







STATE OF HAWAI'I DEPARTMENT OF EDUCATION

P.O. BOX 2360 HONOLULU, HAWAI`I 96804

Date: 02/04/2020 **Time:** 02:15 PM **Location:** 309

Committee: House Health

House Lower & Higher Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2049 RELATING TO HEALTH.

Purpose of Bill: Directs public school teachers to confiscate electronic cigarettes or

electronic cigarette products. Requires public schools to coordinate with the appropriate county police departments for the proper disposal of confiscated electronic cigarettes or electronic cigarette products.

Department's Position:

The Department of Education (Department) appreciates the intent and offers concerns on HB 2049.

The Department's highest priority is the safety and well-being of students. As such, the Department is working in partnership with the Hawaii Department of Health (DOH) to educate youth to make positive decisions about their health.

There is a zero tolerance policy for tobacco products and electronic smoking devices (ESDs) on the Department's campuses, transportation, and/or during Department school-sponsored activities. In accordance with Section 712-2156, Hawaii Revised Statutes, any tobacco product(s) or ESDs found in a student's possession is a violation of Chapter 19, shall be seized by school administration and forfeited to law enforcement.

The Department of Health has recently categorized ESDs as acute hazardous waste. This new classification of ESDs has caused concern for the Department as it pertains specifically to the health and safety of students, faculty, and staff. It is imperative that the confiscated ESDs be removed on a schedule that is consistent and timely (within three months).

Thank you for the opportunity to provide testimony on HB 2049.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school

to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

DAVID Y. IGE





STATE OF HAWAII DEPARTMENT OF HEALTH

P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony COMMENTING on H.B. 2049 RELATING TO HEALTH

REPRESENTATIVE JOHN M. MIZUNO, CHAIR HOUSE COMMITTEE ON HEALTH

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR HOUSE COMMITTEE ON LOWER AND HIGHER EDUCATION

Hearing Date: February 4, 2020 Room Number: 309

Department Testimony: The Department of Health (DOH) offers comments on House Bill 2049 1 2 (H.B. 2049). Current law (Chapter 712-1258(6), Hawaii Revised Statutes) provides for seizure, 3 forfeiture, and confiscation by the State with required disposal by law enforcement without funding. 4 Waste nicotine products, including electronic cigarettes, are considered acutely toxic hazardous waste under the state's regulations and schools would be considered the "generator" of 5 the hazardous waste when disposing of electronic cigarettes confiscated from students. Electronic 6 7 cigarettes are also hazardous because of the lithium batteries they contain. 8 Existing regulations for hazardous waste disposal (Chapters 11-260.1 to 11-279.1, Hawaii 9 Administrative Rules) require hazardous waste to be sent to a permitted hazardous waste treatment, storage, or disposal facility (TSDF), unless the generator is a Very Small Quantity Generator 10 (VSQG). There are no commercial TSDFs in the state. The waste will need to be transported to the 11 U.S. mainland by a specialized hazardous waste transportation contractor. If the school is a VSOG, 12 its hazardous waste can be managed at a permitted municipal solid waste facility. 13 Police departments are likewise not set up to properly dispose of hazardous wastes and 14 would only take electronic cigarettes from schools if they are evidence in an administrative or 15 judicial proceeding, they do not become a waste until the evidence is released at the conclusion of 16 the proceeding. 17

18 19

Thank you for the opportunity to testify.

<u>HB-2049</u> Submitted on: 2/1/2020 2:38:48 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Rodrigues	Irie Hawaii	Support	No



Testimony to the House Joint Committee on Health, and Lower and Higher Education Tuesday, February 4, 2020; 2:15 p.m. State Capitol, Conference Room 309

RE: HOUSE BILL NO. 2049, RELATING TO HEALTH.

Chair Mizuno, Chair Woodson, and Members of the Joint Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA <u>SUPPORTS</u> House Bill No. 2049, RELATING TO HEALTH.

The bill, as received by your Committee, would:

- (1) Require a teacher or educator at a public school to confiscate an electronic cigarette or electronic cigarette product if it is found in the possession of a student under the age of twenty-one;
- (2) Require each public school to coordinate with the applicable county police department for the proper disposal of confiscated electronic cigarettes or electronic cigarette products; and
- (3) Provides immunity to any teacher or educator for any act or failure to act in accordance with the foregoing.

