



**Testimony to the House Committee on Health  
Tuesday, February 4, 2020; 8:30 a.m.  
State Capitol, Conference Room 329**

**RE: HOUSE BILL NO. 2540, RELATING TO CIGARETTES.**

Chair Mizuno, Vice Chair Kobayashi, 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 **SUPPORTS** House Bill No. 2540, RELATING TO CIGARETTES.

The bill, as received by your Committee, would, among other things, raise the age that a retailer may sell or furnish a cigarette or electronic cigarette to as follows:

- (1) Up to the age of thirty, effective January 1, 2021;
- (2) Up to the age of forty, effective January 1, 2022;
- (3) Up to the age of fifty, effective January 1, 2023;
- (4) Up to the age of sixty, effective January 1, 2024; and
- (5) Up to the age of one hundred, effective January 1, 2025

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.

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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@hawaiiipca.net](mailto:eabe@hawaiiipca.net).

**HB-2540**

Submitted on: 2/1/2020 5:55:26 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Kahn	Surfrider Oahu	Support	No

Comments:



## HIPHI Board

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Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: February 2, 2020

To: Representative John M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the Health Committee

Re: Comments HB 2540, Relating to Cigarettes

Hrg: February 4, 2020 at 8:30 am at Conference Room 329

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute<sup>i</sup> provides **Comments on HB 2540** which would gradually raise the minimum age, effectively banning the sale of cigarettes in five years.

**The Coalition supports the intent of this measure. However, we recommend that the legislature consider other proven and effective interventions to prevent initiation and reduce adult smoking rates.**

The CDC and U.S. Surgeon General recommend the following evidence-based interventions that have a proven history to reduce adult smoking rates:

- Fully funded comprehensive statewide tobacco control programs funded at levels recommended by CDC (\$13.7M compared to \$6.4M in current state funding);
- A higher average retail price of cigarettes through increases in tax or discount restrictions;
- Complete protection from exposure to tobacco smoke through comprehensive smoke free indoor air policies;
- High-impact media campaigns;
- Greater restrictions on sales;
- Full access to cessation treatment for nicotine addiction including counseling and medication for all smokers, especially those with mental and physical comorbidities.

**The Coalition also requests that all tobacco products be included in this measure.**

HB 2540 exempts electronic smoking devices and other tobacco products which are included in our Tobacco 21 law. ESDs or e-cigarettes and other tobacco products are still harmful to our health. Hawaii has seen significant declines in our adult smoking rate, at

12.8%, yet our youth e-cigarette use rates continue to skyrocket. With more than 1 in 4 high school students, and 1 in 6 middle schoolers using these products, we have an urgent need to act. Further, removing ESDs and other tobacco products may create confusion with the interpretation, enforcement, and implementation of our Tobacco 21 law.

Although HB 2540 will help to accomplish our goal of a population free of tobacco-related disease “the tobacco end game,” the Coalition believes that the feasibility and application of any proposed end game intervention should be based on proven tobacco control strategies.

Thank you for the opportunity to provide comments on this measure.

Mahalo,

A handwritten signature in black ink, appearing to read "Jessica Yamauchi". The signature is fluid and cursive, with the first name "Jessica" and last name "Yamauchi" clearly distinguishable.

Jessica Yamauchi, MA  
Executive Director

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<sup>i</sup> 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.

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.

Tuesday, February 4, 2019 at 8:30 AM  
Conference Room 329

**House Committee on Health**

To: Representative John Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair

From: Michael Robinson  
Vice President, Government Relations & Community Affairs

**Re: Testimony in Support of HB 2540  
Relating to Health**

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My name is Michael Robinson, Vice President, Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in **support of HB 2540** which bans the sale of cigarettes and electronic cigarettes progressively by raising the minimum age of persons to whom such products may be legally sold, starting with the age of 30 in 2021, then 40 in 2022, 50 in 2023, 60 in 2024, and 100 in 2025.

