

Date: April 1, 2022
To: Senate Committees on Consumer Protection and Commerce and Ways and Means
From: Members of the University of Hawaii Student Health Advisory Council
Re: Support for HB1570 HD1 SD1, Relating to the youth vaping epidemic
Hearing: Friday April 1 at 10:00AM

Dear Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and committee members,

Thank you for the opportunity to submit testimony in SUPPORT of HB1570 HD1 SD1, which would ban the sale of flavored tobacco and synthetic nicotine products; prohibit mislabeling of e-liquid products containing nicotine; and prohibit the marketing, advertising, or promoting of electronic smoking devices to appeal to individuals under twenty-one.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and states that there is an urgent need to protect young people from a lifetime of nicotine addiction and associated health risks.

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products that are mislabeled as nicotine-free entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes.

The banning of flavored tobacco products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products in the State of Hawaii.

Mahalo,

Student Health Advisory Council



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF TALENT MANAGEMENT

DATE: 04/01/2022
TIME: 10:00 AM
LOCATION: CR 211 & Videoconference
COMMITTEE: Commerce & Consumer Protection and
Ways & Means

Department: Education
Person Testifying: Reid Kuba, Ph.D., Principal in Residence for the DOE's Leadership Institute
Title of Bill: HB 1570, HD1, SD1 RELATING TO THE YOUTH VAPING EPIDEMIC.
Purpose of Bill: Bans the sale of flavored tobacco products and mislabeled e-liquid products. Establishes fines.

Principals' Position:

The various Principals across the state from the Hawaii State Department of Education ask that you respectfully consider our SUPPORT of HB1570, HD1, SD1

My name is Reid Kuba and I am a Principal in Residence for the Hawaii State DOE. In my role, I specifically work with secondary principals from all islands, but also work with the elementary principals as well. HB1570, HD1, SD1 was determined to be of importance to Principals who represent their faculty, schools, and communities. Principals have direct knowledge and experience with the students and communities they serve.

Principals from the various islands have experienced the increase in students who vape. This leads to their decline in academics, peer interactions, behavior, and personal health. Principals have also seen firsthand how vaping escalates to more serious drug use. Principals believe that the banning of flavored tobacco products will have a significant impact on this youth epidemic because many students who initially start vaping, do so because of the fruity smells and flavors.

Please see the attached list of Principals who SUPPORT HB1570, HD1, SD1. Please note that although I represent Principals, there are also Vice Principals who SUPPORT HB1570, HD1, SD1 and they have designated themselves as such on the list for your convenience.

Thank you for the opportunity to testify in SUPPORT of HB1570, HD1, SD1.

HB1570, HD1, SD1 - RELATING TO THE YOUTH VAPING EPIDEMIC. Bans the sale of flavored tobacco products and mislabeled e-liquid products. Establishes fines.

NAME	Name of School	Island	Complex
Jasmine Urasaki	Hilo High School	Hawaii	HW
Glenn Gray	Holualoa Elementary School	Hawaii	
Noreen Kunitomo	Honaunau Elementary	Hawaii	HKKK
Rory Souza	Honoka'a Elementary School	Hawaii	HKKK
Rachelle Matsumura	Honokaa High and Intermediate School	Hawaii	HKKK
Dean Cevallos	Kea'au High School	Hawaii	KKP
Gregg Yonemori	Keaau Middle School	Hawaii	KKP
James Denight	Kealakehe High School	Hawaii	HKKK
Hannah Loyola	Kohala Elementary School	Hawaii	HKKK
Amy Stafford	Kohala High School	Hawaii	HKKK
Trisha Sanborn	Kohala Middle School	Hawai'i	HKKK
Momi Kaehuaea	Konawaena High School	Hawai'i	HKKK
Teddy Burgess	Konawaena Middle School	Hawaii	HKKK
Felicia Friend Linton	Paauilo Elementary and Intermediate	Hawaii	HKKK
Lisa Souza	Waiakea Intermediate School	Hawaii	HW
Michelle Barber	Waikoloa Elementary & Middle School	Hawaii	HKKK
Jeffrey Freeman(VP)	Waikoloa Elementary & Middle School	Hawaii	HKKK
Tammie Picklesimer	Waimea Elementary	Hawai'i	HKKK
Allison Carveiro	'Ele'ele Elementary	Kauai	KKW
Brian Godsill	Kalaheo Elementary School	Kauai	KKW
Salynn Gonsalves	Kapaa Elementary School	Kauai	
Marlene Leary	Kauai High School	Kauai	KKW
Deena Moraes	Kilauea School	Kauai	
Leila Maeda-Kobayashi	Koloa Elementary	Kauai	KKW
Melissa Speetjens	Waimea Canyon Middle	Kauai	KKW
Timothy Lino	Kalama Intermediate	Maui	BKM
Alison Uyehara (VP)	Kekaulike High School	Maui	BKM
Kristen Stafford	Kekaulike High School	Maui	BKM
Tracy Lui	Kihei Elementary	Maui	BKM
Amy Strand	King Kekaulike High School	Maui	BKKM
Stacy Bookland	Lahaina Intermediate School	Maui	HLLM
Camille Woods (TA-VP)	Lahaina Intermediate School	Maui	HLLM
James M Petrakis (VP)	Lahaina Intermediate School	Maui	HLLM
Lora-lea Grando	Lahainaluna High School	Maui	HLLM
Barbara Oura Tavares	Lihikai Elementary	Maui	BKM
Richard Carosso	Makawao Elementary School	Maui	BKM
Jo-Anne Higa	Maui High School	Maui	BKKM
Brittany Neizman (VP)	Maui High School	Maui	BKKM
Lianne Dela Cruz (VP)	Maui High School	Maui	
Elizabeth Ayotte (VP)	Maui High School	Maui	BKKM
Ty Ogasawara	Pukalani Elementary	Maui	BKM
Paula Inouye	Waihe'e School	Maui	
Daniel Espaniola	Kaunakakai Elementary	Molokai	HLLM
Shona Pineda	Kilohana Elementary School	Molokai	HLLM
Kainoa Pali	Molokai Middle School	Molokai	HLLM

Alisa Bender	Aiea Intermediate School	Oahu	AMR
Michelle DeBusca	Ala Wai Elementary School	Oahu	KMR
Tim Hosoda	Ali'iolani Elementary School	Oahu	KMR
Sandra Watanabe	Alvah Scott Elementary School	Oahu	AMR
Sandy Calio	Barbers Point Elementary	O'ahu	CK
Kathy Kahikina	Benjamin Parker Elementary School	Oahu	CK
Yuuko Arikawa-Cross	Daniel K. Inouye Elementary School	O'ahu	LMW
Mavis Tasaka	Dole Middle School	Oahu	FKK
Kristin Muramoto (VP)	Dole Middle School	Oahu	FKK
Bryan Honda, VP	Ewa Elementary	Oahu	CK
James Aronica (VP)	Ewa Elementary	Oahu	CK
Larisa Gadach (VP)	Ewa Makai Middle School	Oahu	CK
Kim Sanders	Ewa Makai Middle School	Oahu	CK
Diana Agor (VP)	Ewa Makai Middle School	Oahu	CK
Al Carganilla	Farrington High School	Oahu	FKK
Jill Yoshimoto (VP)	Farrington High School	Oahu	FKK
Julie Ledgerwood (VP)	Farrington High School	Oahu	FKK
Hartwell Lee Loy (VP)	Farrington High School	Oahu	FKK
Kimberly Saula (VP)	Farrington High School	Oahu	FKK
Lisa Joy Andres (VP)	Farrington High School	Oahu	FKK
Shannon Goo	Hahaione Elementary	Oahu	FKK
Malaea Wetzel	Hale`iwa Elementary School	Oahu	LMW
Ernest Muh	Helemano Elementary School	Oahu	LMW
Patrick Wetzel	Hickam Elementary School	Oahu	AMR
Gary Yasui	Holomua Elementary School	Oahu	CK
Joyce Yang (VP)	Holomua Elementary School	Oahu	CK
Todd Fujimori	Honouliuli Middle School	Oahu	CK
Cherise Akimoto (VP)	Honouliuli Middle School	Oahu	CK
Bryan Rankie	Ho'okele Elementary School	Oahu	CK
Garett Yukumoto	Iliahi Elementary School	Oahu	LMW
Christopher D. Bonilla	Ilima Intermediate School	Oahu	CK
Bernie Tyrell	James B. Castle High School	Oahu	CK
Ryan Micale (VP)	James B. Castle High School	Oahu	CK
Teresann Tauga (VP)	James B. Castle High School	Oahu	CK
Donna Kam (VP)	James B. Castle High School	Oahu	CK
Noah Tagatauli (VP)	James B. Castle High School	Oahu	CK
Kinau Gardner	Jarrett Middle School	Oahu	KMR
Garret Zakahi	Jefferson Elementary School	Oahu	KMR
Jennifer Luke-Payne	Ka`a`awa Elementary School	Oahu	CK
Cherilyn Inouye	Ka'elepulu Elementary	O'ahu	KK
Abey Qureshi	Kahuku Elementary School	Oahu	CK
Donna Lindsey	Kahuku High and Intermediate	Oahu	CK
Allyson Doherty	Kailua Elementary	Oahu	KK
Stacey Oshio	Kailua High School	Oahu	KK
Jamie Dela Cruz	Kaimukī High School	Oahu	KMR
Justin S. N. Mew	Kaiser High	Oahu	FKK
Dana Takahara-Dias (VP)	Kaiser High	Oahu	FKK
Michael Viernes (VP)	Kaiser High	Oahu	FKK

Andrew Szkotak (VP)	Kaiser High	Oahu	FKK
Nelson Chee (AD)	Kaiser High	Oahu	FKK
Lorelei Aiwohi	Kalakaua Middle School	Oahu	FKK
Mitchell Otani	Kalani High School	Oahu	FKK
Derek Santos	Kalihi Uka Elementary	O'ahu	FKK
Daniel Larkin	Kalihi Waena Elementary	Oahu	FKK
Jason Yoshimoto	Kamiloiki Elementary	Oahu	FKK
Ronald Oyama	Kapalama Elementary School	O'ahu	FKK
Wesley Shinkawa	Kapolei High School	Oahu	CK
Richard Fajardo	Kapolei Middle School	Oahu	CK
Deb Ostovich (VP)	Kapolei Middle School	Oahu	CK
Sonja Samsonas	Kauluwela Elementary School	O'ahu	KMR
Joseph Passantino	Ke'elikolani Middle School	Oahu	KMR
Kau'i Tanaka	Keolu Elementary School	O'ahu	KK
Wendy Matsuzaki	King Intermediate School	O'ahu	CK
Jeffrey Shitaoka	Koko Head Elementary School	Oahu	FKK
Lynn Kobayashi	Kuhio Elementary School	Oahu	KMR
Shelley Ferrara (VP)	Leilehua High School	Oahu	LMW
Shawn Nakata (VP)	Leilehua High School	Oahu	LMW
Shane Nakamura (TA-VP)	Leilehua High School	Oahu	LMW
Deyon Nagato (VP)	Leilehua High School	Oahu	LMW
Nolan Tokuda (AD)	Leilehua High School	Oahu	LMW
Alan Lee	Liholiho Elementary School	Oahu	FKK
Tami Marie Haii	Linapuni Elementary School	Oahu	FKK
Suzie Lee	Ma'ili Elementary	Oahu	NW
Nathan Maeda	Maunawili Elementary	Oahu	KK
David Pila (VP)	McKinley High School	Oahu	KMR
Kyle Shimabukuro	Mililani Mauka Elementary	Oahu	LMW
Wayne C. Guevara	Moanalua Middle School	Oahu	AMR
Paloma Almanza	Mokapu Elementary	O'ahu	KK
Garrett Arakawa	Momilani Elementary School	Oahu	PW
Corey Allen	Nimitz Elementary School	Oahu	AMR
Laura Ahn	Niu Valley Middle School	Oahu	FKK
Ned Uemae	Nu'uaniu Elementary School	O'ahu	KMR
Lisa DeLong	Olomana	Oahu	KK
Zachary Sheets	Pearl City Highlands Elementary	Oahu	PW
Shannon Tamashiro	Pearl Harbor Elementary	Oahu	AMR
Blaine Takeguchi	Pearl Ridge Elementary	Oahu	AMR
Arnie Kikkawa	Pu'uhale Elementary School	Oahu	FKK
Laurie Luczak	R.L. Stevenson Middle School	O'ahu	KMR
Komarey Moss	Red Hill Elementary	Oahu	AMR
Candace Aimoto (VP)	Roosevelt High School	Oahu	KMR
David Lane (VP)	Roosevelt High School	Oahu	KMR
Lori Yoneda (VP)	Roosevelt High School	Oahu	KMR
Duwayne Abe	Salt Lake El.	Oahu	AMR
Randall Galeon (VP)	Salt Lake El.	Oahu	AMR
Michael Jose	Shafter Elementary School	Oahu	AMR
Eliza Elkington	Sunset Beach Elementary School	Oahu	CK

Sean Takashima	Wahiawa Elementary School	Oahu	LMW
Varissa Pata	Waialua Elementary School	Oahu	LMW
Christine Alexander	Waialua High and Intermediate	Oahu	LMW
Sheldon Konno	Wai'anae Elementary School	Oahu	NW
Ray Pikeln-Cook	Waianae High School	Oahu	NW
Sheldon Oshio	Waikele Elementary School	Oahu	PW
Stacy Kawamura (VP)	Waikele Elementary School	Oahu	PW
Noel Richardson	Waimanalo Elementary & Intermediate	Oahu	KK
Aaron Tominaga	Waipahu Elementary School	Oahu	PW
Meryl Matsumura	Waipahu High School	Oahu	PW
Kel Hirohata (VP)	Waipahu High School	Oahu	PW
Matthew Mitsuyuki (VP)	Waipahu High School	Oahu	PW
Gary Chun (VP)	Waipahu High School	Oahu	PW
Daryl Agena (VP)	Waipahu High School	Oahu	PW
Michael Harano	Washington Middle school	Oahu	KMR
Chad Matsuda	Webling Elementary	Oahu	AMR



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 1570, H.D. 1, S.D. 1, RELATING TO THE YOUTH VAPING EPIDEMIC.

BEFORE THE:

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON
WAYS AND MEANS

DATE: Friday, April 1, 2022

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 211 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Richard W. Stacey,
Deputy Attorney General, at (808) 586-1203)

Chairs Baker and Dela Cruz and Members of the Committees:

The Department of the Attorney General (Department) appreciates and supports the intent of this bill. By criminalizing the sale of flavored tobacco products and the mislabeling of e-liquid products, Senate Draft No. 1 addresses the health dangers currently existing in Hawaii. The Department provides the following comments.

The Department is concerned that this bill, in its Senate Draft No. 1 form, may contain subjects that go beyond the title of this bill, "Relating to the Youth Vaping Epidemic," that could subject it to constitutional challenge. Article III, section 14, of the Constitution of the State of Hawaii mandates that "[e]ach law shall embrace but one subject, which shall be expressed in its title." There are two parts to the analysis of this Constitutional provision – that there be only one subject, and that this subject be expressed in its title.

The Hawaii Supreme Court has liberally construed the term "subject" with respect to the title of a law as having a "broad and extended meaning." Schwab v. Ariyoshi, 58 Haw. 25, 33, 564 P.2d 135, 140 (1977). Therefore, it is sufficient if the title of a law "fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead." Id. at 34, 564 P.2d at 141.

Here, the bill's title embraces only one subject – "the Youth Vaping Epidemic." While "vaping" is not defined in the bill, it is defined in a dictionary as ". . . inhal[ing] vapor through the mouth from a usually battery-operated electronic device (such as an electronic cigarette) that heats up and vaporizes a liquid or solid."¹ Rather than targeting only vaping products, this bill seeks to criminalize the sale of flavored tobacco products (page 6, lines 14-19). The bill defines "flavored tobacco products" as "any tobacco product that contains a constituent that imparts a characterizing flavor. . . ." (page 10, lines 10-11). "[T]obacco product" includes "but is not limited to a cigarette, cigar, pipe tobacco, chewing or smokeless tobacco, snuff, snus, e-liquid, or an electronic smoking device" (page 11, lines 9-11). This is an example of a provision in this bill that may not be limited to "the Youth Vaping Epidemic" and that, therefore, appears to conflict with the single-subject and title requirement. To resolve this problem, the Department recommends narrowing the scope of this bill by deleting references to tobacco products, other than those products directly related to vaping, such as e-liquids and electronic smoking devices.

Thank you for the opportunity to testify and provide comments and suggested amendments on this bill.

¹ *Vaping*, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/vaping> (16 Mar. 2022).

Written Only

DAVID Y. IGE
GOVERNOR



KEITH T. HAYASHI
INTERIM SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 04/01/2022
Time: 10:00 AM
Location: CR 211 & Videoconference
Committee: Senate Commerce and
Consumer Protection
Senate Ways and Means

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: HB 1570, HD1, SD1 RELATING TO THE YOUTH VAPING EPIDEMIC.

Purpose of Bill: Bans the sale of flavored tobacco products and mislabeled eliquid products. Establishes fines. Effective 7/1/2050. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 1570, HD1, SD1.

The Department currently partners with the Department of Health and community organization on programs for youth to help them to make positive health decisions. The Department defers to the Department of Health on the proposed definition of flavored tobacco products found on page 10, line 10 of this bill.

The Department is committed to ensuring that our students are educated, healthy and lifelong learners who contribute positively to our community and global society. In our Department schools, there is a policy of zero-tolerance for tobacco products and electronic smoking devices that extend to Department transportation and during school-sponsored activities.

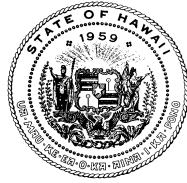
In 2019, the Hawaii Youth Risk Behavior Survey results indicated that 30.6% of high school students used an electronic vapor product and 5.3% of high school students

smoked cigarettes within the 30 days prior to the survey administration.

To raise awareness about the risks and dangers of tobacco products and electronic smoking devices, the Department's efforts focus on the following:

- Providing health education to develop students' skills that support healthy behaviors;
- Collaborating with the Department of Health and the University of Hawaii at Manoa Curriculum Research and Development Group on the administration of the Youth Risk Behavior Survey to monitor students' tobacco use and the associated risk and protective factor;
- Promoting public awareness through parent letters and flyers of Section 712-1258, Hawaii Revised Statutes, which makes it unlawful for anyone under the age of 21 years of age to be sold, purchase, use, or possess tobacco products and electronic smoking devices; and
- Monitoring students for compliance or violation of Title 8, Chapter 19, Hawaii Administrative Rules, Student Misconduct, Discipline, School Searches, and Seizures, Reporting of Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation, as it relates to using tobacco products and electronic smoking devices.

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



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

LATE

**Testimony in OPPOSITION to H.B. 1570, H.D. 1, S.D. 1
RELATING TO THE YOUTH VAPING EPIDEMIC**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 4/7/2022

Room Number: 211 and
Videoconference

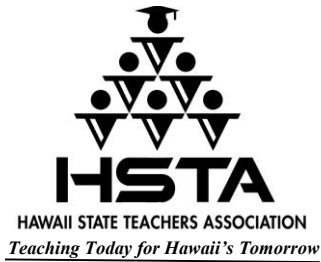
1 **Department Testimony:** The Department of Health (DOH) **opposes** H.B. 1570, H.D. 1, S.D. 1.
2 The inclusion of the FDA language negates the intent of the bill. The DOH would support the
3 measure with the removal of the exemption and offers an amendment.

4 **Offered Amendment:**

5 Section 2, (7), Page 10, line 10 to line 15, delete reference to products receiving a marketing
6 order or other authorization to read:

7 "Flavored tobacco product" means any tobacco product that contains a constituent that imparts a
8 characterizing flavor, ~~but does not include any product that has received a marketing order or~~
9 ~~other authorization the United States Food and Drug Administration pursuant to title 21 United~~
10 ~~States Code section 387j.~~

11 Thank you for the opportunity to testify on this measure.



Osa Tui, Jr.
President
Logan Okita.
Vice President
Lisa Morrison
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON COMMERCE &
CONSUMER PROTECTION
and THE COMMITTEE ON WAYS & MEANS

RE: HB 1570, HD1, SD1 - RELATING TO THE YOUTH VAPING EPIDEMIC

FRIDAY, APRIL 1, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Baker, Chair Dela Cruz, and Members of the Committees:

The Hawaii State Teachers Association **supports HB 1570, HD1, SD1**, relating to the youth vaping epidemic. This bill bans the sale of flavored tobacco products and mislabeled e-liquid products. Establishes fines.

Flavored tobacco products have been proven as the entry point for youth to start smoking. With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say they only use a flavored product.

The use of e-smoking products among youth is at epidemic levels, especially in Hawaii. According to the 2017 Youth Risk Behavior Survey, **Hawaii has one of the highest rates of middle and high school usage in the nation at 15.7% and 25.5% respectively.** Moreover, 27% of middle school students and a whopping 42% of high school students have tried e-cigarettes. On the neighbor islands, usage trends are particularly concerning—in Hawaii county 34% of students reported they are regular users while on Kauai 32% are regular users.

