

SB757 SD1

Measure Title: RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES.

Report Title: Electronic Smoking Devices; Regulations; Signage Requirements

Description: Prohibits the use of electronic smoking devices in places where smoking is prohibited. Updates signage requirements, with certain exceptions. Takes effect on 9/1/2015. (SD1)

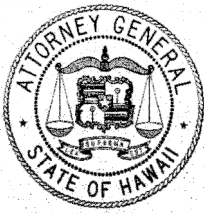
Companion: [HB585](#)

Package: None

Current Referral: HTH, CPN

Introducer(s): BAKER, RIVIERE, RUDERMAN, WAKAI, Chun Oakland, Espero, Gabbard, Green, Ihara, Nishihara, L. Thielen

<u>Sort by Date</u>		Status Text
1/23/2015	S	Introduced.
1/26/2015	S	Passed First Reading.
1/28/2015	S	Referred to HTH, CPN.
2/10/2015	S	The committee(s) on HTH has scheduled a public hearing on 02-13-15 1:35PM in conference room 414.
2/13/2015	S	The committee(s) on HTH recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HTH were as follows: 5 Aye(s): Senator(s) Green, Wakai, Baker, Riviere, Ruderman; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Gabbard, Slom.
2/20/2015	S	Reported from HTH (Stand. Com. Rep. No. 400) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
2/20/2015	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/20/2015	S	The committee(s) on CPN will hold a public decision making on 02-25-15 9:45AM in conference room 229.



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2015

ON THE FOLLOWING MEASURE:

S.B. NO. 757, S.D. 1, RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

DATE: Wednesday, February 25, 2015 **TIME:** 9:45 a.m.
LOCATION: State Capitol, Room 229
TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Blair Goto, Deputy Attorney General

Chair Baker and Members of the Committee:

The Department of the Attorney General provides the following comments.

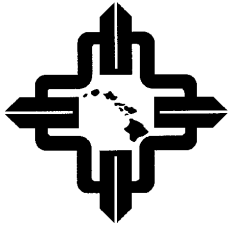
The purpose of the bill is to prohibit the use of electronic smoking devices in areas where the smoking of cigarettes is currently prohibited by chapter 328J, Hawaii Revised Statutes. The bill would also require new signs to be posted with certain exceptions.

We write to express our concerns about the bill's constitutionality. Our concern will require corrective action if the substance of the bill is to be validly enacted.

Article III, section 14, of the Hawaii Constitution provides: "Each law shall embrace but one subject, which shall be expressed in its title." The title of this bill is "Relating to the Regulation of Electronic Smoking Devices." Section 2 of the bill, at page 3, line 6, to page 4, line 5, adds definitions for "electronic smoking device" and for "tobacco product" to section 328J-1. Although it includes electronic smoking devices, the definition of "tobacco product" at page 3, line 16, to page 4, line 5, also includes items such as cigarettes, cigars, pipe tobacco, and chewing tobacco that are not electronic smoking devices. As a result, the bill would regulate matters outside of the subject of the regulation of electronic smoking devices. Accordingly, we recommend that another vehicle be used to accomplish the purposes of this bill. The title of such a bill would need to be sufficiently broad to encompass both the regulation of electronic smoking devices and the regulation of tobacco products.

With respect to the need for finding another bill with an appropriate title, we note for your information that Senate Bill No. 550, S.D. 1, entitled "Health," passed second reading on February 20, 2015, and has been referred to the Committee on Judiciary and Labor.

We respectfully request that the contents of this bill be inserted into a bill with a title sufficiently broad to encompass its contents.



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

Senate Committee on Commerce and Consumer Protection

Senator Rosalyn H. Baker, Chair

Senator Brian T. Taniguchi, Vice Chair

February 25, 2015
Conference Room 229
9:45 a.m.
Hawaii State Capitol

**Testimony Supporting Senate Bill 757 (SD1),
Relating To The Regulation of Electronic Smoking Devices.
Prohibits the use of electronic smoking devices in places where smoking is
prohibited, and updates signage requirements.**

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporate Board of Directors, thank you for the opportunity to present testimony in **support of SB 757 (SD1)**, which prohibits the use of electronic smoking devices where smoking is currently prohibited.

Because electronic smoking devices (e-smoking devices) are relatively new on the market, its health effects have yet to be thoroughly researched. Proponents claim they are safer than traditional cigarettes. However, the Federal Food and Drug Administration ("FDA") and many public health organizations agree that further scientific study is needed. The major concern is that certain chemicals, used in some smoking cartridges, are known to cause serious damage to people who were exposed. One such chemical is diacetyl commonly used in butter flavoring. According to the Centers for Disease Control and Prevention ("CDC"), diacetyl was found to be a prominent volatile agent linked to serious lung damage of factory workers who manufactured microwave popcorn. Electronic cigarettes ("e-cigarettes") also contain nicotine which is highly addictive, can be toxic in high doses, and has immediate bio-chemical effects on the brain and body. The Surgeon General also warns that nicotine may be harmful to developing fetuses, and may negatively impact adolescent brain development.

HHSC is in the business of providing quality healthcare services to the communities we serve. Considering these health risks, and without federal legislation in place, prohibiting the use of e-smoking devices is reasonable. Passage of this bill will ensure the public at large is protected from secondhand nicotine, diacetyl, and other potentially harmful chemicals.

Thank you for the opportunity to testify before this committee. We respectfully recommend the Committee's support of this measure.



Testimony in SUPPORT of SB 757, SD1 “Relating to the Regulation of Tobacco Products”

The American Heart Association SUPPORTS SB 757, SD1, “Relating to the Regulation of Tobacco Products,” but **recommends two amendments.**

The AHA recommends that the definition of tobacco appearing on page 3, lines 16-21, and page 4, lines 1-6, be deleted to eliminate possible bill title discrepancies. The AHA also recommends the elimination of the words “product” appearing after the words “tobacco” and “plant” on page 4, line 13.