Tobacco use remains the leading cause of preventable disease and death in the United States and in Hawai'i. Tobacco use is a serious public health problem in terms of the human suffering and loss of life it causes, as well as the financial burden it imposes on society and our healthcare system. All tobacco products, including electronic smoking devices, severely contribute to the injurious health burdens impacting our state. Annually, \$526,000,000 in health care costs are directly attributed to smoking in the State.

Smoking continues to be a serious problem despite efforts to reverse the smoking epidemic. Many are turning to the use of electronic smoking devices as a substitute to cigarettes. The popularity of electronic cigarettes among youth is concerning, as these products contain nicotine. Research conducted by the University of Hawaii Cancer Center has shown that the use of electronic smoking devices among school-age children has risen dramatically in the last few years.

E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have

decreased through the years, electronic smoking device (ESD) use has rapidly increased, threatening significant public health gains through our Tobacco 21 law and tobacco youth access laws. This is particularly concerning because e-cigarettes provide a new way to deliver the addictive drug nicotine. No matter how it is delivered, nicotine exposure can lead to addiction and harm the developing brain. Studies are also finding that ESDs can lead to smoking cigarettes for new users, including kids. Marketing strategies by the tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products, especially ESDs. Progressively raising the age of persons to whom cigarettes and electronic cigarettes may be legally sold ensures that a greater percentage of our population would be saved from the harmful effects of smoking and nicotine addiction.

Thank you for the opportunity to testify.



**TO:** Honorable Members of the Hawaii House Committee on Health

**RE:** HB 2540 - Increasing the Minimum Legal Purchase Age for tobacco on a Phased Basis

**DATE:** February 7, 2019

Honorable Legislators:

I write to you representing the views of JT International U.S.A., Inc., an importer and distributor of tobacco products based in Teaneck, NJ. On behalf of our employees, retailers and adult consumers, I am writing to state our opposition to the proposed legislation (**HB 2540**), which seeks to progressively increase the minimum legal age to purchase tobacco products to 100 years old by 2025.

We believe that tobacco products carry risks to health and believe emphatically that:

- Minors should not use tobacco products and should not be able to obtain tobacco products.
- Adult consumers should be appropriately informed about the health risks of smoking before they begin smoking.

JTI USA supports appropriate and proportionate regulation that is based on evidence and sound science, which we believe is lacking in this proposal. The proposals contained in HB 2540 are unconvincing in nature and, if enacted, would result in a host of unintended consequences.

Progressively increasing the minimum purchase age to the extent that tobacco products would be effectively banned for sale in the state of Hawaii is a discriminatory measure aimed at adult smokers in the state that will have severe repercussions on the state budget while increasing incentives for criminal behavior. All this while having no meaningful impact on current smoking rates in Hawaii. Not a single regulatory body in the world has adopted a similar measure, which we believe reflects the disproportionate, discriminatory and unprecedented nature of this proposal and further reflects the practical difficulties in implementing such regulations.

**Increasing the minimum purchase age for tobacco products in this manner risks unjustifiably interfering with adult smokers' capacity and ability to engage in lawful commercial activity in line with current state and federal regulations.** The proposal amounts to discrimination against adult consumers on the basis of age and represents an attempt to deny consumers access to a legal product. In addition, the distinction set forth in this proposal between adults who are allowed by law to decide to purchase these products and those who are not is arbitrary, being based solely on the date that the legislation's different requirements would come into force. There is no rational reason for denying adult consumers of a certain legal age from making informed purchasing decisions with regards to legal products.





This proposal would also result in an increasing number of adults being prohibited from purchasing tobacco products over time. This, however, will not necessarily prevent those same adults from consuming these products, which is the stated purpose of the legislation. Instead, this proposal will lead to a near prohibition on the sale of tobacco products by 2025 and will only create conditions for an increased demand for these products from alternative and untaxed sources. Criminals will simply step in to fill the gaps in the legal supply chain and exploit the demand that already exists in the state.