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking.

According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.

Lastly, thank you for not adding any fines for our youth, as HSTA opposes these fines, as we feel our students are the victims in this case. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed. So please do NOT add any fines or punishment on our youth who are the victims here. We just want to make this stance clear from the start.

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawaii State Teachers Association requests you **support this bill.**



DON'T DEFER THE PROTECTION OF HAWAII'S KIDS TO FDA: LOCAL ACTION IS NEEDED TO REVERSE YOUTH E-CIGARETTE EPIDEMIC

Youth e-cigarette use is a public health crisis. In Hawaii, 30.6% of high schoolers are current e-cigarette users.¹ E-cigarettes are addicting a new generation of Hawaii's youth, endangering their health and threatening to reverse decades of hard-fought progress in reducing youth tobacco use. Only the elimination of all flavored e-cigarettes can end the worsening youth e-cigarette epidemic and stop e-cigarette companies from luring and addicting kids with flavored products.

The FDA's Premarket Review Process is Not a Substitute for State Action

By September 9, 2020, all e-cigarette manufacturers were required to submit a premarket tobacco product application (PMTA) to the FDA in order to stay on the market. To date, the FDA has reported that it has acted on over 98% of the applications and has issued marketing denial orders (MDOs) for over one million flavored e-cigarette products. However, the FDA has yet to issue decisions on e-cigarette products that have the largest market shares or are most popular with kids, such as Juul, Vuse Alto, NJOY, blu, Smok and Suorin. The FDA also is still considering whether to authorize the sale of any menthol-flavored e-cigarettes. In addition, the agency has indicated that it will not prioritize enforcement against the products that remain on the market pending decisions on their applications, meaning that these products can continue to be sold for an indefinite period. In addition, more than 40 companies have filed lawsuits challenging their marketing denial orders and the outcomes of these cases are uncertain.

Within the last year, a growing number of e-cigarette and e-liquid manufacturers have switched to using synthetic nicotine (sometimes marketed as "tobacco-free") in order to evade FDA regulation and continue marketing their products. In February 2021, Puff Bar—the most popular e-cigarette brand among youth—announced that it had switched to using synthetic nicotine in its products. Congress only recently gave the FDA the authority to regulate synthetic nicotine products through the premarket review process, but it is unclear what action, and when, the FDA will take.

Hawaii should act quickly to close these gaps left by the FDA to fully protect kids.

Exempting Products with a Premarket Review Order from a Flavor Ban Undermines State Authority

Carving an exception to a flavor ban for products authorized for sale by FDA would surrender Hawaii's longstanding authority to determine what tobacco products are permitted to be sold to Hawaiian residents. It would allow the grant of a premarket review/PMTA order by the FDA to preempt state restrictions on flavored products that are necessary to protect the public health, when even Congress, in enacting the Family Smoking Prevention and Tobacco Control Act, did not intend federal premarket review to have that effect. In fact, the federal statute explicitly preserves and saves from preemption state sales restrictions on tobacco products, envisioning only that a state sales restriction is preempted if the state engages in its own premarket review of tobacco products. That is not what a sales restriction would do. Prohibiting the retail sale of all flavored e-cigarettes in Hawaii—even if FDA eventually allows specific flavored products be sold in the U.S.—is not only important to preserve the Hawaii's broad legal authority, but it is also the only way to ensure the health of Hawaiian residents, especially kids, is fully protected.

The FDA Has Failed to Clear the Market of Flavored E-Cigarettes

In September 2019, President Trump promised to clear the market of flavored e-cigarettes, but the FDA's February 2020 enforcement policy left flavored e-cigarettes widely available. While the policy restricted some flavors in pod-based e-cigarettes, it left thousands of kid-friendly e-cigarettes on the market, including flavored disposable e-cigarettes, flavored e-liquids that can be used in refillable devices, and menthol pod-based products.



Sales and youth use data show that the FDA missed the opportunity to make far greater progress in reducing youth e-cigarette use as kids quickly migrated to the flavored products that were exempt from the policy:

- In 2021, 55.8% of high school e-cigarette users reported using disposable e-cigarettes. Among current youth users of disposable e-cigarettes, the most commonly used flavor type is fruit (78.7%), followed by candy/desserts/other sweets (32.3%).²
- From February 2020 to December 26, 2021, sales of disposable e-cigarettes increased by 173.1% (from 2.8 million units to 7.6 million units). During this period, the market share of disposable devices increased from 18.8% to 35.4% of total e-cigarette sales. As of December 26, 2021, 78.7% of disposable sales were of flavors other than tobacco, mint and menthol.³
- Among youth users of flavored e-cigarettes, 29% reported using menthol products, including 46% of users of flavored cartridge-based products like Juul.⁴
- From February 2020 to December 26, 2021, monthly total sales increased by 44.9% (from 14.8 million units to 21.4 million units). During this period, sales of non-tobacco flavored e-cigarettes (mint, menthol and other flavors) increased by 61.1% (from 9.7 million to 15.7 million).⁵
- In 2020, 80% of 10th and 12th grade e-cigarette users reported that they could still easily obtain nicotine solutions in flavors other than tobacco or menthol.⁶

Hawaii Must Take Action to Eliminate Loopholes in the FDA's Policy

The FDA stood by for more than a decade while Big Tobacco hooked a generation of kids on e-cigarettes. The FDA's February 2020 guidance and premarket review process have prioritized the e-cigarette industry over the health of America's kids, falling far short of clearing the market of flavored e-cigarettes. Urgent action is needed to reverse the youth e-cigarette epidemic and Hawaii's kids can't wait for FDA to act.

Don't defer the safety of Hawaii's kids to the FDA.

¹ CDC, 2019 Youth Risk Behavior Survey, Available at <http://nccd.cdc.gov/youthonline/>.

² Wang, TW, et al., "E-cigarette Use Among Middle and High School Students – United States, 2020," *MMWR*, Volume 69, September 9, 2020, <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6937e1-H.pdf>.

³ CDC Foundation & Information Resources, Inc., "Monitoring U.S. E-Cigarette Sales: National Trends," <https://www.cdcfoundation.org/programs/monitoring-e-cigarette-use-among-youth>. Data from Information Resources, Inc. (IRI), which includes e-cigarette sales data from convenience stores, gas stations and other retail store chains. Sales from the internet and tobacco-specialty stores, including vape shops, are not included.

⁴ Park-Lee, E, et al., "E-Cigarette Use Among Middle and High School Students—National Youth Tobacco Survey, 2021," *MMWR*, 70(39): 1387-1389, October 1, 2021, <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7039a4-H.pdf>.

⁵ CDC Foundation & Information Resources, Inc., "Monitoring U.S. E-Cigarette Sales: National Trends," <https://www.cdcfoundation.org/programs/monitoring-e-cigarette-use-among-youth>. Data from Information Resources, Inc. (IRI), which includes e-cigarette sales data from convenience stores, gas stations and other retail store chains. Sales from the internet and tobacco-specialty stores, including vape shops, are not included.

⁶ Miech, R, et al., "Trends in Use and Perceptions of Nicotine Vaping Among US Youth from 2017 to 2020," *JAMA Pediatrics*, published online December 15, 2020.



HB1570 HD1 SD1 Ban Flavored E-Cigarettes

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, Apr 1, 2022, 10:00 : Videoconference

HSAC Comments HB1570 HD1 SD1:

GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.

HSAC Supports the Amendments to the Bill to be more like the Original

- The intent of HB1570 is to protect our youth from a lifelong addiction and curb the vaping epidemic among Hawai'i's youth.
- This version of HB1570 is driven by proven policies to restrict the use of strategies to attract youth use.

Reasons for a Bill to Restrict Youth Use

Flavored tobacco targets youth and 95% of smokers start before legal age for smoking:

- Vaping increased 900% among high school students from 2011 to 2015.¹
- The Surgeon General's report details the harmful effects of e-cigarettes and gives a call for from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping our patients safe from tobacco products.²
- Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.

¹ American Academy of Pediatrics: 2016 <https://www.aap.org/en/news-room/aap-voices/protecting-children-from-the-dangers-of-e-cigarettes/> Site is linked to federal agency: National Institute of Drug Abuse

² Surgeon General's Advisory on E-cigarettes Use Among Youth: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

- The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns to make the products more appealing to young people, as referred in the Surgeon General's report.
- The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.
- Banning the sale of flavored tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern.

We appreciate the opportunity to provide testimony and are available for questions.



TO: The Honorable Rosalyn Baker, Chair
The Honorable Stanley Chang, Vice Chair
Senate Committee on Commerce and Consumer Protection

The Honorable Donovan Dela Cruz, Chair
The Honorable Gilbert Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

FROM: Philip Bossert, Executive Director
Hawaii Association of Independent Schools

RE: **HB 1570 HD1 SD1 – RELATING TO THE YOUTH VAPING EPIDEMIC –
IN SUPPORT**

DATE: Friday, April 1, 2022
10:00 a.m.; via Videoconference

Aloha Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran and Members of the Committees:

My name is Philip Bossert, and I am the Executive Director of the Hawaii Association of Independent Schools.

The Hawaii Association of Independent Schools (HAIS) strongly supports HB 1570 HD1 SD1.

HAIS is a membership organization that currently represents as members 100 of Hawaii's independent K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 112 private K-12 schools in the State.

Approximately 35,000 children attend Hawaii's private and parochial schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic sweeping the country. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support HB 1570 HD1 SD1 because, in banning the sale of flavored tobacco products – including menthol-flavored tobacco products – and increasing the penalties for the purchase of e-cigarettes by persons under the age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students and help to protect the current and future generations of Hawaii's citizens.

Thank you for the opportunity to submit testimony.

Jamil Folio
The Man Cave
1993 S. Kihei Rd Suite 18
Kihei, Hawaii 96733



Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not be necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

To our Distinguished Legislators:

My name is Jamil Folio, I am the Administrative Manager for "The Man Cave" retail business in Kihei, Hawaii. I am a property owner, father of young children, concerned citizen and a small business advocate who is proud to call Maui my home.

I am writing in **STRONG support** of comprehensive tobacco regulations, and especially banning flavored tobacco products and treating vaping products like other tobacco products. We sell tobacco products in our store, and understand the trepidation of other business owners/operators concerning potential lost revenue. BUT, we cannot jeopardize the health of our youth and our community by focusing on short term profit.

An alarming number of Maui County high school students, over 30%, are currently using e-cigarettes, while less than 5% of adults in Hawai'i are current users. These products are proving to be dangerous in themselves. A good portion of them will go on to use combustible tobacco products, which are the leading cause of preventable death and disease in the United States. Children are 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

21,000 children under the age of 18 currently living in Hawaii will die prematurely from smoking. If you could please read the previous sentence one more time. Then consider the financial cost associated with long term cancer and end of life care. Any lost short term revenue from banning the sales of flavored tobacco products is a minor rounding error in the long term costs associated with cancer for tens of thousands of Hawaii's citizens.

We are not talking about the rights adults have to make informed discussions. We are talking about middle school children being hooked on bubble gum, cotton candy, and Pipeline POG flavored addiction. And that is what is being sold: addiction. This is a tried and true campaign of influence from tobacco companies who have been marketing to children for decades (as proven in their own internal documents multiple times).

In fact, the same documents show that tobacco companies have targeted minority groups like African Americans and Native Hawaiians even more so than other groups, which is evidenced by the fact that over 40% of Maui County Native Hawaiian high school students are using e-cigarettes.

If our solution is to arrest and fine kids for being caught with these products, then more Native Hawaiian youth are going to end up criminalized for their addiction than other youth. This is a social justice issue that can't be ignored. Don't hold kids responsible for the industry's insidious manipulation. Hold the industry accountable, as they should be.

I also ask that you be sure to include menthol in order for this to be a comprehensive ban on flavored tobacco products. Menthol masks harshness, making it easier to start and harder to quit. Mint and menthol have historically been used to target youth and minority populations for the

industry's profit. In fact, 78 percent of Native Hawaiian smokers smoke menthol cigarettes. This is a social justice issue that needs to be addressed here in Hawaii.

For every potential sale that would be lost, a life might be saved. So please represent your constituents, our community, and our island ohana by doing the right thing. No child or adult needs candy flavored cancer causing products.

Thank you for your time.

Jamil Folio



335 Hoohana St. Unit F
Kahului, HI 96732
Ph: (808) 446-2032
Fax: (833) 565-3144

Aloha Members of the Committee,

Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not be necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

Pediatric Therapies Hawai'i is a non-profit on the island of Maui specializing in the diagnosis, treatment, and management of infants, children, and adolescents with a variety of congenital, developmental, neuromuscular, skeletal, or acquired disorders/diseases. We strongly support a flavored tobacco ban to help protect the health of our community, our keiki, and the future of the children we serve.

Health disparities and inequities are a real issue for the people of Hawai'i, and we understand that the tobacco industry takes advantage of youth and people of color, especially through marketing of menthol products. We ask that you please ban all flavored tobacco products, including menthol, to help protect the families we serve.

Thank you for hearing this bill, and we hope that you will pass it through committee today.

Mahalo nui loa,

Pediatric Therapies Hawai'i



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senate Committees on Commerce and Consumer Protection and on Ways and Means

Re: **HB 1570, HD1, SD1 – Relating to the Youth Vaping Epidemic**
Hawai'i State Capitol, Conference, Room 211 & Videoconference
April 1, 2022, 10:00 AM

Dear Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT with SUGGESTED AMENDMENTS to HB 1570, HD1, SD1, relating to the youth vaping epidemic. This bill would ban the sale of flavored tobacco products and mislabeled e-liquid products as well as establish fines.

Hawai'i's youth report some of the highest e-cigarette use rates in the nation. In 2020, the Centers for Disease Control and Prevention (CDC) announced that nearly half (48.3 percent) of Hawai'i high school students and 3 in 10 (30.6 percent) of middle school students have ever tried e-cigarettes.¹

Tobacco use is also a health equity and social justice issue. According to the CDC,² while approximately 3 in 10 (31 percent) of Hawai'i high school students and nearly 2 in 10 (18 percent) of Hawaii middle schoolers are current e-cigarette users, for Native Hawaiian and Pacific Island youth these numbers climb to 4 in 10 (40 percent) for high school and 3 in 10 (30 percent) for middle school students.

Flavors in tobacco entice keiki to get hooked on nicotine. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019.³ Ending the sale of flavored tobacco products will reduce the appeal of these products to our children and youth.

Hawai'i needs to take action to tackle our growing youth vaping epidemic. This bill would be an important start. However, we are concerned that about an exemption from the ban that could greatly undermine its effectiveness. Therefore, **we respectfully request that the exemption for flavored tobacco products with pre-market tobacco application authorizations be removed from this bill.**

Mahalo for the opportunity to provide this testimony. Please pass this bill with our suggested amendment.

Thank you,
Nicole Woo
Director of Research and Economic Policy

¹ <https://www.lung.org/media/press-releases/hawaii-vaping-rates>

² <https://www.cdc.gov/healthyyouth/data/yrebs/index.htm>

³ https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm



Kaho'omiki

Hawai'i Council on Physical Activity & Nutrition

March 30, 2022

To: Chair Rosalyn Baker
Vice Chair Stanley Chang
Senate Committee on Commerce and
Consumer Protection

Chair Donovan Dela Cruz
Vice Chair Gilbert Keith-Agaran
Senate Committee on Ways and Means

Re: **Strong Support** for **HB1570, HD1, SD1**

Thank you for your dedication to our community and for this opportunity to provide testimony in **strong support** of **HB1570, HD1, SD1**.

Kaho'omiki, the Hawaii Council on Physical Activity and Nutrition, is a local nonprofit that supports and encourages lifelong healthy lifestyles and closely works with organizations across the state to better the lives of youth. Annually, we provide programs and events for over 15,000 youth and families across the State of Hawaii.

The evidence is clear—ESD use by youth is on an upward trend in Hawaii, and overwhelming data from local and national sources, including the Centers for Disease Control and Prevention (CDC), cite numerous safety and public health concerns with its use. The CDC notes that “young people who use e-cigarettes may be more likely to smoke cigarettes in the future.” We also know that flavored products target kids and lead to an increased use—in 2018, there was a 78% increase in youth vaping, a majority of which involved flavored products, and even higher increases in Hawaii. We must take a stand against this critical public health epidemic for the benefit of our most vulnerable populations.

While we need to address the youth vaping epidemic as soon as possible, we also need to do it correctly. Therefore, we strongly request an amendment to end the sale of all flavors in all tobacco products in Hawaii, both now and in the future.

Thank you for this opportunity to testify in **strong support** of **HB1570, HD1, SD1**.

Sincerely,

Colby Takeda, MBA, MPH
President & Board Chair



Hawaii COPD Coalition
700 Richards St., Suite 2410
Honolulu, HI 96813
hicopd@gmail.com
(808)699-9839

March 30, 2022

Honorable Chairs Senator Rosalyn Baker and Donovan Dela Cruz
Honorable Vice-Chairs Senator Stanley Chang and Gilbert S C Keith-Agaran
Members of the Senate Commerce and Consumer Protection and Ways & Means Committees

RE: Strong Support for HB1570, HD1, SD1, WITH Amendments, Relating to Tobacco Products (ban flavored nicotine)

Dear Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and members of the Commerce and Consumer Protection and Ways & Means Committees,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please amend the bill HB1570, HD1 to return to the original form of the bill**, which will ban the sale of **ALL** flavored nicotine products and mislabeled e-liquid products without adding a lot of confusing verbiage that will leave loopholes and exemptions and confusion. ***Our state has full authority to end the sale of all flavored tobacco products in Hawaii, including menthol.***

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers and requiring support from society than they or any of us would like.

Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and on in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019! Of these youth, 8 in 10 youth currently using e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

While we are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain.

Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs) at www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs.

Flavors in tobacco and nicotine products entice youth, while the nicotine keeps them hooked for life. ***Our organization is daily working to help those whose lungs have been ruined by exposure to smoke and we are trying to reduce our numbers, NOT increase them.***

Menthol is at least as harmful as other tobacco and nicotine flavors. It is known for its ability to mask the harshness of tobacco and makes using nicotine easier to start and harder to quit. If our aim is to protect our vulnerable keiki and reduce the burden of tobacco in our communities, menthol MUST be included. In Hawaii 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among youth.

Ending the sale of all flavored tobacco and nicotine will advance health equity—disparities in tobacco use are due to the tobacco industry’s history of marketing menthol tobacco products to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Island smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among youth.

The March 2021 Tobacconomics Fact Sheet estimates that more than 3,000 smokers (5.6% of menthol smokers) would quit when flavored and menthol products are banned. Additionally, the fact sheet estimates 700 premature smoking-caused deaths will be avoided. Additionally, fewer youth will be initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing kids in Hawaii from becoming addicted smokers would secure millions of dollars in future health cost savings.

The many amendments in HD1 of the bill have removed the five page rationale for the bill and imposed numerous requirements on the Departments of Health, Attorney General and Education. The amendments are not evidence-based and DO NOT align with the original intent of the bill (which was also removed when the 5-page preamble was inexplicably removed) and may make the bill unconstitutional as well.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please **amend HB1570, HD1, SD1 to return to the original form of the bill, and pass it out of committee so it can become law as it was originally drafted, banning sale of ALL flavored tobacco, with NO exemptions and NO loopholes.** The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang
Executive Director



ALA MOANA-KAKA'AKO NEIGHBORHOOD BOARD NO. 11

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

March 30, 2022

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Senate Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

Dear Chair Baker, Chair Dela Cruz, and Committee Members,

Re: Support for HB 1570, HD1, SD1 Relating to the Youth Vaping Epidemic

At its February 22, 2022 meeting, the Ala Moana-Kaka'ako Neighborhood Board No. 11 ("the Board") formally recognized the need to end the youth vaping crisis and reduce the negative health impact made by e-cigarettes and other emerging tobacco products. The Board supports the regulation of e-cigarettes in the same manner as other tobacco products; and urges the Legislature to amend HRS Chapter 28-328J to allow counties to create policies develop ordinances that regulate the sale of tobacco products, including electronic smoking devices. A copy of the adopted resolution is enclosed.

If you have any further questions, please contact our Neighborhood Board Assistant, Mr. Spencer Johnson at Spencer.Johnson@honolulu.gov.

Mahalo for your consideration and support of the community in this matter.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Ryan Tam", with a long horizontal flourish extending to the right.