The AHA considers e-cigarettes that contain nicotine to be tobacco products and therefore supports their regulation under existing laws relating to the use and marketing of tobacco products. To prevent the potential negative public health impact of e-cigarettes, we strongly support laws and regulation that prohibit the sale and marketing of e-cigarettes to youth. We support effective regulation that addresses marketing, labeling, quality control of manufacturing, and standards for contaminants. **We also support the inclusion of e-cigarettes in smoke-free air laws.** Moreover, we consider it important to monitor and prevent these products from serving as gateway products or as an initiation to nicotine addiction in nonsmokers and re-initiation in smokers. These policy recommendations were developed by an expert advisory group and leading researchers in the field of tobacco control and prevention and e-cigarettes in tandem with a comprehensive review of the literature. The association’s policy guidance will continue to be updated as rapidly evolving evidence emerges. We will continue to assess the scientific evidence relating to e-cigarettes long-term health effects and their efficacy as a smoking cessation aid and encourage the development of a robust research agenda to understand the public health impact of e-cigarettes, especially in at-risk populations.

Although the levels of toxic constituents in e-cigarette aerosol are much lower than those in cigarette smoke, there is still some level of passive exposure to organic compounds, nicotine, and fine particles. To date, there is insufficient evidence to support the notion that exposure to exhaled aerosol has a deleterious impact on bystanders. Some studies have found very low concentrations of air pollutants across different types, liquids, puff durations, and nicotine concentrations. The levels of particle and nicotine exposure vary with the composition of the liquids, the type of e-cigarette, size of the room, puff duration, interval between puffs, and the number of users.

Nevertheless, there is concern that nonsmokers will be involuntarily exposed to nicotine, which could be substantial where there is heavy e-cigarette use in confined spaces. Secondhand exposure to e-cigarette aerosol exposes a nonsmoker to nicotine, particulates, and several potentially toxic organic chemicals, but at much lower levels than from conventional cigarette smoke. The biological effects of such an exposure are expected to be much less than that of secondhand smoke, but nonsmokers are exposed to some nicotine, and the regular use of e-cigarettes has the potential to substantially contaminate the environment with nicotine.



Moreover, unregulated e-cigarette use has the potential to recreate a social norm around tobacco product use in public places, unraveling decades of work on comprehensive smoke-free air laws. It is not always easy to identify that a person is using an e-cigarette, because there is not the large plume of smoke or the strong detectable odor that comes from conventional cigarettes. Therefore, the use of e-cigarettes creates enforcement issues for employees in restaurants, bars, airport terminals, planes, and other smoke-free public places. E-cigarette companies are marketing their products to be used in all the places where smoking is banned, including bars, restaurants, hotels, offices, and airplanes, which promotes unregulated use.

Although the AHA supports the inclusion of e-cigarettes in new smoke-free laws, the AHA only supports changing existing smoke-free laws to include e-cigarettes when it can be ensured there will be no amendments attached to the legislation that would weaken existing laws.

Please support SB 1109.

Respectfully submitted, -

A handwritten signature in black ink that reads 'Donald B. Weisman'.

Donald B. Weisman
Hawaii Government Relations Director

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free of cardiovascular
diseases and stroke."*

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Please remember the American Heart Association in your will.



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Sterling Yee

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Renee Klein

Lung HelpLine
1-800- LUNG-USA
(586-4872)

Fighting for Air

February 24, 2015



To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Thank you for the opportunity to submit testimony in strong support of SB757 SD1. I serve as the Hawai'i director for the American Lung Association of the Mountain Pacific; our mission is to save lives by improving lung health and preventing lung disease.

We strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, our kama'aina, and the public from inadvertent exposure to nicotine and other chemicals and poisons. ESDs are not FDA approved smoking cessation devices and do not emit harmless water vapor. They are currently unregulated and emit nicotine, ultra-fine particles, and other toxins into the air. We urge you to pass SB757 SD1 in order to provide protection for our Hawai'i community.

I can be reached at 808-687-5375 or knguyen@ala-hawaii.org, should you have any questions. Thank you for this opportunity to provide testimony.

Mahalo,

Kim Nguyen, MSW
Executive Director – Hawai'i
American Lung Association of the Mountain Pacific



American Cancer Society
Cancer Action Network
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Senate Committee on Commerce and Consumer Protection
Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair
Members of the Committee

SB 757, SD1 - RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES

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

Thank you for the opportunity to provide written comments in **support** of SB 757, SD1, which amends the state's smoke-free workplace statute to prohibit the use of electronic smoking devices in enclosed and partially enclosed public places where smoking is prohibited and updates signage with a provision for pre-existing signage. We offer one suggested amendment for the committee's consideration.

The American Cancer Society Cancer Action Network (ACS CAN) is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

Electronic smoking devices are often designed to look like cigarettes, right down to the glowing tip. When the user puffs on it, the system delivers an aerosol that is inhaled. A growing number of studies have examined the contents of electronic smoking device aerosol. Unlike a vapor, an aerosol contains fine particles of liquid, solid, or both. Propylene glycol, nicotine, and flavorings were most commonly found in electronic smoking device aerosol. Other studies have found the aerosol to contain heavy metals, volatile organic compounds and tobacco-specific nitrosamines, among other potentially harmful chemicals. The electronic smoking device is often marketed as a way for a smoker to get nicotine in places where smoking is not allowed.