These criminals have no regard for the law, regulatory compliance or age verification. In reality, this proposal will only hurt small businesses in the state and lead to an underground, unregulated sales channel in the state. **We must be clear: criminals do not check ID.** It seems at odds with the legislation's stated intentions of improving public health, that they would take an action that would incentive criminal behavior and which would actually make it easier for minors to obtain tobacco products in the state, as legitimate retailers will no longer act as a barrier to underage sales.

In response to an ever-shrinking number of adults that can legally purchase tobacco products and decreasing revenue for retailers, it is also possible that illegal transactions at point of sale will increase. Whilst retailers are generally committed to not selling tobacco products to minors, they may be less inclined to deny adults access to products which were legally available to them just months before.

All this in addition to a corresponding loss of excise and sales tax revenues. **Effectively banning the sale of these products in the state will leave the state budget with a multi-million dollar hole to fill at a time when state regulators are facing increasingly difficult budgetary decisions.** Effectively banning the sale of a product that generates millions of dollars for state coffers annually is irresponsible and will only lead to further economic hardships in the state as lawmakers make corresponding decisions seeking to make up for this lost revenue while also having to reserve funds to tackle the growth in illicit sales.

Further, the compliance difficulties presented by introducing a progressively increasing minimum purchase age for tobacco products will be immense. The burden for enforcement on such a regulation unfairly lies on retailers, along with any associated costs of compliance and increased transaction times. As the years pass and the regulatory goal posts continue to shift, retailers will find it more and more difficult to distinguish between those adults who are legally entitled to purchase tobacco products, and those who are not.

This on top of the severe economic harm these retailers will have suffered as a result of the lost revenue may well result in mass retail store closures.

We look forward to continued participation in this debate and would ask that the points we raise be taken into full consideration. We remain at your disposal to meet with you or your staff or to provide further information.

Best regards,

A handwritten signature in blue ink, appearing to read 'Rick Chandler', is written over the 'Best regards,' text.

**Rick Chandler**  
State Government Affairs

**HB-2540**

Submitted on: 2/1/2020 11:34:56 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Cooper	Individual	Oppose	No

Comments:

E-vapor flavor doesn't harm anyone. Don't ban the flavors people like.

**HB-2540**

Submitted on: 2/1/2020 11:47:30 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cindy Nettles	Individual	Oppose	No

Comments:

**HB-2540**

Submitted on: 2/1/2020 5:51:00 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

**HB-2540**

Submitted on: 2/1/2020 12:07:48 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jess Lovely	Individual	Oppose	No

Comments:

It's not the governments right to tell the people what they can put in their body. All this will do is create a black market for tobacco products. Prohibition did not work for alcohol, and it will not work for tobacco. Vaping saves lives. I vape, I vote.

**HB-2540**

Submitted on: 2/2/2020 10:26:25 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

**HB-2540**

Submitted on: 2/2/2020 9:36:55 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Bath	Individual	Support	No

Comments:

Aloha, Normally we try to stay clear of governments over regulation of things.

In the case of this Bill we strongly encourage its passage. These are reasons:

No one should take our choice away from us, however when our choice effects others, action must happen to protect those effected. In the case of smoking,\

- a. it has been proven that cigarettes are highly addicted and cause disease
- b. Children smoke because adults model the behavior.
- c. Smoking is a key contributor to rising health costs which effect us all.
- d. Smoking effects economics when smokers cant afford food for their keikis because they invest in cigarettes. We end up paying for food stamps to assist them. There is something wrong with this enabling.
- e. Second hand smoke is not uncommon. We are required to walk through smoke break areas to access our county building and other public places.
- f. Newborns and keikis are in cars with one or two parents lighting up. They have no choice and cant protect their little forming lungs. This is child abuse.

There are many options for folks to stop smoking these days. We understand it is a hard addiction to stop. This Bill creates an avenue for action on the part of those addicted. As far as the argument that its going to open up a black market for smoking supplies, Think of the keiki We love this Bill!!!!

