have lasting effects on adolescent brain development, reduces athletic performance, and reduces lung growth. E-cigarettes have the same health concerns as tobacco products and they are as big an issue if not more so than other tobacco products with youth.

The deaths and hospitalization of children who consume e-cigarettes has increased and as long as there is cheap and easy access to e-cigarettes, it will only grow. Please ban the sale of all flavored tobacco products

Jacob Trujillo

Feb. 9. 2022

Chair Yamane, Vice Chair Tam and Members of the Committee on Health, Human Services & Homelessness

RE: Strong Support for HB1570

By making flavored tobacco products available, teens are being drawn to and marketed towards which can lead to addiction to tobacco products. As we know, tobacco has major negative health effects including lung, heart, and brain problems. Naturally, youth and other people who aren't educated on the effects of tobacco would be curious to try flavored products, and thereby get hooked.

Although I am not a user of tobacco products, in my freshman year of high school, I had several classmates have allergic reactions to their vapes, as well as a friend faint due to the amount that they were using e-cigarettes. I remember being scared and incredibly concerned for these people, as I talked to them in my day to day life. I knew of the health concerns, but I had never seen them laid out right before my eyes. I knew that I was making the right choice by continuing to not vape, and that I wanted to help others quit.

I can tell that the many flavors and ease of access has created a boom in the amount of people who use e-cigarettes. I see people walking down the street in possession of one, and I've seen several people easily buying them on their cell phones. Banning flavors including menthol flavors is important because if only e-cigarettes and not other flavored tobacco products are banned, then that leaves menthol products available, meaning that targeted audiences will still have access to them and just switch. It seems pointless to only remove a portion of the problem. Please ban the sale of all flavored tobacco products

Kiele Casillas

Kalaheo

Chair Yamane, Vice Chair Tam and Members of the Committee on Health,
Human Services & Homelessness

Please support HB1570. The availability of flavored tobacco products negatively impacts youth because it attracts younger kids, the packaging of flavored tobacco products also makes the younger kids have a sense of familiarity when they see names like POG, Bubble Gum or Cotton Candy.

Tobacco or the use of e-cigs have impacted one of those around me. My step brother. He was hit by the popularity wave of e-cigs. Many people in his grade were taken in, he's in high school and has been put under the pressure of owning an e-cig, just to feel the need of fitting in.

With countless flavors, relatively easy access to e-cigarette purchases online combined with the low cost have negatively impacted my community because it is now common to see my peers vaping or having an e-cig.

I think that it is important to protect the youth from harmful substances/products, because youths still have a lot ahead of them. Please support HB1570, Hawaii's keiki are depending on you.

Mikayla Lumabao

Kalaheo

Aloha, Rep. Ryan Yamane, Chair, Rep. Adrian Tam, Vice Chair
Members of the Committee on Health, Human Services & Homelessness

I am writing in support of SH1570. Flavored tobacco products get kids hooked on nicotine at a very young age which can lead Hawai'i's youth to have ongoing health problems later in life and can get kids in trouble. Students get addicted to the menthol flavor because it masks the taste of tobacco. Flavored tobacco (including menthol) does the opposite of helping kids get rid of their addictions.

I've seen many of my own friends become addicted to e-cigarettes because of the flavors and advertisements targeted towards kids. When I walk into the bathroom at school, it is very normal to see a group of people passing around an e-cigarette in the stalls because they're addicted. If flavored tobacco was banned, students would not be as interested in these products, which could lead to a lower rate of addiction.

Youth penalties should not be included in bills because in most instances, using e-cigarettes is a form of peer/social pressure that students give into. The kids giving into peer pressure to seem "cool" form an addiction to these nicotine products. Instead of punishing kids for giving into these pressures, end the sale of all flavored tobacco products that attract and hook kids.

Thank you for the opportunity to provide my testimony.

Kailee Oyama
Lawai



American Cancer Society
Cancer Action Network
2370 Nu'uau Avenue
Honolulu, Hi 96817
808.
www.fightcancer.org

House Committee on Health, Human Services and Homelessness
Representative Ryan Yamane, Chair
Representative Adrian Tam, Vice Chair

Hearing Date: February 10, 2022

ACS CAN SUPPORTS THE INTENT of HB 1570 – RELATING TO THE YOUTH VAPING EPIDEMIC

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

Thank you for the opportunity to provide testimony to **SUPPORT THE INTENT** and offer comments on HB1570: Relating to the Youth Vaping Epidemic.

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

The epidemic of e-cigarette use by youth and young adults, aggressive marketing tactics by their manufacturers, including the use of flavors appealing to youth, and under-regulation of these products requires the public health community to take action to protect youth, young adults, and the public at-large. After years of decline, in 2018 there was an increase in tobacco use among youth nationwide, largely due to skyrocketing rates of e-cigarette use. In Hawaii, 30.6% of high school students currently use e-cigarettes.¹

ACS CAN supports that the bill would ban all flavors in all tobacco products including electronic smoking devices sold at all retailers.

We have serious concerns that a separate definition for synthetic nicotine may result in unintended consequences that might negatively impact the health outcomes for the people of Hawaii.

Thank you for the opportunity to comment on this matter. Should you have any questions, please do not hesitate to contact Cynthia Au at 808.460.6109, or Cynthia.au@cancer.org.

¹ Centers for Disease Control. High School YRSB “Hawaii 2019 and United States 2019 Results”



Testimony of Eric Wright
President of the Hawaii Petroleum Marketers Association (HPMA)

**HB 1570 - RELATING TO THE YOUTH VAPING EPIDEMIC
COMMENTS, WITH AMENDMENTS**

Board of Directors

Eric Wright

President
Par Hawaii

Robert Hood

Vice President
Aloha Petroleum, LLC

Al Chee

*Vice President &
Secretary/Treasurer*
Island Energy Services, LLC

Kimo Haynes

*Immediate
Past President*
Hawaii Petroleum, LLC

Alec McBarnet

Maui Oil Petroleum, LLC

Alton Higa

Aloha Petroleum, LLC

Annie Marszal

Lahaina Petroleum

Eric Lee

Par Hawaii, LLC

Jon Mauer

Island Energy Services, LLC

Paul Oliveira

Maui Oil Company, Inc.

Steve Wetter

Hawaii Petroleum, LLC

House Committee on Health, Human
Services, & Homelessness
The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair

Thursday, February 10, 2022 at 9:00 a.m.

Aloha Chair Yamane, Vice Chair Tam, and Members of the Committee:

I am Eric Wright, president of the Hawaii Petroleum Marketers Association (HPMA). HPMA is a nonprofit trade association comprised of members who market motor fuel products across Hawaii.

HPMA supports strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we oppose provisions in HB 1570 that prohibit the sale, distribution and marketing of all flavored tobacco products to persons of legal age.

We are concerned that granting individual counties the ability to pass ordinances that are stricter than State law may result in varying restrictions from county to county that make compliance for retailers difficult. Having a uniform statewide law is preferred.

Therefore, HPMA respectfully requests your consideration of the following amendments:

1. **Delete** (5) on pages 7-8; and
2. **Delete** page 9, lines 1-9.

“Tobacco product” and “synthetic nicotine product” are already defined in 712-1258(7), which makes this duplicative and unnecessary.

Thank you for your consideration of these amendments and the opportunity to submit testimony.

My name is Fred Burian, I am Vice President of the Board of Directors of Hamakua-Kohala Health (HKH), a Federally Qualified Health Center on the Big Island. HKH serves the health needs of 3,500 youth on the north side of the Big Island.

Our Board of Directors strongly supports HB 1570 to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them.

The addictive substances of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products.

Please support this vital legislation.

Fred Burian
Vice President, Board of Directors
Hamakua-Kohala Health

Phone: (808)775-1064



ALOHACARE

Date: February 10, 2022

To: The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice-Chair
Committee on Health, Human Services & Homelessness

From: Peggy Mierzwa, Community & Government Relations AlohaCare

RE: **HB1570** Relating to The Youth Vaping Epidemic-Strong Support

AlohaCare appreciates the opportunity to provide testimony in **STRONG SUPPORT of HB1570**. This measure would end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products in Hawai'i. To address the youth use, it all also subjects synthetic nicotine and heated tobacco products to age restriction.

Founded in 1994, AlohaCare is a community-rooted, non-profit health plan serving nearly 80,000 Medicaid and dual-eligible health plan members on all islands. It is the only state health plan exclusively serving Medicaid patients. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating access to quality health care for all. We believe that health is about supporting whole-person care, including access to housing and food security, to build a stronger, healthier Hawai'i.

Flavored tobacco products, including flavored vaping products are designed and marketed to entice youth. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product.ⁱ Hawai'i is experiencing a youth vaping epidemic. We must do all we can to protect our young people's health from the vaping and tobacco industry's efforts to get them addicted to life-threatening habits.

AlohaCare applauds this measure's focus to improve the health of Hawai'i's keiki and protect them from becoming the next generation addicted to nicotine. The majority of youth are attracted to the many fruit flavors that are combined with menthol flavoring to create flavors like "Raspberry Ice". Alone, menthol has been used to mask the harshness of tobacco in traditional cigarettes, making it easier to start and harder to quit. Here in Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers smoke menthol cigarettes compared to 42% of White smokersⁱⁱ.

Tobacco consumption results in health problems that creates hundreds of millions in added health care costs for the State and contributes to health disparities and poor health outcomes. The public health harms caused by menthol flavored tobacco products have disproportionately impacted our youth, especially Native Hawaiians and Pacific Islanders, in Hawai'i.

Thank you for this opportunity to provide testimony on HB1570.

ⁱ https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

ⁱⁱ <https://www.hawaiinewsnow.com/2021/03/08/an-effort-protect-their-future-youth-activists-call-ban-menthol-flavored-cigarettes/>

1357 Kapiolani Blvd., Suite 1250, Honolulu, Hawaii 96814
Call: 973-0712 • Toll-free: 1-877-973-0712 • Fax: 808-973-0726 • www.AlohaCare.org

HB-1570

Submitted on: 2/9/2022 8:39:54 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Greg Tjapkes	Coalition for a Drug-Free Hawaii	Support	No

Comments:

Aloha, The Coalition for a Drug Free Hawaii **STRONGLY SUPPORTS** a flavored vape ban.

As a youth serving agency whose mission is “to reduce and prevent drug abuse in Hawai‘i through awareness, education, and action” we first hand the grip that this epidemic has on our young people. According to the most recent data from *The 2019-2020 Hawai‘i Student Alcohol, Tobacco and Other Drug Use (ATOD) Survey* from ADAD, nearly 35% of high school seniors vape.

A ban on flavored vape products would curb the initiation of vaping.

Again, we **STRONGLY SUPPORT** HB1570.



949 Kamokila Boulevard, 3rd Floor, Suite 350, Kapolei, HI 96707
808.675.7300 | www.ohanahealthplan.com

February 10, 2022
9:00 a.m.

Conference Room 329 Via Videoconference

To: The Honorable Chair Ryan I. Yamane
The Honorable Vice Chair Adrian K. Tam
House Committee on Health, Human Services & Homelessness

From: 'Ohana Health Plan
Rachel Wilkinson, Government Relations Manager

Re: HB1570, Relating to the Youth Vaping Epidemic; **In Support**

'Ohana Health Plan offers our **support** of HB1570, which bans the sale of flavored tobacco and synthetic nicotine products beginning 1/1/2023; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. Establishes fines and penalties for violations. Includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

'Ohana Health Plan is a wholly owned subsidiary of Centene Corporation, a leading multi-national healthcare enterprise committed to helping people live healthier lives. Since 2008, 'Ohana Health Plan has provided government-sponsored managed care services to families—from keiki to kupuna—and individuals with complex medical needs primarily through QUEST Integration (Medicaid), Medicare Advantage and Medicare Prescription Drug Plans across the state.