While the health effects of electronic smoking devices are currently under study, there are still serious questions about the safety of inhaling the substances in an electronic smoking device aerosol. Studies have shown that the use of electronic smoking devices can cause short-term lung changes and irritations, while the long-term health effects are unknown. Both exposure to and health effects of secondhand aerosol from electronic

smoking devices require further research, but preliminary studies indicate nonusers can be exposed to the same potentially harmful chemicals as users, including nicotine, ultrafine particles and volatile organic compounds. This exposure could be especially problematic for vulnerable populations such as children, pregnant women, and people with heart disease depending on the level of exposure.

Since the introduction of electronic smoking devices to the U.S. market, the marketing and use of these products have significantly increased. A U.S. Centers for Disease Control survey published in 2013 showed that electronic smoking device usage in middle school and high school students doubled between 2011 and 2012, increasing from 3.3 to 6.8 percent.

While electronic smoking device manufacturers may claim the ingredients are just “water vapor” or “safe,” without federal regulation there is no sure way for electronic smoking device users to know what they are consuming. Nor is there any way of knowing what nonusers are exposed to and the extent of the risk to their health. Additionally, there are hundreds of types of electronic smoking devices on the market today and the products vary considerably by ingredients, and quality control and assurance. Prohibiting the use of electronic smoking devices in workplaces, restaurants, and bars can protect the public health by preventing nonusers from being exposed to nicotine and other potentially harmful chemicals in these products.

We recommend that this committee consider removing the exemption in the definition of electronic smoking device that includes: *"Electronic smoking device" does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.*" Page 3, lines 12-15. We recommend this change to the definition because even as an FDA approved device, we cannot support the use of these products in enclosed spaces at this time.

Thank you for the opportunity to submit comments on this matter.



To: The Honorable Rosalyn H. Baker, Chair, Committee on Commerce and Consumer Protection
The Honorable Brain T. Taniguchi, Vice Chair, Committee on Commerce and Consumer Protection
Members, Senate Committee on Commerce and Consumer Protection

From: Lyndsey Garcia, Policy and Advocacy Director

Date: February 23, 2015

Hrg: Senate Committee on Commerce and Consumer Protection; Wednesday, February 25, 2015 at 9:45AM in Room 229

Re: **Strong support for SB 757, SD1, Relating to the Regulation of Electronic Smoking Devices**

Thank you for the opportunity to offer testimony in **strong support** of Senate Bill 757, SD1, which regulates the use of electronic smoking devices (ESDs) in places where smoking is prohibited by Section 328J of the Hawai'i Revised Statutes (HRS).

The Coalition for a Tobacco Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute working to reduce tobacco use through education, policy, and advocacy. Our program consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts.

The Coalition supports including ESDs in Hawai'i's smoke-free air laws, which will provide for further consistency and protections of our residents and visitors.

The Coalition supports including "electronic smoking devices" in the smoke-free workplace law and including use of an electronic smoking device into the definition of "tobacco product" and "smoke or smoking" in order to regulate the use of ESDs in the places where smoking is prohibited by Section 328J. Including ESDs in our smoke-free air laws will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

Currently ESDs are not regulated at any level (federal or state); therefore, all emissions and chemicals released in exhalation are also unregulated. There is no way for users to know how much nicotine or other potentially harmful chemicals they are inhaling because there are no government requirements on manufacturing, quality, content, or standard labelling. The *New York Times* reported in December that **90%** of the world's e-cigarettes are manufactured in China, virtually unregulated, where flawed or sloppy manufacturing could account for some of the heavy metals, carcinogens and other dangerous compounds, such as lead, tin and zinc, that have been detected in some ESDs.¹ There is no way for users to know how much nicotine or other potentially harmful chemicals they are inhaling because ESDs are not regulated by the U.S. Food and Drug Administration (FDA) and are not FDA approved cessation devices.

¹ Barboza, David. "China's E-Cigarette Boom Lacks Oversight for Safety." *New York Times*. Dec. 13, 2014.
http://www.nytimes.com/2014/12/14/business/international/chinas-e-cigarette-boom-lacks-oversight-for-safety-.html?_r=0



ESDs do not emit only “harmless water vapor.” “Secondhand aerosol (incorrectly called vapor) from ESDs contains nicotine, ultrafine particles and levels of toxins.”² It is vital that we protect everyone from the dangers of secondhand aerosol. According to Dr. Stanton Glantz, Director for the Center for Tobacco Control Research and Education at the University of California, San Francisco, “If you are around somebody who is using e-cigarettes, you are breathing an aerosol of exhaled nicotine, ultra-fine particles, volatile organic compounds, and other toxins.”³ Studies have shown that even ESDs claiming to not contain nicotine contain low levels of nicotine.⁴ The World Health Organization (WHO) recommends that “legal steps should be taken to end use of e-cigarettes indoors in public and work places. Evidence suggest that exhaled e-cigarette aerosol increases the background air level of some toxicants, nicotine and particles.”⁵

Emerging research shows dual use where cigarette users switch to ESDs in locations they are not permitted to smoke.⁶ Allowing the use of ESDs in locations where smoking is prohibited is problematic as ESD use puts innocent bystanders around the ESD user who breathe ESD aerosol at risk for illness, creates distractions in the workplace, threatens the social norm, and undercuts years of progress by tobacco control groups.

The Coalition is extremely concerned about the rising trend of youth ESD use.

In Hawai'i, high school tobacco use rate has continued to drop over the last decade from 24.5% in 2000 to 8.7% in 2011, however the use of e-cigarettes is on the rise.⁷ Youth usage of ESDs is at an alarming rate especially in the state of Hawai'i where teen use is twice as high as the national average. According to the Hawai'i Youth Tobacco Survey (2013) youth usage (at least once in the past 30 days) tripled (18%) among high school students and quadrupled (8%) among middle school students within a two-year period. The Centers for Disease Control and Prevention reports more than a quarter-million youth who had never smoked a cigarette used e-cigarettes in 2013.

