

STAND. COM. REP. NO. 1373

Honolulu, Hawaii

MAR 15 , 2019

RE: S.B. No. 1009  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1009, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale or distribution of all flavored tobacco products, including tobacco products with menthol, in the State.

The Department of Health, Office of Hawaiian Affairs, Department of Education, University of Hawaii Student Health Advisory Council, Councilmember representing District 3 of the Hawai'i County Council, Councilmember representing Upcountry of the Maui County Council, County of Hawaii Office of the Prosecuting Attorney, Hawaii Pacific Health, The Man Cave, Waimānalo Health Center, Alexander Academy of Performing Arts, Emma Whitney Photography, Friends of Kamalani and Lydgate Park, Pediatric Therapies Hawaii, Bridge Club Hawaii, Kaho'omiki, Hawaii Youth Services Network, Hawaii Maternal and Child Health Leadership and Education in Neurodevelopmental Disabilities Program, Hawai'i Primary Care Association, Hawaii Dental Hygienists' Association, American Heart Association, Hawaii Pacific Health Institute's Coalition for a Tobacco Free Hawaii's Youth Council, Hawai'i Public Health Institute, Keiki Injury Prevention Coalition, Blue Zones

SB1009 HD1 HSCR HLT HMS 2019-3003-1



Project-Hawaii, Hawaii COPD Coalition, Coalition for a Drug-Free Hawaii, Hawaii Children's Action Network, Hawaii State Teachers Association, American Cancer Society Cancer Action Network, Pioneering Healthier Communities of Honolulu, Hawai'i Public Health Association, Mid-Pacific Institute Do What You Love Service Club, and numerous individuals submitted testimony in support of this measure.

Hawaii Petroleum, Irie Hawaii, Black Lava Vape, Hi Lyfe Vaporz LLC, VOLCANO Fine Electronic Cigarettes, Retail Merchants of Hawaii, Hawaii Petroleum Marketers Association, Cigar Association of America, Inc., Hawaii Smokers Alliance, and many individuals submitted testimony in opposition to this measure.

The Department of the Attorney General and Hawaii Food Industry Association submitted comments on this measure.

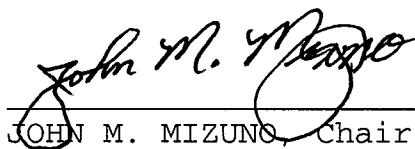
Your Committee has amended this measure by:

- (1) Carving out an exception to the ban on flavored products for menthol and mentholated products;
- (2) Prohibiting the mislabeling of any e-liquid product that contains nicotine as nicotine-free;
- (3) Changing its effective date to July 1, 2050, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1009, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1009, S.D. 2, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Health,



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JOHN M. MIZUNO, Chair



Record of Votes of the Committee on Health

Bill/Resolution No.:	Committee Referral:	Date:		
<u>SB 1009, 502</u>	<u>HLT, JWD, FIN</u>	<u>3-12-19</u>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. KOBAYASHI, Bertrand (VC)	/			
3. BELATTI, Della Au	/			
4. NAKAMURA, Nadine K.	/			
5. SAN BUENAVENTURA, Joy A.	/			
6. SAY, Calvin K.Y.	/			
7. TOKIOKA, James Kunane		/		
8. WARD, Gene		/		
<b>TOTAL (8)</b>				
	<u>6</u>	<u>2</u>		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>B. Kolganov</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				