Roy Bath Kurtistown

Stephanie Bath Kurtistown

Noah Bath Kurtistown

Karen Marie Heinzen Kea'au

Patricia Reiss Kea'au



**HB-2540**

Submitted on: 2/2/2020 10:57:11 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Mih	Individual	Support	No

Comments:

Dear Representatives:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I support this bill.

We have known of the adverse effects of tobacco smoking for a long time, and that the use of electronic cigarettes has reached epidemic levels.

A ban on tobacco and nicotine use until age 100 years would help prevent the adverse health effects. Big Tobacco is a multi-billion-dollar industry that seeks to trade people's health for the industry's profit margins.

These products impact people of all ages, including those exposed to passive or second-hand emissions. Second-hand smoke and second-hand vape aerosol increase the risk of asthma exacerbation and airway irritation. The risks to pregnant women and children are especially concerning. Tobacco and nicotine exposure increase the risks of premature delivery, low birth weight, and sudden infant death.

Once people are addicted to nicotine, it is extremely difficult to quit. By reducing access to these products in Hawaii, we have the chance to improve the health of many.

On behalf of the health and well-being of the people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**HB-2540**

Submitted on: 2/3/2020 2:48:14 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

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

Comments:

**HB-2540**

Submitted on: 2/3/2020 10:25:06 AM

Testimony for HLT on 2/4/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

If this bill ever becomes law, you guys can forget about your tobacco tax and settlement revenues.



**LATE**

**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 4, 2020**

**Re: HB 2540 Relating to Cigarettes**

Good morning Chairperson Mizuno and members of the House Committee on Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We OPPOSE HB 2540 Relating to Cigarettes that would progressively the sale of cigarettes and electronic cigarettes progressively by raising the minimum age of persons to whom cigarettes and electronic cigarettes may be legally sold to 30 years of age in 2021, 40 years of age in 2022, 50 years of age in 2023, 60 years of age in 2024, and then 100 years of age in 2025. Effective January 1, 2021.

Bans are not the simple solution and will not stop adults from smoking - noting that it is already illegal for minors. This type of ban would only push the sale of cigarettes and vaping devices into the black market and to online sales.

**We are already aware that these types of products are one of the most sought-after items for organized crime. Measures like this only make it even more attractive and lucrative for thieves to steal cigarettes and vape products.**

We urge you to hold this measure.

Mahalo again for this opportunity to testify.

**LATE**

**HB-2540**

Submitted on: 2/3/2020 5:29:10 PM

Testimony for HLT on 2/4/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Johnathon G. Myers	Individual	Oppose	No

Comments:

I am writing in STRONG OPPOSITION to this proposed Bill.

This Proposed Bill is Government overreach. The legal age to purchase tobacco products has already been raised to 21 years old, which is already impeding on adults making adult decisions for use of legal adult products. Increasing the age limit is not a viable course of action for curbing behavior for products that are deemed legal at the State and Federal level. If you relate this to another legal adult product, alcohol, I do not see the House or Senate trying to curb the "youth epidemic" of drinking under age. Please focus on enforcement of the laws that are already on the books and propose a course of action and funding stream for enforcing the laws already in place.

Thank you for considering this testimony.

Aloha

Johnathon Myers

Concerned Constituent



**LATE**

Testimony of Kimo Haynes,  
President of the Hawaii Petroleum Marketers Association

**OPPOSING HOUSE BILL 2540, RELATING TO CIGARETTES**

House Committee on Health  
The Honorable John Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair

Tuesday, February 4, 2020 at 8:30 a.m.  
Hawaii State Capitol, Conference Room 329

Chair Mizuno, Vice Chair Kobayashi, and members of the Committee,

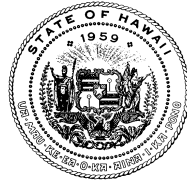
I am Kimo Haynes, president of the Hawaii Petroleum Marketers Association ("HPMA"). HPMA is a non-profit trade association comprised of members who directly market liquid motor fuel products across the Hawaiian Islands. Our membership includes individuals and companies who operate as independent marketers, jobbers or distributors of petroleum products and who buy liquid motor fuel products at the wholesale level and sell or distribute products to retail customers, other wholesalers, and other bulk consumers.