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

Testimony on House Bill No. 2049 Tuesday, February 4, 2020; 2:15 p.m. Page 2

It is for this reason that the HPCA joins the American Cancer Society of Hawaii, the Hawaii Public Health Institute, and other advocates in strong support of all efforts to rid the marketplace of these products.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiipca.net.

Submitted on: 2/1/2020 2:48:54 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing	
dillon rellez	irie hawaii	Support	No	

Comments:

I completely agree with anyone under the age of 21 to get penalized for have any ecigarette or tobacco product. We try to take charge of that by IDing customers when they walk into our shop. Thank you for your time.

<u>HB-2049</u> Submitted on: 2/1/2020 5:54:46 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Riley	Irie Hawaii	Support	No

<u>HB-2049</u> Submitted on: 2/1/2020 2:47:23 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique gunn	Tobacco king Ilc	Support	No

Submitted on: 2/3/2020 9:35:48 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
HANALEI BENN	irie hawaii	Support	No

Comments:

I support this bill under age shouldnt be able to smoke or have access to smoking products. For there own health and safety this bill would hopefully help that

Submitted on: 2/3/2020 10:19:29 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

We strongly oppose this bill. Adults should be able to make the choice to vape or enjoy flavors themselves.

<u>HB-2049</u> Submitted on: 2/3/2020 12:48:48 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DOC	irie Hawaii	Support	No





HIPHI Board

Michael Robinson, MBA, MA

Hawaii Pacific Health

JoAnn Tsark, MPH Secretary John A. Burns School of Medicine, Native Hawaiian Research Office

Kilikina Mahi, MBA Treasurer & Vice Chair KM Consulting LLC

Forrest Batz, PharmD Retired, Daniel K. Inouye College of Pharmacy

Debbie Erskine Kamehameha Schools

Keawe'aimoku Kaholokula, PhD John A. Burns School of Medicine, Department of Native Hawaiian Health

Mark Levin, JD
William S. Richardson School
of Law

Bryan Mih, MD, MPH John A. Burns School of Medicine, Department of Pediatrics

Rachel Novotny, PhD, RDN, LD University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources

Garret Sugai Kaiser Permanente

Catherine Taschner, JD McCorriston Miller Mukai MacKinnon LLP Date: February 3, 2020

To: Representative John M. Mizuno, Chair

Representative Bertrand Kobayashi, Vice Chair

Members of the Health Committee

Representative Justin H. Woodson, Chair Representative Mark J. Hashem, Vice Chair Representative Sean Quinlan, Vice Chair

Members of the Lower and Higher Education Committee

Re: Comments for HB 2049, Relating to Health

Hrg: February 4, 2020 at 2:15 pm at Conference Room 309

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ provides **Comments on HB 2049**, which would direct teachers to confiscate tobacco products and coordinate with county policies departments for disposal.

The Coalition recommends consideration of other measures to decrease youth use of tobacco products.

Instead of placing the burden on our public-school educators, the focus should be on passing laws that are known to be effective at reducing tobacco use. Confiscation and disposal will not solve our youth vaping epidemic and will place high cost and burden on the Department of Education for disposal of these hazardous materials. The health of our children needs to be protected at all costs, in and out of the classroom. When children are not in school, it is unclear what the enforcement will be. Rather than focus on punitive laws, we must hold the industry responsible. Vaping products must be regulated and treated in the same way as tobacco products and to counter the tobacco industry's targeted marketing to kids.

The Centers for Disease Control and Prevention outlines a number of proven strategies to prevent youth tobacco use, none of which include penalizing youth for possession or using tobacco products. Recommended efforts include: regulating tobacco products; decreased access to tobacco products; increased price of tobacco

products; tobacco prevention policies and programs in schools; and increased enforcement of restrictions on tobacco sales to minors.

Thank you for the opportunity to provide comments.

Mahalo,

Jessica Yamauchi, MA Executive Director

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱ The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.