State and local action is key to regulating ESD use

While the Coalition welcomes federal regulations on ESDs, we do not believe Hawai'i can afford to wait for the FDA to issue regulations on ESDs. According to Dr. Stan Glantz in reaction to possible forthcoming rules on ESDs from the FDA: “The meaningful action of e-cigarettes will remain at the state and local level, especially including them in clean indoor air laws (I hope that the state and local policy makers do not swallow the inevitable [sic] arguments that they don't need anything because the FDA is taking care of it.)”⁸

² Americans for Nonsmokers' Rights, “Electronic Smoking Devices and Secondhand Aerosol”, available at www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf.

³ Ibid

⁴ Available at <http://northcoastalpreventioncoalition.org/wp-content/uploads/2013/11/E-Cigarettes-Fact-Sheet.pdf>.

⁵ Noncommunicable diseases and mental health: Background on WHO report on regulation of e-cigarettes and similar products.” Available at: <http://www.who.int/nmh/events/2014/backgrounder-e-cigarettes/en>

⁶ Centers for Disease Control and Prevention (CDC). Notes from the field: electronic cigarette use among middle and high school students -- United States, 2011-2012. MMWR Morb Mortal Wkly Rep. 2013;62:729-730. Available at http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w

⁷ The Hawaii Health Data Warehouse, State of Hawaii, Hawaii School Health Survey, Youth Tobacco Survey Module. Available at: http://www.hhdw.org/cms/uploads/Data%20Source_%20YTS/YTS_Prevalence_IND_00001.pdf.

⁸ Stan Glantz, “First reaction to e-cigarette deeming (based on press reports): FDA leaves ecigarette marketing unscathed.”



Restricting ESD use is a growing trend across the U.S. More than 225 municipalities and three states restrict the use of ESDs in smoke-free environments including New York City, Los Angeles, Long Beach, San Diego, and Boston. In Hawai'i, state and county officials have taken the first few steps in regulating ESDs. The State moved to protect employees, first prohibiting the use in all Department of Health facilities, then by extending it to all buildings under Department of Accounting and General Services. In December, the Hawai'i County Council passed a bill that includes ESDs in all their smoke-free ordinances.

We respectfully ask you to pass this measure to build upon Hawai'i's previous successes and ensure the safety of everyone.

Thank you for the opportunity to testify on this matter.

Respectfully,

Lyndsey Garcia
Policy and Advocacy Director



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce and Consumer Protection

February 25, 2015 at 9:45 am

By

Robert Bley-Vroman, Chancellor

and

Jerris Hedges, MD, MS, MMM

Dean, John A. Burns School of Medicine

Interim Director, University of Hawai'i Cancer Center

University of Hawai'i at Mānoa

SB 757 SD1 – RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES

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

The University of Hawai'i supports this bill.

The UH Cancer Center is one of only 68 institutions in the United States that hold the prestigious National Cancer Institute (NCI) designation, and is the only NCI-designated center in the Pacific. The NCI designation provides greater access to federal funding and research opportunities, and gives the people of Hawai'i and the Pacific region access to innovative and potentially life-saving clinical trials without the necessity of traveling to the mainland.

Our passion at the UH Cancer Center is to be a world leader in eliminating cancer through research, education and improved patient care. Because tobacco consumption is a leading preventable cause of cancer, we take all issues related to tobacco in Hawai'i very seriously. Whereas the UH Cancer Center always has supported strong tobacco control measures in Hawai'i, the recent emergence of electronic smoking devices presents new challenges for tobacco control and tobacco-related legislation.

The UH Cancer Center perspective on electronic smoking devices is informed by data recently obtained from Hawai'i adolescents and young adults who are participants in **original research conducted by our own faculty**. Research conducted in Hawai'i high schools by Thomas Wills, PhD, has confirmed that rates of e-cigarette use by Hawai'i adolescents are at least double the rate of e-cigarette use observed in studies of mainland adolescents. Furthermore, his study published in the peer-reviewed journal *Pediatrics* clarified a reason why e-cigarette use is growing nationally among teens, as his data suggest that e-cigarettes may be operating to recruit lower-risk adolescents to smoking. And recently Pallav Pokhrel, PhD, and Thaddeus Herzog, PhD, published on the topic of e-cigarettes and motivation to quit smoking. Drs. Pokhrel and Herzog also assessed differences between smokers who used e-cigarettes to quit

versus those who used FDA-approved nicotine replacement therapy. Additionally, these researchers have published on the effects of e-cigarette marketing on harm perceptions, as well as e-cigarette use expectancies and their impact on e-cigarette use among young adults.

This research is vital to gaining an evidence-based understanding of what drives acceptance of this emerging technology, what users believe regarding its safety, and what the consequences are for adolescents, whose brains are particularly susceptible to nicotine.

We support prohibiting the use of electronic smoking devices in places where smoking is prohibited. Despite the complexities of the larger debate regarding electronic smoking devices, we believe this bill represents reasonable legislation that balances the rights of adults to use electronic smoking devices in appropriate venues while restricting use in public places where conventional cigarettes are banned.

As scientific research on electronic smoking devices progresses, we will have a stronger basis to adjust laws according to evidence. At the present time, however, caution is warranted. As others have noted, the FDA currently does not regulate e-cigarettes, and thus the consumer has no assurances regarding e-cigarette ingredients. Further, because of the novelty of e-cigarettes, the long term effects of using these devices are unknown. A further concern, not often discussed, is the potential for electronic smoking devices to be used as drug delivery devices for substances other than nicotine.