Hawaii is in the midst of a youth vaping epidemic. According to the Hawaii Public Health Institute, one in three high school students and one in five middle school students report current use of e-cigarettes. This legislation would remove the various flavored tobacco products, as well as menthol cigarettes, that are enticing and addicting our keiki.

Thank you for allowing us to provide testimony and we urge you to pass HB1570.



HIPHI Board

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KM Consulting LLC

JoAnn Tsark, MPH
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Native Hawaiian Research Office

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Hawai'i Pacific Health

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

Dina Shek, JD
Medical-Legal Partnership
For Children in Hawai'i

Garret Sugai

Titiimaeta Ta'ase, JD
State of Hawai'i, Deputy Public Defender

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 10, 2022

To: Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair
Members of the Committee on Health, Human Services, and
Homelessness

Re: Strong Support for HB 1570, Relating to the Youth Vaping Epidemic

Hrg: February 10, 2022 at 9:00 AM via Videoconference

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ, offers testimony in **Strong Support on HB 1570**, which ends the sale of flavored tobacco products in Hawai'i.

Ending the sale of flavored tobacco products would save lives and money.

A 2021 analysisⁱⁱ on the impact of ending the sale of flavored tobacco products in Hawai'i conservatively estimates that it would result in:

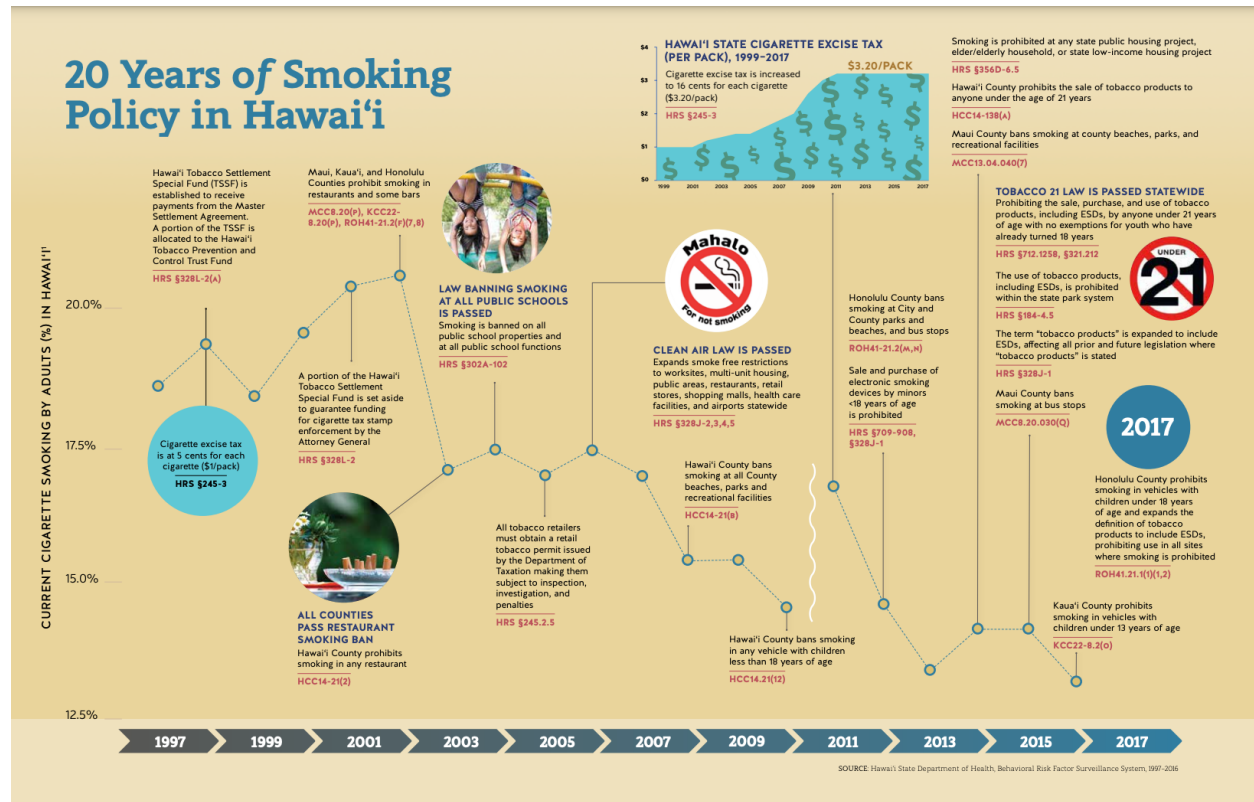
- At least \$48 million in long-term health care cost savings for the state.
- More than 3,000 smokers (5.6% of menthol smokers) would quit as a result of the policy.
- 700 premature smoking-caused deaths avoided.
- Fewer youth initiating smoking with menthol cigarettes.

These estimates do not include the thousands of youth that will never start smoking as a result of this policy. Not only would this save the state millions more in healthcare cost savings, but save thousands of lives. **These benefits, however, are only fully realized when we end the sale of flavors in all tobacco products, including cigarettes and small cigars.**

Comprehensive regulations on e-cigarettes are necessary to reverse the youth vaping epidemic.

Over two decades of tobacco prevention and control policy has helped Hawai'i save \$1 billion dollars in healthcare costsⁱⁱⁱ, lowered the adult smoking rate to 11.6% (eighth lowest in the nation)^{iv}, and reduced smoking prevalence among high school students to 5.3% in 2019^v. This was achieved through comprehensive smoke-free air laws, high tobacco taxes, age restrictions, removing most flavors in cigarettes, and investments in tobacco prevention education and cessation.

E-cigarettes have evaded many of the tobacco prevention and control laws other tobacco products are subject to, leading to the rise of e-cigarettes, undoing decades of progress. In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai'i reported that they use e-cigarettes^{vi}. The state has an opportunity to reverse the youth vaping epidemic by implementing comprehensive policies and programs, which necessarily include ending the sale of flavored tobacco products statewide.



Ending the sale of flavored products advances equity and takes an important step towards addressing the root causes of tobacco use.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of flavors in tobacco products reduces the appeal of these products. Including the flavor menthol is especially important, as its cooling properties have been exploited by the tobacco industry to mask the harshness of tobacco smoke and was heavily marketed to youth and vulnerable groups such as the African American community. In Hawai'i, 78% of Native Hawaiian and Pacific Islander who smoke use menthol cigarettes^[xiii]. Menthol is also one of the most popular flavors among high school e-cigarette users^[xiv].

For decades, the tobacco industry has profited from targeting youth of color and other marginalized and low-income populations. African Americans, Native Hawaiians, and Filipinos are disproportionately affected by the harms caused by tobacco. Efforts to protect the health of our youth are even more important given the devastating impact of COVID-19.

Even the FDA has acknowledged the impact flavors have on the disparities we see in tobacco use. In April 2021, the FDA committed to ending the sale of menthol cigarettes and all flavors in cigars. While this is great news, this will likely take several years due to industry interference and lawsuits -- and Hawai'i cannot afford to wait. The evidence supports that our state can (and should) take swift action to remove these flavored tobacco products for the protection of public health.

The link between tobacco use and COVID-19 has increased the urgency of regulations on e-cigarettes.

In May 2020, Stanford University published a landmark study^{vii} that found **teens and young adults that use e-cigarettes had a five to seven times greater chance of being diagnosed with COVID-19 than those that did not use e-cigarettes.** This finding is incredibly concerning considering the high rates of youth e-cigarette use in Hawai'i. To put this into perspective, there are 52,759 high school students enrolled in Hawai'i public schools^{viii}. Using the most recent YRBS data, that translates to more than 16,000 Hawai'i high schoolers that used an e-cigarette in the last 30 days, and may be five to seven times more likely to be diagnosed with COVID-19 than their nonsmoking peers. Further, not only have e-cigarettes been linked to an increase risk of contracting COVID-19, but a recent study **once they are infected, youth who use e-cigarettes are more likely to experience COVID-19 symptoms.**^{ix}

Global pandemic or not, these numbers are unacceptable, and there is an increased urgency for regulatory action in light of the increased risk of COVID-19. With no end in sight for the COVID-19 crisis, it is imperative that Hawai'i pass legislation to curb usage and protect the health of our keiki.

Even without the global pandemic, youth e-cigarette use is of public health concern.

E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. And Hawaii's teens are addicted – the percentage of frequent and daily high school users doubled from 2017 to 2019^x. The former Surgeon General VADM Jerome Adams issued an advisory in December 2018, “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation's young people^{xi}.”

The rise of severe, sometimes fatal, lung infections associated with e-cigarettes was another scary reminder of e-cigarettes' unregulated nature and unknown harms. Also known as E-cigarette or vaping product use-associated lung injury (EVALI), this disease harmed otherwise healthy

individuals. Over 2,800 people were hospitalized after experiencing symptoms ranging from shortness of breath to fever, and tragically resulted in 68 confirmed deaths as of February 2020^{xii}.

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

In addition, e-cigarette manufacturers and retailers cannot legally make claims that e-cigarettes can help users quit smoking or that they are healthier than cigarettes. The deceptive health claims and aggressive marketing of these products has only increased tobacco use as people who have never smoked begin using e-cigarettes, children use e-cigarettes as a path to smoking, and smokers that use them to perpetuate their habit (dual use) 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^{xiii}.** This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

Hawai'i voters support prohibiting flavored tobacco products, including e-cigarettes.

In a poll^{xiv} conducted by Ward Research Inc. for the Coalition in October 2021 among registered voters in Hawai'i. Seventy-three percent support prohibiting flavored tobacco products, including e-cigarettes, and 71% support including menthol.

Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to protect our youth from a lifetime of addiction. We respectfully urge the committee to pass HB 1570.

Mahalo,



Amanda Fernandes, JD
Policy and Advocacy Director

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

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

ⁱⁱ Chaloupka, F. J. Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawaii, University of Illinois at Chicago, 2021.

ⁱⁱⁱ Holmes JR, Ching LK, Cheng D, Johnson L, Yap L, Starr RR and Irvin L. 2018. Tobacco Landscape. Honolulu: Hawai'i State Department of Health, Chronic Disease Prevention and Health Promotion Division

^{iv} Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2020.

^v 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021.

^{vi} 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/03/2021.

^{vii} <https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html>

^{viii} Hawai'i State Department of Education. "Department announces 2021-22 enrollment figures for public and charter schools." Retrieved from

<https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/2021-22-enrollment-figures-for-public-and-charter-schools.aspx>

^{ix} McFadden et. al., Symptoms COVID 19 Positive Vapers Compared to COVID 19 Positive Non-vapers (January 2022). Retrieved from <https://journals.sagepub.com/doi/full/10.1177/21501319211062672>.

^x Youth Risk Behavior Surveillance System (YRBSS), 2017-2019. Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021.

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

^{xii} Centers for Disease Control and Prevention. (2020, February 25). "Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products." Retrieved from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

^{xiii} Soneji S, Barrington-Trimis JL, Wills TA, et al. Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. *JAMA Pediatr.* 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488

^{xiv} This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 - October 26, 2021.



DATE: 8 Feb 2022

To: Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair
Committee of Health, Human Services and Homelessness

Re: Strong Support for HB 1570 RELATING TO YOUTH VAPING EPIDEMIC

Hrg: 10 Feb 2022, 9:00 AM House conference room 329 via Videoconference

Dear Chair Yamane, Vice Chair Tam, and Members of the Committees,

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. As stewards of public health, HPHA is also advocating for equity in all policies.

HPHA strongly supports HB 1570, which ban the sale of flavored tobacco and synthetic nicotine products; prohibit mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one years of age.

Flavors in tobacco products is especially harmful in youth, who are enticed by the various flavors. Attracting youth to flavored nicotine products leads to nicotine addiction that keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of all flavored tobacco will also advance health equity as disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.



We strongly support HB 1570 and respectfully ask that you pass this measure. Thank you for the opportunity to provide testimony on this important public health issue affecting members of our community, especially our keiki.