Ryan Tam
Chair, Ala Moana-Kaka'ako Neighborhood Board No. 11

Enclosure



ALA MOANA-KAKA'AKO NEIGHBORHOOD BOARD NO. 11

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

RESOLUTION SUPPORTING COMPREHENSIVE TOBACCO REGULATIONS
AND END THE EPIDEMIC OF YOUTH E-CIGARETTE USE

WHEREAS, tobacco use remains the leading cause of preventable disease and death in the United States and in Hawai'i, where \$526,000,000 in annual health care costs are directly attributed to tobacco use in the State; and

WHEREAS, there has been an alarming increase in the use of electronic smoking devices (ESDs) or e-cigarettes by Hawai'i's youth, with eighteen per cent of middle school and thirty-one per cent of Hawai'i public high school students reporting using an ESD in the last 30 days in 2019; and

WHEREAS, the over 15,500 e-cigarette flavors are driving the surge in youth e-cigarette use, with eight in ten youth who use tobacco reporting that they started with a flavored product; and

WHEREAS, according to Nielsen data, in 2018 the top 25 e-cigarette manufacturers brought in more than \$2.5 billion in sales with 96% of these sales were from brands owned in whole or part by Big Tobacco; and

WHEREAS, the tobacco industry spends an estimated \$26 million on marketing in Hawai'i each year, triple the amount Hawai'i spends annually on tobacco prevention and control programs; and

WHEREAS, comprehensive tobacco regulations and robust tobacco prevention and cessation programs have led to historic declines in combustible cigarette use over the last decade,

WHEREAS, in 2018 the U.S. Surgeon General Jerome Adams issued an advisory and call to action for all local and state government to enact policies on the regulation, sale, marketing, and access to flavors that would protect our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use; and

WHEREAS, only the Hawai'i State Legislature has the authority to enact comprehensive regulations on the sale of electronic smoking devices, as the counties are preempted from passing local level policies due to Act 206 (2018); and now, therefore,

BE IT RESOLVED that the Ala Moana-Kaka'ako Neighborhood Board No. 11 ("the Board") recognizes the need to end the youth vaping crisis and reduce the negative health impact made by e-cigarettes and other emerging tobacco products; and

BE IT RESOLVED that the Board supports the regulation of e-cigarettes in the same manner as other tobacco products; and

BE IT RESOLVED that the Board urges the Legislature to amend HRS Chapter 28-328J to allow counties to create policies and develop ordinances that regulate the sale of tobacco products, including electronic smoking devices; and

BE IT FINALLY RESOLVED that copies of this resolution are transmitted to appropriate officials.

ADOPTED by the Ala Moana-Kaka'ako Neighborhood Board No. 11 at its regular meeting on Tuesday, February 22, 2022, by a vote of 9-1-0.



RYAN TAM, Chair



April 1, 2022

Testimony on Hawaii's HB 1570 - "Relating to the Youth Vaping Epidemic"

Dear Chairs and Members of the Commerce and Consumer Protection and Ways And Means Committees,

My name is Elizabeth Hicks, I'm the US Affairs Analyst at the global consumer advocacy group called the Consumer Choice Center.

Simply put, HB 1570 will do more harm than good if passed. Enacting a flavor ban for vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that studies have shown vaping to be 95% less harmful than smoking, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Hawaii.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a healthier alternative to combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ years in age and started vaping as a means to quit smoking cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually.

Additionally, if a flavor ban is enacted in Hawaii, then consumers will likely look towards the black market in order to get access to their preferred flavored vaping products. This presents serious concerns for Hawaiian public health as vapers will be purchasing unregulated products that could be extremely dangerous to their health. For perspective, Massachusetts enacted a ban on flavored vaping products in 2019 and the [results have been disastrous](#). Since the ban, there has been a massive influx of interstate smuggling of tobacco products which has resulted in a thriving black market, lost tax revenue for the state, and criminalization of adult consumers who are just trying to make the healthier choice. I urge Hawaiian legislators to learn from these failed policies and ensure that Hawaii doesn't suffer a similar result.

In addition to endangering public health, pushing consumers to the black market through a flavor ban will also be to the detriment of many vape shops throughout the state as many of their products will no longer be available. After already suffering through the economic hardships of the pandemic, this bill could effectively kill many of these small businesses already struggling to stay afloat.

Although this bill is certainly well-intentioned, the proposed flavor ban is simply misguided. If this committee wishes to protect public health, small businesses throughout the state, and consumer choice within Hawaii then I strongly encourage you to reject this bill.



Thank you for your time and attention to this matter.

Sincerely,

Elizabeth Hicks
US Affairs Analyst
Consumer Choice Center
elizabeth@consumerchoicecenter.org





March 31 2022

To: Hawaii House Health, Human Services, and Homelessness Committee and Hawaii House Ways and Means Committee
From: Americans for Tax Reform

Dear Representative,

On behalf of Americans for Tax Reform (ATR), a non-profit organization which advocates in the interests of taxpayers and consumers throughout the United States, I urge you to reject HB 1570, misguided legislation which seeks to restrict access to lifesaving reduced risk tobacco alternatives such as electronic cigarettes through flavor bans proven critical to the process of helping adults quit smoking. **The evidence clearly demonstrates that if enacted, this bill would have a disastrous impact upon not only businesses, but public health throughout the State, and lead to a clear increase in tobacco-related mortality.**

ATR further submits that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses, at a time when they can afford it least. **It would kill thousands of jobs and would cost business owners their livelihood. SB 1570's total economic cost would be devastating.**

Studies have repeatedly shown that flavors, which SB 1570 would prohibit, are critical to helping adult smokers make the switch to vaping. Adults who use flavored vapor products are **43% more likely to quit smoking** than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health.

Further, bans on flavored vaping products are shown to cause increased youth cigarette smoking. A [study](#) from Dr. Abigail Friedman at the Yale School of Public Health found that **when San Francisco imposed a flavor ban in 2018, youth smoking doubled.** Before San Francisco's flavor ban, the city had lower youth smoking rates than comparable counties like New York and Los Angeles. **After the flavor ban, San Francisco's youth smoking rate rose to 6.2% while comparable districts had an average rate of 2.8%.**

Additionally, Value in Health Journal - a [publication](#) from the Professional Society for Health Economics and Outcomes Research – found that e-cigarette flavor bans directly lead to increased sale and use of traditional cigarettes. In all cases where reduced-risk tobacco alternatives are banned or restricted, progress made in the fight to lower smoking rates is reversed. Existing data proves that the proposals being discussed will have a deleterious effect on public health.

Contrary to the claims of anti-vaping advocates, flavors play no role in youth uptake of vaping. Academic studies have found that teenage non-smokers “willingness to try plain versus flavored varieties did not differ” and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. National Youth Tobacco Survey results have shown [no increase in nicotine dependency](#) among youths since flavored products entered the market.

722 12th Street N.W.

Fourth Floor

Washington, D.C.

20005

T:(202)785-0266

F:(202)785-0261

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These bans may therefore increase youth smoking in the state: a [study](#) from the University of East Anglia debunked the claims that flavored e-cigarettes lead to an increase in youth smoking rates. In fact, evidence suggests that reduced regulation on vapor products causes the rate of youth cigarette use to decline. Flavored vapes give already addicted youths a much less harmful alternative to combustible tobacco products and increases their odds of quitting entirely over the long-term.

Along with the flavor bans imposed on reduced risk tobacco alternatives, SB 1570 extends flavor prohibition to menthol cigarettes and other conventional tobacco products. Like bans on flavors in reduced risk tobacco alternatives, these would also come with significant negative consequences for the state, with no evidence whatsoever that they have any effect in reducing smoking rates. To the contrary, real-world evidence from Massachusetts demonstrates that such bans are counterproductive and come at significant cost.

Since Massachusetts implemented a ban on all flavored tobacco products in the middle of 2020, cross-border purchases and the creation of a booming black market have more than made up a decline in sales in the Commonwealth. In the first six months since the ban was enacted, Massachusetts retailers have sold 17.7 million fewer cigarette packets compared to the same six months in the prior year, while neighboring Rhode Island and New Hampshire have combined to sell 18.9 million more as Massachusetts residents stocked up across state lines. The loss to the state, already amid a fiscal crisis brought on by the Covid-19 pandemic, has thus far been a [staggering \\$73,008,000](#).

While the states of Rhode Island and New Hampshire have been some of the biggest beneficiaries of Massachusetts' ban, collecting close to \$50 million in additional revenue, criminal syndicates have also benefited. Contrary to popular belief that tobacco smuggling is a victimless crime consisting of someone purchasing a few extra cartons across state lines, in reality most tobacco smuggling is run by multi-million-dollar organized crime syndicates. **These networks, who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a "[threat to national security](#)".**

Paradoxically these bans may therefore increase youth smoking in the state: By definition, criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

Prohibitions on menthol-flavored cigarettes will disproportionately impact minority populations and communities of color. Banning menthol cigarettes will also significantly increase the policing of minority communities and lead to a rise in negative interactions between law enforcement and people of color. This proposal prioritizes criminalization over harm reduction and public health and will ensure that people of color will disproportionately suffer from the enforcement of SB 1570.

Civil liberty organizations such as the American Civil Liberties Union (ACLU), the Law Enforcement Action Partnership, and the Drug Policy Alliance are all [opposed](#) to bans on menthol and other flavored tobacco products for these same reasons. Further, law enforcement officials [overwhelmingly](#) oppose a menthol ban because it will spur smuggling, counterfeit cigarettes, and increase organized crime.

About E-Cigarettes and Vapor Products:

- Traditional combustible tobacco remains one of the leading preventable causes of death in Hawaii. **The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine.** While highly addictive, nicotine is a benign substance like caffeine and nicotine use “does not result in clinically significant short- or long-term harms”.
- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. In recent years, advancements in technology have created a more effective alternative: **vapor products and e-cigarettes. These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.**
- The [CDC](#) has found that only 3.1% of youths use e-cigarettes daily, disproving the myth of an ongoing “youth vaping epidemic.”

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been [proven to be at least 95% safer](#) than combustible cigarettes. A comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.
- E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. According to one [study](#), a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. **Due to increased access to vaping, the U.S. adult smoking rate has plummeted to 13.7% as of 2018.**
- A new [analysis](#) this year by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- Value in Health Journal [found](#) that legislative actions banning flavored electronic cigarettes are **directly correlated** with increased traditional cigarette sales

- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. Another new study demonstrated that high-strength electronic nicotine products are [particularly helpful](#) for smokers with mental health issues quit smoking, like people with schizophrenia who smoke at rates more than three times the national average. Some 40% of participants had stopped smoking traditional cigarettes by the end of 12 weeks and researchers observed an overall, sustained 50% reduction in smoking or complete smoking abstinence in 92.5% of participants at the end of 12 weeks. **XXX will have a tremendously negative impact on public health and would fail to decrease socioeconomic disparities by reducing adult access to products shown to improve public health.**
- A large-scale [analysis](#) from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if a majority of cigarette smokers switched to vaping. **This would save more than 29,000 lives in Hawaii.**

For the reasons outlined above, in the interests of public health, protecting the Hawaiian economy, and the spread of smuggling cartels, we call upon you to **accept the science and vote against SB 1570**. Tens of thousands of lives depend upon it.

Sincerely,

Tim Andrews
Director of Consumer Issues
Americans for Tax Reform



April 1, 2022

10:00 am, Conference Room 211 & Videoconference

COMMITTEE ON COMMERCE & CONSUMER PROTECTION

To: Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS & MEANS

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Testimony in SUPPORT of HB 1570 RELATING TO THE YOUTH VAPING EPIDEMIC

My name is Lisa Dau representing Keiki Injury Prevention Coalition (KIPC), a non-profit organization dedicated to reducing childhood injuries. KIPC SUPPORTS HB 1570, which addresses the youth vaping epidemic by prohibiting the sale of flavored tobacco and synthetic nicotine products, and we request amendments to prohibit the sale of ALL flavored tobacco products in Hawai'i.

Tobacco flavors entice young people, but nicotine keeps them hooked for life. In 2020, eight out of ten young people who use e-cigarettes reported using a flavored product, up from seven out of ten in 2019. (From the National Youth Tobacco Survey.) Stopping the sale of flavored tobacco products reduces their appeal and protects our children from a lifetime of addiction.

Menthol is as dangerous as, if not more dangerous than, any other tobacco flavor. Menthol is well known for masking the harshness of tobacco, making it easier to start and more difficult to quit. Menthol must be included if we are to protect our keiki and reduce the burden of tobacco in our communities.

The tobacco industry has a history of marketing menthol cigarettes to adolescents and people of color, which has contributed to tobacco use inequities. Ending the sale of all flavored tobacco will improve health equality. In Hawai'i, 78 percent of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawaii BRFSS, 2008). Mint and menthol flavored e-cigarettes are among the most popular flavors among teenagers.

KIPC supports HB 1570 and requests the amendments to prohibit all flavored tobacco products now and in the future. We may be able to mitigate the harm caused by tobacco and vaping companies if the goods lose their appeal, become more difficult to obtain, and our children are better educated about the health risks of using these products.

Thank you,

Lisa Dau, RN, MBA, BSN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition



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Paul Oliveira

Maui Oil Company, Inc.

Steve Wetter

Hawaii Petroleum, LLC

Testimony of Eric Wright

President of the Hawaii Petroleum Marketers Association (HPMA)

HB 1570 HD 1 SD 1- RELATING TO THE YOUTH VAPING EPIDEMIC COMMENTS, WITH AMENDMENTS

Senate Committee on Commerce and Consumer Affairs
The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair

Senate Committee on Ways and Means
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

Friday, April 1, 2022; 10:00 a.m.
Conference Room 211 & Videoconference

Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and members of the Committees:

I am Eric Wright, president of the Hawaii Petroleum Marketers Association (HPMA). HPMA is a nonprofit trade association comprised of members who market motor fuel products across Hawaii.

HPMA supports strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we oppose provisions in HB 1570 HD 1 SD 1 that prohibit the sale, distribution and marketing of all flavored tobacco products, including menthol and mentholated products.

We are also concerned that granting individual counties the ability to pass ordinances that are stricter than State law may result in varying restrictions from county to county that make compliance for retailers difficult. Having a uniform statewide law is preferred.

Therefore, HPMA respectfully requests your consideration of the following amendments which continue to align the intent of the measure to steer our youths away from vaping while enforcing existing laws on product access.

1. **Delete** (6) on page 8, lines 7 – 13; and
2. **Amend**, page 11, lines 5 – 15, “tobacco product” means any tobacco product that imparts a characterizing flavor, **except for menthol or mentholated products and all smokeless tobacco products that are flavored.**

Additionally, smokeless tobacco products include snuff and chewing tobacco, most of which are flavored beyond menthol and are labeled and marketed toward a narrow set of adult users.

Thank you for the opportunity to submit written testimony with amendments and we ask for your favorable consideration.

March 31, 2022

TO: Rosalyn H. Baker, Chair
Stanley Ching, Vice Chair
Members of the Senate Committee on Commerce and Consumer
Protection

Donovan M. Dela Cruz, Chair
Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

FROM: Cigar Association of America, Inc.
(William Goo)

RE: **HB 1570 HD1 SD1** - Relating to the Youth Vaping Epidemic
Hearing Date: April 1, 2022
Time: 10:00 am

CAA **opposes HB 1570 HD1 SD1** which seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the rising use of flavored tobacco products by youth in Hawaii with respect to electronic smoking devices. Cigars are the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars.

The banning of cigars and other flavored tobacco products also appear to be beyond the scope of the title of this measure entitled "Relating to the Youth Vaping Epidemic" and hence, could be subject to constitutional challenge.

Thank you for considering this testimony.



American Cancer Society
Cancer Action Network
2370 Nuʻuanu Avenue
Honolulu, HI 96817
808.460.6109
www.fightcancer.org

Senate Committee on Consumer Protection and Committee on Ways and Means
Chair Rosalyn Baker, Committee on Consumer Protection
Chair Donovan Dela Cruz, Committee on Ways and Means

Hearing Date: April 1, 2022

ACS CAN OPPOSES UNLESS AMENDED HB 1570 HD1 SD1 – RELATING TO THE YOUTH VAPING EPIDEMIC

Cynthia Au, Government Relations Director – Hawaii Guam
American Cancer Society Cancer Action Network

Thank you for the opportunity to **OPPOSE UNLESS AMENDED**, HB1570 HD1 SD1: Relating to the Youth Vaping Epidemic. As it is written, HB1570 HD1 SD1 would exempt a broad range of FDA authorized flavored tobacco products currently being sold in the market and future authorized flavored tobacco products leading to unintended consequences that would negatively impact the health outcomes of the public including youth. We recommend the bill to be amended by striking on page 10 starting from “but” on line 11 and all of lines 12-15.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support fact-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports policies that would end the sale of ALL flavored tobacco products including menthol flavors sold at all retailers. We support any and all efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit.

ACS CAN, with its tobacco control partners, has opposed the existing and proposed modified risk marketing orders authorized by Food and Drug Administration (FDA). The applications to FDA to date have been insufficient in proving that the products as used by consumers would lead to a reduction in risk. In addition, all the applications have lacked any information on the impact on youth – which is required under the law. In addition, local and state governments should not exempt products that have received a marketing order from their tobacco control laws, nor tax them at lower rates than cigarettes and other tobacco products. ACS CAN will continue to comment on these applications and urge FDA to deny any applications that are incomplete and do not meet the standard required by the Tobacco Control Act.

As such, ACS CAN opposes the language found on page 10, lines 11-15 starting from “but” should be struck:

~~"Flavored tobacco product" means any tobacco product that contains a constituent that imparts a characterizing flavor, but does not include any product that has received a marketing order or other authorization [from] the United States Food and Drug Administration pursuant to title 21[,] United States Code section 387j.~~

This language does not conform to the language found on page 10, lines 10 - 11, of Senate Bill No. 3118, Senate Draft 2. The new language appears to exempt "any product that has received a marketing order or other authorization [from] the United States Food and Drug Administration pursuant to title 21[,] United States Code[,] section 387j".

The definition of "Flavored tobacco product" in House Bill No. 1570 House Draft 1 Senate Draft 1 allows a very broad exemption to flavored tobacco products currently sold to the public and for future tobacco flavored products including e-cigarettes and electronic smoking devices that may be authorized by the FDA. Because the exemption would apply to any product that has received authorization from the FDA, under this exemption, all tobacco products that are currently being sold in the market would be exempted from this bill.

Here are a few examples of current FDA approved products that have received "marketing orders" or other authorization that would be exempted in the bill:

- Cigarettes: Marlboro Menthol Blue Pack Box ⁱ
- Smokeless Tobacco: Grizzly Long Cut Mint (Smokeless Tobacco) ⁱⁱ
- Smokeless Tobacco: Al Fakher Rose Flavour 1000 grams ⁱⁱⁱ
- Cigars: Cheyenne Cigars Peach ^{iv}
- Electronic Nicotine Delivery Systems: Vuse Replacement Cartridge Original 4.8% G1 ^v
- Electronic Nicotine Delivery Systems: Logic Vapeleaf Tobacco Vapor System ^{vi}

As written, the bill would not accomplish what it is aiming to do, which is to protect youth from flavored tobacco products by exempting authorized flavored tobacco products and future products yet to be reviewed by the FDA. If the intention of the legislature is to narrow the scope of the bill to only apply to products that are currently not authorized by the FDA such as certain electronic cigarettes and electronic smoking devices, amending the bill to specifically prohibit those products would be clearer and more transparent. As presently written, however, the public has been led to believe that this bill would "ban all flavored tobacco products," when it does not.

We strongly urge you to end the sale of all menthol cigarettes and all other flavored tobacco products by amending this bill by striking language on page 10 starting from "but" on line 11 and all of lines 12-15. Thank you for the opportunity to comment on this matter. Should you have any questions, please do not hesitate to contact Cynthia Au at 808.460.6109, or Cynthia.Au@cancer.org.

ⁱ U.S. Food and Drug Administration. <https://www.fda.gov/tobacco-products/substantial-equivalence/marketing-orders-se>

ⁱⁱ U.S. Food and Drug Administration. <https://www.fda.gov/tobacco-products/substantial-equivalence/marketing-orders-se>

ⁱⁱⁱ U.S. Food and Drug Administration. <https://www.fda.gov/tobacco-products/exemption-substantial-equivalence/marketing-orders-exemption-se>

^{iv} U.S. Food and Drug Administration. <https://www.fda.gov/tobacco-products/exemption-substantial-equivalence/marketing-orders-exemption-se>

^v U.S. Food and Drug Administration. <https://www.fda.gov/tobacco-products/premarket-tobacco-product-applications/premarket-tobacco-product-marketing-granted-orders>

^{vi} U.S. Food and Drug Administration. <https://www.fda.gov/tobacco-products/premarket-tobacco-product-applications/premarket-tobacco-product-marketing-granted-orders>

HB-1570-SD-1

Submitted on: 3/31/2022 9:01:17 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bill Villa	Testifying for Hawaii Interscholastic Athletic Directors Associat	Support	Written Testimony Only

Comments:

As the Executive Director for the Hawaii Interscholastic Athletic Association, our members (high and middle school athletic directors) are in support of HB1570. The students we serve in interscholastic athletics in the education system are one of the target audiences by the tobacco industry to attract students to utilize their product using flavored tobacco. In our profession, we encourage good health, fitness, academics, citizenship, diversity, teamwork, leadership and more as pieces of development of our student-athletes as they go through middle and high school years. The use of tobacco is contrary to our belief in establishing good health habits in our youngsters. Peer pressure just in itself can be difficult for students to overcome. Flavored tobacco we believe is an enticement for youngsters to experiment. Let's not provide avenues for this to happen. We need help in combatting this challenge and especially in the middle and high school levels and we don't want to see it trickle to the elementary school ages. We urge you to support HB1570.