House Bill 2540, Relating to Cigarettes, bans the sale of cigarettes and electronic cigarettes progressively by raising the minimum age of persons to whom cigarettes and electronic cigarettes may be legally sold, from 21 to 30 years of age in 2021, 40 years of age in 2022, 50 years of age in 2023, 60 years of age in 2024, and then 100 years of age in 2025.

**HPMA opposes HB 2540 since it will essentially ban the sale of cigarettes and electronic cigarettes outright by the year 2025.**

While HPMA is not advocating for increased tobacco use, there are those in our society who currently are of legal age that should have the choice of whether or not to use tobacco products.

Thank you for allowing HPMA the opportunity to submit written testimony on this bill.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**LATE**

**Testimony in SUPPORT of H.B. 2540  
RELATING TO CIGARETTES**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 4, 2020

Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports the intent of House Bill  
3 2540 (H.B. 2540) to gradually end cigarette use and asserts serious concerns with the proposed  
4 changes that would narrow the existing statutory definitions that regulate tobacco products. By  
5 exempting other tobacco products from the incremental minimum age law, the inconsistency  
6 with legal definitions would allow the sale of all other tobacco products to persons over twenty-  
7 one forever. The Department suggests amendments to H.B. 2540 to include all tobacco products  
8 including cigars and smokeless tobacco products.

9 The U.S. Federal Food and Drug Administration (FDA) has encouraged states and  
10 localities to enact strict laws for the legal age of sale of tobacco products. The Department  
11 recommends that any graduated age strategy include other tobacco products that are marketed to  
12 and are addicting young people, and that the definitions of Tobacco Products not be amended in  
13 Section 712-1258, Hawaii Revised Statute (HRS) to exclude cigarettes. All tobacco products  
14 contribute to the health burden of tobacco use in our state and country, including cigars and  
15 smokeless tobacco products. Smokeless tobacco and cigars cause serious harm to health.  
16 According to the American Cancer Society, smokeless tobacco causes mouth, tongue, cheek and  
17 gum cancers, cancers of the esophagus, and pancreatic cancer. Other health problems associated  
18 with smokeless tobacco use include heart disease, and increased risk of heart attack, stroke and

1 increased risk of pre-term or still birth when used during pregnancy.<sup>1</sup> Cigars are causally related  
2 to similar health outcomes. The FDA states, “all cigars are harmful and potentially addictive  
3 (including small cigars, cigarillos, large cigars, and premium cigars). Cigar smoking is strongly  
4 related to certain cancers (including oral, esophageal, laryngeal, and lung cancers), heart disease,  
5 and premature death. Cigar smoking can cause cancers of the mouth and throat, even for  
6 smokers who do not inhale.”<sup>2</sup>

7 New and novel products like electronic smoking devices (ESDs) also known as e-  
8 cigarettes are evolving at unprecedented rates and should not be excluded from the gradual ban.  
9 Youth who were introduced to tobacco products through ESDs are at greater risk to subsequently  
10 initiate using cigarettes<sup>3</sup>. Heated tobacco products are now marketed in Asia and Europe and the  
11 industry has recently received FDA approval for the U.S. market and are regulated as cigarettes  
12 by the FDA Center for Tobacco Products (CTP). These products are slated to eventually replace  
13 traditional, combustible cigarettes. The proposed definition for cigarettes in Section 2, page 10,  
14 lines 10 to 19, would not be aligned with the FDA CTP, and narrows the definition of tobacco  
15 products in Section 712-1258, HRS.