Respectfully submitted,

J. Leocadia Conlon, PhD, MPH, PA-C
Legislative Committee Chair
Hawaii Public Health Association

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 comprehensive tobacco regulations, and especially banning flavored tobacco products and treating vaping products like other 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 youth are going to end up criminalized for their addiction than other youth. 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.

I also ask that you be sure to include menthol in order for this to be a comprehensive ban on flavored tobacco products. Menthol masks harshness, making it easier to start and harder to quit. Mint and menthol have historically been used to target youth and minority populations for the industry's profit. In fact, 78 percent of Native Hawaiian smokers smoke menthol cigarettes. This is a social justice issue that needs to be addressed here in Hawaii.

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



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Ph: (808) 446-2032
Fax: (833) 565-3144

Aloha Members of the Committee,

Pediatric Therapies Hawai'i is a non-profit on the island of Maui specializing in the diagnosis, treatment, and management of infants, children, and adolescents with a variety of congenital, developmental, neuromuscular, skeletal, or acquired disorders/diseases. We strongly support a flavored tobacco ban to help protect the health of our community, our keiki, and the future of the children we serve.

Health disparities and inequities are a real issue for the people of Hawai'i, and we understand that the tobacco industry takes advantage of youth and people of color, especially through marketing of menthol products. We ask that you please ban all flavored tobacco products, including menthol, to help protect the families we serve.

Thank you for hearing this bill, and we hope that you will pass it through committee today.

Mahalo nui loa,

Pediatric Therapies Hawai'i



HB1570 Ban Flavored E-Cigarettes

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Rep. Ryan I. Yamane, Chair

Rep. Adrian K. Tam, Vice Chair

Thursday, Feb. 10, 2022, 9:00 am: Videoconference

HSAC Supports HB1570:

GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.

Flavored tobacco targets youth and 95% of smokers start before legal age for smoking:

- Vaping increased 900% among high school students from 2011 to 2015.¹
- The Surgeon General's report details the harmful effects of e-cigarettes and gives a call for from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping our patients safe from tobacco products.²
- Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.
- The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns to make the products more appealing to young people, as referred in the Surgeon General's report.
- The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.
- Banning the sale of flavored tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern.

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

¹ American Academy of Pediatrics: 2016 <https://www.aap.org/en/news-room/aap-voices/protecting-children-from-the-dangers-of-e-cigarettes/> Site is linked to federal agency: National Institute of Drug Abuse

² Surgeon General's Advisory on E-cigarettes Use Among Youth: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>



**Testimony to the House Committee on Health, Human Services, and Homelessness
Thursday, February 10, 2022; 9:00 a.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: HOUSE BILL NO. 1570, RELATING TO THE YOUTH VAPING EPIDEMIC.

Chair Yamane, Vice Chair Tam, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS THE INTENT** of House Bill No. 1570, RELATING TO THE YOUTH VAPING EPIDEMIC.

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

This bill, as received by your Committee, would prohibit the sale or distribution of all flavored tobacco and synthetic nicotine products in the State.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco harms our citizenry on a generational basis with people experimenting at even earlier ages.

Be that as it may, the HPCA continues to review this measure. As presently drafted, we have concerns that this bill may precipitate unintended consequences that might negatively impact the health outcomes of our citizens. As such, we join the American Cancer Society of Hawaii with these concerns and will continue to monitor this measure as it moves through the legislative process.

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.

HB-1570

Submitted on: 2/8/2022 9:30:49 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erika Vargas	Hina Mauka	Support	No

Comments:

I am the manager of an adult substance use treatment agency. We help hundreds of people a year rise above their addiction. I support banning flavored vaping to help curb the vaping epidemic in schools.



American
Heart
Association.

American Heart Association testimony for HB 1570, “Relating to the Youth Vaping Epidemic”

February 10, 2022

Chairman of the Board

Jason Fujita

President

Michael Lui, MD

Board Members

Rick Bruno, MD, FACEP

Greg Christian

Jackie De Luz

Brandt Farias

Mimi Harris

Glen Kaneshige

Zia Khan, MD

Brandon Kurisu

Michael Rembis, FACHE

Andrew S. Rosen

Timothy Slottow

David Underriner

Jennifer Walker

The American Heart Association supports the intent of HB 1570, “Relating to the Youth Vaping Epidemic,” but is concerned by separate definitions in the bill for synthetic nicotine and heated tobacco products and the unintended consequences that those definitions might create.

Tobacco use among kids is being driven by youth-friendly e-cigarette flavors like mint, fruit, and candy. From 2017 to 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%), according to the CDC’s 2019 National Youth Tobacco Survey. Numbers among Hawaii youths are even higher, especially on neighbor islands.

E-cigarettes are available in thousands of youth-appealing flavors, including fruit, candy, mint and menthol. The overwhelming majority of youth e-cigarette users report using flavored products. Tobacco companies target youth and adolescents with million-dollar marketing campaigns and thousands of appealing flavors that are specifically designed to attract and hook kids.

Mint and menthol flavored tobacco products are heavily marketed to kids, especially those from communities of color and the LGBTQ community with products specifically designed to entice them. A 2019 Stanford study found that JUUL’s initial advertising campaigns were “patently youth-oriented.” Nearly two-thirds of high school students who use e-cigarettes use mint or menthol flavors. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products. More than half of all youth and young adult smokers smoke menthol cigarettes.

Though e-cigarettes are the most commonly used tobacco product among middle and high school students, they are also using other flavored tobacco products such as cigars, cigarettes, hookahs and chewing tobacco. The CDC’s 2019 National Youth Tobacco Survey found that nearly 1 in 3 high school students have used a tobacco product in the last 30 days.

And even though e-cigarettes are often marketed as a less harmful alternative to traditional cigarettes, there’s no evidence on the long-term health impact of their use. **What is known is that nicotine can have adverse health effects on kids, such as causing addiction to dangerous tobacco**

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products, harming their brain development, and increasing the risk of heart disease. Recent studies have found that e-cigarettes decrease blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.

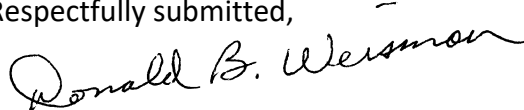
Current FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use, state and local governments need to move forward to address loopholes. Under the FDA's guidance, thousands of e-cigarette flavors will remain on the market since the policy exempts menthol e-cigarettes and allows fruit, candy, and mint flavored liquid nicotine used in refillable open tank systems or in disposable e-cigarettes (like the popular brand Puff Bar), to stay on the market. In addition, other flavored tobacco products such as menthol cigarettes and flavored smokeless tobacco and cigars are still allowed to be sold.

We do have concerns that HB1570, as currently written, would create separate categories of synthetic nicotine and heated smoking products, that could result in unintended loopholes in other sections of state statute that the tobacco industry would take advantage of. Those issues should be addressed while moving forward a bill that takes a comprehensive approach to eliminating flavors from all tobacco products, so that the tobacco industry can no longer play a shell game in driving our youths from one product to another using the enticement of flavors to veil the dangers of nicotine addiction and smoking/vaping.

Recently, Massachusetts became the first state to prohibit the sale of all flavored tobacco products—including menthol. We respectfully urge Hawaii legislators to make our state the second to enact such comprehensive policy to address our extremely high youth use rates.

Mahalo for this opportunity to testify,

Respectfully submitted,

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

Don Weisman

Government Relations/Communications and Marketing Director

HB-1570

Submitted on: 2/8/2022 1:56:30 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ellen May	Hawaii Job Corps	Support	No

Comments:

Aloha,

Due to the dangers of nicotine, the Hawaii Job Corps campus became a non-smoking center years ago. It continues to be in the best interest of our student's health. Unfortunately, this hasn't been enough.

In Hawaii, we are seeing more and more young adults come into our program needing support with smoking cessation programs. The flavors in tobacco products entice them when they are much younger, and the nicotine keeps them hooked for life. We are seeing this on our campus.

The statistics are alarming, in 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). With the stresses of the pandemic, I can only imagine this number increased. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Even as young adults, our students have a difficult time understanding the effects menthol has. Menthol is notorious for its ability to mask the harshness of tobacco, and it makes it easier to start and harder to quit. The marketing of flavored tobacco is concerning. We see everything from cotton candy, watermelon, grape, it comes in all kinds of enticing flavors that mask the dangers.

We are dealing with the aftermath of these addictions. Students far too young have a difficult time focusing on studies in class when they are addicted, they are prone to having trouble coping with challenges that comes their way without smoking, and many have extreme dental issues as a result from using since they were young.

We fervently support this bill, and align ourselves with other members of our community who care about the future of our keiki and their health, and subsequently their family's health for years to come.

Mahalo,

Ellen May
Center Director, Hawaii Job Corps

HB-1570

Submitted on: 2/7/2022 7:02:40 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nicholas Winters	Individual	Oppose	No

Comments:

We don't need hb1570 taking away our RIGHT to enjoy some flavors.

Strong opposition to hb1570!

Aloha Chair and Honorable Members of the Committee,

My name is Katie Folio and I am the mother of two young girls, ages four and seven. I am a former teenage smoker and, as a result, an advocate for anti-smoking legislation. While I didn't realize it at the time, there were two primary contributing factors to my picking up smoking as a teenager - media and menthol. No one in my family smoked. I was not influenced by my family to smoke in any way, if anything, I was educated on the harms of smoking and I knew it was not good for my health. However, I was raised in the time of Joe Camel and smoking was in movies, television, and smoking ads were at eye level in grocery stores and gas stations. Eventually, and without my really being aware of it, the advertising worked.

I tried smoking non-flavored cigarettes a couple of times, but it was when I tried menthol cigarettes that I got hooked. At the time, there were also other flavors of cigarettes and bidis available, like strawberry and vanilla, which I certainly tried as those flavors also appealed to me, but menthol were by far the easiest/most palatable cigarettes to smoke. Once I started, it was an on and off again battle for about ten years before I was finally able to quit.

I became an advocate for tobacco control as an adult because of my experience as a teenager. I don't want to see other kids end up in the same situation, or worse, because of nicotine addiction. I don't want to see my girls end up where I did, or dead from cancer too early. I was one of the lucky ones - I was able to eventually quit. Not everyone can, and that is what big tobacco and the vaping industry rely on. It's how they are so powerful, how they make such ridiculous amounts of money by literally killing people. By addicting them as early as possible. It's unacceptable, and it needs to stop.

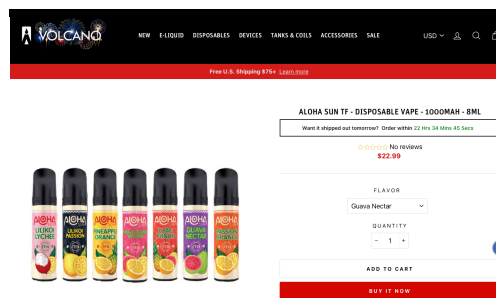
We know that tobacco control legislation works. Our youth smoking rates dropped significantly from the 90s once we started passing comprehensive legislation. But our progress is starting to be undone by the popularity of vaping with youth. We can't allow flavored tobacco products to continue to be on the market, in any form. Vaping products are tobacco products and often contain extremely high levels of nicotine. One cigarette contains 10 mg of nicotine in a freebase form that makes it harsh to inhale (which menthol helps to mask). Disposable vaping products popular with youth often contain up to 50 mg of nicotine in a salt formula that makes it smoother (i.e. easier) to inhale. They are designed to make it easier to get addicted to nicotine, creating lifetime users.

A friend's seven year old was recently *carded* at the Volcano vape kiosk at Maui Mall when he approached and asked for a watermelon apple juice box (see photo below). At least they carded him, but I'm still disgusted. He was just a little kid who wanted a juice box, and he had no idea. But the industry knows exactly what they are doing.