We respectfully urge you to pass this bill.



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University Health Services Mānoa
Health Promotion Program

February 23, 2015

TO: Members of the Senate Committee on Commerce and Consumer Protection

RE: Senate Bill 757 (2015) – **SUPPORT**

Date: Wednesday, February 25, 2015

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

The University of Hawaii Student Health Advisory Council strongly supports the efforts to pass SB 1109 which would prohibit the use of e-cigarettes in all areas where smoking is prohibited by law.

The Student Health Advisory Council is a student leadership and advocacy group that plays a pivotal role in the development and implementation of the health policies and programs that impact the UH System campuses. E-cigarette companies target youth and young adults with marketing and advertising designed to get individuals addicted at an early age. In response, we are committed to the mission of improving college health by reducing the use of tobacco products including electronic smoking devices among the adolescent and young adult population.

Electronic smoking devices, just like other tobacco products, have no place in any workplace, which at the University of Hawaii can include classrooms, offices, libraries, study lounges, and lecture halls. These devices pose not only a public health concern, but are also a detrimental distraction to the learning environment. Therefore, the Student Health Advisory Council strongly supports SB 757 (2015).

Mahalo nui loa, for your efforts to protect the young people of Hawaii.

Aloha,

Storny Dodge, Blane Garcia & Ku‘uleialohaonalani Salzer –Co Chairs

UH Student Health Advisory Council

2600 Campus Rd #313D

Honolulu, HI 96822

Telephone: (808) 956-3574/956-3453

An Equal Opportunity/Affirmative Action Institution

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	Yes

Comments: We strong oppose this measure. If ESD's are so "dangerous" to those around them then how come the opponents of ESDs can't name a single brand sold in Hawaii that they have actually verified to be dangerous after all these years. The reason is that no product is dangerous.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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(808) 486-0402
Devin@pcgamerzhawaii.com

February 23, 2015

To: The Senate

From: Devin Wolery, PC Gamerz, Inc., Director of Operations

RE: SB757 – Oppose.

Thank you for the opportunity to submit testimony.

PC Gamerz, is the only LAN center focused on eSports gaming in the state of Hawaii. We are also a Vape Lounge, operating as such for the last 6 years. We have had many customers that have switched from smoking cigarettes to using advanced vaporizer devices. They were able to make that switch, by being able to use the vaporizer in our store. If they had to go outside to use it, they would be with the same group of cigarette smokers they were trying to get away from. We stand in Strong Opposition to the bills listed above for the following:

- Vapor products contain no tobacco, produce no smoke, and have not been demonstrated to have the detrimental effects of combustible tobacco products. In fact, the FDA has taken appropriate and proportional regulation seriously and to date has not issued regulations for the product because they seemingly understand the potential this product has to switch people over from actual tobacco, which kills 480,000 people per year. Further, Mitch Zeller, Director of the Center for Tobacco Products at the FDA recently stated:
 - "If a current smoker, otherwise unable or unwilling to quit, completely substituted all of the combusting cigarettes that they smoked with an electronic cigarette at the individual level, that person would probably be significantly reducing their risk."
- The Food and Drug Administration (FDA) has wisely taken its time on developing regulations for the vapor product industry and has not determined that these products are in fact tobacco products . At this time, with the exception of youth access laws targeted at keeping electronic cigarettes out of the hands of those below the age of 18, we feel that any action by state legislatures with regard to electronic cigarettes is premature.
- With current smoke free policies/laws which are largely self enforced, it is impossible to enforce an e-cigarette usage ban. As the products can be used discreetly without anyone else knowing. Vaper's just need to hold it in longer and then exhale faster. It will then dissipate within seconds and is undetectable.



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- A study came out within the last 2 days that shows that vaporizer aerosol nicotine was 85% lower than cigarette smoke. Mainstream cigarette smoke (the same stuff a smoker inhales while smoking) had about 1,500 times more harmful and potentially-harmful constituents (HPHC) than e-cigarette aerosol, **or puffing on room air.**
 - <http://acsh.org/2015/02/machine-puffed-e-cigs-yielded-vapor-containing-exactly-what-you-d-expect-much-else/>
- Many businesses already have a policy in place banning vaporizer use. And many businesses embrace it and use it to gain that demographic of customers. While we respect and honor an individual's right to not get smoke or vape blown in their face while out at a bar, we also honor the right for certain businesses to allow vaping if they so choose. And while we do not think many restaurants, bars, hotels, etc will choose to allow vaping, we do think it should be their choice. This is important to us, not because we think it is OK to vape in movie theaters or planes... But because a ban like this would effect the way we conduct business in our vape shops - a place where people expect there to be vaping.
- When this law was passed on this Big Island, they spent around \$20,000 to change signage. To change it across the state, could possibly cost upwards of \$300,000. And to make this a law, based off possibilities . Just does not seem appropriate. We should be waiting for the FDA to rule on it. Before sending people back to the trenches with the cigarette smoke.

Thank you for your time and consideration. If you have any questions, please feel free to contact me.

