

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2538
S.D. 1

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. 2538, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE YOUTH VAPING EPIDEMIC,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the sale of flavored tobacco products; the mislabeling of e-liquid products containing nicotine; and establish fines and penalties for violations, which will be deposited in the Hawaii Tobacco Prevention and Control Trust fund;
- (2) Authorize a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; and
- (3) Require a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Your Committee received testimony in support of this measure from the Department of Health; Maui Police Department; Kauai



Police Department; Hawaii Youth Services Network; Filipina Advocacy Network; American Academy of Pediatrics, Hawaii Chapter; Hawaii Primary Care Association; Hawaii Substance Abuse Coalition; We Are One, Inc.; American Association of University Women of Hawaii; Hawaii Dental Hygienists' Association; Friends of Kamalani and Lydgate Park; Kaho'omiki Hawaii Council on Physical Activity and Nutrition; Pediatric Therapies Hawaii; Hawaii Food Industry Association; Hui No Ke Ola Pono; American Cancer Society Cancer Action Network; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Doris Todd Christian Academy; Maui Christian Academy; Maui Adventist School; Malamalama Waldorf School; Holy Nativity School; Mid-Pacific; Damien Memorial School; Hawai'i Pacific Health; Flavors Hook Kids Hawai'i; The Man Cave; Hawai'i Public Health Institute; Hawaii State Teachers Association; Hawai'i Children's Action Network Speaks!; American Lung Association; and twenty-nine individuals. Your Committee received testimony in opposition to this measure from Irie Hawaii Stores; Vape Kings, LLC; Cigar Association of America, Inc.; Hawaii Smokers Alliance; Hawaii Petroleum Marketers Association; and sixty-one individuals. Your Committee received comments on this measure from the Department of Education; Department of the Attorney General; and American Heart Association.

Your Committee finds that tobacco use remains the leading cause of preventable disease and death in the United States and in Hawaii. Your Committee further finds that while there has been a decline in the use of combustible cigarettes over the last decade, there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth, largely because of the appealing nature of flavored tobacco products. This measure seeks to protect Hawaii youth from tobacco addiction and related health conditions by prohibiting the sale or distribution of all flavored tobacco products in the State and establishing fines and penalties that aim to educate and deter young users.

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. 2538, S.D. 1, and recommends that it pass Third Reading.



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

Karl Rhoads

KARL RHOADS, Chair