1200 Ala Kapuna Street * Honolulu, Hawaii 96819 Tel: (808) 833-2711 * Fax: (808) 839-7106 * Web: www.hsta.org

> Corey Rosenlee President Osa Tui, Jr. Vice President Logan Okita Secretary-Treasurer

Wilbert Holck Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEES ON HEALTH and LOWER & HIGHER EDUCATION

RE: HB 2049 - RELATING TO HEALTH

TUESDAY, FEBRUARY 4, 2020

COREY ROSENLEE, PRESIDENT HAWAII STATE TEACHERS ASSOCIATION

Chair Mizuno, Chair Woodson, and Members of the Committees:

The Hawaii State Teachers Association **opposes HB 2049** which directs public school teachers to confiscate electronic cigarettes or electronic cigarette products and requires public schools to coordinate with the appropriate county police departments for the proper disposal of confiscated electronic cigarettes or electronic cigarette products.

While we appreciate the intent of this measure, asking public school teachers to confiscate electronic smoking devices and products is not a solution to the youth vaping epidemic. The confiscation of these products is extremely difficult because they have to be visible before a teacher can attempt to confiscate the product. Furthermore, if a teacher witnesses a student vaping but the student has hidden the product, the teacher is unable to confiscate it. Additionally, requiring teachers to handle and or store e-liquids which is a hazardous material is problematic.

Confiscating e-cigarettes or e-cigarette products from students is not an effective strategy to reduce usage among our youth. Conversely, **increasing regulation and taxation on these products so that they are more difficult for our youth to obtain and as well as banning the use of flavors other than tobacco is a proven strategy for the reduction of usage among children.** For these reasons, we respectfully **oppose HB 2049**.

<u>HB-2049</u> Submitted on: 2/1/2020 11:28:46 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Cooper	Individual	Oppose	No

To whom it may concern,

I am opposing the current bill that will destroy the vaping industry here in Hawaii and put hundreds of people out of employment/business. Our goal for public health is to have people quit smoking traditional tobacco cigarette which is the #1 cause for cancer here in America.

Yet we demonize this new technology which has helped millions of Americans make the switch and drastically improving their health. If this bill is about protecting children, vape shops here include stores in the mainland have strict guidelines and rules they follow that does not allow anyone under 21 to purchase any type of vaping devices or juice.

The questions we should be asking is HOW are these teens getting their hands on these devices? Where are their parents? Who's giving them money to try and purchase these devices? It's obviously not the vape shops who are allowing this to happen in fear of heavy fines. We do not advertise on TV or newspaper and try to attract young children.

We are ADULTS and we enjoy flavors as much as anyone else. What is the point of making a switch AWAY from tobacco, just to vape tobacco flavored e-liquids? That is the NUMBER 1 reason why so many adults make the switch, "I can stop killing myself smoking cigarettes while enjoying banana, strawberry, grape, etc!"

I implore you to take your time and review these bills that could possibly destroy something that in my opinion, a "PUBLIC HEALTH MIRACLE".

Vinh Tran,

Resident of Honolulu, Hawaii.

<u>HB-2049</u> Submitted on: 2/1/2020 1:50:13 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Abe	Individual	Oppose	No

<u>HB-2049</u> Submitted on: 2/1/2020 2:37:53 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hoku	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/1/2020 2:40:37 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katelyn Kapua	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/1/2020 2:54:54 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph E Yarbrough	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/1/2020 3:17:38 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

	Submitted By	Organization	Testifier Position	Present at Hearing	
Ī	Theresa Revell	Individual	Oppose	No	

Comments:

I oppose HB 2049.

Respectfully submitted,

Theresa Revell

HB-2049 Submitted on: 2/1/2020 5:01:30 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Oppose	No

Comments:

Educators are not LAW enforcement. Their job is to teach.

<u>HB-2049</u> Submitted on: 2/1/2020 5:47:39 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

Submitted on: 2/1/2020 8:13:28 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
VALENTINO MIRANDA-KEPA	Individual	Support	No

Comments:

Aloha Board. Please SUPPORT BILL HB2049 I Believe if you support BILL'S ON POSSESSION which means people under the age of 21 will be faced with legal action while in possession of any Cigarettes or Electronic Devices is the ANSWER not a BAN OR RAISING TAXES ON VAPING PRODUCTS. SO PLEASE SUPPORT THIS BILL.