I also just want to call out the way that the vaping industry has appropriated Hawaiian flavors to entice our local youth as well - from POG to Molokai Hot Bread.

I want to see all tobacco products regulated the way we do cigarettes, for the sake of our kids and their futures. Please let this be the year that Hawaii takes this much needed step. Please show that you are listening to our health experts and organizations, and to our kids who are asking for you to pass this bill.

Mahalo nui loa,
Katie Folio
Kula, Maui, Hawaii



HB-1570

Submitted on: 2/8/2022 7:48:57 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rebecca Powell	Individual	Oppose	No

Comments:

Our ruling party is out of control in Hawaii with hate filled bills like this one. This isn't the actions of the civil liberties loving Democrat Party we once had. Please stop support bills like 1570. Thank You for your consideration. signed, Rebecca.

HB-1570

Submitted on: 2/8/2022 8:44:20 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bryan Mih	Individual	Support	No

Comments:

Dear Representatives:

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.

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

HB-1570

Submitted on: 2/8/2022 9:50:43 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr. Colleen Fox	Individual	Support	No

Comments:

I am writing in support of HB1570 to ban flavored vapes. This bill is important to ensure the health and safety of our keiki, who are targeted with flavored vapes. Revenues associated with flavored vapes are not worth putting our children and community at risk. Vaping is extremely addictive and the use of nicotine creates a lifelong habit that is extremely hard to break. In my work with teens, we see that vaping truly is an epidemic and needs to be addressed immediately. The cost will not only be the individuals who become addicted and develop health problems, but the costs to society to address the health problems we are only just starting to learn about. Please ban flavored vapes and do all you can to address the vaping epidemic.

Rep Ryan Yamane, Chair, and the members of the Committee on Health, Human Services & Homelessness:

HB 1570 will end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products, in Hawai'i. It also subjects synthetic nicotine and heated tobacco products to age restriction regulations.

As a graduate of the University of Hawai'i School of Public Health and a lifelong resident of the State of Hawai'i, I am expressing my **STRONG SUPPORT** of this bill.

Hawai'i is in the midst of a youth vaping epidemic, with one in three high school students and one in five middle school students reporting "current use" of e-cigarettes. Hearing my niece and her classmates complain about not being able to use bathrooms on campus because there is so much vaping is gut-wrenching and absolutely unacceptable.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

In addition, COVID-19 is an infectious disease that primarily attacks the lungs, making tobacco use especially concerning. Teens and young adults using e-cigarettes have a five to seven times greater chance of being diagnosed with COVID-19 than those that did not use e-cigarettes.

Please support HB1570. You don't want to "be the one" to leave a legacy of another generation addicted to nicotine.

Shelly Ogata, RN, MPH

Date: February 8, 2022

To: The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair
Members of the House Committee on Health, Human Services, & Homelessness

Re: **Support for HB 1570**, Relating to the Youth Vaping Epidemic

Hrg: Thursday February 10, 2022 at 9:00 AM Conference Room 329 via Videoconference

Aloha House Committee on Health, Human Services, & Homelessness,

As a parent, community member and healthcare professional I am writing in **strong support of HB 1570**, which bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one; establishes fines and penalties for violations; and, includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

Hawai'i is in the midst of a youth vaping epidemic that has been underway for more than 5 years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

Flavors in tobacco products entice our youth, while the nicotine alters the development of their brains, keeping them hooked for life. In 2020, 80% of Hawaii youth who currently use e-cigarettes reported using a flavored product, up from 70% in 2019. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of all flavored tobacco products will advance health equity.

Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. Mint and menthol (the chemical in mint that gives a cooling sensation) flavored e-cigarettes are among the most popular flavors with our youth.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must remove mint and menthol along with all other flavors.

Importantly, **HB 1570** includes a ban on all flavored synthetic nicotine products. Synthetic nicotine, a relatively new ingredient in the marketplace, is chemically identical to natural nicotine derived from tobacco leaves and every bit is addictive. Because it is made from scratch in a laboratory, rather than derived from tobacco plants, it is being used to side-step tobacco laws which were written at a time when all nicotine came from tobacco plants.

Including synthetic nicotine products in the flavor ban closes this recently appearing loophole in marketing and sales of flavored tobacco products aimed at our keiki.

I **strongly support HB 1570**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB-1570

Submitted on: 2/8/2022 10:41:26 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mary Santa Maria	Individual	Support	No

Comments:

Thank you for reading my testimony. I encourage you to **pass this bill**. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, in Hawaii, 8 in 10 youth who currently use e-cigarettes reported using a flavored product. Ending the sale and the appeal of these products **will protect our keiki** from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, **we must include menthol**.

Disparities in tobacco use are due to the tobacco industry's **targeting and marketing menthol** cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). **Mint and menthol** flavored e-cigarettes are one of the most popular flavors among youth.

It's time to protect our keiki, end the selling of flavored tobacco products, **including menthol, now**.

Mahalo

Mary Santa Maria, MS, MPH

Public Health Educator, Maui

HB-1570

Submitted on: 2/8/2022 12:35:12 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Crystal Robello	Individual	Support	No

Comments:

Aloha,

I am in support of this bill because many members of my family smoke and I am highly affected by it. As a child growing up, I had to endure the hardships of those who smoked in my family. I had to watch them go through health complications and endure the suffering myself. It breaks my heart to see youth willingly smoking and getting easy access to electronic smoking devices. I as a child didn't want to endure the suffering I did when I was growing up, but now companies are making it easy for our youth to get their hands on smoking and making it look nonharmful, but fun and flavorful! Prevention is important. Health expenses will continue to rise if something is not done about this epidemic. Mahalo for your consideration and allowing us to submit testimony toward this important effort.

Mahalo,

Crystal

HB-1570

Submitted on: 2/8/2022 1:34:40 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Natasha Woodward	Individual	Support	No

Comments:

Working at a public middle school, I see the adverse affects of vaping. It becomes even more attactive when there are various flavors to choose from. Please help the keiki of Hawaii by probiting any flavored tobbaoco products!

HB-1570

Submitted on: 2/8/2022 1:37:52 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Blair	Individual	Support	No

Comments:

Absolutely must ban for the sake of children's health.

HB-1570

Submitted on: 2/8/2022 2:28:18 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Suzanne Fields	Individual	Support	No

Comments:

In Hawai‘i, one in three high school students and one in five middle school students report that they currently use e-cigarettes. **With 8 in 10 kids starting with a flavored tobacco product**, a major way to address youth use of tobacco products is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products.

Passage of this bill is a MUST for the health of our keiki and our community.

Do the right thing and support this measure - we must prohibit all tobacco products for keiki!!!

HB-1570

Submitted on: 2/8/2022 2:47:33 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ralph Shohet	Individual	Support	No

Comments:

Testimony strongly supporting passage of HB1570, prohibiting flavored tobacco products.

As a cardiologist and medical researcher I can attest to the devastating effects of tobacco on the health of my patients, relatives, and friends, and the evidence from many studies of the harmful addicting aspects of early use of tobacco products. Flavorings are used to attract children to the use of these products resulting in lifelong addiction and tremendous harm to them, those who love them, and our entire society. Please prohibit flavorings in tobacco products (and vaping supplies) and help our children live long and healthy lives. Thank you for your attention to this heartfelt request.

Sincerely,

Ralph Shohet, MD

Professor of Medicine and Director of Cardiovascular Research at JABSOM

HB-1570

Submitted on: 2/8/2022 3:05:28 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cyd L. Hoffeld	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Tam and Members of the Health, Human Services, and Homelessness Committee,

My name is Cyd L. Hoffeld and I **strongly support HB1570**. I reside on Hawaii Island where many children as young as elementary school age are being enticed by candy and fruit flavored tobacco and synthetic nicotine products. Many middle and high school students as well as adults may not know that these products contain high levels of nicotine because the e-liquids are labels as if they are harmless products. Who would think that 'Iced Melon Patch', 'Tangerine Ice', 'Nectarine Lychee', 'Pink Lemonade', and 'Fruit Punch' in sleek and brightly colored packaging would be filled with extreme amounts of nicotine?

We need to ban the sale of fruit and candy flavored tobacco and synthetic nicotine products that entice individuals under twenty-one. I **strongly support HB1570** and I hope you do to.

Mahalo

HB-1570

Submitted on: 2/8/2022 3:55:50 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cindy Nettles	Individual	Oppose	No

Comments:

Please don't ban our flavors. ADULTS like me have the right to choose.

from iphone

HB-1570

Submitted on: 2/8/2022 4:10:12 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ke Nguyen	Individual	Oppose	No

Comments:

What this bill wants to do is so wrong. I'm Adult. It is a sad day when America is less free then communist countys that don't even have bans on tobacco flavor. You guys in office are going to not have peoples support any more.

HB-1570

Submitted on: 2/8/2022 4:14:44 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John A. H. Tomoso	Individual	Support	No

Comments:

02-08-22

RE :HB1570

I understand this Bil, beginning 1/1/2023, bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. It also establishes fines and penalties for violations and is inclusive of heated smoking products among the electronic smoking devices that are subject to restrictions under law. I am strongly in favor of this Bill.

I know that we are in the midst of a youth vaping epidemic. In Hawai'i, one in three high school students and one in five middle school students report "current use" of e-cigarettes. I find this incredibly sad and dangerous! I've been a Social Worker for going on 46 years and I think I know "sad" and "dangerous" when I see and understand it!

With 8 in 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. This legislation will remove the thousands of fruit and candy-flavored and other "mis-labeled tobacco products, as well as menthol cigarettes, that are addicting our keiki. I know that this marketing, sales and "targeting" is especially evil and morally wrong, as it is directly focused on children. Sorry for the harsh and strong language, but I really see it as such, especially as I am an Episcopal Priest active in the community, and churches therein. I'm also a Grandfather and I feel sorry for all kids who need to go through this gauntlet of marketing and dysfunctional activity and behavior on the part of their unknowing peers and adults, who should know better!

Mahalo for your consideration,

John A.H. Tomoso +, MSW, ACSW

51 Ku'ula Street, Kahului, Maui, HI 96732-2906

808-280-1749. john.a.h.tomoso@gmail.com

cc: CTFH-Maui, HPHI-Legis

Re: Strong Support of HB 1570, End the sale of all flavored tobacco products, including menthol cigarettes.

Aloha Representatives,

I strongly support HB 1570. I am first and foremost a parent who has helped my two children in quitting vaping and smoking. I have also spent the last 17 years as a Tobacco Treatment Specialist here in Hawai'i and nationwide.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product up from 7 in 10 in 2019 (National Youth Tobacco Survey) ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol. Ending the sale of all flavored tobacco will advance health equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol.

I would like to request your **support of HB 1570** to ban flavored tobacco products. If the products cease to be appealing, are made more inaccessible, and more education is provided to our keiki about the health risks of using these products, we may help to avoid the damage caused by the tobacco and vaping industries. When a person decides to quit it often times takes them multiple attempts and sometimes years to quit. We should work together to make it less appealing to start.

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

Valerie Smalley
NCTTP

HB-1570

Submitted on: 2/8/2022 4:28:53 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle K.	Individual	Support	No

Comments:

E-cigarettes promote unhealthy addiction among our youth. Their flavors disguise the harmful ingredients used to make the product. Please ban e-cigarettes immediately to protect our keiki so they don't suffer from a lifetime of poor health. Thank you for the consideration!

