# SB1244

RELATING TO THE SALE OF TOBACCO PRODUCTS. Measure Title:

Report Title: **Electronic Smoking Devices** 

Clarifies that liability for illegally selling tobacco

products to persons under 21 is borne by the retail

entity or individual who holds a valid permit to sell

tobacco products, as opposed to an employee.

Companion: HB1018

Package: Governor

Current

Description:

CPH, JDC Referral:

Introducer(s): KOUCHI (Introduced by request of another party)

# ON THE FOLLOWING MEASURE:

S.B. NO. 1244, RELATING TO THE SALE OF TOBACCO PRODUCTS.

# **BEFORE THE:**

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

**DATE:** Wednesday, February 13, 2019 **TIME:** 9:10 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Clare E. Connors, Attorney General, or

Delanie D. Prescott-Tate, Deputy Attorney General

# Chair Baker and Members of the Committee:

The Department of the Attorney General supports the bill and provides the following comments and suggested amendments.

The bill seeks to amend section 712-1258, Hawaii Revised Statutes (HRS), by shifting the liability for illegally selling tobacco products to persons under 21 from the person who conducts the transaction to the retailer or the individual retail tobacco permit holder. The bill also seeks to add definitions of "retailer", defined as "an entity that engages in the practice of selling cigarettes or tobacco products to consumers and includes the owner of a cigarette or tobacco product vending machine", and "permittee", defined as "the holder of a retail tobacco permit in accordance with chapter 245."

Section 245-2.5(a), HRS (2017), currently requires that "every retailer engaged in the retail sale of cigarettes and other tobacco products upon which a tax is required to be paid under this chapter shall obtain a retail tobacco permit." The term "tobacco products" is defined in section 245-1, HRS, as "tobacco in any form, other than cigarettes or little cigars, that is prepared or intended for consumption or for personal use by humans, including large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco." The definition of "tobacco product" under section 245-1, HRS (2017), does not include "an electronic smoking device", whereas section 712-1258(7), HRS

Testimony of the Department of the Attorney General Thirtieth Legislature, 2019
Page 2 of 2

(Supp. 2018), does include "a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device" within its definition of "tobacco product".

As such, the definitions of "retailer" and "permittee" in this bill would exclude purveyors of electronic smoking devices who are not obligated to obtain a retail tobacco permit.

The Department of the Attorney General suggests that the terms "retailer" and "permittee" be replaced with an all encompassing term such as "entity." Sections 245-1, 245-9, and 486P-2, HRS, utilize the term "entity" defined as "one or more individuals, a company, corporation, a partnership, an association, or any other type of legal entity." In the alternative, the definitions of "retailer" and "permittee" could be amended to include those entities that are presently not required to obtain a retail tobacco permit in order to sell a "tobacco product" as defined in section 245-1, HRS (2017) (i.e., those electronic smoking device retailers required to register with the Department of the Attorney General pursuant to section 28-164, HRS (Supp. 2018)).

Thank you for the opportunity to provide testimony and comments in support of this measure.

DAVID Y. IGE



# STATE OF HAWAII DEPARTMENT OF HEALTH

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

# Testimony in SUPPORT of S.B. 1244 RELATING TO THE SALE OF TOBACCO PRODUCTS

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Hearing Date: February 13, 2019 Room Number: 229

- 1 Fiscal Implications: None
- 2 **Department Testimony:** The Department of Health is in strong support of Senate Bill 1244
- 3 (S.B. 1244) that clearly establishes the legal responsibility of the retailer who sells tobacco
- 4 products and the liability incurred when illegal tobacco sales are made to anyone under twenty-
- 5 one years of age.

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- S.B. 1244 removes the ambiguity of simply referring to a "person" rather than specifying the retailer or permittee who violates, or whose employee violates, the law by illegally selling to someone under twenty-one years of age or failing to display required signage. The fine remains at \$500 for the first offense and any subsequent offenses shall subject the retailer or permittee to a fine not less than \$500 nor more than \$2,000.
- The focus of fines on the retailer/permittee provides a greater incentive to comply with tobacco sales laws by holding the licensees responsible for the actions of their employees, and employee training and education. Precedent for this clarification to the proposed amendment to §712-1258, Hawaii Revised Statutes (HRS) is in §712-1250.5(1), HRS, where the person, including any licensee is identified in committing the offense of promoting intoxicating liquor to a person under the age of twenty-one. The Honolulu Liquor Commission (HLC) takes civil action against a licensee as defined in §281-1, HRS, as "all agents, servants, and employees of the holder of a license." The State Legislative Actions on Tobacco Issues (SLATI) database in the Institute of Medicine Report summarizes information on states that have passed laws

- 1 requiring that tobacco retailers and permittees are penalized for illegal tobacco sales. Four states
- 2 have penalties for the employee or person that violates the law, eleven states penalize the
- 3 licensee, and seven states provide penalties for both the employee and the licensee. <sup>1</sup> The
- 4 proposed change also aligns with the U.S. Food and Drug Administration that addresses warning
- 5 letters on inspection violations, corrective action, and possible regulatory action to the retailers,
- 6 not employees.
- 7 Thank you for the opportunity to provide testimony.
- 8 Offered Amendments: None

<sup>&</sup>lt;sup>1</sup> IOM (Institute of Medicine). 2015. *Public health implications of raising the minimum age of legal access to tobacco products.* Washington, DC: The National Academies Press



# TESTIMONY OF TINA YAMAKI PRESIDENT RETAIL MERCHANTS OF HAWAII February 13, 2019

Re: SB 1244 Relating to the Sale of Tobacco Products

Good morning Chairperson Baker and members of the Senate Committee on Consumer Protection and 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.

While we recognize the intent of this measure we are still OPPOSE SB 1244 Relating to the Sale of Tobacco Products. This measure would clarify that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity or individual who holds a valid permit to sell tobacco products, as opposed to an employee.

The majority of the employer who sell tobacco and vape products have ongoing training for their employees that includes NOT selling these products to those under 21 years of age, but also carding people to verify their age.

To some extent, the employee needs to also be responsible not just make a sale but to card the customer and ensure that they are indeed 21 years of age or older. We recognize that there are some very realistic fake ID cards that may even stump someone with a vigilance eye.

The legitimate law abiding retailers are not the ones intentionally selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of who are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not card to see how old someone is.

We urge you to hold this measure. Mahalo for this opportunity to testify.



### **HIPHI Board**

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Robinson, MBA, MA

Chair

Hawaii Pacific Health

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Debbie Erskine Kamehameha Schools

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

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

Catherine Taschner, JD McCorriston Miller Mukai MacKinnon LLP

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

En Young, MBA Sansei, Lanai

February 12, 2019 Date:

To: Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

Members of the Commerce Consumer Protection and Health Committee

Support for SB1244, Relating to Tobacco Taxes Re:

February 13, 2019 at 9:10am at Conference Room 229 Hrg:

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute is in **Support of SB1244** which clarifies that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity rather than the employee.

The Coalition supports SB1244, shifting the responsibility from an individual employee to the retailer or permitee who or whose employees to receive education and direction on our state law, and it will ensure retailers keep closer oversight of the sale activities in their stores. This change places majority of the responsibility on the entity with the power to ensure compliance with Hawaii's Tobacco 21 law.

Thank you for the opportunity to testify. We support SB1244 and respectfully ask you to pass this measure out of committee.

Mahalo,

Jessica Yamauchi, MA **Executive Director** 

<sup>i</sup>The Coalition for a Tobacco-Free Hawaiʻi (Coalition) is a program of the Hawaiʻi 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 issuebased advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

<u>SB-1244</u> Submitted on: 2/10/2019 10:35:28 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By  | Organization                      | Testifier<br>Position | Present at<br>Hearing |
|---------------|-----------------------------------|-----------------------|-----------------------|
| Sean Anderson | Testifying for Black<br>Lava Vape | Support               | Yes                   |

# Comments:

This is just a small step that will help stop teen access to products that are intended for adult use. This will not effect responsible adults who choose vape or traditional tobacco.



