

STAND. COM. REP. NO.

3256

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2228
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2228, S.D: 1, entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED PRODUCTS FOR ELECTRONIC SMOKING DEVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Prohibit the sale of flavored products for electronic smoking devices;
- (3) Prohibit the mislabeling of e-liquid products containing nicotine;
- (4) Prohibit the sale of electronic smoking devices, e-liquid, and electronic smoking device accessories other than through retail sales via a direct, in-person exchange between a retailer and consumer; and
- (5) Include e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law.



Your Committee received testimony in support of this measure from the Department of Transportation; Office of the Prosecuting Attorney of the County of Hawai'i; Hawai'i Primary Care Association; Filipina Advocacy Network; American Academy of Pediatrics, Hawaii Chapter; We Are One, Inc.; Hawaii Substance Abuse Coalition; Hawaii Dental Hygienists' Association; Friends of Kamalani and Lydgate Park; Kaho'omiki; American Heart Association; Pono Hawai'i Initiative; Pediatric Therapies Hawaii; Hui No Ke Ola Pono; American Cancer Society Cancer Action Network; Hawai'i Public Health Institute; Hawaii Kai Lions Club; Flavors Hook Kids Hawai'i; Hawai'i Pacific Health; The Man Cave; Hawaii State Teachers Association; West Hawaii Community Health Center; American Lung Association; Hawai'i Children's Action Network Speaks!; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Doris Todd Christian Academy; Maui Christian Academy; Maui Adventist School; Waldorf School; Holy Nativity School; Mid-Pacific Institute; Damien Memorial School; and twenty-six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance, Irie Hawaii, Vape Kings LLC, and fifty-eight individuals. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Food Industry Association.

Your Committee finds that between 2011 to 2015, the use of electronic smoking devices by Hawaii's youth increased six-fold among middle school youth and four-fold among high school youth. This is particularly concerning considering the nicotine content of such devices and recent severe lung injuries reported nationally as a result of using electronic smoking devices. Your Committee further finds that flavored tobacco products are particularly appealing to youth since the flavors change the taste and reduce the harshness of the otherwise unflavored tobacco product. This measure aims to protect Hawaii's youth by establishing more stringent regulations on e-liquids and electronic smoking devices.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2228, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2228, S.D. 2.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2228 SDI	Committee Referral: CPH, JDC	Date: 2/25/2020		
<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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
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TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes