STAND. COM. REP. NO. 97 -20

Honolulu, Hawaii FEB 07 , 2020

RE: H.B. No. 23⁴⁸ H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2348 entitled:

"A BILL FOR AN ACT RELATING TO THE SALE OF 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 products with menthol, in the State.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed H.D. 1, which deletes the contents of this measure and inserts language to establish a schedule of penalties for holders of retail tobacco permits and persons registered to sell electronic smoking devices, and their employees, who illegally sell tobacco products and electronic smoking devices to persons under twenty-one years of age.

Your Committee received testimony in support of the proposed H.D. 1 from the Department of Health, Hawaii Primary Care Association, Hawaii Public Health Institute, Hawaii Pacific Health, Hawaii Petroleum Marketers Association, and two individuals. Your Committee received testimony in opposition to the proposed H.D. 1 from the Retail Merchants of Hawaii. Your Committee received comments on the proposed H.D. 1 from the



American Cancer Society Cancer Action Network and Hawaii Food Industry Association.

Your Committee finds that this measure establishes clear legal responsibility of retailers, permittees, and registrants who sell tobacco products and the liability incurred when illegal sales are made to anyone under twenty-one years of age. The increased penalties proposed by this measure, which include license suspension, provide a meaningful incentive for retailers, permittees, and registrants to comply with tobacco and electronic smoking device sales laws. Your Committee also finds this measure holds licensees responsible for the actions of their employees, reinforces their supervisory responsibilities, and emphasizes the need for onsite employee training and education to reduce youth access to these products.

Your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

- Changing the effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committees on Consumer Protection & Commerce and Judiciary, should they choose to hear this measure, to consider adding a definition for "eliquid".

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 H.B. No. 2348, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2348, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.



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

The M.Y IN M. MIZUNO JOI Chai;



State of Hawaii House of Representatives The THIRTIETH Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2-324-8	Committee	Referral: CPC/JU	P, FIN Dat	Date: 2 - 4 - 20		
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ 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)		V				
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3. BELATTI, Della Au			4			
4. NAKAMURA, Nadine K.		/	el a maranteri l'a munu - e - e e , pod aquestiniamu	<u>de gygline, andre in de la Carlo de A</u> dri		
5. SAN BUENAVENTURA, Joy A.	•	<i>\</i>	Maran 1922, an an Alina Roma Add Asara an			
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6. SAY, Calvin K.Y.					V	
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7. TOKIOKA, James Kunane	이 안 것 같은 .					
8. WARD, Gene			and the second	in minimum materia av 89au		
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TOTAL (8)		7	0-	0-	1	
The recommendation is: Adopted Not Adopted If joint referral,						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						