February 13, 2019

Senator Rosalyn H. Baker, Chair Senator Stanley Chang, Vice-Chair

Committee on Commerce, Consumer Protection, and Health

RE: Support of SB1244 Relating to Tobacco

Aloha Chair Baker, Vice Chair Chang, and Members of the Commerce, Consumer Protection & Health Committee:

Blue Zones Project—Hawaii supports SB1244, shifting the responsibility from an individual person to the retailer or permitee who or whose employee violates the Tobacco 21 laws will incur the fine. This shift of responsibility will create the need for employees to receive education and direction on our state law, and it will ensure retailers keep closer oversight of the sale activities in their stores.

This change puts the majority of the responsibility on the entity with the greater power to ensure our Tobacco 21 laws are being upheld at the point of sale. To provoke meaningful change, it is necessary to leverage the places, which have broad scale effect.

Mahalo for this opportunity to testify in support of SB1244. It is one more way to make sure we are protecting our youth from the adverse effects of tobacco.

Sincerely,

Peggy Mierzwa
Peggy Mierzwa

Blue Zones Project—Hawaii





# SB-1244

Submitted on: 2/6/2019 4:01:59 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|--------------|--------------|-----------------------|-----------------------|--|
| puna         | Individual   | Oppose                | No                    |  |

# Comments:

### Aloha

My name is Puna I oppose bill sb1244 because I am a everyday vapor working currently in a vape shop in Hilo. This ban on the distribution on vaping products over seas will have a big negative impact on my life and others I know. I enjoy all flavors of of eliquid I consume but I do not prefer using the same flavored eliquid every day I do like to change up from fruits to desserts. I do enjoy being able to support other shops from other states and ordering liquids from other shops that I do not carry in mine. I know many other people who do not work in the vape industry nor visit any local shops because they have tried a e liquid online and that they can enjoy. It just gives us a wider variety of flavors to choose from, it also allows us to support other shops around the world I feel like it's a good way to interact with other shops and helps share knowledge to pass on to our local communities. This helps this vaping industry connected and helps us meet new people even Gives us the ability to go to places we have not been and experience new things. So with this I oppose this bill and I thank you for taking your time in reading my testimony.

Mahalo

<u>SB-1244</u> Submitted on: 2/6/2019 6:24:00 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|--------------|--------------|-----------------------|-----------------------|--|
| Chris Wells  | Individual   | Oppose                | No                    |  |

<u>SB-1244</u> Submitted on: 2/6/2019 10:48:35 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| P Kuromoto   | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/7/2019 3:22:17 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By       | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------------|--------------|-----------------------|-----------------------|
| Johnathon G. Myers | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/7/2019 3:10:58 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By   | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|----------------|--------------|-----------------------|-----------------------|--|
| Mealani Rahmer | Individual   | Support               | No                    |  |

# Comments:

Please support having the store owner rather than the clerk be held responsible for selling tobacco to minors. Please support SB1244.

Thank you,

<u>SB-1244</u> Submitted on: 2/7/2019 2:20:10 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By  | Organization | Testifier<br>Position | Present at<br>Hearing |   |
|---------------|--------------|-----------------------|-----------------------|---|
| Molly Mamaril | Individual   | Support               | No                    | 1 |

<u>SB-1244</u> Submitted on: 2/7/2019 11:07:37 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| Jon Fia      | Individual   | Oppose                | No                    |

# Comments:

As much as an owner of a business will train an employee, if the penalty goes to the owner the motivation for the employee to enforce the rule is diminished since there is no risk to the employee. The thought of possibly being fired is minimal as the job market for a retail job is Hawaii is in high demand and thus very easy for the employee offender to find a new job easily.

