

STAND. COM. REP. NO. 799

Honolulu, Hawaii

FEB 28 2019

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1009, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to ban the sale of flavored tobacco products.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Department of Education; Department of Health; Office of the Prosecuting Attorney of the County of Hawai'i; Hawai'i Pacific Health; Hawaii Primary Care Association; Hawaii Youth Services Network; Hawaii Dental Hygienists' Association; Hawaii State Teachers Association; Hawaii Public Health Association; Alexander Academy of Performing Arts; Hawaii COPD Coalition; Hawai'i Public Health Institute; The Man Cave; We Are One, Inc.; Hawaii Blue Zones Project; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; African American Tobacco Control Leadership Council; Pioneering Healthier Communities of Honolulu; Lanai Community Health Center; Cancer Action Network; Mid-Pacific Do What You Love Service Club; Kapi'olani Medical Center for Women and Children; American Heart Association; University of Hawai'i Student Health Advisory Council; seventy-two individuals; and a petition signed by two hundred twelve dental hygienists. Your Committee received testimony in opposition to this measure from Hi Lyfe Vaporz, LLC;



VOLCANO Fine Electronic Cigarettes; Cigar Association of America, Inc.; Nii Superette, Inc.; ABC Stores; Retail Merchants of Hawaii; Irie Hawaii Stores; Hawaii Smokers Alliance; twenty-eight individuals; and a petition signed by one hundred ten individuals. Your Committee received comments on this measure from the Hawaii Food Industry Association.

Your Committee finds that the use of flavored tobacco products is extremely prevalent among Hawaii's youth, and frequently results in the development of tobacco addiction. Almost all smokers start before the age of twenty-one, with most starting off using flavored tobacco products, which are often marketed to the State's youth. Your Committee further finds that the federal Family Smoking Prevention and Tobacco Control Act prohibited characterizing flavors, including fruit and candy flavorings, in cigarettes but did not ban menthol in cigarettes or the use of characterizing flavors in other tobacco products. This measure will prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State.

Your Committee has amended this measure by clarifying that penalties for unlawfully selling a flavored tobacco product apply to any retailer whose agents or employees violate the prohibition.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1009, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1009, S.D. 2.

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



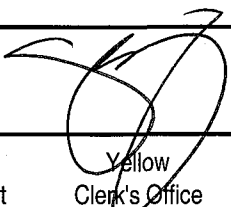
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1009, SD1	CPH, JDC	2/21/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: 				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes