
HOUSE 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
28 aerosol inhaled, and potentially lethal toxins if the content of
29 refill cartridges are consumed; and



1 WHEREAS, the passage of the Consolidated Appropriations
2 Act, 2021, in December 2020 amended the Jenkins Act, as
3 previously amended by the Prevent All Cigarette Trafficking Act,
4 to mandate that any delivery sale of ENDS will require an
5 adult's signature upon delivery, ostensibly increasing the
6 difficulty for minors to illegally obtain ENDS; and
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8 WHEREAS, the Food and Drug Administration required any
9 seller and manufacturer of new tobacco products, including
10 e-cigarettes and ENDS products, to submit a Premarket Tobacco
11 Product Application (PTPA) by September 9, 2020; and
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13 WHEREAS, the Food and Drug Administration has seen an
14 influx of PTPAs with receipt of 14,751 applications in August
15 and September 2019 alone; and
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17 WHEREAS, the identities of Hawaii sellers of e-cigarettes
18 and ENDS products who have pending or approved PTPAs in
19 compliance with the Food and Drug Administration requirements
20 are currently unknown for enforcement purposes; now, therefore,
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22 BE IT RESOLVED by the House of Representatives of the
23 Thirty-first Legislature of the State of Hawaii, Regular Session
24 of 2021, that the United States Food and Drug Administration is
25 requested to promote transparency and enforcement by immediately
26 providing individual Premarket Tobacco Product Application
27 applicant information of Hawaii sellers to the Department of the
28 Attorney General for law enforcement purposes; and
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30 BE IT FURTHER RESOLVED that the Department of the Attorney
31 General is urged to identify those Hawaii sellers who do not
32 have a pending or approved Premarket Tobacco Product Application
33 in compliance with the United States Food and Drug
34 Administration requirements and transmit such information to the
35 United States Food and Drug Administration for enforcement
36 purposes; and
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38 BE IT FURTHER RESOLVED that the Department of the Attorney
39 General is requested to submit a comprehensive report of actions
40 taken pursuant to this measure to the Legislature no later than
41 sixty days prior to the convening of the Regular Session of
42 2022; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Commissioner of the United
3 States Food and Drug Administration, Director of the Centers for
4 Disease Control and Prevention, Governor, Attorney General, and
5 Director of Health.