Mahalo,

Bill Villa, Executive Director

Hawaii Interscholastic Athletic Directors Association (HIADA)



Hawaii Dental Association

To: Senate Committees on Commerce & Consumer Protection and Ways & Means
Time/Date: 10:00 a.m., April 1, 2022
Location: State Capitol and via Videoconference
Re: HB 1570, HD1, SD1, Relating to the Youth Vaping Epidemic

Aloha Chairs Baker and Dela Cruz, Vice-Chairs Chang and Keith-Agaran, and members of the committees:

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 1570, HD1, SD1**, relating to the youth vaping epidemic. This bill bans the sale of flavored tobacco and synthetic nicotine products and, among other provisions, prohibits mislabeling of e-liquid products containing nicotine.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. Tobacco use is causally associated with higher rates of tooth decay, receding gums, periodontal disease, mucosal lesions, bone damage, tooth loss, jawbone loss and more. That is why the Hawaii Dental Association, like the American Dental Association, is working with dentists, educators, public health officials, lawmakers, and the public to prevent and, hopefully, eliminate the use of all tobacco products. HDA supports regulatory and legislative action to ban the sale and distribution of all e-cigarette and vaping products, with the exception of those approved by the FDA for tobacco cessation purposes and made available by prescription only. We will continue to support legislation aimed at enhancing and promoting oral health.

HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

Mahalo for the opportunity to testify in support of HB 1570, HD1, SD1.



ALOHACARE

Date: April 1, 2022

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice-Chair
Senate Committee on Commerce and Consumer Protection

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means

From: Peggy Mierzwa, Community & Government Relations

RE: **HB1570 HD1 SD1** Relating to the Youth Vaping Epidemic- Comments

AlohaCare appreciates the opportunity to provide testimony on HB1570 HD1 SD1. We appreciate the work that has been done on this measure in the SD1. In its current state, this measure exempts products authorized under the FDA's premarket tobacco application process. HB1570 was written to end the sale of all flavored tobacco products, including menthol cigarettes and other current or future synthetic nicotine products in Hawai'i. To address the youth use, it all also subjected synthetic nicotine and heated tobacco products to age restriction.

Founded in 1994, AlohaCare is a community-rooted, non-profit health plan serving 80,000 Medicaid and dual-eligible health plan members on all islands. It is the only state health plan exclusively serving Medicaid patients. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating access to quality health care for all. We believe that health is about supporting whole-person care, including access to housing and food security, to build a stronger, healthier Hawai'i.

Flavored tobacco products, including flavored vaping products are designed and marketed to entice youth. There are no consumer protections in place to address this tactic by the tobacco companies. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product.ⁱ Hawai'i is experiencing a youth vaping epidemic. Children are targeted before the age of 18 to create lifelong addicts, whom become lifelong tobacco consumers. The use of flavors in products is a technique to hook kids, so they will buy products.

AlohaCare applauds the work that these Committees have done to improve tobacco regulation and to the address the health of Hawai'i's communities. We respectfully request you continue to do this important work by ensuring the permanent end of all flavored tobacco including menthol. Youth are attracted to the many fruit flavors that are combined with menthol flavoring to create flavors such as "Raspberry Ice". Alone, menthol has been used to mask the harshness of tobacco in traditional cigarettes, making it easier to start and harder to quit. Here in Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers smoke menthol cigarettes compared to 42% of White smokersⁱⁱ.

Hawai'i has the opportunity to exercise its full authority to end the sale of flavored tobacco products in our state without providing tobacco companies exemptions or loopholes. The FDA has allowed menthol cigarettes to remain on the market for years knowing that menthol is used to target youth, people of color and other marginalized communities.

We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations found on page 10, lines 12-15.

Thank you for this opportunity to provide comments on HB1570 HD1 SD1.

ⁱ https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

ⁱⁱ <https://www.hawaiiensnow.com/2021/03/08/an-effort-protect-their-future-youth-activists-call-ban-menthol-flavored-cigarettes>

1357 Kapiolani Blvd., Suite 1250, Honolulu, Hawaii 96814

Call: 973-0712 • Toll-free: 1-877-973-0712 • Fax: 808-973-0726 • www.AlohaCare.org

**OPPORTUNITY
YOUTH
ACTION HUI**

1 April 2022

Senate Committees on Commerce & Consumer Protection and Ways & Means
Hearing Time: 10:00 a.m.
Location: Virtual
Re: HB 1570, HD1, SD1, Relating to the Youth Vaping Epidemic

Aloha e Chairs Baker and Dela Cruz, Vice-Chairs Chang and Keith-Agaran, and members of the Committees:

We are writing in **strong support** of HB 1570, HD1, SD1, relating to the Youth Vaping Epidemic. This bill bans the sale of flavored tobacco products and mislabeled e-liquid products.

Eight in ten young people who use tobacco product start with a flavored tobacco product. A major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting Hawai'i youth. We support this measure.

The Opportunity Youth Action Hui is a collaboration of organizations and individual committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs.

We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

Please support HB 1570, HD1, SD1.

HB-1570-SD-1

Submitted on: 3/31/2022 9:47:18 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
shannon Berdon	Testifying for Hamakua Health Center	Support	Written Testimony Only

Comments:

I, Support HB 1570 with amendments to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them. The addictive substance of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth, that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products. **Requested Amendment:** We strongly believe that Hawai'i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.



American
Heart
Association.

American Heart Association opposition unless amended for HB 1570, HD1, SD1, “Relating to the Youth Vaping Epidemic”

Chairman of the Board

Jason Fujita

President

Michael Lui, MD

Board Members

Rick Bruno, MD, FACEP
Greg Christian
Jackie De Luz
Brandt Farias
Mimi Harris
Glen Kaneshige
Zia Khan, MD
Brandon Kurisu
Michael Rembis, FACHE
Andrew S. Rosen
Timothy Slottow
David Underriner
Jennifer Walker

The American Heart Association is opposed to HB 1570, HD1, SD1 “Relating to the Youth Vaping Epidemic” in its current form, but offer an amendment that could change our position.

The original version of HB 1570 was based on evidence-based policy aimed at restricting the use of flavors in all tobacco products as a way to eliminate one of the key tools the tobacco industry uses to attract and addict its young targets. However, one of the amendments made in the SD1 version of the bill would negate the intent of the bill by allowing hundreds of flavored tobacco products, including menthol products, to remain on the market in Hawaii which the tobacco industry could continue to use to lure our young people into addiction, and to keep adults hooked to their deadly products.

We strongly urge the deletion of the exemption phrase on page 10, lines 11-15 “but does not include any product that has received a marketing order or other authorization the United States Food and Drug Administration pursuant to title 21 United States Code section 387j.”

By September 9, 2020, all e-cigarette manufacturers were required to submit a premarket tobacco product application (PMTA) to the FDA in order to stay on the market. However, the FDA has yet to issue decisions on e-cigarette products that have the largest market shares or are most popular with kids, such as Juul, Vuse Alto, NJOY, blu, Smok and Suorin. The FDA also is still considering whether to authorize the sale of any menthol-flavored e-cigarettes. In addition, the agency has indicated that it will not prioritize enforcement against the products that remain on the market pending decisions on their applications, meaning that these products can continue to be sold for

an indefinite period. In addition, more than 40 companies have filed lawsuits challenging their marketing denial orders and the outcomes of these cases are uncertain. Hawaii should act quickly to close these gaps left by the FDA to fully protect our kids.

Proven evidence-based policy to reduce tobacco use, especially among underage users, includes consistently increasing tobacco taxes, including a tax on e-cigarettes to create parity with other tobacco taxes, to discourage use by price sensitive youths and to maintain the taxes’ effectiveness as economic inflation rises. Other evidence-based policies aimed at reducing youth tobacco use and addiction include: restricting all flavors, including

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For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

menthol, in all tobacco products; requiring licensing for all tobacco retailers and establish meaningful penalties for underage sales targeted to the retail shop owner including the potential for loss of retail license to sell tobacco products; and online sales restrictions.

Exempting Products with a Premarket Review Order from a Flavor Ban Undermines State Authority

Carving an exception to a flavor ban for products authorized for sale by FDA would surrender Hawaii's longstanding authority to determine what tobacco products are permitted to be sold to Hawaiian residents. It would allow the grant of a premarket review/PMTA order by the FDA to preempt state restrictions on

flavored products that are necessary to protect the public health, when even Congress, in enacting the Family Smoking Prevention and Tobacco Control Act, did not intend federal premarket review to have that effect. In fact, the federal statute explicitly preserves and saves from preemption state sales restrictions on tobacco products. Prohibiting the retail sale of all flavored e-cigarettes in Hawaii—even if the FDA eventually allows specific flavored products be sold in the U.S.—is not only important to preserve the Hawaii's broad legal authority, but it is also the only way to ensure the health of Hawaii residents, especially kids, is fully protected.

In September 2019, President Trump promised to clear the market of flavored e-cigarettes, but the FDA's February 2020 enforcement policy left flavored e-cigarettes widely available. While the policy restricted some flavors in pod-based e-cigarettes, it left thousands of kid-friendly e-cigarettes on the market, including flavored disposable e-cigarettes, flavored e-liquids that can be used in refillable devices, and menthol pod-based products.

The FDA stood by for more than a decade while Big Tobacco hooked a generation of kids on e-cigarettes. The FDA's February 2020 guidance and premarket review process have prioritized the e-cigarette industry over the health of America's kids, falling far short of clearing the market of flavored e-cigarettes. Urgent action is needed to reverse the youth e-cigarette epidemic and Hawaii's kids can't wait for FDA to act.

Sales and youth use data show that the FDA missed the opportunity to make far greater progress in reducing youth e-cigarette use as kids quickly migrated to the flavored products that were exempt from the policy:

- In 2021, 55.8% of high school e-cigarette users reported using disposable e-cigarettes. Among current youth users of disposable e-cigarettes, the most commonly used flavor type is fruit (78.7%), followed by candy/desserts/other sweets (32.3%).

- From February 2020 to December 26, 2021, sales of disposable e-cigarettes increased by 173.1% (from 2.8 million units to 7.6 million units). During this period, the market share of disposable devices increased from 18.8% to 35.4% of total e-cigarette sales. As of December 26, 2021, 78.7% of disposable sales were of flavors other than tobacco, mint and menthol.
- Among youth users of flavored e-cigarettes, 29% reported using menthol products, including 46% of users of flavored cartridge-based products like Juul.
- From February 2020 to December 26, 2021, monthly total sales increased by 44.9% (from 14.8 million units to 21.4 million units). During this period, sales of non-tobacco flavored e-cigarettes (mint, menthol and other flavors) increased by 61.1% (from 9.7 million to 15.7 million).
- In 2020, 80% of 10th and 12th grade e-cigarette users reported that they could still easily obtain nicotine solutions in flavors other than tobacco or menthol.

Tobacco use among kids is being driven by youth-friendly flavors like menthol, mint, fruit, and candy. According to data from Hawaii’s Youth Risk Behavior Survey (YRBS), from 2017 to 2019, e-cigarette use among Hawaii high school students increased from 25.5% to 30.6% and increased among middle school students (from 15.7% to 17.7%). The number of youths who reported smoking cigarettes or using electronic vapor products in the past 30 days also climbed alarmingly from 27.5% to 32.1%. The numbers are even higher among neighbor island youths.

Mint and menthol flavored tobacco products are heavily marketed to kids, especially those from communities of color and the LGBTQ community with products specifically designed to entice them. A 2019 Stanford study found that JUUL’s initial advertising campaigns were “patently youth-oriented.” Nearly two-thirds of high school students who use e-cigarettes use mint or menthol flavors. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products. More than half of all youth and young adult smokers smoke menthol cigarettes.

Though e-cigarettes are the most commonly used tobacco product among middle and high school students, they are also using other flavored tobacco products such as cigars, cigarettes, hookahs and chewing tobacco. The CDC’s 2019 National Youth Tobacco Survey found that nearly 1 in 3 high school students have used a tobacco product in the last 30 days.

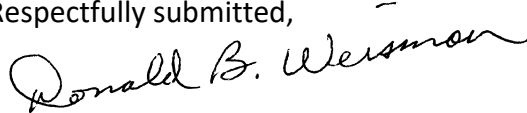
Even though e-cigarettes are often marketed as a less harmful alternative to traditional cigarettes, there’s limited evidence on the long-term health impact of their use. **What is known is that nicotine can have adverse health**

effects on kids, such as causing addiction to dangerous tobacco products, harming their brain development, and increasing the risk of heart disease. Recent studies have found that e-cigarettes decrease blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.

A comprehensive approach to **eliminating all flavors from all tobacco products is needed** so that the tobacco industry can no longer play a shell game in driving our youths from one product to another using the enticement of flavors to veil the dangers of nicotine addiction and smoking/vaping.

Mahalo for this opportunity to testify,

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

Don Weisman

Government Relations/Communications and Marketing Director



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HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Date: March 31, 2022

To: Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce and Consumer
Protection

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

Re: Support for, with Proposed Amendments to, HB 1570, HD1, SD1,
Relating to the Youth Vaping Epidemic

Hrg: April 1, 2022 at 10:00 AM, Conference Room 211 & via
Videoconference

The Coalition for a Tobacco-Free Hawai'i (CTFH), a program of the Hawai'i Public Health Institute, **writes in support of, and proposes amendments to HB 1570, HD1, SD1.** While CTFH strongly supports ending the sale of flavored tobacco products, we have concerns regarding an exemption within the definition of "flavored tobacco product" in the SD1 version of the and request this exemption be deleted the reasons explained below.

CTFH respectfully requests that exemption language be deleted from the definition of "flavored tobacco product."

Page 10, lines 11-15.

The bill's current definition of "flavored tobacco product" reads:

"Flavored tobacco product" means any tobacco product that contains a constituent that imparts a characterizing flavor, but ***does not include any product that has received a marketing order or other authorization the United States Food and Drug Administration pursuant to title 21 United States Code section 387j.***

(emphasis added)

As drafted, this exemption undermines the intent of the bill, and could dramatically dilute its impact on public health and the youth vaping

epidemic. Continuing to allow the sale of flavored tobacco products under Premarket Tobacco Product Application marketing orders, as well as products that fall under Substantial Equivalence and exemptions from Substantial Equivalence, puts the health of Hawai'i's youth solely at the mercy of the FDA. Hawai'i has the authority to protect consumers from the harms of nicotine addiction, and should not surrender its regulatory authority over these products to the FDA. This could create confusion over which products can be sold in Hawai'i, would likely weaken the public health impact of the law, and would almost certainly increase administrative burden around enforcement. It would also greatly incentivize tobacco companies to adapt in a way that allows them to exploit these loopholes, as it has done in the past and continues to do now. **For these reasons, CTFH strongly urges the committees to remove this exemption from the definition of "flavored tobacco product."**

Hawai'i should not wait for federal action.

It is imperative that Hawai'i's law to end the sale of flavored tobacco products includes synthetic nicotine, which was developed as a way for Big Tobacco to sidestep regulations on tobacco products. President Biden just signed the Bipartisan Government Funding Bill, a portion of which would include synthetic nicotine within the federal definition of "tobacco product." This is great news in the world of tobacco prevention and control, as synthetic nicotine is used by the tobacco industry to circumvent the Federal Drug Administration premarket review process and other tobacco laws. HB 1570, HD1, SD1 includes synthetic nicotine in its definition of "tobacco product" which will ensure that Big Tobacco is unable to use this tactic to sidestep regulation in our state.

CTFH anticipates further developments on the federal level in the future, but cautions the State against waiting for those developments to take effect. In April 2021, the **FDA has announced its intent to ban flavored cigars and menthol cigarettes** (the only allowable flavor in cigarettes) based on strong evidence that this would reduce addiction and youth experimentation, improve quitting, and address health disparitiesⁱⁱ. It must be noted, however, that this will likely take **several years** to be fully implemented, and so Hawai'i can and should act on the evidence available today instead of waiting for federal regulations. The risk of waiting – either for federal regulations or for lengthy state-level enforcement infrastructure to be built out – is too high.

Ending the sale of flavored tobacco products is effective in combatting tobacco use.

Emerging data from the first states and localities that passed flavored tobacco bans suggests that they are effective at reducing tobacco salesⁱⁱⁱ. While *some* tobacco users will switch to unflavored or tobacco-flavored products, the increase in those categories is not enough to offset the decline in flavored tobacco product sales. The reduction in tobacco sales in other jurisdictions with flavor ban policies reinforces the estimated health and economic benefits of ending the sale of flavored tobacco in Hawai'i.

Ending the sale of flavored tobacco products will save lives and money.

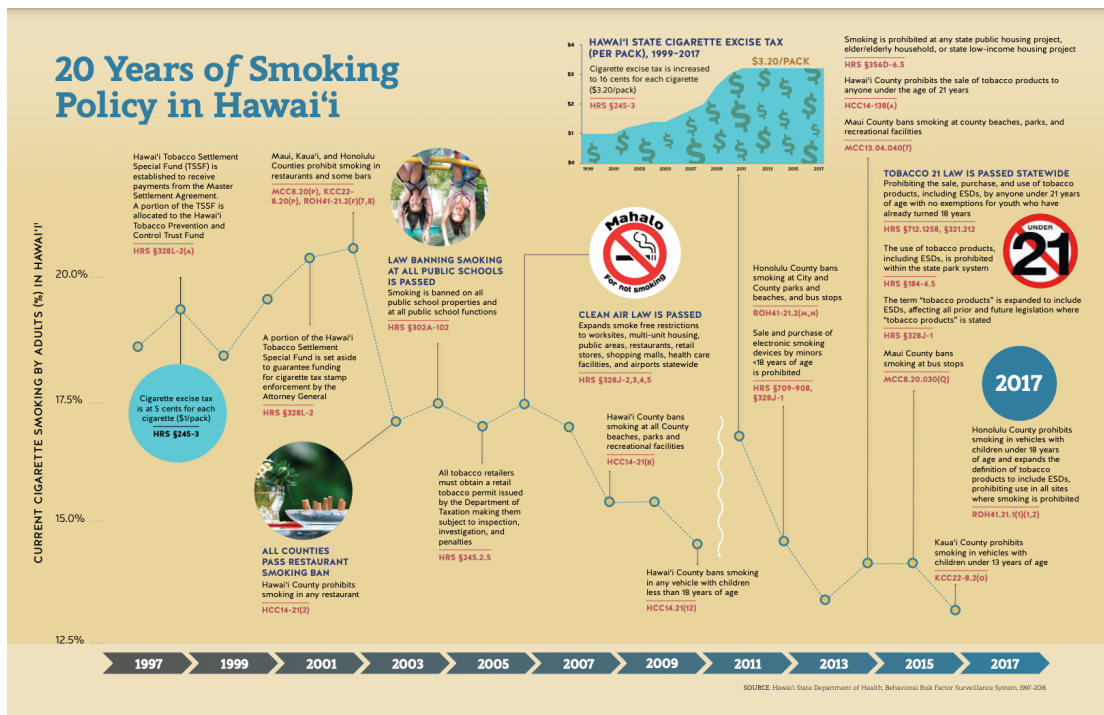
A 2021 analysis^{iv} on the impact of ending the sale of flavored tobacco products in Hawai'i conservatively estimates that it would result in:

- At least \$48 million in long-term health care cost savings for the state.
- More than 3,000 smokers (5.6% of menthol smokers) would quit as a result of the policy.
- 700 premature smoking-caused deaths avoided.
- Fewer youth initiating smoking with menthol cigarettes.

These estimates are conservative, as they do not include the thousands of youth that will never start smoking as a result of this policy. Not only would this save the state millions more in healthcare cost savings, but save thousands of lives.

Comprehensive regulations on e-cigarettes are necessary to reverse the youth vaping epidemic. Over two decades of tobacco prevention and control policy has helped Hawai'i save \$1 billion dollars in healthcare costs^v, lowered the adult smoking rate to 11.6% (eighth lowest in the nation)^{vi}, and reduced smoking prevalence among high school students to 5.3% in 2019^{vii}. This was achieved through comprehensive smoke-free air laws, high tobacco taxes, age restrictions, removing most flavors in cigarettes, and investments in tobacco prevention education and cessation.

E-cigarettes have evaded many of the tobacco prevention and control laws other tobacco products are subject to, leading to the rise of e-cigarettes, undoing decades of progress. In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai'i reported that they use e-cigarettes^{viii}. The state has an opportunity to reverse the youth vaping epidemic by implementing comprehensive policies and programs, which necessarily include ending the sale of flavored tobacco products statewide.