<u>SB-1244</u> Submitted on: 2/7/2019 5:26:26 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| Kaenz        | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/7/2019 5:59:03 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By    | Organization | Testifier<br>Position | Present at<br>Hearing |
|-----------------|--------------|-----------------------|-----------------------|
| Jake J. Watkins | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/7/2019 5:47:32 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| Adam mayer   | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/8/2019 8:34:26 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By  | Organization | Testifier<br>Position | Present at<br>Hearing |
|---------------|--------------|-----------------------|-----------------------|
| April Pacheco | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/9/2019 6:25:26 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| Susan Larson | Individual   | Oppose                | No                    |

<u>SB-1244</u> Submitted on: 2/10/2019 2:04:50 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|--------------|--------------|-----------------------|-----------------------|--|
| Noel Araki   | Individual   | Oppose                | No                    |  |

# Comments:

I oppose this. Responsibility should be held to both the company/corporation as well as the person (employee)

-Noel Araki

Date: February 10, 2019

To: The Honorable Rosalyn H. Baker, Chair

The Honorable Stanley Chang, Vice Chair

Members of the Senate Committee on Commerce, Consumer Protection and

Health

Re: **Strong Support of SB1244**, Relating to the Sale of Tobacco Products

Hrg: February 13, 2019 at 9:10 AM in Capitol Room 229

Aloha Senate Committee on Commerce, Consumer Protection and Health,

I am writing in **strong support of SB1244**, which clarifies that liability for illegally selling tobacco products to persons under 21 is borne by the retail entity or individual who holds a valid permit to sell tobacco products, as opposed to an employee.

Responsible tobacco retailers who follow the age rules for tobacco sales are put at a great disadvantage by retail establishments in which tobacco products are sold to underage purchasers.

By shifting responsibility from sales employees to the retail entity or permit holder, SB1244 provides meaningful incentive for tobacco retailers to effectively train and guide employees in lawful tobacco sales policies and procedures, and, uphold the age of purchase requirement throughout the community.

By increasing tobacco retailer responsibility, SB1244 reduces youth access to tobacco products, helps prevent of our youth from using and becoming addicted to nicotine, and as a result, avoid the long-term health harms of tobacco.

I **strongly support SB1244** and respectfully ask you to amend and pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD Kea'au, HI

<u>SB-1244</u> Submitted on: 2/10/2019 6:04:20 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|--------------|--------------|-----------------------|-----------------------|--|
| Darlene Ben  | Individual   | Oppose                | No                    |  |

<u>SB-1244</u> Submitted on: 2/8/2019 11:11:36 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By                  | Organization | Testifier<br>Position | Present at Hearing |
|-------------------------------|--------------|-----------------------|--------------------|
| austin keliinoi-<br>westbrook | Individual   | Oppose                | No                 |

<u>SB-1244</u> Submitted on: 2/11/2019 2:28:01 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By      | Organization | Testifier<br>Position | Present at<br>Hearing |
|-------------------|--------------|-----------------------|-----------------------|
| Shannon Stevenson | Individual   | Oppose                | No                    |

Comments:

Aloha All,

I oppose SB1244. I oppose that anyone under the age of 21 only gets a fine of \$10 for a firstn offense and then \$50 dollars for any subsenquent incident after the first offense. it is crazy. If the shop that sels to the underage can be fined \$500 dollars and up to \$2000 dollars so can the offender. If the offender used a fake license of whatever indentification they used and got caught i think then penalty for that offender should be more stringent. The shops are fined haevily, i believe it should be heavy all tghe way around for both offender and shop when caught.

mahalo for yourn time.

<u>SB-1244</u> Submitted on: 2/11/2019 3:19:52 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By     | Organization | Testifier<br>Position | Present at<br>Hearing |
|------------------|--------------|-----------------------|-----------------------|
| Laksmi M Abraham | Individual   | Support               | No                    |

# SB-1244

Submitted on: 2/11/2019 1:04:33 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By   | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|----------------|--------------|-----------------------|-----------------------|--|
| DANIEL DRAPESA | Individual   | Oppose                | No                    |  |

## Comments:

My wife smoked cigarettes for more than fifteen years. She would constantly get sick and would get winded easily. She tried quiting many times with no success. After trying vaping she was able to quit over night. She has been smoke free for over a year and a half now with out the urge to return. Her health has dramatically improved and she can run and play with our children. With out flavored Eliquids this all would not be possible and she would most likely got back to traditional cigarettes.