February 8, 2022

Committee on Health, Human Services & Homelessness

Rep. Ryan I. Yamane, Chair

Rep. Adrian K. Tam, Vice Chair

Rep. Cedric Asuega Gates

Rep. Scott Y. Nishimoto

Rep. Sharon E. Har

Rep. Gene Ward

Rep. Jeanne Kapela

Honorable representatives:

Once again, I am urging for the support of HB 1570 which will ban the sale of flavored e-cigs. My name is Diane Omura, and I am a retired health educator from the island of Maui. Cigarette manufacturers primarily used menthol to mask the harshness of smoking. Manufacturers of e-cigs are now in business creating luscious flavors to hook young smokers. Kids are very gullible and even though they know that they are smoking a bunch of chemicals which will eventually kill them, if it tastes good, they will continue to experiment with new flavors and get addicted in the process. We know that smoking causes chronic lung injury. However, it is especially important now amid a Covid pandemic, that the initiation of vape use must be refrained. 8 in 10 students are into vaping because of the thousands of enticing flavor offerings. This kind of marketing is unacceptable and allowing this to continue is unethical. The elimination of this devious marketing strategy starts with your vote. Please do the right thing and support HB 1570 to keep flavored tobacco products out of our hands of children. Thank you for your time and consideration.

Sincerely,

Diane Omura

HB-1570

Submitted on: 2/8/2022 4:33:04 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristin Mills	Individual	Support	No

Comments:

I am in strong support of HB 1570. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

As a parent and public health educator for the State Health Department, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids' ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it's very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet and minty e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 8 out of 10 youth who ever used tobacco products started with a flavored product, and more than half of youth tobacco users use menthol cigarettes.

I ask the committee to please support HB 1570 and prohibit the sale of flavored tobacco and synthetic nicotine devices, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. 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.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco and synthetic nicotine devices (including menthol, mint, and wintergreen) have the greatest appeal to youth and we must end the sale of these products.

Sincerely, Kristin Mills, M.S., M.A.

HB-1570

Submitted on: 2/8/2022 4:44:36 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jacelyn Auna	Individual	Support	No

Comments:

Our young people of Hawai'i are vulnerable and at risk of being addicted to flavored vaping. I support this bill and hope that our State Leaders and legislation see that there is support for this bill. Flavored vaping is becoming popular. Lets break the stigma that tobacco comapnies are saying, "Teenagers today are tomorrow's consumers." Teenagers should not be the future consumers at all for these tobacco companies.

HB-1570

Submitted on: 2/8/2022 5:03:04 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Zoey Duan	Individual	Support	Yes

Comments:

Aloha all,

I'm Zoey, a local youth from Nu'uaniu/Liliha, and I'd like to demonstrate my support of HB1570.

The availability of flavored tobacco products exposes youths like myself to products with adverse health effects that coerce us into trying things that we might not know the full extent of. Oftentimes, the availability of the flavored tobacco products are also accompanied by advertisements that use manipulative marketing tactics to attract youths. These two things combine to create a dangerous recipe for the vaping epidemic that we're currently seeing.

I already witnessed and experienced the tragedies of tobacco use with my grandpa, who had died from a blackened lung. I hope to break this cycle for my fellow classmates, friends, and family members. I don't want to see the same tragedies repeated. To create a future where kids can be healthy and free from manipulation and addiction, we must pass HB1570.

It's important that menthol flavors are included in the ban because it's crucial to eliminate flavors that entice kids. Menthol flavors help mask the taste of chemicals so kids are less likely to notice or acknowledge the harmful substances that they are inhaling. This makes it easier for kids to be hooked on these products.

Why should e-cigarettes be an exception to the regulation on tobacco products? E-cigarettes have been shown to have similar health risks and have greater impact in vulnerable populations such as youths. It's time to end the sale of all flavored tobacco products.

Mahalo,

Zoey Duan

HB-1570

Submitted on: 2/8/2022 5:07:39 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Chang	Individual	Oppose	No

Comments:

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HB-1570

Submitted on: 2/8/2022 5:27:38 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Will Caron	Individual	Support	No

Comments:

I strongly support this bill. Mahalo.

HB-1570

Submitted on: 2/8/2022 5:56:47 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anthony Orozco	Individual	Oppose	No

Comments:

I'm very strongly opposed to this flavor ban and other unfair regulation. Why can't the legislature accept different lifestyles?

We would do better by never seeing a bill such as HB1570 ever again.

HB-1570

Submitted on: 2/8/2022 6:10:04 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian Santiago	Individual	Oppose	No

Comments:

This house bill 1570 will harm locally vape businesses. It also takes away my rights as someone who vapes!

TESTIMONY HB 1570

I am a long-time Kauai pediatrician, and I am writing in that role to support HB 1570, banning flavored e-liquids and tobacco products. We are in the midst of a vaping epidemic in Hawaii with startling statistics – 1/3 of high school and 1/5 of middle school students are regular vapers. E-cigarettes are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than cigarettes, which is strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. This is a recipe for ever increasing medical costs to treat the medical consequences of tobacco addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids to children is to prohibit the sale of flavored e-cigarettes in the first place.

Menthol is a flavor that was originally introduced to mask the harsh taste of nicotine. Therefore, menthol cigarettes and e-cigarettes are also starter drugs, and preferred by certain socioeconomic groups. At present 78% of native Hawaiian and Pacific Islanders who use tobacco products smoke menthol cigarettes. By banning menthol, the appeal of smoking and e-cigarettes would be much reduced.

There is a clear-cut way to greatly reduce e-cigarette use by our most precious resource – our keiki. That is to eliminate access to flavored vaping liquids and menthol by legislation. There is absolutely no reason to avoid this responsibility.

Linda Weiner, MD
Kauai Pediatrician

HB-1570

Submitted on: 2/8/2022 7:09:23 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark Dietrich	Individual	Oppose	No

Comments:

Don't include those over 21 in this ban. The bill is written wrong.

Chair: Ryan Yamane
Vive Chair: Adrian Tam
Members of the Committee on Health, Human Services, & Homelessness

TESTIMONY IN SUPPORT OF SB 3118, RELATING TO TOBACCO PRODUCTS

My name is Julian Lipsher, testifying as an individual in support of HB 1570. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee which is part of the Hawaii Public Health Institute and formerly was with the Hawaii State Department of Health, focusing on tobacco prevention and control and chronic disease prevention.

Despite decades of progress in tobacco control, Hawaii and the nation is still confronted with smoking and tobacco use being the leading cause of death and disease. Hawaii has some of the strictest and most comprehensive protections regarding exposure to secondhand smoke and sale of traditional tobacco products. Yet currently the practice of vaping most often with flavored products has resulted in significant rates of delivery of nicotine to our youth, potentially addicting a new generation of smokers.

As the tobacco industry attempted more than a decade before, the introduction of flavored tobacco products entice youth, as evidenced in the CDC's Youth Tobacco Survey. Hawaii's middle and high school students report vaping rates above national averages, with disproportionate use among Native Hawaiian and Pacific Islanders. In 2020, 8 in 10 youth currently using e-cigarettes report using flavored products.

Menthol, the predominate flavor choice is just as, if not more, harmful than other flavors added to tobacco. Menthol has the ability to disguise the harshness of tobacco making it easier to start and once addicted, harder to quit.

Ending the sale of flavored tobacco products is a matter of health equity. The industry has long marketed menthol products to low income communities, especially people of color. According to the Hawaii data, 78% of Native Hawaiians and Pacific Islanders use menthol flavoring, with mint and menthol being the most popular flavors among youth.

If our objective is to protect Hawaii's children and reverse the current trends in youth vaping, we need to eliminate flavored tobacco products, including menthol.

Thank you for the opportunity to testify on this measure.

HB-1570

Submitted on: 2/8/2022 7:44:13 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sydnie R	Individual	Support	No

Comments:

I want to share with you why I think **supporting SB3118** is so important.

There was a girl about my age in my drivers Ed class, she was about 15 or 16 years old. I noticed that she was going to the bathroom a lot. I dismissed this at first, and then noticed that the guy sitting next to her was sneaking her a vape pen whenever she would use the bathroom. At first she was going to the bathroom every half an hour or so. She started missing so much of the class, she was leaving every ten minutes. She then missed so much class that she failed and had to reschedule to retake the class all over again. One day, after class as we were all waiting outside to be picked up, she kept asking to use this guy's vape pen. He kept telling her no, he knew the dangers of nicotine products and vaping and told her that he was going to quit and that she shouldn't be vaping in the first place. After asking a few more times she started begging him to use it and even tried to take it from him.

Now that I've seen first hand what nicotine products can do to young people; I want to do everything I can do to

advocate for the young teens out there who have been through this. I want to make sure that all teens are aware of the damage that this causes physically and mentally.

Flavors hook kids. The fact that big tobacco companies are using such sweet flavors shows that they know young teens and young adults are more likely to try them. All of their flavors should speak for themselves, how else can they explain flavors like POG, Mauna Dew, or Bubblegum? They know what age demographic is most likely to be impressionable and interested in these flavors.

Teens are hooked in by the flavors, many are misinformed and under the impression that vaping calms you down and lowers anxiety, the reality is that e-cigarettes are leaving young teens addicted, depressed, and anxious.

When adolescents and young adults use nicotine products it harms the parts of the brain that control attention, learning, mood, and impulse control. Nothing good can come from e-cigarettes being accessible to the youth in our communities.

Menthol is of particular concern, it opens up your lungs. When it's inhaled, menthol can reduce airway pain and irritation from cigarette smoke and e-cigarettes aerosol as well as suppress coughing, giving smokers the illusion of breathing more easily. When big tobacco products use menthol, they are making sure more nicotine is inhaled. This is setting up millions of young teens for addiction.

The solution seems simple enough, end the sale of flavored tobacco products and protect the youth of Hawaii from targeting by the tobacco industry. Choose people over profits.

Sydney Ryan

Kapolei

Representative Ryan Yamane (Chair), Representative Adrian Tam (Vice Chair), and House Committee members on Health, Human Services, and Homelessness:

I understand you will be the key members of the Conference that will be deliberating over House Bill 1570 (HB 1570). I am reaching out to you today to OPPOSE and vote NO on HB 1570. I wanted to take a quick moment of your time and share some journal and article highlights regarding the unintended regulatory effects on “electronic smoking devices” to assist in the due diligence and research required when making a regulatory decision such as HB 1570.

"Estimates suggest that the e-cigarette tax increased adult smoking and reduced smoking cessation in Minnesota..." https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3503054

"...our findings suggest a possible unintended effect of e-cigarette MLSA laws-rising cigarette use in the short term while youth are restricted from purchasing e-cigarettes."
<https://vivo.weill.cornell.edu/display/pubid30648308>

"These results suggest that the Massachusetts flavor ban and tax did not reduce e-cigarette consumption in the Greater Boston area, and that messaging questioning the safety of e-cigarettes led to an increase in combustible cigarette use." <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-021-00498-0>

"San Francisco’s ban on flavored tobacco product sales was associated with increased smoking among minor high school students relative to other school districts."
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

"Young adult e-cigarette users indicate low support for e-cigarette sales restrictions (both for flavored products and complete restrictions). Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%). Those most likely to report positive impact of such policies being implemented were less frequent users, never-smokers, and those with greater e-cigarette-related health concerns. This research should be considered in future tobacco control initiatives."
<https://pubmed.ncbi.nlm.nih.gov/34331447/>

"San Francisco's Flavored Vape Ban Linked to More Teen Smoking, Study Finds"
<https://gizmodo.com/san-franciscos-flavored-vape-ban-linked-to-more-teen-sm-1846968389>

"Vape Flavor Bans Will Lead More Teens to Smoke, Suggests Another Study"
<https://filtermag.org/vaping-flavor-teens-smoking/>

Please feel free to let me know if you would some other articles or journals to further your research when making these types of regulatory decisions. In summary, OPPOSE and vote NO on HB 1570.

Thank you for your time and support!
Your supporter and constituent,
//signed-jgm//
Johnathon G. Myers

Representative Ryan Yamane (Chair), Representative Adrian Tam (Vice Chair), and House Committee members on Health, Human Services, and Homelessness:

I understand you will be the key members of the Conference that will be deliberating over House Bill 1570 (HB 1570). I am reaching out to you today to OPPOSE and vote NO on HB 1570. I wanted to take a quick moment of your time and share some journal and article highlights regarding the unintended regulatory effects on “electronic smoking devices” to assist in the due diligence and research required when making a regulatory decision such as HB 1570.