Ending the sale of flavored products advances equity and takes an important step towards addressing the root causes of tobacco use.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

It is imperative that the **flavor menthol, as well as all tobacco products**, be addressed by this bill. Menthol's cooling properties have been exploited by the tobacco industry to mask the harshness of tobacco smoke and for decades, and the tobacco industry has profited from using menthol in its targeting of youth of color and other marginalized and low-income populations. African Americans, Native Hawaiians, and Filipinos are disproportionately affected by the harms caused by tobacco. Including all tobacco products in any law ending the sale of flavored tobacco products is important, as flavored cigars and menthol combustible cigarettes remain popular and **reversing the youth vaping epidemic requires ending the sale of tobacco products that could serve as a replacement for youth once flavored e-cigarettes are no longer available**. In Hawai'i, over half of youth smokers^{ix} and 78% percent of Native Hawaiians and Pacific Islanders who smoke use menthol cigarettes.^x Menthol is also one of the most popular flavors among high school e-cigarette users^[xiv], especially as e-cigarette companies will often create hybrid flavors, combining menthol with fruit flavors to create flavors such as "strawberry freeze" and "watermelon ice." There is great concern that youth could merely "switch" to the familiar taste of menthol cigarettes once their preferred mentholated e-cigarettes are unavailable.



Source: Campaign for Tobacco-Free Kids. Example of cheap flavored cigars.

Youth e-cigarette use is of public health concern.

E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. And Hawaii's teens are addicted – the percentage of frequent and daily high school users doubled from 2017 to 2019^{xi}. The former Surgeon General VADM Jerome Adams issued an advisory in December 2018, “emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people^{xii}.”

The rise of severe, sometimes fatal, lung infections associated with e-cigarettes was another scary reminder of e-cigarettes’ unregulated nature and unknown harms. Also known as E-cigarette or vaping product use-associated lung injury (EVALI), this disease harmed otherwise healthy

individuals. Over 2,800 people were hospitalized after experiencing symptoms ranging from shortness of breath to fever, and tragically resulted in 68 confirmed deaths as of February 2020^{xiii}.

E-cigarettes are not FDA-approved tobacco cessation products.

In addition, e-cigarette manufacturers and retailers cannot legally make claims that e-cigarettes can help users quit smoking or that they are healthier than cigarettes. The deceptive health claims and aggressive marketing of these products has only increased tobacco use as people who have never smoked begin using e-cigarettes, children use e-cigarettes as a path to smoking, and smokers that use them to perpetuate their habit (dual use) instead of to completely quit. **A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth and young adults who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes^{xiv}.** This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

Hawai'i voters support prohibiting flavored tobacco products, including e-cigarettes.

In a poll^{xv} conducted by Ward Research Inc. for the Coalition in October 2021 among registered voters in Hawai'i, 73% support prohibiting flavored tobacco products, including e-cigarettes, and 71% support including menthol.

Hawai'i has made enormous progress on tobacco control and we ask the Legislature to take the necessary steps to reverse our youth vaping epidemic in order to protect our youth from a lifetime of addiction. For reasons discussed above, **CTFH strongly urges the Committees to support HB 1570, HD1, SD1, with the suggested amendment to remove exemptions from the definition of "flavored tobacco product."**

Mahalo,



Amanda Fernandes, JD
Policy and Advocacy Director

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.

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.

ⁱⁱ U.S. Food and Drug Administration. (2021, April 29). FDA Commits to Evidence-Based Actions Aimed at Saving Lives and Preventing Future Generations of Smokers. Retrieved from <https://www.fda.gov/news-events/press-announcements/fda-commits-evidence-based-actions-aimed-saving-lives-and-preventing-future-generations-smokers>.

ⁱⁱⁱ Gammon, D. G., Rogers, T., Gaber, J., Nonnemaker, J. M., Feld, A. L., Henriksen, L., Johnson, T. O., Kelley, T., & Andersen-Rodgers, E. (2021). Implementation of a comprehensive flavoured tobacco product sales restriction and retail tobacco

sales. *Tobacco control*, tobaccocontrol-2021-056494. Advance online publication. <https://doi.org/10.1136/tobaccocontrol-2021-056494>

^{iv} Chaloupka, F. J. Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawaii, University of Illinois at Chicago, 2021.

^v Holmes JR, Ching LK, Cheng D, Johnson L, Yap L, Starr RR and Irvin L. 2018. Tobacco Landscape. Honolulu: Hawai'i State Department of Health, Chronic Disease Prevention and Health Promotion Division

^{vi} Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2020.

^{vii} 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021.

^{viii} *Id.*

^{ix} 2019 Hawai'i's Youth Tobacco Survey (YTS). Available at: http://ibis.hhdw.org/ibisph-view/query/result/yts/CSCigPrefMentholNew/HS_ST.html. Accessed on 03/16/22.

^x Hawai'i 2008 Behavioral Risk Factor Surveillance System (BRFSS). Available at: <http://hhdw.org/health-reports-data/data-source/brfss-reports/>. Access on 03/16/22.

^{xi} YRBSS, 2017-2019, *Supra*.

^{xii} Surgeon General Advisory, December 2018, <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

^{xiii} Centers for Disease Control and Prevention. (2020, February 25). "Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products." Retrieved from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html.

^{xiv} Soneji S, Barrington-Trimis JL, Wills TA, et al. Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. *JAMA Pediatr.* 2017;171(8):788-797. doi:10.1001/jamapediatrics.2017.1488.

^{xv} This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 - October 26, 2021.



LATE

Hamakua Coast Cougars
PO Box 975
Honokaa, HI 96727

March 31, 2022

Aloha mai kākou,

On behalf of the Pop Warner Hamakua Cougars Football team and Board of Directors, we support with ammendments HB1570. Our football association works with more than 200 youngsters each year from the ages of 4 to 16 years old and it is our duty to not only care for them on the field but off the field as well.

We believe greatly in ensuring safety for our children and with the elimination of flavored e-juice in vaping devices, we believe our children will not be enticed to try vaping and therefore healthier outcome in not leading a life of addiction.

Mahalo for your consideration in saving the lives of thousands of youngsters today that are or will be affected by flavored e-juice devices, including menthol.

Requested Amendment: We strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. *We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.*

With much aloha,

Minverva Tabucbuc
President

“ONE TEAM, ONE DREAM”

“ONE TEAM, ONE DREAM”



To: Senator Roz Baker, Chair
Senator Stanley Chang, Vice Chair
Committee on Commerce and Consumer Protection

Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Aragan, Vice Chair
Committee on Ways and Means

RE: Comments: HB 1570, HD1, SD1

Hrg: April 1, 2022 at 10am

The Campaign for Tobacco-Free Kids is submitting comments for HB 1570, HD1, SD1: Flavored Tobacco Products Flavor Ban.

The Campaign for Tobacco-Free Kids' goal is to protect children and save lives from the #1 cause of preventable death: tobacco use. We envision a future free of death and disease caused by tobacco and support policies that will help us achieve those goals. Key to achieving that goal is a strong and robust tobacco prevention and education program like the one funded by the tobacco trust fund.

Prohibiting the sale of flavored tobacco products, including menthol cigarettes, in all tobacco retailers is a critical step that will help protect children living in Hawaii from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.ⁱ

But this version of the bill has a major concern, language in the latest draft of the bill opens a huge loophole that would allow the very products we seek to eliminate to continue to be sold. In allowing any product with an approved marketing order to be approved, we allow far more than we realize. See the attached fact sheet for further information.

Carving an exception to a flavor ban for products authorized for sale by FDA would surrender Hawaii's longstanding authority to determine what tobacco products are permitted to be sold to Hawaiian residents. It would allow the grant of a premarket review/PMTA order by the FDA to preempt state restrictions on flavored products that are necessary to protect the public health, when even Congress, in enacting the Family Smoking Prevention and Tobacco Control Act, did not intend federal premarket review to have that effect. In fact, the federal statute explicitly preserves and saves from preemption state sales restrictions on tobacco products, envisioning only that a state sales restriction is preempted if the state engages in its own premarket review of tobacco products. That is not what a sales restriction would do. Prohibiting the retail sale of all flavored e-cigarettes in Hawaii—even if FDA eventually allows specific flavored products be sold in the U.S.—is not only important to preserve the Hawaii's broad legal authority, but it is also the only way to ensure the health of Hawaiian residents, especially kids, is fully protected.

Mahalo,



Lindsey Freitas, MPA,
Advocacy Director
Campaign for Tobacco-Free Kids
lfreitas@tobaccofreekids.org

CDC, Best Practices for Comprehensive Tobacco Control Programs, 2014.

²HHS, *The Health Consequences of Smoking: 50 Years of Progress. 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, 2014. <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>

³The Guide to Community-Preventive Services, "Reducing tobacco use and secondhand smoke exposure: comprehensive tobacco control programs," <http://www.thecommunityguide.org/tobacco/comprehensive.html>.

⁴Institute of Medicine, *Ending the Tobacco Problem: A Blueprint for the Nation*, National Academy of Sciences, 2007; President's Cancer Panel, *Promoting Healthy Lifestyles: Policy, Program and Personal Recommendations for Reducing Cancer Risk*, 2006-2007 Annual Report; See also, Institute of Medicine, *State Programs Can Reduce Tobacco Use*, National Academy of Sciences, 2000; HHS, *Reducing Tobacco Use: A Report of the Surgeon General*, 2000.

⁵Eheman, C., et. al., "Annual Report to the Nation on the Status of Cancer, 1975-2008, Featuring Cancers Associated with Excess Weight and Lack of Sufficient Physical Activity," *Cancer*, March, 2012.

¹ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

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TO:

Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: April 1, 2022

TIME: 10am

PLACE: Via Videoconference

RE: HB1570

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

Tobacco products are Federally regulated for good reason. Local bans of products that are legal elsewhere can be challenging, if not impossible to enforce, and simply create a large unregulated black market, as we currently have with fireworks.

On January 27 the FDA published an article reiterating that, “The agency remains on track to advance two proposed tobacco product standards – one prohibiting menthol as a characterizing flavor in cigarettes and another prohibiting all characterizing flavors (including menthol) in cigars – by spring. ¹”

The FDA also requires that Electronic Nicotine Delivery Systems (ENDS) provide evidence that they have benefit to adult smokers in order to be allowed for sale. Products that fail to provide that evidence are issued Marketing Denial Orders and must be removed from stores.

LATE

¹ <https://www.fda.gov/news-events/fda-voices/fda-track-take-actions-address-tobacco-related-health-disparities>

The FDA has already reviewed tens of thousands of such products². This level of review and oversight is possible at the Federal level and helps ensure that adults who are trying to quit smoking have access to valuable smoking cessation tools, while taking steps to keep tobacco products out of the hands of minors.

Overlapping, or worse yet, contradictory State and Federal guidelines and laws on the same products create an impossible administrative burden for our local businesses. We encourage the committee to avoid that situation. We thank you for the opportunity to testify.

² <https://www.fda.gov/news-events/press-announcements/fda-denies-marketing-applications-about-55000-flavored-e-cigarette-products-failing-provide-evidence>

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 12:37:41 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Doris Segal Matsunaga	Testifying for Save Medicaid Hawaii	Support	Written Testimony Only

Comments:

Save Medicaid Hawaii supports HB 1570, and requests an amendment to end the sale of *all* flavors in *all* tobacco products in Hawai'i - both now and in the future.



LATE

To Chairs Rosalyn Baker and Donovan Dela-Cruz, Vice Chairs Stanley Chang and Gilbert Keith-Agaran, and members of the Senate Committees on Commerce & Consumer Protection and Ways & Means.

On behalf of the Coalition for a Tobacco-Free Hawaii's (CTFH) Youth Council, we are **supporting** and providing comments on **HB 1570 HD1**. The CTFH Youth Council is a nationally-recognized group of future youth leaders fighting for the health of their own generation against the powerful influences of Big Tobacco. The Youth Council consists of over 80 middle, high school, and college students, with representation across all of the counties.

We strongly support this bill, but are concerned with portions of the bill's language – particularly the exemption of products authorized under the FDA's premarket tobacco application (PMTA) process. This means that devices like IQOS, menthol e-cigarettes, and other future flavored tobacco products could be exempt from our flavor ban bill. Leaving loopholes and exemptions offer a backdoor for the tobacco industry to slip-through, and it's the last thing that we need amid the public health crisis that we face. The state has the authority to take action and ban all flavored tobacco – and shouldn't undermine its authority and defer to the FDA. We need to take decisive action now.

In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. As many know, these products are harmful to youth in particular, containing toxic chemicals like nicotine and formaldehyde that destroy the developing brain. In fact, over 21,000 Hawai'i youth alive today will die from tobacco-related illness if smoking rates don't change.

But beyond numbers, countless students from across the state and nation have chronicled their experiences with e-cigarettes – whether watching their friends fall victim to the predatory marketing of the industry, seeing their school bathrooms cloud with smoke, or even reporting the struggle of recovering from nicotine addiction themselves. Students today are under siege by an industry that profits off of addiction.

The primary driver of the vaping epidemic is through the creation and marketing of flavored products. 81% of youth who ever used tobacco started with a flavored product, while 97% of youth who vape say they use a flavored product. It comes as no surprise – over the past several years, the market for flavored tobacco products has exploded, with over 15,500, mostly candy and fruity flavors. These have done a number in enticing youth into using tobacco. The industry, no less, has taken to weaponizing our local food and cultures as well, with flavors like POG, Mauna Dew, and Hawaiian Sweet Roll lining shelves.

Menthol, in particular, is one of the most popular flavors among teens – using names like Ice, Chill and Freeze to describe the cooling sensation that couples with its minty taste; menthol makes it easier to start vaping and harder to quit. Menthol, moreover, is the primary product used in predatory marketing against youth and vulnerable communities – **the industry considers Hawai'i a "Menthol State", with 78% of Native Hawaiian and Pacific Islander smokers using menthol cigarettes, perpetuating a legacy of public health disparities and corporate exploitation.**

Banning the sale of all flavored tobacco products would work to end this deadly cycle of addiction and manipulation. In doing so, retailers would no longer have the ability to sell products that have been the primary catalyst for addicting a new generation of people.

But, it's not just youth – we have support from more than 100 organizations, many of which have also submitted testimony. Youth have presented to over 20 Oahu neighborhood boards that have passed resolutions in support, along with organizations like the Association of Hawaiian Civic Clubs, the Honolulu Youth Commission, Parents for Public Schools of Hawai'i, and many more. You can see a partial list below.

We strongly urge that the language of HB1570 be amended to include products authorized under the FDA's PMTA process, and that the bill be passed. It's time to put people over the profits of Big Tobacco. It's time to protect our keiki.



PARTIAL LIST OF SUPPORTERS TO END THE SALE OF ALL FLAVORED TOBACCO PRODUCTS IN HAWAII

HEALTH ORGANIZATIONS

'Ohana Health Plan
Adventist Health – Castle
Aloha Care
AMA/HMA Student Chapter at JABSOM
American Academy of Pediatrics – Hawaii Chapter
American Heart Association
American Lung Association
Bay Clinic Inc.
Blue Zones Project
Campaign for Tobacco-Free Kids
Coalition for a Drug-Free Hawaii
Coalition for a Tobacco-Free Hawai'i a program of Hawai'i Public Health Institute
Hamakua Kohala Health Centers
Hawaii – American Nurses Association (Hawaii-ANA)
Hawaii COPD Coalition
Hawaii Dental Hygienists' Association
Hawaii Health and Harm Reduction Center
Hawai'i Nurses' Association OPEIU Local 50
Hawaii Public Health Association
Hui No Ke Ola Pono
Hui Ola Pono (UH Public Health's Student Organization)
Kaho'omiki; Hawaii Council of Physical Activity and Nutrition

Kauai Rural Health Association
Keiki Injury Prevention Coalition
Na Lei Wili Area Health Education Center, Inc.
The Queen's Health Systems
Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy
University of Hawaii Student Health Advisory Council
US COPD Coalition
Waimānalo Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

After-School All-Stars Hawaii
American Youth Soccer Organization (AYSO)
Association of Hawaiian Civic Clubs
Big Island Interscholastic Federation (BIIF)
Hale 'Ōpio Kaua'i Inc.
Hawaii Children's Action Network
Hawaii Interscholastic Athletic Directors Association
Hawaii State Teachers Association (HSTA)
Hawai'i Youth Climate Coalition
Hawaii Youth Services Network
Honolulu Youth Commission
Kanu o ka 'Āina Learning Ohana (KALO)
Kauai Path Inc.
LearningBond
Pacific American Foundation
Parents for Public Schools of Hawai'i
Partners in Development Foundation
Residential Youth Services & Empowerment (RYSE)
The Friends of Kamalani and Lydgate Park
Waipahu Intermediate Youth For Safety

NEIGHBORHOOD BOARDS

Kuliouou-Kalani Iki Neighborhood Board 02
Kaimuki Neighborhood Board 04
Diamond Head Neighborhood Board 05
Palolo Neighborhood Board 06
McCully-Moilili Neighborhood Board 08
Ala Moana/Kaka'ako Neighborhood Board 11
Nuuanu/Punchbowl Neighborhood Board 12
Liliha/Puunui/Alewa Neighborhood Board 14
Aliamanu-Salt Lake Neighborhood Board 18
Aiea Neighborhood Board 20

Pearl City Neighborhood Board 21
Waipahu Neighborhood Board 22
Ewa Neighborhood Board 23
Mililani-Waipio Neighborhood Board 25
Koolauloa Neighborhood Board 28
Kahaluu Neighborhood Board 29
Kaneohe Neighborhood Board 30
Waimanalo Neighborhood Board 32
Mililani Mauka- Launani Valley Neighborhood Board 35
Nanakuli-Mailii Neighborhood Board 36

BUSINESSES

Country Courier, LLC
Hana Lima Physical Therapy
Home Remedies Interior Design
JCS Enterprises Inc.
Pediatric Therapies Hawaii

SCHOOLS

Damien Memorial School
Hawaii Association of Independent Schools (HAIS)
Hawaii Council of Private Schools (HCPS)
Holy Family Catholic Academy
Island Pacific Academy
Maryknoll School
Maui Preparatory Academy
Mid-Pacific Institute
Roots School
St. Andrew's Schools

HEALTH & COMMUNITY LEADERS

Kathryn Akioka, RRT / TTS
Joy Barua
Forrest Batz, PharmD
Frank Baum, MD
Deborah Bond-Upson
Dale Carstensen
Valerie Chang

Dyson Chee
Danelle Cheng
Bridgitte Daniel
May Rose Dela Cruz, DrPH
Andrew Fox, MD
Shani Gacayan
Donita Garcia
Asaka Herman
Pedro Haro, MPH
Cyd Hoffeld
Colleen Inouye, MD
Lila Johnson
Leilani Kailiawa
Lehua Kaulukukui
Ken Kozuma
Mark Levin
Loren Lindborg
Katherine May, PsychD
Bryan Mih, MD
Kristin Mills
Shelly Ogata
Gregg Pacilio, PT
Matthew Prellberg
Jordan Ragasa
Nathalie Razo
Keenan Reader
Crystal Robello
Kimberly Golis-Robello
Mary Santa Maria
Patty Kahanamoku-Teruya
Chien-Wen Tseng, MD
John A Hau'oli Tomoso
Jennifer Valera
Cecilia Villafuerte
Linda Weiner, MD
Matthew Wong

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 1:07:40 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerald Morita	Testifying for Cigarettes and Things	Oppose	Written Testimony Only

Comments:

I am writing to oppose a flavored tobacco ban in Hawaii.

Our business operates 1 across the state and employ 6 in Hawaii. I am urging you to oppose House Bill 1570, a flavor ban on menthol cigarettes, flavored dip, and flavored cigars. This proposed legislation would impact my ability to employ 6 people and I would be forced to let them go and possible close my store. Menthol tobacco is 70% of my sales. We are just coming out of a pandemic that negatively impacted sales and this is the worst time to cut our ability to continue doing business in Hawaii.

We agree we need to address underage vaping. We support FDA restrictions on flavored vapor products. The ban on all flavored tobacco products, including menthol cigarettes, makes no sense. It will multiply the existing illegal market in Hawaii, reward criminal smugglers, and cost Hawaii businesses, workers, and taxpayers billions of dollars. We support youth tobacco prevention and are diligent with carding and selling to 21 and over. We have never sold to anyone under 21.

I urge you to oppose this measure, and to let me know how you plan to vote on it.

Please feel free to contact me if you have any questions.

Sincerely,

Gerald Morita

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 2:39:34 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Yohsinaga	Testifying for Marukin Market	Oppose	Written Testimony Only

Comments:

I own a small business in the working-class neighborhood of Liliha, Marukin Market. We're a modest general market that has been around for almost 20 years selling prepared foods and sundries. There was a time when mom-and-pop stores like mine were commonplace throughout the islands. We were once a vibrant part of the fabric of Hawaii's communities but are now a dying breed.

Our business survives off slim margins on a wide array of products from chicken katsu to cigarettes. We pride ourselves on offering low-cost items that our customers can easily grab on the go to meet their daily needs.

Recently, state lawmakers have proposed a ban on flavored tobacco and vape products presumably to stop youth smoking. While that might seem like a good idea, the sad reality is that this ban is unlikely to achieve the intended result and will only harm small businesses in Hawaii struggling to make ends meet.

