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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO PROMOTE TRANSPARENCY AND ENFORCEMENT BY PROVIDING INDIVIDUAL PREMARKET TOBACCO PRODUCT APPLICATION APPLICANT INFORMATION OF HAWAII SELLERS TO THE DEPARTMENT OF THE ATTORNEY GENERAL FOR LAW ENFORCEMENT PURPOSES.

1 WHEREAS, according to a 2020 joint study by the United  
2 States Food and Drug Administration and Centers for Disease  
3 Control and Prevention (CDC), there are an estimated 3,600,000  
4 youth who currently use e-cigarettes, or electronic nicotine  
5 delivery systems (ENDS); and  
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7 WHEREAS, according to the Hawaii Youth Risk Survey,  
8 commissioned by the Department of Health, Hawaii high school  
9 students are twice as likely as youth nationally to vape; and  
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11 WHEREAS, the 2017 Hawaii Youth Tobacco Survey found that  
12 Hawaii has the highest rate of e-cigarette use among middle  
13 school students and the second highest rate among high school  
14 students in the United States; and  
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16 WHEREAS, the marketing of e-cigarettes and ENDS products  
17 aggressively targets vulnerable youth users with the  
18 introduction of flavored e-cigarettes and ENDS products, as well  
19 as advertisements in social media employing celebrities and  
20 influencers, which ultimately promote the illegal sale and use of  
21 e-cigarettes and ENDS products by underage users; and  
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23 WHEREAS, the United States Surgeon General, United States  
24 Department of Health and Human Services, and CDC warns that the  
25 use of e-cigarettes and ENDS products are unsafe due to the  
26 highly addictive nature of nicotine, harm to the developing  
27 adolescent brain, carcinogens and other toxins present in the



1 aerosol inhaled, and potentially lethal toxins if the content of  
2 refill cartridges are consumed; and

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4 WHEREAS, the passage of the Consolidated Appropriations  
5 Act, 2021, in December 2020 amended the Jenkins Act, as  
6 previously amended by the Prevent All Cigarette Trafficking Act,  
7 to mandate that any delivery sale of ENDS will require an  
8 adult's signature upon delivery, ostensibly increasing the  
9 difficulty for minors to illegally obtain ENDS; and

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11 WHEREAS, the Food and Drug Administration required any  
12 seller and manufacturer of new tobacco products, including  
13 e-cigarettes and ENDS products, to submit a Premarket Tobacco  
14 Product Application (PTPA) by September 9, 2020; and

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16 WHEREAS, the Food and Drug Administration has seen an  
17 influx of PTPAs with receipt of 14,751 applications in August  
18 and September 2019 alone; and

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20 WHEREAS, the identities of Hawaii sellers of e-cigarettes  
21 and ENDS products who have pending or approved PTPAs in  
22 compliance with the Food and Drug Administration requirements  
23 are currently unknown for enforcement purposes; now, therefore,

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25 BE IT RESOLVED by the House of Representatives of the  
26 Thirty-first Legislature of the State of Hawaii, Regular Session  
27 of 2021, the Senate concurring, that the United States Food and  
28 Drug Administration is requested to promote transparency and  
29 enforcement by immediately providing individual Premarket  
30 Tobacco Product Application applicant information of Hawaii  
31 sellers to the Department of the Attorney General for law  
32 enforcement purposes; and

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34 BE IT FURTHER RESOLVED that the Department of the Attorney  
35 General is urged to identify those Hawaii sellers who do not  
36 have a pending or approved Premarket Tobacco Product Application  
37 in compliance with the United States Food and Drug  
38 Administration requirements and transmit such information to the  
39 United States Food and Drug Administration for enforcement  
40 purposes; and



1 BE IT FURTHER RESOLVED that the Department of the Attorney  
2 General is requested to submit a comprehensive report of actions  
3 taken pursuant to this measure to the Legislature no later than  
4 sixty days prior to the convening of the Regular Session of  
5 2022; and

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7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Commissioner of the  
9 United States Food and Drug Administration, Director of the  
10 Centers for Disease Control and Prevention, Governor, Attorney  
11 General, and Director of Health.