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"Young adult e-cigarette users indicate low support for e-cigarette sales restrictions (both for flavored products and complete restrictions). Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%). Those most likely to report positive impact of such policies being implemented were less frequent users, never-smokers, and those with greater e-cigarette-related health concerns. This research should be considered in future tobacco control initiatives."
<https://pubmed.ncbi.nlm.nih.gov/34331447/>

"San Francisco's Flavored Vape Ban Linked to More Teen Smoking, Study Finds"
<https://gizmodo.com/san-franciscos-flavored-vape-ban-linked-to-more-teen-sm-1846968389>

"Vape Flavor Bans Will Lead More Teens to Smoke, Suggests Another Study"
<https://filtermag.org/vaping-flavor-teens-smoking/>

Please feel free to let me know if you would some other articles or journals to further your research when making these types of regulatory decisions. In summary, OPPOSE and vote NO on HB 1570.

Thank you for your time and support!
Your supporter and constituent,
//signed-dabm//
Darlene A.B. Myers

TO: COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS
Rep. Ryan I. Yamane, Chair
Rep. Adrian K. Tam, Vice Chair

DATE: February 8, 2022

RE: STRONG SUPPORT FOR HB1570 RELATING TO THE YOUTH VAPING EPIDEMIC

Chair Yamane, Vice-Chair Tam, and members of the committee,

My name is Chase Kessler, I was born and raised in Honolulu, and I am a 22-year-old and a graduate student at The New School in New York City. I am testifying today on this bill because when I was in high school, I was part of the Hawaii Public Health Institute's Youth Council where I learned about the dangers of e-cigarettes and was introduced to the legislative process, and I even testified in person on a tobacco-related bill when I was just 15 years old.

Now 7 years later, I feel it is important for you to hear my point of view – from the youth that this bill is trying to protect. The youth vaping epidemic is worse than when I was a teenager – why is that? It's because of the flavored tobacco and vaping products manufactured and marketed directly to youth. This is done to hook kids at a young age by making candy-flavored products that appeal directly to them, and also by including nicotine in the mix to get them addicted to vaping and smoking which creates lifelong customers for the tobacco industry. This MUST STOP. Hawaii has made great advances in helping to protect youth from the big tobacco companies, but there is more to do. It seems like a bill passes that makes a difference, and then somehow big tobacco comes up with another product that is legal but harmful, all in the name of profit. Hawaii must take a stand – NOW.

House Bill 1570 will help so many young people not get addicted to vaping in the first place. Hawaii must end the sale of all flavored tobacco to reduce the youth vaping epidemic.

Please pass this important bill and thank you for listening to my testimony.

Respectfully submitted,

Chase Kessler
PO Box 61681
Honolulu, HI 96839

HB-1570

Submitted on: 2/8/2022 10:08:38 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Celia Chang	Individual	Support	Yes

Comments:

Senator Keohokalole, Chair Senator Baker, Vice Chair and members of the Senate Committee on Health

Support for HB1570

The availability of flavored tobacco products negatively impacts youth because it allows them to have easy access to these harmful products, which can have major consequences down the road. In addition, the wide range of flavors only adds to the industry's targeting of youth.

I have seen many of my peers and friends try and become addicted to e-cigarettes. One of my best friends is addicted to e-cigarettes, and I can see the way it is affecting her life. I have tried talking to her about it, educating her, and even showing her all the harmful things nicotine has done to people, but it hasn't worked. The issue with many youth is that they know all the harmful things that nicotine can cause, and yet they don't truly believe it will happen to them. This is why e-cigarettes should not be available to youth, so that it can't harm them in this way.

E-cigarettes can be just as harmful as other tobacco products, and are an increasing problem among today's youth. These products target youth through the more than 15,000 flavors and can potentially cause lifelong health issues that young people are not aware of. Ending the sale of all flavored tobacco products will help stop a new generation from going down this dangerous path.

Celia Chang

Honolulu

HB-1570

Submitted on: 2/9/2022 1:57:59 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Austin Tucker	Individual	Support	Yes

Comments:

Aloha members of the House Committee on Health, Human Services & Homelessness,

My name is Austin Tucker and I am a junior at McKinley High School. I personally have a lot of experience with vape usage and am currently addicted to nicotine.

You would be flabbergasted by the true amount of students in middle and high school who vape. I know a lot of different people in my school and I can still confidently say that 50% of the people I know vape. It's to the point where kids are leaving class to go vape in the bathrooms. It's always been like that. It's kids asking all of their friends if they can use their vapes, or asking someone they don't even know if they can use the vape they don't even know they have. Something like that really shows you how common it is. People who don't even own vapes are addicted to nicotine because they're everywhere, why not just take one right? Vaping is a virus that we have all been blind to.

The most commonly asked question when students use other students' vapes is, "What flavor is this?" Please, for the sake of generations to come, get rid of flavored vapes.

Thank you.

HB-1570

Submitted on: 2/9/2022 5:41:05 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shani Gacayan	Individual	Support	Yes

Comments:

I, Shani Gacayan, mother of 4 children, **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! Please hear us 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!

HB-1570

Submitted on: 2/9/2022 6:15:11 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sally Ancheta	Individual	Support	No

Comments:

Aloha Rep Yamane and Distinguished members of the Health, Human Services and Homelessness Committee,

As a public health advocate and educator, I have worked with youth for nearly 20 years and have helped many end their addiction to traditional cigarettes. In 2012, when I started educating youth about the harms of the emerging e-cigarette, I had no idea 10 years later we would see over 35% of our high school students using these products daily (YRBS2019).

Youth are lured in by the 15,500 flavors such as minty mango, gummy bear, and fruity pepples. Teens have shared their heartbreaking stories of addiction, as juniors in high school, who wish they had never started and with limited resources, are struggling to quit. I have heard, directly from youth, their about their health declining, one teen had a heart attack at age 17 from vaping, others having severe throat infections that land them in our local ER and many more stories of poor health after vaping.

Tragically, this youth vaping epidemic is hitting our youngest and most vulnerable keiki in elementary school. Many elementary schools, across Hawai'i Island have reached out to myself and other health professionals to assist them with educating their students about the harms of vaping, some as young as 7 and 8 years old. We need to END THE SALE of all FLAVORED TOBACCO PRODUCTS-they lure our youth in and then they are hooked on the nicotine. And we need to include ALL FLAVORS!

- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and our local communities.
- In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

I speak on behalf of all the youth i have educated over the last 20 years, I have listened to their stories and they overwhelmingly want to end the vaping epidemic, please join them!!

HB-1570

Submitted on: 2/9/2022 7:30:27 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Park	Individual	Oppose	No

Comments:

Got word of this bill from friends. They are angry about it also. Asking the committee to leave the vape products out of this bill and limit it to underage only. Without these proposed changes, this bill shouldn't go forward. Mahalo for your consideration.

HB-1570

Submitted on: 2/9/2022 7:52:41 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
HEIDI MCCARROLL	Individual	Oppose	No

Comments:

I, Strongly Support HB 1570 to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them. The addictive substance of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth, that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products.

HB-1570

Submitted on: 2/9/2022 8:16:11 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shelly Waiolama	Individual	Support	No

Comments:

The flavor is so great that the forget the addictive and horrible feature of the product.

HB-1570

Submitted on: 2/9/2022 8:22:23 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
KATHIE TEXEIRA	Individual	Support	No

Comments:

I, Strongly Support HB 1570 to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them. The addictive substance of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth, that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products. As a smoker myself I know the damages it causes and how difficult it is to quit. We need to protect our Keiki.

HB-1570

Submitted on: 2/9/2022 8:32:07 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Roxann Rowe	Individual	Support	No

Comments:

I am in support of HB1570 as a health care provider, as a mother and as a grandmother.

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

The American Lung Association outlines the health risks associated with vaping ([Health Risks of E-Cigarettes and Vaping | American Lung Association](#))

In January 2018, the National Academies of Science, Engineering and Medicine¹ released a consensus study report that reviewed over 800 different studies.

That report made clear: using e-cigarettes causes health risks. It concluded that e-cigarettes both contain and emit a number of potentially toxic substances. The Academies' report also states there is moderate evidence that youth who use e-cigarettes are at increased risk for cough and wheezing and an increase in asthma exacerbations.

- A study from the University of North Carolina found that the two primary ingredients found in e-cigarettes—propylene glycol and vegetable glycerin—are toxic to cells and that the more ingredients in an e-liquid, the greater the toxicity.²
- E-cigarettes produce a number of dangerous chemicals including acetaldehyde, acrolein, and formaldehyde. These aldehydes can cause lung disease, as well as cardiovascular (heart) disease.³

- E-cigarettes also contain acrolein, a herbicide primarily used to kill weeds. It can cause acute lung injury and COPD and may cause asthma and lung cancer.⁴
- Both the U.S. Surgeon General and the National Academies of Science, Engineering and Medicine have warned about the risks of inhaling secondhand e-cigarette emissions, which are created when an e-cigarette user exhales the chemical cocktail created by e-cigarettes.
- In 2016, the Surgeon General concluded that secondhand emissions contain, "nicotine; ultrafine particles; flavorings such as diacetyl, a chemical linked to serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead."
- The Food and Drug Administration has not found any e-cigarette to be safe and effective in helping smokers quit. If smokers are ready to quit smoking for good, they should call 1-800-QUIT NOW or talk with their doctor about finding the best way to quit using proven methods and FDA-approved treatments and counseling.

I ask you to support this bill to end vaping and e-cigarettes amongst our youth.

Respectfully,

Roxann Rowe, APRN-Rx

HB-1570

Submitted on: 2/9/2022 8:37:00 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ray Ogai	Individual	Support	No

Comments:

Aloha Chair, Vice Chair, and members of the committee.

I support the banning of flavored tobacco and synthetic nicotine products. The focus on the flavor(s) of tobacco and synthetic products has led to an increase in attraction to, focus on, and increase in vape use in schools. The banning of flavored tobacco and synthetic nicotine products will help to take away the attention and attractiveness of these products and decrease overall use.

Thank you for your time and allowing me to submit this testimony.

HB-1570

Submitted on: 2/9/2022 9:02:15 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Reid Kuba	DOE Leadership Institute	Support	Yes

Comments:

My name is Reid Kuba and I am a former principal of Jarrett Middle School and current Principal in Residence of the DOE's Leadership Institute, and I work with all principals across the state.

I agree with the justification of HB1570 along with similar house bills HB992 and HB2150. There are also 35 other principals across the state who support this bill. They see the wide detriment that vaping has on their students and communities at large. You would think that by now, students would know that vaping is not good for their health. However, nearly all of the middle school students that I have spoken to over the years, think that vaping is safer than smoking cigarettes. Their reasoning is because of the smell and taste.

We support HB1570 to ban the sale of flavored tobacco products. Thank you.



Government Relations

Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Health, Human Services, & Homelessness
The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair

February 10, 2022
9:00 a.m.
Via Videoconference

Re: HB 1570, Relating to the Youth Vaping Epidemic

Chair Yamane, Vice Chair Tam, and committee members, thank you for this opportunity to provide testimony on HB 1570, which bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one.

Kaiser Permanente Hawai'i STRONGLY SUPPORTS HB 1570.

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 265,000 members. Each day, more than 4,400 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Youth in Hawai'i also experience tobacco-related harm at alarming rates. Approximately 400 youth in Hawai'i under the age of 18 become new daily smokers each year, and, unless smoking rates decline, an estimated 21,000 Hawai'i youth under 18 who are alive today will die prematurely from smoking-related disease. In 2019, approximately 48% of high school students and 31% of middle school students in Hawai'i reported having used electronic tobacco products at least once. In the same year, more than a quarter (30.6%) of high school students and 17.7% of middle school students in Hawai'i reported current use of electronic tobacco products. In 2019, approximately one in five (17.8%) of high school students in Hawai'i reported ever smoking cigarettes and 5.3% reported current cigarette use. A 2015 survey also found that an estimated 41,000 high school students in Hawai'i smoked their first cigarette before the age of 13.