When local businesses can't supply a product because of government ban, customers will simply go elsewhere. In this case, folks will almost certainly go online or to the illicitmarket to get flavored cigarettes or vaping products.

How do I know? That's exactly what led to the demise of so many of the small mom-and-pop establishments throughout the state. Customers shifted to shopping at big box stores or online to purchase things that were cheaper or unavailable locally. I fear this proposed ban will exacerbate this problem. Customers who buy tobacco products often also purchase a slew of other items while at our market. If they can't get what they want, I'm afraid they will simply stop coming.

Let's be clear, it's already illegal for local stores to sell vape or tobacco products to anyone under the age of 21. So, if we're trying to safeguard children, the problem isn't with public policy.

The problem is with enforcement and education. Retailers like me are required by law to check ID's. If we don't, we face stiff fines or may even lose our business license. But we don't neglect to card because of fear of penalties, we card because it's the right and responsible thing to do. There are no such gatekeepers in the virtual world where kids can simply [go on social media](#) and order online from unscrupulous people willing to ship the products directly to their doorsteps. Or they can get these products from shady characters on the street who import them

illegally. You can bet they're not checking ID's like we do at Marukin Market. Either way, it boils down to the same problem. We need enforcement to address the problem, not new laws.

Times are already tough for businesses, especially local mom-and-pops. We've barely been able to make it through the economic downturn and increased costs of coping with COVID. Now, we're facing inflation spikes that haven't been seen since the 1980s. Small businesses like mine that are barely hanging on can ill afford even the slightest decrease in revenue that might occur if this ban is adopted. This ban will negatively impact my family's business and many independent small business owners in the state resulting in loss of jobs and more shuttered businesses

I hope that our elected leaders will seek to find real solutions rather than debating well-intentioned yet misguided policies that don't address the problem and only add to the burdens of local businesses and the communities they serve.

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 3:47:09 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	Written Testimony Only

Comments:

The Hawaii Smokers Alliance is strongly opposed to HB1570.

We oppose the bill because it is a **shameful and bigoted attack on the rights and liberties of adults over age 21.**

We oppose this bill because it will cause a **black market** of flavor additives without any standards to ensure the product is not harmfully adulterated. It will also be **impossible to fairly enforce** due to the many brands, shapes, sizes, and lack of standards.

We oppose this bill because it will **harm local small businesses** that retail these products.



LATE

**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
APRIL 1, 2022**

Re: HB 1570 HD1 SD1 RELATING TO YOUTH VAPING EPIDEMIC

Good morning, Chairperson Baker and Chairperson Dela Cruz and members of the Senate Committee on Commerce and Consumer Protection and the Senate Committee on Ways and means. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We oppose HB 1570 HD1 SD1 Relating to the Youth Vaping Epidemic. This measure bans the sale of flavored tobacco products and mislabeled e-liquid products. Establishes fines. Effective 7/1/2050.

In 2016 the Hawaii State Legislature passed a measure in which persons have to be 21 years old or older to purchase electronic devices and the liquids that it uses. In addition, the US Food & Drug Administration placed sweeping regulations on e-cigarettes and other tobacco products in the same way the FDA regulates conventional cigarettes.

This bill aims to penalize those retailers who are following the law and selling to customers 21 years and older. The majority of businesses 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. Employees do not just make a sale but also know that they card the customer and ensure that they are indeed 21 years of age or older.

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 whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends who purchase it for them or the minors are purchasing them on the black market. We have seen a significant spike in theft and tobacco and vape products are a favorite to be stolen. Those selling the stolen goods do not card to see how old someone is.

If the concern is to stop minors from obtaining vaping and smoking products, then the focus should be on cracking down on those who are illegally and intentionally letting minors obtain these products. The penalty should not be on those businesses who are following the law.

We must also consider that adults that are 21 and older are able to purchase these items and enjoy them like menthol cigarettes or an electronic vaping device with their favorite flavored e-liquid. Furthermore, every electronic vaping device and e-liquid available worldwide is "flavored." Because they do not contain tobacco, electronic vaping devices has no "natural tobacco" taste, or any taste for that matter, without the addition of flavorings. These flavored e-liquids are enjoyed by many adults.

In addition, vapor products and e-liquids are NOT the same as a tobacco product. Electronic vaping devices contains NO tobacco, and NO smoke is emitted when vaporized. The New England Journal of Medicine published found that electronic vaping devices were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

Mahalo again for this opportunity to testify.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

March 16, 2022

LATE

To Senator Rosalyn Baker, Chair,
And members of the Committee on Commerce and Consumer Protection

Senator Donovan Dela Cruz, Chair,
And members of the Committee on Ways and Means

COMMENTS ON HB 1570 HD 1 RELATING TO THE YOUTH VAPING EPIDEMIC

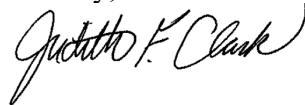
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports a ban on the sale of flavored tobacco products, and supported HB 1570 as originally introduced. Sadly, the amendments added by the House make it impossible to support this version of the bill.

Thirty-one percent (31%) of Hawaii's students have used flavored tobacco products, a much higher rate than the national average. Tobacco is addictive and its use leads to many long-term health problems. Banning the sale of flavored tobacco products will help our youth grow up safe, healthy, and ready to succeed.

Hawaii Youth Services Network urges legislators to amend this bill by restoring it to the original version.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

LATE

HB-1570-SD-1

Submitted on: 4/1/2022 9:53:14 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zhizi Xiong	Testifying for CARES Community And Relationships Exchange Services	Support	Written Testimony Only

Comments:

Good afternoon Chair, Vice Chair & Members of the Committee,

My name is Zhizi Xiong and I'm testifying on behalf of my organization, CARES, we provide educational services to the community. I stand in strong support of this measure.

Tobacco Free Kids, a leading anti-tobacco organization, says, "85% of youth e-cigarette users use flavored products, with fruit, candy/desserts/other sweets, mint and menthol reported as the most popular flavors. Kids are particularly vulnerable to trying e-cigarettes due to an abundance of fun flavors. To advance & progress public health, the legislature should work towards banning all flavored products.

The next legislative action the legislature should consider is banning all tobacco products. Thank you for the opportunity to testify.

Blessings,

Zhizi Xiong

HB-1570-SD-1

Submitted on: 4/4/2022 9:28:16 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pedro Haro	Testifying for American Lung Association in Hawaii	Oppose	Written Testimony Only

Comments:

HB-1570-SD-1

Submitted on: 3/30/2022 11:28:27 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Austin Tucker	Individual	Support	Written Testimony Only

Comments:

Aloha members of the committees on Commerce and Consumer Protection and Ways and Means,

I am in strong support of HB1570 HD1 SD1. I am a junior at McKinley High School and personally have a lot of experience with vape usage and am currently addicted to nicotine.

You would be flabbergasted by the true amount of students in middle and high school who vape. I know a lot of different people in my school and I can still confidently say that 50% of the people I know vape. It's to the point where kids are leaving class to go vape in the bathrooms. It's always been like that. It's kids asking all of their friends if they can use their vapes, or asking someone they don't even know if they can use the vape they don't even know they have. Something like that really shows you how common it is. People who don't even own vapes are addicted to nicotine because they're everywhere, why not just take one right? Vaping is a virus that we have all been blind to.

The most commonly asked question when students use other students' vapes is, "What flavor is this?" My personal favorite is "Grape Ice" and I know others like different fruity flavors, some also like menthol.

Please, for the sake of generations to come, get rid of flavored vapes. Thank you for your consideration.

HB-1570-SD-1

Submitted on: 3/30/2022 2:24:53 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dillon Rellez	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Many of our peers are using ecigarette products to quit smoking more harmful substances. It is regulated perfectly just the way it is. The stores that sell ANY tobacco/nicotine product needs identification before purchasing any product. Discipline those who cause harm not the ones who help people.

HB-1570-SD-1

Submitted on: 3/30/2022 2:28:09 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hoku	Individual	Oppose	Written Testimony Only

Comments:

I oppose bil HB1570. I have used and continue to use flavored nicotine & vape products to stop smoking harmful cigarettes. I refuse to let this get taken away from me.

HB-1570-SD-1

Submitted on: 3/30/2022 2:38:04 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
HANALEI BENN	Individual	Oppose	Written Testimony Only

Comments:

You should focus on something that really does matter. Like the drugs on the streets or all the homeless, instead you try to ban a product that in fact has helped people get off of cigarettes down to quitting all together. Put our tax money to something that truly could help us.

HB-1570-SD-1

Submitted on: 3/30/2022 2:38:32 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
ellen benton	Individual	Oppose	Written Testimony Only

Comments:

I oppose this any flavor ban bill because it is unfair to legal age adults who are trying to quit smoking and want a less harsh option to choose from, which is often fruity or dessert flavors. This bill would punish of age vapers by making it unable to obtain a certain favorite flavor. If this bill was really trying to target the "youth vaping epidemic" it would focus on punishing underage smokers much like under age drinkers face fines and so forth. Please oppose this bill!

HB-1570-SD-1

Submitted on: 3/30/2022 4:09:51 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anthony Orozco	Individual	Oppose	Written Testimony Only

Comments:

Dear CPN/WAM committees,

Still strongly opposed to this flavor ban and other unfair regulation. The legislature needs to start accepting different lifestyles.

We would do better by never seeing a bill such as HB1570 ever again.

HB-1570-SD-1

Submitted on: 3/30/2022 4:18:35 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cyd L. Hoffeld	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Cyd Hoffeld, a resident of Hawai'i Island who supports **HB1570 HD1 SD1**. I strongly believe that Hawai'i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki.

I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

Please do this for our children and the local populations who are targeted by the Tobacco Industry.

Mahalo!

HB-1570-SD-1

Submitted on: 3/30/2022 4:51:19 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Park	Individual	Oppose	Written Testimony Only

Comments:

These committees need to leave the vape products out of this bill and limit it to underage only. Please make these changes or don't let the bill leave committee.

Mahalo .

HB-1570-SD-1

Submitted on: 3/30/2022 4:51:33 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann Chung	Individual	Comments	Written Testimony Only

Comments:

Aloha Chairs & Committee members:

The 2009 Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) gave the US FDA jurisdiction to regulate tobacco products. Under the Tobacco Control Act, the FDA, through the newly-created Center for Tobacco Products, established the science and evidence-based Premarket Tobacco Product Application (PMTA) process to review and authorize new tobacco products introduced into the United States after February 15, 2007. ENDS products, including those that have been on the market as of August 8, 2016, may be authorized through PMTAs.

Manufacturers seeking a PMTA must demonstrate that marketing a new tobacco product would be “appropriate for the protection of the public health” for the population as a whole. This includes evaluating the impact on both current tobacco product users and nonusers and includes a review of available data on likelihood of use by youth. All manufacturers must obtain a PMTA in order to sell products.

FDA’s deadline for PMTA submission was 9/9/20. To date, FDA has only approved 2 manufacturers, has denied over a million products, and now most recently, has the authority to regulate synthetic nicotine products. This bill is essentially duplicative of federal laws and may have unintended consequences: 1) adults will go back to smoking cigarettes and 2) youth will get vapes from black markets (totally unregulated and more dangerous) or they will find ways to get cigarettes (well-established harm to public health.

In addition, I urge you to consider exempting menthol with the following amendments to SD1:

- Page 6/line 9 -- deleting “including products with menthol”
- Page 8/lines 1617 --- adding “or menthol” and line 21 --- deleting “menthol”

HB-1570-SD-1

Submitted on: 3/30/2022 4:59:24 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
TIMOTHY OISHI	Individual	Oppose	Written Testimony Only

Comments:

DATE: 30 March 2022

To: Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

Senate Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Senate Committee on Ways and Means

Re: Strongly Oppose for HB1570 SD1 RELATING TO THE YOUTH VAPING EPIDEMIC

Hrg: 01 Apr 2022, 10:00 AM CR.211 & via Videoconference

Aloha, I am coming to you as an ex-smoker who used ESD's successfully to get away from combustible cigarettes. **I STRONGLY OPPOSE HB1570 SD1** for this very reason and can see the benefit for the community when this tool is used correctly.

- Combustible cigarettes are KNOWN TO KILL its users.
- Flavors succeed in helping smokers stay off combustible cigarettes and the banning of flavors will just force current users to go back to them.

- Demand for flavors will force people to look to the black market or DIY. Either of these options will do more damage not only to current ESD users but also to children that this bill is meant to protect.
- Over 90% of ESD manufacturers have nothing to do with big tobacco and the whole industry has been fueled by wanting to get away from big tobacco.
- Flavored alcohol is still legal and available to purchase even though each year 5000 people under the age of 21 die because of alcohol according to NIAAA.
- There is no hard evidence so far that a flavor ban will be effective in curbing underage vaping
- A study done by Yale School of Public Health found that a ban on flavored e-liquid had the opposite effect and that the odds of students smoking combustible cigarettes doubled when San Francisco implemented that ban.

The total ban of flavors including menthol will not only have a negative effect on the population because it will be hurting the current users but will also make the black-market demand stronger and harder to stop in the future. Minors that are getting hold of ESD's are doing so through the black market and banned flavors will just flood the black market with more goods available for them to purchase. Bans will only hurt legal users and will do nothing about the problem of minors getting a hold of them.

Again, **I STRONGLY OPPOSE HB1570 SD1** and hope the committee will take this testimony into consideration when making their decision. Please talk to local people that are in the vaping community because these will be the people that are going to be immediately impacted by your decision. After hearing both sides of the issue I feel that you will be able to make a better decision that will be beneficial for everyone.

Aloha Chair and Honorable Members of the Committee,

Comment: While I strongly support evidence-based policies like ending the sale of flavored tobacco products in Hawai'i, I am concerned that the amendments added to HB1570 are not necessary to implement a flavored tobacco ban, does not have research to support their effectiveness, and distracts from the original intent of the bill. I respectfully request that the committee restore the bill to its original version, which focused on ending the sale of flavored tobacco products in Hawai'i.

My name is Katie Folio and I am the mother of two young girls, ages four and seven. I am a former teenage smoker and, as a result, an advocate for anti-smoking legislation. While I didn't realize it at the time, there were two primary contributing factors to my picking up smoking as a teenager - media and menthol. No one in my family smoked. I was not influenced by my family to smoke in any way, if anything, I was educated on the harms of smoking and I knew it was not good for my health. However, I was raised in the time of Joe Camel and smoking was in movies, television, and smoking ads were at eye level in grocery stores and gas stations. Eventually, and without my really being aware of it, the advertising worked.

I tried smoking non-flavored cigarettes a couple of times, but it was when I tried menthol cigarettes that I got hooked. At the time, there were also other flavors of cigarettes and bidis available, like strawberry and vanilla, which I certainly tried as those flavors also appealed to me, but menthol were by far the easiest/most palatable cigarettes to smoke. Once I started, it was an on and off again battle for about ten years before I was finally able to quit.

I became an advocate for tobacco control as an adult because of my experience as a teenager. I don't want to see other kids end up in the same situation, or worse, because of nicotine addiction. I don't want to see my girls end up where I did, or dead from cancer too early. I was one of the lucky ones - I was able to eventually quit. Not everyone can, and that is what big tobacco and the vaping industry rely on. It's how they are so powerful, how they make such ridiculous amounts of money by literally killing people. By addicting them as early as possible. It's unacceptable, and it needs to stop.

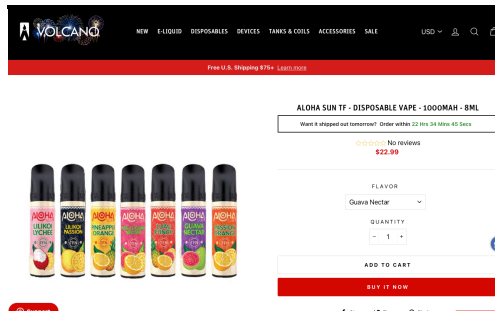
We know that tobacco control legislation works. Our youth smoking rates dropped significantly from the 90s once we started passing comprehensive legislation. But our progress is starting to be undone by the popularity of vaping with youth. We can't allow flavored tobacco products to continue to be on the market, in any form. Vaping products are tobacco products and often contain extremely high levels of nicotine. One cigarette contains 10 mg of nicotine in a freebase form that makes it harsh to inhale (which menthol helps to mask). Disposable vaping products popular with youth often contain up to 50 mg of nicotine in a salt formula that makes it smoother (i.e. easier) to inhale. They are designed to make it easier to get addicted to nicotine, creating lifetime users.

A friend's seven year old was recently *carded* at the Volcano vape kiosk at Maui Mall when he approached and asked for a watermelon apple juice box (see photo below). At least they carded him, but I'm still disgusted. He was just a little kid who wanted a juice box, and he had no idea. But the industry knows exactly what they are doing.

I also just want to call out the way that the vaping industry has appropriated Hawaiian flavors to entice our local youth as well - from POG to Molokai Hot Bread.

I want to see all tobacco products regulated the way we do cigarettes, for the sake of our kids and their futures. Please let this be the year that Hawaii takes this much needed step. Please show that you are listening to our health experts and organizations, and to our kids who are asking for you to pass this bill.

Mahalo nui loa,
Katie Folio
Kula, Maui, Hawaii



HB-1570-SD-1

Submitted on: 3/30/2022 5:20:18 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shani Gacayan	Individual	Support	Written Testimony Only

Comments:

I, Support HB 1570 with amendments. As a mother of four children, I can that our youth are becoming addicted to electronic smoking devices because of the various fruit and candy flavors available to them. Our youth and young adults are at high risks of major health effects and addiction because of vaping and is all because they start off by using flavored e-juices that get them addicted. It is time to put a stop to these candy, fruity and minty flavors so our kids will not want to try them in the first place. Hear our pleas when we say that our kids are in grave danger if we do not make change not in ending the sale of flavored tobacco and e-juice. We do not want our kids to be using oxygen tanks when they're in their 20's, we don't want our kids needing lung transplants, we do not want our kids to die in their sleep because they simply could not breath anymore because their lungs are inflamed... hear our cries when we say we do not want our younger generations to continue this trend because of "flavor" experimentation, or because "everyones doing it" or because "it's the cool thing to do"... our children are dying all across this country PLEASE help us in getting ALL flavors banned including menthol. **Requested Amendment:** We strongly believe that Hawai'i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. *We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.*

HB-1570-SD-1

Submitted on: 3/30/2022 5:48:37 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

Members of the Senate Committee on Commerce and Consumer Protection and Senate Committee on Ways and Means,

I support with amendments HB 1570, HD 1, SD 1. I strongly believe that Hawai'i should exercise its full authority to end the sale of flavored tobacco products in our state - with no exemptions or loopholes. The Food & Drug Administration (FDA) has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that the FDA will do the right thing to protect our children and youths in Hawaii. Youth e-cigarette use is a public health crisis!

I respectfully request that your committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations. Thank you for the opportunity to testify in support with amendments to HB 1570, HD 1, SD 1.

HB-1570-SD-1

Submitted on: 3/30/2022 6:36:37 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Joel Werth	Individual	Oppose	Written Testimony Only

Comments:

First of all, I believe that calling it "the youth vaping epidemic" is ignorant. Let's call it the "we can't pay back the MSA without tobacco tax revenue that we claim to hate." An epidemic of willful ignorance to see that vaping isn't even "cool" anymore. As a 37 year old male from Mililani, I am 12.5 years free from tobacco thanks in LARGE PART to FLAVORED vapor products.

When I smoked traditional tobacco, I could barely go half an hour without getting twitchy and anxious, maybe even clammy skin. Now that I am vaping, I can go days without vaping if I need to. When I smoked tobacco, if I forgot my pack, I was going to a gas station FIRST THING. Now that I vape I sometimes forget my device at home and don't worry.

My dentist compliments me on how much better my teeth were after I quit tobacco, I no longer wake up and cough and hack for hours each morning.

If flavor bans go into effect I believe it will have a majorly adverse effect on the health and welfare of the people of Hawaii as well as the youth who will not have a safer option WHEN THEY BECOME OF AGE, "saving" them now but ROBBING them of the freedom to choose a safer alternative.

Thank you for reading,

Ryan Joel Werth, Mililani, Hawaii

HB-1570-SD-1

Submitted on: 3/30/2022 7:27:16 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Chang	Individual	Oppose	Written Testimony Only

Comments:

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HB-1570-SD-1

Submitted on: 3/30/2022 7:37:17 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Lau	Individual	Oppose	Written Testimony Only

Comments:

Vape products are safe. The flavored products help me cut back on my tobacco use where without flavors I'd go back to regular tobacco which is far worse for me. These vape products save lives.

Respectfully,

Amy L.

HB-1570-SD-1

Submitted on: 3/30/2022 8:09:07 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Harald Ebeling	Individual	Support	Written Testimony Only

Comments:

Aloha!

I strongly support this bill but urge you to pass it *without any exemptions or loopholes*. As is, menthol cigarettes are not covered by this bill. Please remove the exemption for flavored tobacco products with pre-market tobacco-application authorizations to ensure that this ban truly protects our keiki.