16 Both the U.S. Surgeon General and the FDA Commissioner have raised concerns on the  
17 epidemic of youth ESD use across the nation. From 2017 to 2018, high school youth e-cigarette  
18 use rose by 78%, from 12% to 21% in the U.S.<sup>4</sup> The Hawaii youth e-cigarette use is 25.5%  
19 statewide, and above 30% in the neighbor island counties.<sup>5</sup> The 2016 Report of the U.S.  
20 Surgeon General warned that youth are more vulnerable to the negative consequences of nicotine

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<sup>1</sup> American Cancer Society. Health Risks of Smokeless Tobacco. November 13, 2015. Retrieved February 6, 2019 from <https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/smokeless-tobacco.html>

<sup>2</sup> National Cancer Institute (NCI), Cigars: Health Effects and Trends, Smoking and Tobacco Control Monograph 9, 1998, <http://cancercontrol.cancer.gov/tcrb/monographs/9/index.html>

<sup>3</sup> Berry, K. M., Fetterman, J. L., Benjamin, E. J., Bhatnagar, A., Barrington-Trimis, J. L., Leventhal, A. M., & Stokes, A. (2019). Association of Electronic Cigarette Use With Subsequent Initiation of Tobacco Cigarettes in US Youths. JAMA network open, 2(2), e187794. doi:10.1001/jamanetworkopen.2018.7794

<sup>4</sup> Cullen, K.A., Gentzke, A.S., and Jamal, A. Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students- United States, 2011- 2018. Notes from the Field. Morbidity and Mortality Weekly Report. November 16, 2018.

<sup>5</sup> 2017 Hawaii Youth Risk Factor Surveillance Survey.



1 exposure. The brain is developing till 25 years of age, and the effects of nicotine include  
2 “addiction, priming for use of other addictive substances, reduced impulse control, deficits in  
3 attention and cognition, and mood disorders.” Fetal exposure can have negative consequences  
4 including sudden infant death syndrome, altered corpus collosum, and deficits in attention and  
5 cognition. Children are also at risk from ingesting the e-liquids that can cause acute toxicity and  
6 even death.<sup>6</sup>

7 Thank you for the opportunity to testify.

8 **Offered Amendments:** The Department offers the following suggestions.

- 9 1. Section 2, page 7, lines 9 and 10, broaden the title from, “Cigarettes; electronic  
10 cigarettes; persons under age” to the following:

11 \$712- Tobacco products and electronic smoking devices; persons  
12 under age.

- 13 2. Section 2, Item (6), beginning page 10, line 9 to page 11, line 9, delete the proposed  
14 definition for Cigarette,

- 15 3. Section 2, Item (6), beginning page 11, lines 10 to 13, delete the proposed definition for  
16 Electronic cigarette,

- 17 4. Section 3, beginning with page 11, line 20 to page 12, line 19, insert Tobacco Products  
18 definition from [Section 712-1258\(7\), HRS,](#)

19 (7) For the purposes of this section:

20 "Electronic smoking device" means any electronic product  
21 that can be used to aerosolize and deliver nicotine or other

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<sup>6</sup> U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

1 substances to the person inhaling from the device, including but  
2 not limited to an electronic cigarette, electronic cigar,  
3 electronic cigarillo, or electronic pipe, and any cartridge or  
4 other component of the device or related product.

5 "Tobacco product" means any product made or derived from  
6 tobacco that contains nicotine or other substances and is  
7 intended for human consumption or is likely to be consumed,  
8 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or  
9 ingested by other means. "Tobacco product" includes but is not  
10 limited to a cigarette, cigar, pipe tobacco, chewing tobacco,  
11 snuff, snus, or an electronic smoking device. "Tobacco product"  
12 does not include drugs, devices, or combination products  
13 approved for sale by the United States Food and Drug  
14 Administration, as those terms are defined in the Federal Food,  
15 Drug, and Cosmetic Act.

16