The COVID-19 pandemic makes these reforms even more critical. An emerging body of evidence suggests that smokers may be more vulnerable to COVID-19 complications.

To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. Flavored tobacco plays a key role in convincing young people to try these products. As such, **Kaiser Permanente Hawai'i supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.**

Further, flavored tobacco is extremely prevalent in vaping products, which continues to be on the rise with teens. There are many risks of vaping for teens and young adults, including: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has some known short-term health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping still has negative second-hand smoke effects.

We are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe HB 1570 is a significant step in restricting access to these dangerous products and is a positive step to preventing another generation of young people from living with a lifetime of addiction.

We ask the committee to PASS HB 1570. Mahalo for the opportunity to testify on this important measure.



DREAMHOUSE
'EWA BEACH

February 9, 2022

TO: Representative Ryan I. Yamane, House District 37

FROM: Alex Teece, School Leader

RE: Support for HB1570

Aloha Chair Yamane,

I hope this finds you well. **Please accept this letter as full support for HB1570.**

"I would never smoke cigarettes – those stink! The vape flavors are fun" – 13-year-old student at our school who was caught in the bathroom vaping, with a pen from an older sibling, vaping cotton candy flavored and packaged vape liquid.

CDC states that 5% of teens vaped last year... which is thousands of children in our islands. Big tobacco is too smart to know that teens are their future customers and clients... and through this bill, we can ensure that children do not fall victim to the marketing and advertising efforts. Same like we have done with alcohol, cigarettes, and other products... HB1570 will help protect our children.

Sincerely,

Alex Teece

Founder, CEO

DreamHouse 'Ewa Beach

DREAMHOUSE 'EWA BEACH

91-1245 Franklin D Roosevelt Ave – A | Kalaeloa | HI | 96707

Hawaii House Health, Human Services, & Homelessness Committee

Testimony: HB 1570

Guy Bentley, Director of Consumer Freedom, Reason Foundation

February 10, 2022

Chair Yamane, members of the committee, thank you for allowing me the opportunity to submit testimony on HB 1570.

My name is Guy Bentley, and I'm the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. The consumer freedom project analyzes and promotes policy solutions that improve public health while avoiding unintended consequences and protecting consumer choice.

The intention behind HB 1570 to limit tobacco use, especially among youth, is to be applauded. However, the evidence on the success of such prohibitions should raise significant concern that the ban will promote further inequalities in the criminal justice system, push sales and tax revenue to other states, increase the illicit tobacco trade, and fail to improve public health in Hawaii.

Case Studies: Massachusetts and Canadian Provinces

Massachusetts's ban on flavored tobacco products went into effect in June 2020. A preliminary analysis conducted by Reason Foundation which compared cigarette sales in Massachusetts the year prior to the ban and the year following the ban's implementation found that In total there was a net increase in cigarette sales of 7.2 million packs for Massachusetts and its bordering states. These figures underestimate cross-border trade because they do not account for lost sales of flavored e-cigarettes, smokeless tobacco, or cigars. There was also an increase of non-menthol cigarettes sales in Massachusetts of 15.6 million packs as consumers switched brands.

Furthermore, according to a study published by the *Journal of Law and Economics*, Canadian provinces' menthol prohibition has significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking rates.¹ As for adult smokers, the study discovered, provincial menthol bans shifted smokers' cigarette purchases away from grocery stores and gas stations to First Nations reserves (where the menthol bans do not apply). These results are important not just because they demonstrate an immediate economic impact

¹ Christopher Carpenter, Hai V. Nguyen. "Intended and Unintended Effects of Banning Menthol Cigarettes." *The Journal of Law and Economics*. August 2021.
<https://www.journals.uchicago.edu/doi/abs/10.1086/713978>

on jurisdictions that introduce prohibition but thanks to cross-border trade and the substitution of non-menthol cigarettes any health benefits are severely limited. In other words, the loss in tax revenue is unlikely to be made up by lower healthcare costs.

Public Health and Disparate Impacts

Advocates for the prohibition of menthol cigarettes correctly observe a disproportionate number of Black, Native Hawaiian, Pacific Islander and Filipino smokers choose a menthol product. In Hawaii, some hope the ban will dramatically reduce the state's smoking rate. While these populations are more likely to use a menthol product and White smokers use a non-menthol product, smoking prevalence is, in fact, lower among Black youth and adults.

Black non-Hispanic and other, non-hispanic youth are less likely to smoke than their White peers.² These data conform to Reason Foundation's study published in 2021, showing that states with higher menthol cigarette use, such as Hawaii, tend to have lower, not higher, youth smoking rates.³ From a public health standpoint, as Black adults and youth smoke at lower rates than non-Hispanic Whites, it's hard to ascertain why non-menthol cigarettes, which are equally dangerous, will not be subjected to prohibition and menthol products will be.

Because menthol cigarettes are overwhelmingly the choice of minority smokers, prohibition will necessarily lead to a concentration of the illicit tobacco market in minority communities. The American Civil Liberties Union and other civil rights groups warn prohibition could disproportionately impact people of color, trigger criminal penalties, and prioritize criminalization over public health and harm reduction.⁴ The National Organization of Black Law Enforcement Executives (NOBLE), Grand Council of Guardians (GCGNY), National Association of Black Law Enforcement Officers (NABLEO), and Law Enforcement Action Partnership (LEAP) have argued that prohibitions of all kinds disproportionately affect communities of color and this is especially the case when it comes to banning menthol cigarettes.⁵

² Gentzke AS, Wang TW, Jamal A, et al. Tobacco Product Use Among Middle and High School Students — United States, 2020. <https://www.cdc.gov/mmwr/volumes/69/wr/mm6950a1.htm>

³ Guy Bentley and Jacob Rich. "Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?." <https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>

⁴ American Civil Liberties Union. "Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act." <https://www.aclu.org/letter/coalition-letter-criminal-justice-concerns-hr-2339-reversing-youth-tobacco-epidemic-act>

⁵ Franklin, Neil. "Ban on Menthol Cigarettes Would Have Unintended Consequences." *City Limits*. December 2, 2019. <https://citylimits.org/2019/12/02/opinion-ban-on-menthol-cigarettes-would-have-unintended-consequences/>

Food and Drug Administration Review and Tobacco Harm Reduction

Last year, the Food and Drug Administration authorized an e-cigarette as “appropriate for the protection of public health” for the first time. The FDA is also currently reviewing e-cigarette product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed to be net beneficial, it will be authorized for sale as appropriate for the protection of public health.

If Hawaii chose to ban these products prior to the FDA concluding its review it would limit consumer access to products the FDA may deem as a positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project 57 percent of vapers said they would continue vaping if flavors were banned, but half said they would find a way to get their preferred flavour. Of most concern, was the finding that close to one five vapers said they would stop vaping and smoke instead.⁶

While prohibiting flavors may seem an attractive solution to the problem of youth vaping, policymakers should be recognize that according to the 2021 National Youth Tobacco Survey (NYTS), 89 percent of high schoolers are not using e-cigarettes at all and 95 percent are not using them frequently. Youth vaping has also fallen to its lowest point in seven years.⁷ Furthermore, data released by the Centers for Disease Control and Prevention (CDC) shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason youth initiate vaping is “curiosity,” followed by “friend or family member used them,” with “they are available in flavors, such as mint, candy, fruit, or chocolate” coming a very distant third.⁸ Banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents.

In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University’s Abigail Friedman found that after the ban was enacted, San Francisco area youth had double the odds of smoking compared to similar

⁶ Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States.” *Addictive Behaviors*. Volume 125. February 2022. <https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

⁷ Park-Lee E, Ren C, Sawdey MD, et al. Notes from the Field: E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. https://www.cdc.gov/mmwr/volumes/70/wr/mm7039a4.htm?s_cid=mm7039a4_w

⁸ 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. https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down

jurisdictions with no tobacco flavor ban.⁹ “While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health,” said Friedman.

According to a 2020 study by researchers at Yale School of Public Health, the use of e-cigarette flavors is positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.¹⁰ The prestigious Cochrane Review concluded e-cigarettes are more effective than traditional nicotine replacement therapies for helping smokers quit.¹¹ Prohibition of flavored e-cigarettes, which are overwhelmingly the choice of adult vapers, risks fueling illicit markets, forcing the closure of Hawaii’s vape shops, and driving vapers back to smoking.

Thank you for your time. I’d be happy to answer any questions.

Guy Bentley, Director of Consumer Freedom
guy.bentley@reason.org

⁹ Friedman AS. “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California.” *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

¹⁰ Abigail S. Friedman, PhD; SiQing Xu, BS. “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation.” *JAMA*. June 5, 2020.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787>

¹¹ Cochrane Review. “Updated Cochrane Review shows electronic cigarettes can help people quit smoking.” October 14, 2020.

<https://www.cochrane.org/news/updated-cochrane-review-shows-electronic-cigarettes-can-help-people-quit-smoking>

HB-1570

Submitted on: 2/9/2022 9:32:51 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maddalynn Seseapasara	Individual	Support	No

Comments:

ALoha,

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

We need to protect our future, our children. Please support this bill.

Mahalo,

Maddalynn Seseapasara

HB-1570

Submitted on: 2/9/2022 9:48:11 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathleen Koga	Individual	Support	No

Comments:

As a public health educator, concerned Hawaii resident and most of all the grandparent of two teenagers, I am in strong support of HB 1570 that would ban the sale of flavored tobacco and synthetic nicotine products. It is important to take urgent action to address the public health crisis of the vaping epidemic among Hawaii's youth. The popularity of flavored tobacco products is a dangerous and disturbing trend, as it is creating a new generation of young people addicted to nicotine. Please pass this important measure to restrict the access of these harmful and deadly flavored tobacco products and protect our youth from a lifetime of addiction. Thank you for your consideration and the opportunity to provide testimony in strong support of HB 1570.

HB-1570

Submitted on: 2/9/2022 10:00:39 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lauren Nelson	Individual	Support	Yes

Comments:

Ending the sale of all flavors in all tobacco products is essential to protecting our keiki, their future and public health for all of Hawai'i!

HB-1570

Submitted on: 2/9/2022 10:02:05 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean P Mahoney	Individual	Oppose	No

Comments:

Aloha,

Please accept my written testimony in opposition to HB1570.

As written, this bill would target all legal products that are sold to adults in a physical Hawaii retail establishment that pay taxes directly to the state. This bill states "relating to the Youth Vaping Epidemic", but it is written to encompass all products including cigarettes. This is wrong.

This bill will not curb demand for flavored products, including Menthol. As we saw with JUUL (the root cause of this epidemic), consumers just moved to other categories and did not switch to tobacco flavors from internet websites and the State lost all that state money. Internet sales have no reliable source of validating age on purchases. This bill would drive away much needed tax dollars and would also create a new black market for menthol cigs. Menthol cigs account for the majority of sales and would impact taxpayers that are not contributing to the Youth Vaping Epidemic.

Please don't pass this bill as written. Strengthen laws for those that buy products for youth but also have consequences for youth that use these products. Please address the root cause.

Mahalo,

Sean

February 9, 2022

Honorable Ryan I. Yamane, Chair
Honorable Adrian K. Tam, Vice Chair
Members of the Committee for Health, Human Services, and Homelessness

Testimony in Opposition to HB 1570

Minit Stop has (18) convenience stores on Maui and Hawaii Island. We have over 250 people employed in our stores and in positions that support the operation of these stores. We have various revenue streams that support the operation of our Minit Stop stores and our employees. Tobacco and Alternative Tobacco products is one of the largest revenue streams in our stores.