Mahalo!

Harald Ebeling

HB-1570-SD-1

Submitted on: 3/30/2022 8:12:18 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
irene kloepfer	Individual	Support	Written Testimony Only

Comments:

Aloha. Keiki are still growing, some areas of their bodies til early 20's. I am 74 and remember when big tobacco targeted college kids by giving pretty female students free cigarette to give to their friends. And you could buy lose cigarettes for 5 cents, all with the focus of getting them addicted; and they knew their products were addictive. But at least it was adults making that decision. Today they are targeting our kids with candy flavors and making it cool. - this is abusive. Please pass this bill to protect the health, mental and physical of our kids. Mahalo. Irene kloepfer

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

Mami Ogiwara
Young Leaders Cabinet, American Lung Association in Hawaii
Miss Hawaii Volunteer
P.O. Box 283349
Honolulu, HI 96828

Friday, April 1, 2022

Support for HB1570 HD1 SD1, Relating to the Youth Vaping Epidemic

Aloha my name is Mami Ogiwara and I serve as the Chair of the Young Leaders Cabinet of the American Lung Association in Hawaii. I also serve as the current Miss Hawaii Volunteer. Miss Hawaii Volunteer is a service-oriented scholarship program, and my platform is Strong Spine, Strong Mind. My goal as Miss Hawaii Volunteer is to advocate for health and wellness, both physical and mental. Health and wellness start with the ability to breathe.

I strongly support the intent of HD 1570 HD1 SD1. It is already illegal for anyone under the age of 21 to purchase and use e-cigarettes. However, teachers have complained to me that a large percentage of students, even in elementary schools, are using flavored tobacco products. We have a duty to our youth to take steps to protect them from these products that are marketed to the youth and used by them in disproportionate numbers. All tobacco-flavored products should be deemed illegal, and the bill should be amended to remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

HB-1570-SD-1

Submitted on: 3/30/2022 8:42:46 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Kingdon	Individual	Support	Written Testimony Only

Comments:

Legislators:

I support this bill; it is in the interest of public health within our community.

Thank you for your consideration.

David Kingdon, MPH, Paramedic

HB-1570-SD-1

Submitted on: 3/30/2022 9:11:32 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
VALENTINO MIRANDA-KEPA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Board,

Please OPPOSE bill HB1570. This bill is only hurting law abiding adults. Instead make vaping like alcohol under age under arrest.

HB-1570-SD-1

Submitted on: 3/30/2022 9:15:13 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tania Faris	Individual	Oppose	Written Testimony Only

Comments:

Aloha Board,

Please OPPOSE bill HB1570 stop punishing Adults instead treat tobacco like alcohol under age under arrest.

HB-1570-SD-1

Submitted on: 3/30/2022 9:18:13 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonah K Manuel	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill HB1570 only hurt adults punishment should be stiffer for under age use more along the lines of alcohol

HB-1570-SD-1

Submitted on: 3/30/2022 9:20:16 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas Winters	Individual	Oppose	Written Testimony Only

Comments:

Strong opposition to hb1570!

We have a RIGHT to enjoy flavors.

HB-1570-SD-1

Submitted on: 3/30/2022 9:23:26 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Holly Taguma	Individual	Comments	Written Testimony Only

Comments:

Aloha my name is Holly Taguma and I am a High School senior on the island of Kauai. I am in strong support to amend HB1570. With this amendment it will allow all flavored tobacco products to be banned. Flavored tobacco entices youth with it's tastes, this is dangerous because nicotine keeps them hooked for life. Menthol is a flavor because it masks the harsh taste of tobacco. Flavors are one if not the most prominent reasons why so many youth use tobacco today. In school sometimes if I walk into the bathroom at the wrong time I will catch the strong sweet smell of vape smoke. Or in classes when the teacher is not looking I will see my peers masking the vape in their sleeve to catch a puff. These are just some of the everyday ways that flavored tobacco affects my life. Thank you for reading my testimony.

HB-1570-SD-1

Submitted on: 3/30/2022 9:26:16 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Logan Lau	Individual	Support	Written Testimony Only

Comments:

To Whom It May Concern,
6108

logan.lau@imua.ksbe.edu | (808) 206-

Aloha, my name is Logan Lau, and I am from ‘Āina Haina and am a current senior at Kamehameha Schools Kapālama. Today, I'd like to provide support with amendments and comments on bill HB1570.

First, I strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with the knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. I cannot afford to wait and hope that FDA does the right thing to protect our keiki. *I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations (PMTA).*

To give a brief context, smoking, which includes e-cigarette use, is the number one cause of preventable disease and death. It is currently responsible for approximately 7 million deaths per year and is increasing tremendously, as, by 2030, it is set to kill 8 million people per year ([CDC](#)).

Thus, I believe a ban on flavored tobacco products including menthol is crucial in order to keep our Keiki (my peers) safe for generations to come. Menthol, in particular, is responsible for the minty flavor used in many e-liquids that makes it easier for youth to start and harder for them to quit. This is evidenced by the fact that in Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes ([Hawai‘i BRFSS](#)). The consequences of this are that while nicotine and tobacco addiction are deadly for

everyone, Native Hawaiians (like myself) die from lung cancer at one of the highest rates among other ethnic groups ([American Cancer Society](#)). To quantify this impact, a recent report found that 21,000 youth alive today in Hawai'i will ultimately die from a tobacco-related illness if smoking rates do not decline ([CTFK](#)). Thus, it's no wonder why it's the number one cause of death in the U.S. and the world and why the time to act is now ([CDC](#)).

With the explosion of the youth vaping epidemic in Hawai'i, coupled with the COVID-19 pandemic and the toll it has on our lungs, time is of the essence. For far too long, BIG tobacco has used illusive marketing strategies, which target younger generations like my own. Appealing flavors are driving up youth tobacco use in our state and with thousands of kid-friendly flavors on the market-15,586 to be exact-and little regulation involving their sale, the industry has no incentive to stop selling them ([NCBI](#)). These flavors ultimately entice younger generations and get them hooked on nicotine. This is also evidenced by the significant spending budgets that major tobacco companies allocate towards advertising. According to recent Federal Trade Commission (FTC) reports on tobacco marketing, the five largest tobacco companies spend approximately \$8.4 billion per year, which equates to over \$23 million every day, to promote their products, and entice young kids ([FTC](#)). However, as outrageous as that figure may sound, nothing garners more disgust than when Lorillard Tobacco-now Reynold American the 2nd largest tobacco company in the U.S.-exec TL Archey said "The base of our business is the high school student." That said, it's no wonder that 95% of smokers start before the age of 21 ([NCBI](#)).

To make matters worse, BIG tobacco focuses its marketing efforts on low-income areas that are economically vulnerable. Simply put, they exploit the health and wellbeing of their users in the pursuit of personal gain. Sales representative from R.J. Reynolds Tobacco said it best, "We don't smoke that sh*t. We just sell it. We reserve the right to smoke for the young, the poor, the black and stupid" (The Times). This, in and of itself, is a social justice issue. And because of this, tobacco use and tobacco-related illnesses have been affecting Hawai'i's communities disproportionately. Strategic targeting and aggressive marketing by the tobacco industry, which for years has labeled Hawai'i as "the menthol State," is a major factor in Hawai'i's youth e-cigarette use, increasing for both high school and even middle school students. In fact, In Hawai'i, one in three high school students and one in five middle school students report "current use" of e-cigarettes, thus contributing to the fact that e-cigarette use is the highest among Native Hawaiian and Pacific Islander youth like myself ([YRBS](#)). Truly, we are in the midst of a youth vaping epidemic, and the targeted marketing by these tobacco empires are to blame ([NCBI](#)).

If this bill is passed, I hope to see a significant decrease in the number of teens using e-cigarettes which will hopefully spell the end of the youth vaping epidemic and will protect my peers who are already facing a global pandemic.

In closing, I'd like to share a personal story of a high school student that gets addicted to vaping via flavored tobacco products, more specifically menthol. This soon grows into a much larger nicotine addiction which leads to the use of other drugs. Nicotine rewires the brain making users more likely to use and become addicted to other drugs, and this is exactly what happened. The nicotine addiction soon turns into a harder drug addiction, and while this student graduates and goes on to USC, within a matter of months, they are expelled and sent back home because of their drug addiction. But the story doesn't end there. They now have a prison record and live on the streets. This, someone, was a very close family friend of mine. Thus, I am writing this today to ensure that this can never happen to anyone else. Thank you.

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March 30, 2022

To: Senator Baker-Chair, Senator Chang-Vice Chair and members of the Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the Ways and Means Committee

Youth tobacco use is personal for me, it impacted my boyfriend who started to smoke at a young age. He finally quit at age 20 but started when he was a freshman in high school. Like many of our peers at the time he started with a Juul e-cigarette. And like many, it wasn't long before he was also smoking menthol cigarettes. It took him years to quit but he finally did. I am thankful for that, hopefully he does not have any health problems as he gets older.

The availability of flavored tobacco products negatively impacts the youth of Hawaii by being readily available for them to buy and smoke. Flavored tobacco products are clearly targeted at students as young as middle school, just look at the flavors that are available. These flavors make middle schoolers want to try tobacco products.

I think e-cigarettes need to be regulated like other tobacco products in order to stop students from transitioning to smoking, like my boyfriend.

Please pass HB 1570 but remove the amendment that exempts products authorized under the FDA's pre-market tobacco application (PMTA) process. Help keep our young people from starting a potentially lifetime of addiction through the use of flavored tobacco products.

Bailee Otto

Date: March 30, 2022

To: Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

Re: Support for HB1570 HD1 SD1

I favor a ban on all flavored tobacco products, especially e-cigarettes. It's much easier for children to get hooked on a tobacco product if the product is flavored. Flavors are designed to draw children in and Big Tobacco companies try to use flavors to get children to use tobacco products. These flavors are specifically marketed towards kids, with flavors like POG and Tropical Blast. This is wrong and needs to be stopped.

97% of children who vape say that they use a flavored product, and 81% of children who use tobacco products say that they started with a flavored product. A common flavor is menthol, or mint. Other names (marketed towards children) are things like Ice and Chill. Menthol is an extremely popular way for youth to start vaping, because its cooling properties mask the harshness of the tobacco. This makes it much easier for them to start!

All in all, we need a flavor ban to protect the lives of children. Over 21,000 youth alive today will die from a tobacco related health issue. Banning the sale of flavored tobacco is a crucial step to reducing that devastating number. **Please do not leave any loopholes for the industry to exploit by removing the exclusion for products authorized under the FDA's PMTA process.**

Karenna Meyermann
Mililani

To: COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

I am writing today in support of HB 1570 but ask that you remove the exception for products approved under the FDA's PMTA process. We have seen how quickly the industry exploits loopholes, please don't give them any opportunity to do that with this bill.

So many of my peers have easy access to tobacco products. The flavor of these tobacco products tend to appeal to my age group as a teen. I have seen this vaping epidemic take over high schools. Countless times I have seen my peers vaping in the bathroom, and I smell the strawberry or mint flavored product fill the air. I have seen my peers get sick and/or deal with lung problems from smoking.

The availability and the targeting of these products has caused such great harm to Hawaii youth, and I want to see accountability from Big Tobacco who fuels this harm.

Please remove the exemption for PMTA products and help protect our youth from being targeted by Big Tobacco.

Sincerely,
Misa Layne
Honolulu



COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

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

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

My name is Jaelyn Natividad and I am writing in support of HB 1570.

The availability of flavored tobacco products negatively impacts youth and other targeted groups by enticing these innocent people to purchase these harmful products. This being said, the more flavored tobacco is available in the community, the greater the increase of tobacco uses that occurs.

The importance of menthol flavors being in the ban for both e-cigarettes and other tobacco products is because menthol flavors are some of the most popular and are what attract people to purchase these products. If you think about it and relate it to food, many people want different varieties or flavors of food. E-cigarettes are no different; there is a flavor to appeal to every taste like Bubblegum, Hawaiian POG and Cotton Candy.

I believe that we need to regulate e-cigarettes as much as other tobacco products due to the harmful nicotine in these products that can result in a lifetime addiction by getting rid of all flavored tobacco products.

To: Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

Testimony in support for HB1570

The availability of flavored tobacco products negatively impacts youth and other targeted groups. Flavors make tobacco products more appealing to youth, and overall help the industry gain more underaged consumers.

Youth are subject to marketing with images ever present on social media and on shows on streaming services popular with youth. Youth easily become aware of who is able to supply them with these products.

While in the stall using the bathroom, the smell of sweet perfume with the mix of menthol flavors fills the air. It is important to me that menthol flavors be included in the ban for both e-cigs and other tobacco products because, youth are youth. To elaborate, youth are constantly attracted to the newest products through marketing. But, youth will be less likely to use a product that is unflavored and not one able to deliver that desired "Chill", "ICE" or "Frozen" flavor that menthol ads. By eliminating all flavors, including menthol, you eliminate products that attract new underage users.

In high school it is extremely normalized to have an e-cig addiction, with the same kind of constant use that was seen in adolescents from previous generations with cigarettes. It took decades to pass legislation to protect youth from flavored combustible cigarettes and menthol is still allowed. The result, while youth smoking rates declined, we still see 1,400 deaths a year in Hawaii from tobacco related illnesses. I think it is time to put in place laws that will protect this generation of youth from becoming addicted to nicotine via e-cigs. We need to protect our youth from being targeted by flavored e-cigarettes and finally get rid of menthol cigarettes too.

Please pass HB1570 and help protect my friends from a destructive future.

Shaneille Ramos
Keaau, Hawaii

Senator Baker-Chair, Senator Chang-Vice Chair and members of the Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the Ways and Means Committee

My name is Carissa Angelize Esta and I **support HB 1570 but not the amendment that allows for the exception of products approved through the FDA's PMTA process.**

The reason this bill is so important to me is that I have a few adults in my family who have been using tobacco products since a young age, and now cousins around my age who are getting into it. It is sad to see that they are aware of the impact of tobacco on their bodies, but still dismiss it. Many of them smoke or use other tobacco products every day.

I had an uncle who quit, but ended up turning back to chewing tobacco when a loved one passed away. I do not believe that tobacco is a way of escape or a way to relax. I see it as a threat to the human body.

I have a cousin that I know uses e-cigarettes. I have also seen my fellow classmates and even younger classmen around sixth grade who use e-cigarettes. Our generation is always changing, we seem to be growing up too quickly, and we all want to find our place to fit into. I do not think the use of tobacco products is the best way for the younger generation to try and fit in. E-cigarettes are as bad as other tobacco products. Nothing about tobacco products is safe.

With so many flavors out there, including menthol, I feel the availability of flavored products makes it more of a temptation for those starting out or thinking about starting. Please help end the sale of **all** flavored tobacco products and pass HB 1570 without any loopholes for the industry to exploit.

To: Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C. Keith-Agaran-Vice Chair and members of the Committee on Ways and Means

My name is Kaya Pettit and I support HB 1570.

Flavored tobacco products expose and hook people to nicotine from a young age. This affects them mentally and physically. E-cigarettes in particular contain high amounts of nicotine, increasing the risk of addiction. Nicotine alters the developing brain of youth and young adults, affecting things like memory and self control. Not just that, tobacco products can cause other problems such as lung and cardiovascular diseases.

Flavors, including menthol have been used by the tobacco industry to target their deadly products towards certain groups of people and younger possible consumers. It allows for people to get easily started and hooked on these addictive and harmful products, and ends up creating a lot of health problems for our generation.

It's not the youth's fault for getting addicted. While it may have been their decision to start, it is often because of peer pressure and the marketing specifically aimed towards youth that enticed them into starting. We shouldn't penalize the youth for falling for the traps of companies targeting them, rather focus on how to avoid getting them started in the first place. Ending the sale of all flavored tobacco products is a good place to start.

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

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

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

I am writing today in support of HB 1570.

Flavored tobacco traps youth into wrongly devoting their lives to the craving of tobacco and can lead to bad mental and physical health which can carry on into adulthood. Flavors, including menthol wrongly make tobacco products more viable for the youth who could end up addicted to the product.

The damage and addiction that results from the use of cigarettes and other tobacco products are the same as that of e-cigarettes. We don't allow candy flavored cigarettes, why do we allow candy flavored e-cigarettes? We also need to close the menthol loophole as this sweet flavor is the most popular with youth in cigarettes and e-cigarettes.

Don't let another generation of youth fall prey to the tobacco industry, end the sale of **all** flavored tobacco in Hawaii.

Ethan Kimura
Hawaii Kai

Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

I ask that you **support HB 1570 but remove the amendment that would exempt some flavored products**. The availability of flavored tobacco products negatively impacts youth and other targeted groups in that they use candy-like flavors to trick youth and create an image of these dangerous products being seen as candy, or something good. These tobacco products also stigmatize and take advantage of our native culture to sell certain flavors like Mauna Dew, and Hawaiian POG.

While attending my public school middle school almost every single time I walked into the bathroom there was somebody vaping. Recently a couple of my neighbors had to go to the hospital because of their e-cigarette addiction, and it hurts to see children like me suffer due to these dangerous products taking advantage of them.

I also believe it's important that menthol flavor should be included in the ban for both e-cigarettes and other tobacco products because menthol is the most commonly used flavor, in particular among Native Hawaiians like myself.

Chanel Matsumoto

Date: March 30, 2022

To: Senator Baker-Chair, Senator Chang-Vice Chair and members of the
Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the
Ways and Means Committee

Re: Support for HB 1570

My name is DeAngelo Joshua and I urge you to **support HB 1570**. I come from a family with a history of substance abuse and I would hate to see my little nieces and nephews get affected by the same fate. Currently, the availability of flavored tobacco products is ridiculous and impacts all youth across the state.

Some people believe that flavored e-cigarettes are “healthier” to use. However, they are just as bad, and even worse in some cases. The list of chemicals contained in e-cigarettes are concerningly long, with some mixtures/flavors having nicotine concentrations higher than combustible cigarettes, making them even more addictive. Menthol flavors of e-cigarettes is one example, with them often being more addictive than non-flavored counterparts, due to its cooling sensation.

For the sake of our youth, now and in the future, please pass a clean HB 1570.

DeAngelo Joshua Ola
Kauai

To : Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair
and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C.
Keith-Agaran-Vice Chair and members of the Committee on Ways and
Means

Support for HB 1570

Flavored tobacco products negatively impact youth by basically giving them
a delivery system for toxic chemicals inside their body. Menthol is of
particular concern in e-cigs and cigarettes. Please end the sale of all
flavored tobacco products in Hawaii.

Kyllie Sasaki

Hawaii

March 30, 2022

Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer
Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

Flavored tobacco products hook youth. Most young people start vaping using flavored products and become addicted. It is important that menthol flavors are included in the ban because they are what get youth interested in consuming tobacco and e-cigarettes. The vibrant packaging and interesting flavors are what draw most young people in.

I avoid using the school bathroom during recess because of people vaping. Lots of my classmates actively vape or have tried vaping. As a result, they become addicted and their health is affected, mentally and physically.

Please help put an end to this and stop the sale of flavored tobacco products in Hawaii. Support HB 1570.

Lauryn Hashimoto

March 30, 2022

Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C. Keith-Agaran-Vice Chair and members of the Committee on Ways and Means

Aloha my name is Kaidyn Yago and I am a sophomore at Kauai Highschool. I support HB 1570. Many of my fellow peers and friends have tried flavored e-cigarettes already in their life. I have even been offered them but have never tried. It has become a constant problem for teens and students in my school.

Please support HB 1570 and help protect Hawaii's youth.

Senator Baker-Chair, Senator Chang-Vice Chair and members of
the Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and
members of the Ways and Means Committee

I supported HB 1570 because flavored tobacco products affect youth and are used to target certain groups. These products are “attractive” to the youth and cause teens to get addicted at a very young age. Classmates of mine **as young as 11** are using e-cigarettes they got online.

When I was 9, my grandfather passed away from lung cancer as a result of smoking. Knowing now that classmates of mine use e-cigarettes and tobacco products breaks my heart because I know this will take a toll on their health in the future.

It is important to include menthol in the ban in both vapes and cigarettes so youth do not switch from one to the other. Tobacco products cause enough deaths as it is, we don't need flavors targeted towards youth, it can cause serious problems for the future.

I hope that you will help my generation and community to be safe from these products and live healthy lives by ending the sale of all flavored tobacco products in Hawaii. Please support HB1570.

Neva Leung

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

My name is Caleb and I am writing in support of HB 1570.

Currently, the perception that some youth have about e-cigarettes makes kids want to try vaping. Once they do, like many other types of tobacco products, they become addicted. Flavors play a big role in this. For the past few years in older grade levels, I have been seeing kids that I would never expect to vape. Recently, this problem has spread amongst kids the same age as me.

Some kids believe that smoking e-cigarettes can help relieve stress, especially due to the pandemic and having to adapt to virtual learning. However, e-cigarettes are not a healthy alternative. If we do not regulate them now, e-cigarettes will continue to negatively impact our generation and leave us with terrible health effects later down the line.

I ask you to support HB 1570.