Sincerely,

Devin Wolery

Director of Operations

www.PCGamerzhawaii.com

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: rex@808smokes.com
Subject: Submitted testimony for SB757 on Feb 25, 2015 09:45AM
Date: Monday, February 23, 2015 8:10:26 PM

SB757

Submitted on: 2/23/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rex F. Benigno	808 Smokes	Oppose	No

Comments: I Rex F. Benigno oppose to bill SB757. Electronic smoking devices have not been found to be dangerous or harmful in many studies duplicating how they are actually used by people. <http://www.ecigalternative.com/ecigarette-studies-research.htm>. In addition, neither the FDA or Surgeon General has indicated any reasons of concerns, even though electronic smoking devices has been in use for over 5 years. Most businesses that have concerns about vaping for their customers and/or employees have already instituted policies to the ones on cigarette smoking, so further legislation would either be redundant and unnecessary or unfairly limiting to those businesses that understand the differences. I feel that there is just no reason why this issue should not be left up to business or property owners. As a business owner I do educate my customers on "vaping etiquette." For example: Don't use it at restaurants, Shopping malls or around children. We try to set an example to our customers all the time. Truthfully electronic cigarettes aren't the same as tobacco products. So why treat them the same? This law would significantly impact business owners and their employees as well. Thanks for reading my testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: antonchris10@gmail.com
Subject: Submitted testimony for SB757 on Feb 25, 2015 09:45AM
Date: Tuesday, February 24, 2015 8:59:06 AM

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

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

Comments: The legislature wants to ban a quit smoking device. Sb757 will be bad for community health. Do you really support this Baker, I though you wanted people to quit?

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: chevyriderhhh@gmail.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Friday, February 20, 2015 5:22:26 PM

SB757

Submitted on: 2/20/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: jjw333333@gmail.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Tuesday, February 24, 2015 11:44:29 AM

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: jchangworld@gmail.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Friday, February 20, 2015 11:19:40 PM

SB757

Submitted on: 2/20/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Chang	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: kathyk323@hotmail.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Monday, February 23, 2015 7:32:14 AM

SB757

Submitted on: 2/23/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: mikenakas@hotmail.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Tuesday, February 24, 2015 7:20:54 AM

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: michrobins3@myself.com
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Saturday, February 21, 2015 4:18:55 PM

SB757

Submitted on: 2/21/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Robinson	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: surfmaster008@gmail.com
Subject: Submitted testimony for SB757 on Feb 25, 2015 09:45AM
Date: Monday, February 23, 2015 12:09:44 PM

SB757

Submitted on: 2/23/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Higa	Individual	Oppose	No

Comments: This bill is completely ignorant about the great health benefits of electronic smoking. The people backing this bill need to DO A LITTLE OBJECTIVE READING on this topic and stop their fear and hate of these products just because they don't understand them.

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Barbara Nosaka](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:12:10 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Thank you for the opportunity to submit testimony in strong support of SB757 SD1. I strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

As a new industry, the dangers of ESDs continue to emerge and show inconsistent amounts of the addictive poison nicotine in the e-juice, dual use with cigarettes, and huge increases of use by middle and high school students. Contrary to popular belief, ESDs do not emit harmless water vapor. Instead, they emit an aerosol that contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins. ESDs are not FDA approved smoking cessation devices and should not be used in enclosed or partially enclosed public places.

SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons.

I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Barbara Nosaka
2216 Hoonanea Street
Honolulu, HI 96822

From: [Beau Lani Barker](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 11:02:58 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Beau Lani Barker
2370 Nuuanu Ave
Honolulu, HI 96817

From: [Chris Fukui](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 1:41:24 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Chris Fukui
380 Halaki St.
Honolulu, HI 96821

From: [Dan Domizio](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:13:36 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Thank you for the opportunity to submit testimony in strong support of SB757 SD1. I strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

WE DO NOT NEED ANY NICOTINE SOURCE POLLUTING OUR CHILDREN OR THEIR PARENTS.

As a new industry, the dangers of ESDs continue to emerge and show inconsistent amounts of the addictive poison nicotine in the e-juice, dual use with cigarettes, and huge increases of use by middle and high school students. Contrary to popular belief, ESDs do not emit harmless water vapor. Instead, they emit an aerosol that contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins. ESDs are not FDA approved smoking cessation devices and should not be used in enclosed or partially enclosed public places.

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Dan Domizio
15-2662 Pahoa Village rd
Suite 306, PMB 8741
Pahoa, HI 96778

From: [Diane Omura](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 2:03:04 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Thank you for the opportunity to submit testimony in strong support of SB757 SD1. I strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Diane Omura
1650 Kaahumanu Ave.
Wailuku, HI 96793

From: [Forrest Batz](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:41:26 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Aloha Senate Committee on Commerce and Consumer Protection,

Thank you for the opportunity to submit testimony in strong support of SB757 SD1. I strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Forrest Batz
34 Rainbow Drive
Keaau, HI 96749

From: [Helen Barrow](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 12:58:44 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

Mahalo nui loa for the opportunity to submit testimony in strong support of SB757 SD1. I strongly support regulating the use of electronic smoking devices (ESDs) in our smoke-free workplace laws. Including ESDs will protect the public, reduce confusion within society, decrease distractions in the workplace, and maintain the social norm.

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Helen Barrow
M?lama I Ke Ola Health Center
Wailuku, HI, HI 96768

From: [Howard Saiki](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 12:17:13 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Howard Saiki
45-480 B Apiki Street
Apt. D1202
Kaneohe, HI 96744

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB757 on Feb 25, 2015 09:45AM*
Date: Friday, February 20, 2015 5:03:21 PM

SB757

Submitted on: 2/20/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: [Kanani Kilbey](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:30:09 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Kanani Kilbey
642 Ulukahiki Street
Suite 105
Kailua, HI 96734

From: [Karli Bergheer](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:34:42 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Karli Bergheer
221 Mahalani Street, Suite 99
Wailuku, HI 96793

From: [Kim Swartz](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:32:34 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Kim Swartz
98-1394 Hinu Pl B
Pearl City, HI 96782

From: [Koa Robinson](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 2:38:02 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Koa Robinson
894 Queen Street
Honolulu, HI 96822

From: [Maria Moreno - Chow](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 3:28:41 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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As a new industry, the dangers of ESDs continue to emerge and show inconsistent amounts of the addictive poison nicotine in the e-juice, dual use with cigarettes, and huge increases of use by middle and high school students. Contrary to popular belief, ESDs do not emit harmless water vapor. Instead, they emit an aerosol that contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins. ESDs are not FDA approved smoking cessation devices and should not be used in enclosed or partially enclosed public places.

SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons.

I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Maria Moreno - Chow
548 Uluoa st.
Kailua, HI 96734

From: [Marilyn Gagen](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:56:33 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Marilyn Gagen
59-398 Ka Nani Drive
N/A
Kamuela, HI 96743

Testimony of Professor Mark A. Levin *in strong support* for SB 757 SD1

**RELATING TO ELECTRONIC SMOKING DEVICES
Senate Committee on Commerce and Consumer Protection
February 25, 2015**

Chair Baker, Vice-Chair Taniguchi, and members of the Committee on Commerce and Consumer Protection:

Aloha. In the 1950's, the tobacco industry fooled the world by marketing filtered cigarettes. These weren't safer, though millions of people died having been led to believe they were. Meanwhile tobacco smoke pollution brought down those around them as well.

In the 1970's, the industry scammed the public by marketing light and mild cigarettes. Once again, not safer but this too was a great boost to keep people addicted, and paying for it with wallets and lives. Secondhand death and disease continued too.

Finally, in the 1990's, lawmakers around the globe began stepping forward to right these wrongs. The work is incomplete, but in our state, our legislators, many of you among them, took important steps forward including our 2006 Smokefree Workplaces Law and with several significant tax increases.

Here we go again. New addictive vapor devices are pitched to be a route to safer use. Again these are simply a boost for the industry to keep people addicted *and even to hook new users among our youth*. But with Big Tobacco's deadly track record, in what right minds should we trust our public health for the people of our state to the unregulated aerosol particles sent off by the latest devices?

Though you may get local testimony, addictive vapors are surely Big Tobacco's 21st century hope. If these devices have therapeutic merit, let the sellers prove that to expert regulators in accordance with federal food and drug laws. But they haven't, won't, and can't. In the meanwhile then, let's be cautious and conservative -- setting all legal structures to be the same as for incendiary tobacco products now. No special treatment belongs here; please pass SB 757 SD1.

Mahalo.

Professor Mark A. Levin
The William S. Richardson School of Law
The University of Hawai'i at Mānoa
2515 Dole St., Honolulu, HI 96822
Tel: 1-808-956-3302

Affiliations are given for identification purposes only. Opinions presented here are personal views and not the official views of the University of Hawai'i or any other organization or entity.

From: [Mary Santa Maria](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 1:57:01 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons.

I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,
Mary Santa Maria

Mary Santa Maria
1686 Kalawi
none
wailuku, HI 96793

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: MData@papaolalokahi.org
Subject: Submitted testimony for SB757 on Feb 25, 2015 09:45AM
Date: Tuesday, February 24, 2015 2:54:14 PM

SB757

Submitted on: 2/24/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Data	Individual	Support	No

Comments: I am writing to express my strong support for SB757 SD1, Relating to Electronic Smoking Devices. Electronic smoking devices (ESDs) are not FDA approved smoking cessation devices and must be regulated similarly to other tobacco products. As a new industry, the dangers of ESDs are continuing to emerge and show inconsistent amounts of the addictive poison nicotine in the e-juice, dual use with cigarettes, and huge increases of use by middle and high school students. Contrary to popular belief, ESDs do not emit harmless water vapor. Instead, they emit an aerosol that contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins. I have been employed at various healthcare organizations in which my co-workers use e-cigarettes in the office. This creates a confusing message for our clients/patients. I have also noticed a drastic increase in the use of e-cigarettes publicly, such as at shopping malls. I do not want my daughter, myself, or anyone in my family to be exposed to the potential effects of secondhand or thirdhand smoke emitted from ESD vapors. Mahalo for the opportunity to submit testimony. Sincerely, Melissa Data

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Michelle Gray](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:03:28 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Michelle Gray
430 Lanipua Street
Honolulu, HI 96825

From: [Michelle Schiff](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 12:33:40 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Michelle Schiff
1655 Kanapuu Dr
Kailua, HI 96734

From: [Nan Pheatt](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:40:11 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

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Mahalo,

Nan Pheatt
75-5919 Alii Dr
#N23
Kailua-Kona, HI 96740

From: [Patti Ornellas](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 2:33:50 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

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Mahalo,

Patti Ornellas
3343 Kanakolu Street
Lihue, HI 96766

From: [Paul Smith](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:32:13 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

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Mahalo,

Paul Smith
134 Kapahulu Ave
#418
Honolulu-Waikiki, HI 96815

From: [Boyd, Manager Richard Boyd](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:38:14 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

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Mahalo,

Boyd, Manager Richard Boyd
250 Kawaihae St
250 Kawaihae St
Honolulu, HI 96825

From: [Ronald Chow](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 3:27:52 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Ronald Chow
548 ULUOA ST
KAILUA, HI 96734

From: [Ronald Kuriki](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 11:30:26 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Ronald Kuriki
1655-C Palolo Avenue
Honolulu, HI 96816

Sharlene S. Akita
2261 Date Street, Apt. A
Honolulu, HI 96826
(808) 949-8123

Senator Rosalyn Baker
Senate Chair of Commerce and Consumer Protection
415 S. Beretania St., Rm. 230
Honolulu, HI 96813

Day and Date of Hearing: Wednesday, February 25, 2015

Position on SB757= I support passage of this bill to protect and to promote my good health and well-being.

Good morning, Senate Chair Rosalyn Baker and Commerce and Consumer Protection Committee Members,

My name is Sharlene S. Akita. I represent myself as a concerned Hawaii State resident.