We are opposed to HB1570 because it will negatively impact the Tobacco and Alternative Tobacco category in our stores by banning Menthol in products that make up a large percentage of the business in this category. This outright ban of Menthol will negatively impact 60% of the business this category generates.

This negative impact to the Tobacco and Alternative Tobacco product category will have a trickledown effect of negatively impacting our store business in general and in related categories. This loss of revenue will seriously impede our ability to operate our business at a profit which could jeopardize our ability of offering stable employment to the 250+ employees in our stores.

We at Minit Stop understand, agree, and support, restricting the sales of Tobacco and Alternative Tobacco product to people under 21 years of age. We employ various policies and programs in our stores to ensure no one under 21 years of age can purchase these products.

In addition, we feel we have a fiduciary responsibility to the adult population over 21 years of age who are Minit Stop customers and who choose to purchase Tobacco and Alternative Tobacco products in our stores, to have these products available for purchase and in the format they desire.

We have effectively closed the door to Tobacco and Alternative Tobacco products to people under 21 years of age at our Minit Stop stores via good governance of the category while continuing to offer the product to customers who can legally purchase these products.

Our opposition to HB1570 allows us to continue to do this and in parallel offer gainful employment to 250 + employees in our Minit Stop stores. HB1570 passing, puts our business and employees in jeopardy.

Mahalo,

Kim A. Robello
Minit Stop Stores

HB-1570

Submitted on: 2/9/2022 10:42:39 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tresyn Molina	Individual	Support	No

Comments:

Aloha Legislatures,

I'm here in support of HB 1570 which will help to end the youth vaping epidemic that is taking place here in Hawai'i. The youth vaping epidemic has been infecting vulnerable youth all over the islands and the continental U.S. Many tobacco companies make their websites easy to access for youth. For example, websites like elementvape.com is a very easy way that youth can buy E cigarette merchandise; because not only do they sell disposable e-cigs, but they also sell flavors that can mask the use of E-cigs with a simple breath mint aroma. But the contents inside the liquid that smells so good to a teenager, is actually a chemical like formaldehyde which is normally used to keep dead animals looking like they never died and heavy metals that are toxic to the human body. This alone is should be enough for you to support HB 1570.

Aloha,

Tresyn Molina

HB-1570

Submitted on: 2/9/2022 11:13:46 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ruth Luka Bascar-Sellars	Individual	Support	No

Comments:

As responsible adults, we must realize that youth vaping is unhealthy and is becoming an epidemic in Hawaii. I understand that nearly 1 in 3 high school students and 1 in 5 middle school students report as “current users” of e-cigarettes. Flavored tobacco products, is a good way to address youth use of vaping, (e-cigarettes), and prohibiting the sale of flavors that attract youth to keep them from using these products and also removing the different types of fruit and candy-flavored tobacco products, including menthol cigarettes, which can be addicting our children in Hawaii.

HB-1570

Submitted on: 2/9/2022 11:24:40 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lani Hernandez	Individual	Oppose	No

Comments:

These products are for adults and vaping doesn't harm anyone.



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

Executive Officers

Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
Gary Okimoto, Safeway, *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Health Human Services and Homelessness
Rep. Ryan I. Yamane, Chair
Rep. Adrian K. Tam, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 10, 2022
TIME: 9am
PLACE: Via Videoconference

RE: HB1570 Relating to the Youth Vaping Epidemic

Position: Comments

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

Tobacco products are Federally regulated for good reason. Local bans of products that are legal elsewhere can be challenging, if not impossible to enforce, and simply create a large unregulated black market, as we currently have with fireworks.

On January 27 the FDA published an article reiterating that, “The agency remains on track to advance two proposed tobacco product standards – one prohibiting menthol as a characterizing flavor in cigarettes and another prohibiting all characterizing flavors (including menthol) in cigars – by spring. 1”

The FDA also requires that Electronic Nicotine Delivery Systems (ENDS) provide evidence that they have benefit to adult smokers in order to be allowed for sale. Products that fail to provide that evidence are issued Marketing Denial Orders and must be removed from stores. The FDA has already reviewed tens of thousands of such products². This level of review and oversight is possible at the Federal level and helps ensure that adults who are trying to quit

¹ <https://www.fda.gov/news-events/fda-voices/fda-track-take-actions-address-tobacco-related-health-disparities>

² <https://www.fda.gov/news-events/press-announcements/fda-denies-marketing-applications-about-55000-flavored-e-cigarette-products-failing-provide-evidence>

smoking have access to valuable smoking cessation tools, while taking steps to keep tobacco products out of the hands of minors.

Overlapping, or worse yet, contradictory State and Federal guidelines and laws on the same products create an impossible administrative burden for our local businesses. We encourage the committee to avoid that situation. We thank you for the opportunity to testify.

HB-1570

Submitted on: 2/9/2022 4:41:31 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Monika Lopez	Individual	Oppose	No

Comments:

The legislature needs to leave the flavors we love alone!

HB-1570

Submitted on: 2/9/2022 4:55:59 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dallas Nelson	Individual	Oppose	No

Comments:

I don't want a legislature that ruins the things in life I enjoy such as my choice of flavors.

HB1570 IS GARBAGE AND BELONGS IN THE TRASH!

HB-1570

Submitted on: 2/9/2022 6:05:40 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joshua Ching	Coalition for a Tobacco-Free Hawai'i's Youth Council	Support	Yes

Comments:

On behalf of the Coalition for a Tobacco-Free Hawai'i's Youth Council, we strongly support the measure.

Today, Hawai'i is facing a youth vaping epidemic. In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. As many know, these products are harmful to youth in particular, containing deadly chemicals like nicotine and formaldehyde that destroy the developing brain. In fact, over 21,000 Hawai'i youth all live today will die from tobacco-related illness if smoking rates don't change.

But beyond numbers, countless students from across the state and nation have chronicled their experiences with e-cigarettes – whether watching their friends fall victim to the predatory marketing of the industry, seeing their school bathrooms cloud with smoke, or even reporting the struggle of recovering from nicotine addiction themselves. Students today are under siege by an industry that profits off of addiction.

The primary driver of the vaping epidemic is through the creation and marketing of flavoured products. 81% of youth who ever used tobacco started with a flavored product, while 97% of youth who vape say they use a flavored product. It comes as no surprise – over the past several years, the market for flavored tobacco products has exploded, with over 15,500, mostly candy, flavours. These have done a number in enticing youth into using tobacco. The industry, no less, has taken to weaponizing our local food and cultures as well, with flavors like POG, Mauna Dew, and Hawaiian Sweet Roll lining shelves.

Menthol, in particular, is the most popular flavor among teens – and with a cooling sensation that couples with its minty taste, menthol makes it easier to start vaping and harder to quit. Menthol, moreover, is the primary product used in predatory marketing against youth and vulnerable communities – the industry considers Hawai'i a “Menthol State”, with 78% of Native Hawaiian and Pacific Islander smokers using menthol cigarettes, perpetuating a legacy of public health disparities and corporate exploitation.

Banning the sale of flavored tobacco products, however, would work to end this deadly cycle of addiction and manipulation. In doing so, retailers would no longer have the ability to sell products that have been the primary catalyst for addicting a new generation of people.

With support from over 20 neighborhood boards, 26 local and national health organisations, 14 community-based organisations, the Association of Hawaiian Civic Clubs, and a number of schools from across the islands, we strongly urge support of this bill.

It's time to put people over boosting the coffers of Big Tobacco. It's time to protect our keiki.

February 9, 2022

Honorable Chair Representative Ryan Yamane
Honorable Vice-Chair Representative Adrian Tam
Members of the House Committee for Health, Human Services & Homelessness

RE: Strong Support of HB1570 Relating to Tobacco Products (ban flavored nicotine)

Dear Chair Yamane, Vice Chair Tam, and members of the Health, Human Services and Homelessness Committee,

I urge you to please vote in favor of HB1570, which will ban the sale of flavored nicotine products and mislabeled e-liquid products, since it is vital for the youth of Hawaii and our entire state.

My name is Carol Agard and I am a Registered Respiratory Therapist and former Manager of Respiratory Care Services, Neurodiagnostics and Sleep and Pulmonary Labs at The Queen's Medical Center Punchbowl location. We served many Adults diagnosed with COPD and facilitated the diagnosis of COPD for those admitted to our hospital for difficulty breathing, shortness of breath, chronic asthma or chronic bronchitis.

I along with my staff have cared for and witnessed how tobacco and nicotine have negatively impacted people's lungs and their lives.

Unfortunately, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and one in five middle school students reported "current use of e-cigarettes" according to the Hawai'i YRBSS 2019!

Although the 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, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! 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! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine at www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs).

Flavors in tobacco and nicotine products entice youth, while the nicotine keeps them hooked for life. Ending the sale of flavored tobacco and nicotine products will reduce the appeal of these products and protect our youth from a lifetime of addiction.

Menthol is at least as harmful as other tobacco and nicotine flavors. It is known for its ability to mask the harshness of tobacco and makes using nicotine easier to start and harder to quit. To protect our vulnerable youth and reduce the burden of tobacco in our communities, menthol MUST be included.

Ending the sale of all flavored tobacco and nicotine will advance health equity—disparities in tobacco use are due to the tobacco industry's history of marketing menthol tobacco products to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Island smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among youth.

Fewer youth will be initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing our youth in Hawaii from becoming addicted smokers would also save millions of dollars in future health cost savings.

Please help protect the lungs and lives of our youth from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. **I urge you to please vote in favor of HB1570 and pass it out of committee so it can become law.** On behalf of many of my Respiratory colleagues and friends, I thank you for your careful consideration of this most important and timely bill.

Sincerely yours,

Carol Agard BS, RRT, FAARC
Manager Respiratory Care Svcs./Neurodiagnostics,
Sleep & Pulmonary Labs (Retired)



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 10, 2022**

Re: HB 1570 RELATING TO YOUTH VAPING EPIDEMIC

Good morning, Chairperson Yamane and members of the House Committee on Health, Human Services and Homelessness. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We OPPOSE HB 1570 Relating to the Youth Vaping Epidemic. Beginning 1/1/2023, this measure bans the sale of flavored tobacco and synthetic nicotine products; prohibits mislabeling of e-liquid products containing nicotine; and prohibits the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one. Establishes fines and penalties for violations. Includes heated smoking products among the electronic smoking devices that are subject to restrictions under law.

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

We also want to make it clear that retailers are not the ones selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not care to see how old someone is.

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

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

Mahalo again for this opportunity to testify.

Testimony on Hawaii's HB 1570 - "Relating to the Youth Vaping Epidemic"

Dear Chairs and Members of the Health, Human Services, & Homelessness Committee,

My name is Elizabeth Hicks, I'm the US Affairs Analyst at the global consumer advocacy group known as the Consumer Choice Center, and I want to thank this committee for their time.

Simply put, HB 1570 will do more harm than good if passed. Enacting a flavor ban for vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that studies have shown vaping to be 95% less harmful than smoking, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawaii.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a healthier alternative to combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ in age and started vaping as a means to quit smoking cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually.

Additionally, if a flavor ban is enacted in Hawaii, then consumers will likely look towards the black market in order to get access to their preferred flavored vaping products. This presents serious concerns for Hawaiian public health as vapers will be purchasing unregulated products that could be extremely dangerous to their health.

In addition to endangering public health, pushing consumers to the black market through a flavor ban will also be to the detriment of many vape shops throughout the state as many of their products will no longer be available. After already suffering through the economic hardships of the pandemic, this bill could effectively kill many of these small businesses already struggling to stay afloat.

Although this bill is certainly well-intentioned, the proposed flavor ban is simply misguided. If this committee wishes to protect public health, small businesses throughout the state, and consumer choice within Hawaii then I strongly encourage them to reject this bill.

Thank you for your time.

Elizabeth Hicks
US Affairs Analyst
Consumer Choice Center
elizabeth@consumerchoicecenter.org