Aside from my wife's story, I myself work at brick and mortar Vape shop. My coworkers and I would have our careers threatened by this bill passing and becoming law. That would take away our livelihood and the means that we provide for our families.

On a daily basis at work I meet adults who are of age who tell me how vaping has helped them quit and stay off smoking for a month, a year, five years or more. They tell me that vaping was the only way that truly worked for them. Studies show its 95% less harmful. Studies also show vaping gives smokers twice the likelihood of quiting over other methods (I.e. patches, gum, etc.) VAPING IS NOT SMOKING!! Alot of your supporting details bundle the two together and they are not the same thing. A more effective path you could presue would be stricter punishments for retailers that sell to underage and for parents of kids caught vaping (or smoking) or with parafanalia. Parents need to be accountable for their children. Often times they are the ones buying it for the kids. These small changes to preexisting state laws would greatly help with this so called epidemic with out taking away from the over 21 vape community., I highly oppose SB1244

<u>SB-1244</u> Submitted on: 2/11/2019 4:24:18 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By  | Organization | Testifier<br>Position | Present at<br>Hearing |   |
|---------------|--------------|-----------------------|-----------------------|---|
| Alan Watanabe | Individual   | Oppose                | No                    | Ī |

<u>SB-1244</u> Submitted on: 2/11/2019 9:33:05 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By    | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|-----------------|--------------|-----------------------|-----------------------|--|
| Kaimana Brummel | Individual   | Support               | No                    |  |

<u>SB-1244</u> Submitted on: 2/12/2019 6:31:52 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By  | Organization | Testifier<br>Position | Present at<br>Hearing |
|---------------|--------------|-----------------------|-----------------------|
| Anden Gaballo | Individual   | Oppose                | No                    |

# Comments:

The state already makes it a law that shops or retailers are not allowed to sale any type of tobacco product to anyone under the age of 21 years old. Most shops take extensive measures to follow this law. They even make it a point to all of their employees that they are expected to follow these laws.

<u>SB-1244</u> Submitted on: 2/12/2019 6:41:50 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By         | Organization | Testifier<br>Position | Present at<br>Hearing |
|----------------------|--------------|-----------------------|-----------------------|
| Valerie Luna-Gaballo | Individual   | Oppose                | No                    |

# Comments:

The state already makes it a law that shops or retailers are not allowed to sale any type of tobacco product to anyone under the age of 21 years old. Most shops take extensive measures to follow this law. They even make it a point to all of their employees that they are expected to follow these laws.

<u>SB-1244</u> Submitted on: 2/12/2019 6:44:52 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By                  | Organization | Testifier<br>Position | Present at Hearing |
|-------------------------------|--------------|-----------------------|--------------------|
| Adrian-Marie Luna-<br>Gaballo | Individual   | Oppose                | No                 |

# Comments:

The state already makes it a law that shops or retailers are not allowed to sale any type of tobacco product to anyone under the age of 21 years old. Most shops take extensive measures to follow this law. They even make it a point to all of their employees that they are expected to follow these laws.

<u>SB-1244</u> Submitted on: 2/12/2019 6:50:20 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By    | Organization | Testifier<br>Position | Present at<br>Hearing |
|-----------------|--------------|-----------------------|-----------------------|
| Jonovan Iriarte | Individual   | Oppose                | No                    |

# Comments:

The state already makes it a law that shops or retailers are not allowed to sale any type of tobacco product to anyone under the age of 21 years old. Most shops take extensive measures to follow this law. They even make it a point to all of their employees that they are expected to follow these laws. This is the most upheld law that every shop puts first, to ensure that these products are not sold to those under the legal age.

<u>SB-1244</u> Submitted on: 2/12/2019 8:17:46 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By   | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|----------------|--------------|-----------------------|-----------------------|--|
| taeleipu liliu | Individual   | Oppose                | No                    |  |

# Comments:

I am opposing this bill I have a right that I can purchase tobacco products because I am of legal age to do so. without any type of permit.