Thanks for your time.

Valentino Miranda-Kepa

Submitted on: 2/2/2020 10:22:29 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing	
Mariner Revell	Irie Hawaii Stores	Support	No	

Comments:

I strongly support HB2049. Ecigs do not belong in the hands of minors or in schools. This is an excellent deterance for minors to get caught with ecig devices.

<u>HB-2049</u> Submitted on: 2/2/2020 9:19:41 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
pua	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/2/2020 10:23:46 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Orozco	Individual	Oppose	No

<u>HB-2049</u> Submitted on: 2/2/2020 10:48:48 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jericho Tobin	Individual	Support	No

Comments:

I do not support minor using or being in possession of tobacco products

<u>HB-2049</u> Submitted on: 2/2/2020 11:24:40 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ellen benton	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/2/2020 1:17:20 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	Yes

<u>HB-2049</u> Submitted on: 2/2/2020 7:52:12 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ASHLEY MATTOS	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/2/2020 7:57:26 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chase Yoshida	Individual	Support	No

<u>HB-2049</u> Submitted on: 2/2/2020 8:52:21 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing	
Ricky Alaniz	Individual	Support	No	

Comments:

I support this bill.

Submitted on: 2/2/2020 11:32:46 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Bauguess	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose HB2049 because any confiscated eliquid or electronic devices should not involve the police department. HB2049 will cause unnecessary case work for county police departments who are already understaffed and over worked. Please vote against HB2049.

Mahalo,

Louis Bauguess

<u>HB-2049</u> Submitted on: 2/3/2020 4:05:52 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Submitted on: 2/3/2020 6:30:34 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andy Takaaze	Individual	Support	No

Comments:

I support any possesion law. It is the most effective way to deter youth from using esmoking devices. Just as alcohol has strict possesion laws so should cigarettes and esmoking devices. Putting restrictions on flavors only limits the law abiding adults from choosing a more paltible flavor other than tobacco flavor for e-liquids.

<u>HB-2049</u> Submitted on: 2/3/2020 8:31:04 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Muronaka	Individual	Support	No

Submitted on: 2/3/2020 9:41:06 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
stacia deponte	Individual	Support	No

Comments:

i support because i agree that that underage kids should not be having those ecigs.

Submitted on: 2/3/2020 9:51:20 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
P Kuromoto	Individual	Oppose	No

Comments:

This legislation should not be needed. It is already illegal for students under 21 to possess these products on school campuses, so if they are found in possession there already are repercussions. There does not need to be an additional focus on it because it could be self-defeating.

The 2019 National Youth Tobacco Survey found that the largest single reason for youth trying ecigarettes is curiosity. This means there is an opposite effect to crusading against vaping: teens hear about it and the commotion surrounding it, leading to increases in experimentation.

Submitted on: 2/3/2020 9:56:03 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Stevenson	Individual	Oppose	No

Comments:

While i oppose the bill in its original submission. I do believe there needs to be a punishment given to those whom are caught with a electronic nicotine delivery system or eliquid. Persons under the age of 21 should not posses these types of devices as they are intended for adults. I do agree that any one employed in our education system should be able to confiscate such devices. Do not just give teachers and educators the power tbut also give grounds keepers, security guards etc the ability to confiscate the devies and eliquids. I also believe that it would be a great asset to involve your local Vape shop so that they may help educate your staff on products. Have the Vape shop help you with identifying products. Identifying the products will greatly increase your awareness of such new products always revolving in the market.

<u>HB-2049</u> Submitted on: 2/3/2020 12:26:18 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randi D	Individual	Oppose	No



<u>HB-2049</u> Submitted on: 2/3/2020 7:33:33 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Heaukulani	Individual	Support	No



HB-2049 Submitted on: 2/3/2020 8:30:51 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
natalea mikami	Individual	Support	No



<u>HB-2049</u> Submitted on: 2/3/2020 8:56:23 PM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing	
Alayna Revell	Individual	Support	No	

Comments:

I am in favor of this bill.



<u>HB-2049</u> Submitted on: 2/4/2020 8:23:59 AM

Testimony for HLT on 2/4/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Watanabe	Individual	Oppose	No