I present testimony here to support passage of SB757- Relating to the regulation of electronic smoking devices (also known as e-cigarettes). SB757 directly targets my great concern for my good health and well-being.

At present, there are no statewide restrictions that cover usage of e-cigarettes on private and public property, as the current Honolulu City conventional tobacco cigarette anti-smoking law ban. However, several Hawaii State departments -health, education, and accounting and general services- have gone ahead to ban e-cigarette use in state government buildings. This is a great start, and the ban needs to extend further.

I had witnessed people smoking e-cigarettes on the Honolulu city buses, and had complained to The Bus office. Soon after that, I am happy that The Bus company added the e-cigarette ban to its regulations. When I continue to see people smoking e-cigarettes on The Bus, I tell them about the ban. In this way, I like to help our bus drivers to focus on their driving and other issues.

When I see people smoking e-cigarettes at the bus stops, I tell them that the Honolulu city anti-smoking law does not apply to e-cigarettes. However, I have read newspaper articles saying that e-cigarettes produce formaldehyde, which is a toxin, and is, basically, embalming fluid. Even a small exposure is not good for me, especially when I have allergies, and other respiratory problems. The toxin may also have a cumulative effect. I suggest to these e-cigarette people that they either stop smoking it there, or go away from me. Luckily, these people listen to my request. None the less, I feel that formal government regulation would have greater effective impact on this whole problem.

When the e-cigarette was first introduced in Hawaii at the at the Blaisdell Exhibition Hall new product show, a demonstrator told me that the e-cigarette produced vapor(seeming to indicate that the vapor is harmless). He inhaled and then blew the vapor directly into my face. I did not appreciate that action at all! When these e-cigarette smokers tell me that it is just harmless vapor, I say that the e-cigarette companies have fooled them into thinking that it is safe. It makes me cringe when I see the HUGE emission expelled into the air, and I certainly do not want this to touch me! Would you? To further my point, I say that if they would inhale and then swallow the smoke, then I would not have to bother them.

Please note here that I also remind conventional tobacco smokers, at the bus stops, of the Honolulu city ban. I tell them that I am a non-smoker and that their smoke bothers me. In fact, the smoke burns my nose. I say that I don't want second-hand smoke and lung cancer, and that I will speak up to them to safeguard and to promote my good health and well-being.

Yes, I need this protection for my good health and well-being. Therefore, I ask that SB757 be passed by your commerce and consumer protection committee.

Thank you very much for taking and reading my testimony.

A handwritten signature in cursive script that reads "Sharlene S. Akita". The signature is written in dark ink and is positioned above the printed name.

Sharlene S. Akita

From: [shay Chan Hodges](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:03:33 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

shay Chan Hodges
37 Puu Koa Place
Haiku, HI 96708

From: [Smitha Varricatt](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:49:07 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,
Smitha Varricatt

Smitha Varricatt
89 Palani St
Hilo, HI 96720

From: [Stephanie Moir](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:32:08 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,
Stephanie Moir

Stephanie Moir
Kukula St.
Waipahu, HI 96797

From: [Stephen Wehrman](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:41:34 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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I have been a respiratory therapist for 40 years. E cigarettes produce aerosol particles that can be inhaled by others to their harm. I don't object to E cigarettes in general, I simply think we need to recognize they are not inherently safer than cigarettes and they do produce exposure.

SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons.

I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Steve Wehrman RRT
Emeritus Professor, UH/KCC

Stephen Wehrman
4340 Paha Ave 9D
Honolulu, HI 96816

From: [Tami MacAller](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:58:44 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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As a new industry, the dangers of ESDs continue to emerge and show inconsistent amounts of the addictive poison nicotine in the e-juice, dual use with cigarettes, and huge increases of use by middle and high school students. Contrary to popular belief, ESDs do not emit harmless water vapor. Instead, they emit an aerosol that contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins. ESDs are not FDA approved smoking cessation devices and should not be used in enclosed or partially enclosed public places.

SB757 SD1 is the first step to regulating ESDs and protecting employees, customers, and the public from inadvertent exposure to nicotine and other chemicals and poisons.

I urge you to pass SB757 SD1 in order to provide protection for the public. Failing to act may set us back decades.

Mahalo,

Tami MacAller
1234 testing
Kailua Kona, HI 96740

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for SB757 on Feb 25, 2015 09:45AM
Date: Saturday, February 21, 2015 9:33:03 PM
Attachments: [Testimony SB 757 SD1.docx](#)

SB757

Submitted on: 2/21/2015

Testimony for CPN on Feb 25, 2015 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: I submit this statement in STRONG SUPPORT of this Bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Tyler Ralston](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 1:25:07 PM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Tyler Ralston
PO Box 10528
Honolulu, HI 96816

From: [Valerie Yontz](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 9:59:55 AM

February 24, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

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Many thanks. Valerie Yontz

Valerie Yontz
677 Auwina Street
677 Auwina Street Kailua, HI 96734-3430
Kailua, HI 96734

From: [Yukiko Morimoto](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:49:06 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

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Mahalo,

Yukiko Morimoto
2550 Kuhio Avenue, Apt. 2205
Honolulu, HI 96815

From: [Zeyana Saad-Jube](#)
To: [CPN Testimony](#)
Subject: Strong Support for SB757 SD1, Relating to Electronic
Date: Tuesday, February 24, 2015 10:00:39 AM

February 23, 2015

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Brian T. Taniguchi, Vice Chair
Members, Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB757 SD1, Relating to Electronic Smoking Devices

Hrg: Wednesday, February 25, 2015 9:45AM in Room 229

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Mahalo,

Zeyana Saad-Jube
3478 Keahi Place
Honolulu, HI 96822