# SB-1244

Submitted on: 2/11/2019 4:22:06 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| Henry weaver | Individual   | Oppose                | No                    |

## Comments:

My name is Henry I am a former smoker of 20 year's, I oppose HB276, for the simple fact that this bill is unfair in the statement of Flavors is the reason of being the root cause of the teenage vaping epidemic is false, as a former smoker of traditional combustible cigarettes, vaping and its Flavors has helped myself, family members and friends of legal smoking and vaping age whether it be State age laws or federal to stay away from and stop smoking cigarettes, since I've quit smoking and started vaping having flavors to enjoy as a law abiding citizen while vaping should be a right that shouldn't be taken away to legal adults. As an adult we should have a choice to vape a flavor!! The vaping epidemic in Hawaii and the USA of teenager are because of certain devices like "Juul" and similar ones like it being easily accessible through gas stations, convenience stores ect, at least 90% of actual vape shops have taken part in sales to minors prior to laws being in place it started from 18 years of age now in some states like here in Hawaii its 21, these vape shops, manufactures and companies who follow the rules will be getting punished for the fact that the reasons behind the epidemic isn't being directed toward. The product that most of the vaping community disagrees with due to the accessibility in gas stations & convenience stores is what most teens are using because place other than vape shops dont take it seriously when asking for ID. There should be more stings to help aid the root cause & not punishing responsible Vape shops and adults. By taking away something "flavors" vaping Eliquids ect that has made a huge impact by lessing the amount of Traditional tobacco cigarette use state and nation wide, will greatly impact citizens to go back to combustible cigarettes which is definitely more toxic due to the fact my own Doctor has told me since I guit smoking cigarettes my health is much better in comparison.

Attachment "A1" is a letter from The FDA Commissioner, Scott Gottlieb. It states that the use of electronic nicotine delivery systems (ENDS) has contributed to a decline of combustible tobacco, which is known to cause cancer. It also clearly states that it intends on limiting flavored cigarettes to age restricted stores, or areas. Thank you for your your time

<u>SB-1244</u> Submitted on: 2/12/2019 2:39:39 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By   | Organization | Testifier<br>Position | Present at<br>Hearing |
|----------------|--------------|-----------------------|-----------------------|
| Carissa Holley | Individual   | Support               | No                    |

# Comments:

I support the bill to ban the sale of tobacco-flavored products.

<u>SB-1244</u> Submitted on: 2/12/2019 1:44:57 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By   | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|----------------|--------------|-----------------------|-----------------------|--|
| Theresa Revell | Individual   | Oppose                | No                    |  |

Comments:

Aloha Senators,

Please oppose this proposal.

Respectfully submitted,

Theresa Revell

<u>SB-1244</u> Submitted on: 2/12/2019 3:22:12 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By              | Organization | Testifier<br>Position | Present at<br>Hearing |  |
|---------------------------|--------------|-----------------------|-----------------------|--|
| VALENTINO<br>MIRANDA-KEPA | Individual   | Oppose                | No                    |  |

# Comments:

I strongly OPPOSE Bill SB-1244 Hawaii need to have a possession law for under age smokers like they do for alcohol, with that in place maybe under age people would think twice before smoking/vaping. Stronger law's on the under age people is what we need. Not Flavor Bans or tax increase or stonger law's on retail stores.

With Aloha,

Valentino Miranda-Kepa

<u>SB-1244</u> Submitted on: 2/12/2019 5:14:59 PM

Testimony for CPH on 2/13/2019 9:10:00 AM



| Submitted By   | Organization                              | Testifier<br>Position | Present at Hearing |
|----------------|---|-----------------------|--------------------|
| Michael Zehner | Testifying for Hawaii<br>Smokers Alliance | Oppose                | No                 |



<u>SB-1244</u> Submitted on: 2/13/2019 2:13:41 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

| Submitted By            | Organization  | Testifier<br>Position | Present at<br>Hearing |
|-------------------------|---|-----------------------|-----------------------|
| De MONT R. D.<br>CONNER | Testifying for Ho'omanapono Political Action Committee (HPAC) | Support               | Yes                   |