Caleb Plowman
Lihue

Date: March 30, 2022

To: Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C. Keith-Agaran-Vice Chair and members of the Committee on Ways and Means

Re: Comments on HB 1570 HD1 SD1

Dear Senators,

My name is Nigel and I would like to share why I **support the HB 1570**.

I know many students from my high school who are impacted by e-cigarettes. Many who start vaping have become addicted and abuse it. It breaks my heart to see other young people my age deal with addiction, which I know will only get worse. However, this problem is not just found in my school, but practically all schools across Hawaii. I even see on my Tiktok that teens are vaping all the time.

Flavors play a big role in why students try e-cigarettes and other tobacco products, so it's important that all tobacco products and flavors are included. Menthol in particular gets so many students addicted, creating a new generation where nicotine is normalized.

Unless action is taken now, the devastating outcomes that we know go along with tobacco use may be irreversible. It is important that we address e-cigarettes right now and pass this important piece of legislation.

Nigel Agcaoili

Senator Baker-Chair
Senator Chang-Vice Chair
Members of the Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair
Senator Keith-Agaran-Vice Chair
Members of the Ways and Means Committee

Comments on HB 1570 HD1 SD1

E-cigarettes should be regulated the same as other tobacco products because they have dangerous chemicals that can be inhaled. They are also as addictive as other tobacco products. The availability of flavored tobacco in general negatively impacts youth or other targeted groups by tricking them into buying more tobacco products. It entices them and lures them in with flavors and hooks them onto using tobacco. Menthol flavors must be included in the ban for both e-cigarettes and other tobacco products because they are the sole reason why so many of our youth start using them in the first place.

My uncle frequently vapes and it affects his household. His house always smells like the thick, sweet, cotton candy vape juice. I think it spreads a message to his kids that it's ok to start vaping. Alt seems like almost everyone I know vapes because of how easy it is to obtain one.

Youth are the victims of the marketing scams that e-cig companies put out. They are just caught in the act and these companies are putting out more flavors to make more money. The health and well-being of the youth are not being considered. Please support HB 1570 but remove the loophole around FDA PMTA exemption. Big Tobacco has shown how quickly they can work around rules like this, please don't give them that chance.

Jeanine Longboy

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

I support HB 1570 because kids are getting more and more addicted to tobacco products because of the lack of regulations, in particular all of the flavors that are available.

My best friend vapes, he has stopped coming to church and started doing more and more drugs and it's because he has access to purchase these supplies. And he only buys FLAVORED pods.

The ease of purchasing e-cigarettes online means anyone can buy it and anyone can use it. Please help protect Hawaii's keiki and support HB 1570 original purpose to end the sale of all flavored tobacco products.

Savannah Hubbard

Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer
Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

RE: **Support for HB 1570**

My name is Marissa Matsushige. We need to regulate e-cigarettes and other tobacco products to save the lives of those that are affected by this. Flavored tobacco products can easily hook the youth thus resulting in a higher chance in addiction.

On a daily basis in the school bathroom I notice people vaping. I choose to block out and ignore that aspect of school. I don't appreciate the second hand smoke and other things that affect myself and others that don't participate in smoking, but I have no choice but to be subjected to it.

In my community a lot of people are affected by this and they could potentially be harshly affected by the health risks. Tobacco is easily accessible with many menthol flavors, masking the harsh flavor of the tobacco products thus, making it easier to be addicted.

The companies that make and sell these products should be held accountable for their actions which negatively affect the youth. **I urge you to support HB 1570.**

Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C. Keith-Agaran-Vice Chair and members of the Committee on Ways and Means

I supported HB 1570 because the availability of flavored tobacco negatively impacts youth by deceiving them with packaging and flavors similar to name brand candies and cereals. By the time they first try vapes, they are hooked, and are forced to continue to profit the tobacco and e-liquid market.

Although I do not have any personal connections to this issue, I realize that it is a massive issue in the community of Hawaii, and although it may sound foolish, I want to protect the rest of the community who remain untouched by this epidemic. There are kids who are just 11 years old and have already started using tobacco and e-liquid products! This needs to be solved, and the only way to is to create hard and fast rules for tobacco companies to follow.

It is important to me that menthol flavors are included in the ban for both e-cigarettes and other tobacco products because they are just as addictive, if not more! They are also targeting youth and Native Hawaiians with menthol, a market that may be unaware of the health consequences. Tobacco and e-liquid companies are specifically targeting them, knowing they will fall for the traps they set. These companies are the ones who need to be punished for hooking our people, all to make a profit.

Please keep the original goal of HB 1570 and remove all flavored tobacco products with no exceptions!

Thank you for the opportunity to submit testimony.

Eden Thompson

March 30, 2022

Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

Support for HB 1570

Flavored tobacco products are the most effective when it comes to hooking and intriguing the interest for younger groups. For health concerns, it is important to ban menthol flavors in both e-cigarettes and other tobacco products due to the industry using menthol to target younger groups, being unaware of the health risks they are taking.

During my time in high school, many of my peers believed e-cigarettes are a healthy alternative to smoking cigarettes or other tobacco products. Due to their ignorance, many have ended up being treated in the hospital for poor lungs.

Please protect our youth and end the sale of **all** flavored tobacco in Hawaii, with no exceptions.

Aron Taguam

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

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

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

I am writing in support of HB 1570

Youth are more likely to fall victim to e-cigarettes and other tobacco products because of their flavors and easy access. Vaping is a problem at my school, and bathrooms are almost always filled with vapor. Second hand smoke is a problem to me and many other students. Bathrooms are hardly usable during breaks. Flavors tempt youth to want to try tobacco products of all types. And it can only take once for some youth to get addicted. I possible life long addiction with many harmful effects on the body

Easy access has made it simple to try, and once you do, get addicted. Not only is their health affected but their financial situation could be at risk too. Given the total cost of a lifelong addiction.

The youth is the victim in this case. More penalties won't have much of an effect on the people who are addicted or people who don't think they will get caught. Also the toll on their bodies is a major penalty by itself. We need to focus on the industry and stop the sale of all flavored tobacco products in Hawaii.

Tanner Hubbard

Kauai

Senator Baker-Chair, Senator Chang-Vice Chair and members of the Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the Ways and Means Committee

I am writing to ask for your support for HB 1570 with its original purpose to end the sale of ALL flavored tobacco products, with no exemptions.

My name is Kirra Carvalho. I believe we need to end the sale of all flavored tobacco products because they have similar negative effects on our bodies. The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes it easy for them to access and try it. When they soon become addicted, they will continue to get more and more. It is important that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because they are just as much a flavor as any other one. It still has the same negative effect and should be banned.

My younger sister, who is a 7th grader, came up to me one day and said she found out so many of her classmates vape. I thought that was crazy because she's so young and I couldn't believe kids her age were vaping.

I support the stance that youth penalties should not be included in flavor ban bills because for these young students it is their time to learn. We want to help them quit and show them the harmful effects of it. Not punish them for falling victim to an industry that targets them.

Date: March 30, 2022

Senator Rosalyn H. Baker-Chair
Senator Stanley Chang-Vice Chair
Members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair
Senator Gilbert S.C. Keith-Agaran-Vice Chair
Members of the Committee on Ways and Means

Support HB 1570

I believe we need to end the sale of **all** flavored tobacco products since these products are relatively cheap and easily accessible which makes youth more vulnerable. They are highly addictive and can cause many illnesses that youth may not be aware of. Tobacco products cause many of the same health effects and one isn't better than the other. They all end in pain or death.

My best friend is majorly affected by vaping and I wish he could come to terms with his addiction and quit. Banning all flavored tobacco and regulating vapes like other tobacco products would be a big help to him and many others. These kids don't understand the purchase they are making and how detrimental it is to their health. I urge you to support legislation to ban all flavored tobacco.

Maddison Hubbard

Senator Baker-Chair, Senator Chang-Vice Chair and members of the
Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of
the Ways and Means Committee

Support HB1570

Students and my peers should not be addicted to tobacco products this young when they still have the rest of their life to live and tobacco products could overtake that life. Flavored tobacco products help get them to try and become addicted when young, it could affect them for the rest of their life.

This is personal for me, my brother is addicted to e-cigarettes. I can tell it affects his exercises, and if flavors were banned and e-cigarettes controls were put in place, there would have been less of a chance he would've gotten addicted in the first place.

Many teenagers now can get a hold of e-cigarettes without an ID or a parent even knowing. E-cigarette companies cater to a younger audience, please control these products like other tobacco products and help protect kids like my brother.

Leia Mokiao-Higashi

Lihue

Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C. Keith-Agaran-Vice Chair and members of the Committee on Ways and Means

Please support HB 1570

Among the many issues of e-cigarettes and other flavored tobacco products, there is one that sticks out: The availability of these flavored products and how it can have a long-lasting impact on youth. Menthol flavors cover the harsh taste of e-cigarettes and other tobacco products alike and causes adolescents to get addicted to the taste of tobacco products.

The deaths and hospitalization of children who consume e-cigarettes has increased and as long as there is cheap and easy access to flavored tobacco, it will only grow. **Please ban the sale of all flavored tobacco products with no exceptions.**

Jacob Trujillo

March 30,. 2022

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

RE: Support for HB1570

By making flavored tobacco products available, teens are being drawn to and marketed towards which can lead to addiction to tobacco products. As we know, tobacco has major negative health effects including lung, heart, and brain problems. Naturally, youth and other people who aren't educated on the effects of tobacco would be curious to try flavored products, and thereby get hooked.

Although I am not a user of tobacco products, in my freshman year of high school, I had several classmates have allergic reactions to their vapes, as well as a friend faint due to the amount that they were using e-cigarettes. I remember being scared and incredibly concerned for these people, as I talked to them in my day to day life. I knew of the health concerns, but I had never seen them laid out right before my eyes. I knew that I was making the right choice by continuing to not vape, and that I wanted to help others quit.

I can tell that the many flavors and ease of access has created a boom in the amount of people who use e-cigarettes. I see people walking down the street in possession of one, and I've seen several people easily buying them on their cell phones. Banning flavors including menthol flavors is important because if only e-cigarettes and not other flavored tobacco products are banned, then that leaves menthol products available, meaning that targeted audiences will still have access to them and just switch. It seems pointless to only remove a portion of the problem.

Kiele Casillas

Kalaheo

Senator Baker-Chair, Senator Chang-Vice Chair and members of the Commerce and Consumer Protection Committee

Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the Ways and Means Committee

Please support HB 1570. The availability of flavored tobacco products negatively impacts youth because it attracts younger kids, the packaging of flavored tobacco products also makes the younger kids have a sense of familiarity when they see names like POG, Bubble Gum or Cotton Candy.

Tobacco or the use of e-cigs have impacted one of those around me. My step brother. He was hit by the popularity wave of e-cigs. Many people in his grade were taken in, he's in high school and has been put under the pressure of owning an e-cig, just to feel the need of fitting in.

With countless flavors, relatively easy access to e-cigarette purchases online combined with the low cost have negatively impacted my community because it is now common to see my peers vaping or having an e-cig.

I think that it is important to protect the youth from harmful substances/products, because youths still have a lot ahead of them. Please support HB 1570, Hawaii's keiki are depending on you.

Mikayla Lumabao

Kalaheo

Aloha, Senator Baker-Chair, Senator Chang-Vice Chair and members of the Commerce and Consumer Protection Committee
Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the Ways and Means Committee

I am writing in support of HB 1570. Flavored tobacco products get kids hooked on nicotine at a very young age which can lead Hawai'i's youth to have ongoing health problems later in life and can get kids in trouble. Students get addicted to the menthol flavor because it masks the taste of tobacco. Flavored tobacco (including menthol) does the opposite of helping kids get rid of their addictions.

I've seen many of my own friends become addicted to e-cigarettes because of the flavors and advertisements targeted towards kids. When I walk into the bathroom at school, it is very normal to see a group of people passing around an e-cigarette in the stalls because they're addicted. If flavored tobacco was banned, students would not be as interested in these products, which could lead to a lower rate of addiction.

Youth penalties should not be included in bills because in most instances, using e-cigarettes is a form of peer/social pressure that students give into. The kids giving into peer pressure to seem "cool" form an addiction to these nicotine products. Instead of punishing kids for giving into these pressures, end the sale of all flavored tobacco products that attract and hook kids.

Thank you for the opportunity to provide my testimony.

Kailee Oyama
Lawai

Senator Rosalyn H. Baker-Chair, Senator Stanley Chang-Vice Chair and members of the Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz-Chair, Senator Gilbert S.C. Keith-Agaran-Vice Chair and members of the Committee on Ways and Means

RE: Comments on HB 1570

Flavors hook kids. The fact that big tobacco companies are using such sweet flavors shows that they know young teens and young adults are more likely to try it. All of their flavors should speak for themselves, they know what age demographic is most likely to be impressionable and interested in their products.

Menthol is a sweet flavor of particular concern, it opens up your lungs. When it's inhaled, menthol can reduce airway pain and irritation from cigarette smoke and e-cigarettes aerosol, it suppresses coughing, giving users the illusion of breathing more easily. When big tobacco products use menthol, they are making sure more nicotine is inhaled. This is setting up millions of young teens for addiction.

Teens are hooked in by the flavors big tobacco companies offer. Some are misinformed and under the impression that vaping calms you down and lowers anxiety. e-cigarettes are leaving young teens addicted, depressed, and anxious. When adolescents use nicotine products it harms the parts of the brain that control attention, learning, mood, and impulse control. Nothing good can come from flavored tobacco products being accessible to our communities.

On a personal note, there was a girl about my age in my drivers Ed class, she was 15 or 16 years old. I noticed that she was going to the bathroom a lot. I dismissed this at first, and then noticed that the guy sitting next to her was sneaking her a vape pen whenever she would use the bathroom. At first she was going to the bathroom every half an hour or so. Then she started missing so much of the class, she was leaving every ten minutes. She missed so much class that she failed and had to reschedule to retake the class all over again.

After class as we were all waiting outside to be picked up, she would keep asking to use this guy's vape pen. He kept telling her no, he knew the dangers of nicotine products and vaping and told her that he was going to quit and that she shouldn't be vaping in the first place. After asking a few more times she started begging him to use it and tried to take it from him.

Now that I've seen first hand what nicotine products can do to people; I want to do everything I can do to advocate for the young teens out there who have been through this. I want to make sure that all teens are aware of the damage that this causes physically and mentally. But we need your help too!

Ending the sale of **all** flavored tobacco, as was the original intent of HB1570, would go a long way to keeping new youth from starting to use tobacco products. Please return HB1570 HD1 DS1 to its original intent and remove any exemptions.

Sydney Ryan
Kapolei

Flavored tobacco products negatively impact teens, new flavors keep coming out that they keep wanting to try. The chemicals that are in the flavoring might be even worse than the original thing.

Tobacco products are bad for your lungs and can give you lung cancer

Please end the sale of all flavored tobacco products.

Kyle F.
After-School All-Star
Waikiki

My name is Laisha and I'm in middle school.

We need to end the sale of all flavored tobacco because youth wants to taste the flavor. It's important to include menthol so they don't smoke more and more.

It's not healthy for kids. When i'm at school I walk into the bathroom everyday and their is people in the bathroom that vapes. Please help protect us.

Latisha
After-School All-Star
Keaau Hawaii

Flavored Tobacco hooks the youth when they try the flavored tobacco products, without them knowing the problems behind trying them. It is important that menthol flavors are included to be in the ban for both e-cigarettes and other tobacco products because menthol is a popular flavor for kids.

Please stop the sale of all flavored tobacco, we are counting on you to protect us.

Kristine
After-School All-Star
Kalihi

I don't want flavored tobacco because it may taste good. I never tried it because it has many bad chemicals in it, also because your lungs are compromised by the vape juice because of the chemicals in it. Please protect our keiki from tobacco.

C.H.

After-School All-Star

Nanakuli

The availability of flavored tobacco products negatively impacts youth by getting them addicted early so the vape companies have customers for their entire lives. It is important to ban menthol because it makes vapes and cigarettes highly addictive. E-cigarettes should be regulated the same as other tobacco products because they are just as dangerous.

My favorite smell growing up was when a cigarette was first lit. I don't think any child should find a cigarette or a vape pen as their favorite smell.

Please end the sale of all flavored tobacco products and protect the keiki.

Tulasi S.
After-School All-Star
Haleiwa

The availability of flavored tobacco products impacts youth negatively by enticing them with appetizing flavors. Without the flavors, many people wouldn't want to use the tobacco products.

It's important to me that menthol flavors be included in the flavor ban for all tobacco products since it's the most popular flavor and masks the harshness of the tobacco.

At my school, many people vape in the bathroom and the vast majority of the people who I know that vape, use flavors.

Please ban the sale of all flavored tobacco products to help protect kids.

Nhi N.

After-School All-Star

Honolulu

Flavored tobacco makes kids want the products more. If you end the sale of flavored tobacco it will make it harder for underage persons to get the products and make it less likely they will start using tobacco products.

My great aunt died of pneumonia, from complications of smoking. After my grandma came to take care of her sister she still persisted in the use of nicotine, but in a different form, e-cigarettes. Even if she stopped a while ago the damage was still done to her lungs. My mother vapes even though she has tried to stop. I told her how i wish she would stop at my aunt's funeral, she told me that she'll be okay. I know she won't and that's what I fear the most in my life.

The tobacco companies are targeting children that have no full knowledge of the irreversible damage being done. Please help people like my mom quit and kids to never start. End the sale of all flavored tobacco products.

Imogen
After-School All-Star
Pahoa

Flavored tobacco makes kids want to have it more.

It is important for us to ban e-cigarettes and/or tobacco products that include flavors, including menthol, because it will cause not just kids but people who are addicted and/or people we love to stop using these products. This is impacting quite a lot of people in my community considering how much students in my school do it.

I believe that we should regulate e-cigarettes the same as other tobacco products because then it will cause people to slow down on tobacco and they may quit. I wanna help our community and stop vaping, ending the sale of all flavored tobacco products will help do this.

Aneka

After-School All-Star

Hilo

Flavored tobacco products negatively impact the youth because it affects the way the youth thinks and it hooks them on nicotine so they continue to vape. Menthol is a flavor that should be BANNED because it has the same effects as other flavors.

Angela-Rose

After-School All-Star

Honolulu

HB-1570-SD-1

Submitted on: 3/30/2022 9:43:06 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zoey Duan	Individual	Support	Written Testimony Only

Comments:

Aloha Senator Baker-Chair, Senator Chang-Vice Chair and members of the Commerce and Consumer Protection Committee. Senator Dela Cruz-Chair, Senator Keith-Agaran-Vice Chair and members of the Ways and Means Committee,

I'm Zoey, a local youth from Nu'uuanu/Liliha, and I support the intent of HB1570 but would also like to provide comments on recent amendments.

As a youth that has personally seen the impacts of tobacco on my family members and friends, namely my grandpa who had passed away from tobacco use as well as my many fellow peers in middle school, I strongly support the bill to end flavored products for the sake of Hawaii's keiki.

However, I would like to raise concerns on a recent amendment of the bill. Specifically, the amendment that added an exemption of products authorized under the FDA's premarket tobacco application process. This may have significant and counterintuitive consequences and weaken the original intent of the bill that us youths have been advocating for so long for. With such an amendment, we leave loopholes in the regulation of menthol flavored e-cigarettes and offer opportunities for the big tobacco industries to exploit and abuse such loopholes. With the increasing health risks of tobacco on kids like me, we cannot afford to leave this opening unaddressed. The industry will undoubtedly take advantage of this, and kids will once again fall prey to their manipulative marketing tactics. Furthermore, the FDA's continuous delay on regulating these products has already harmed us youths for years by allowing these companies to lure kids into addiction. Any delay will impact children and is unacceptable.

Therefore, I urge the committees to not only support the bill but also remove the exemption for flavored tobacco products with premarket tobacco application authorizations, so that we can truly prevent the dangers of tobacco from affecting both my generation and our future generations.

Mahalo,

Zoey Duan

TESTIMONY HB1570

I am a long-time Kauai pediatrician, and I am writing in that role to support SB3118, banning flavored tobacco products. We are in the midst of a vaping epidemic in Hawaii, with startling statistics – 1/3 of high school students and about 1/5 of middle school students are regular vapers. E-cigarettes and other flavored products are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. This is a recipe for ever increasing medical costs to treat the long-term consequences of nicotine addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids to children is to prevent the sale of flavored tobacco products in the first place.

I strongly recommend that HB1570 be amended to include banning of ALL flavored tobacco products, including those approved by the FDA's "pre-market tobacco application authorization." The FDA, under the influence of the tobacco industry, has dragged their feet for many years in regulating flavored tobacco products, including synthetic nicotine. Their current pre-approval process is extremely weak and has allowed the most popular youth nicotine products to slide through. In addition, the FDA recently announced that they will not even be regulating those products that they have disapproved. Hawaii can and must do better than that. The State has the power and responsibility to regulate all flavored nicotine products, including synthetic nicotine and menthol. The Legislature does not need to emulate the slow-walking by the

FDA, which has been a big disappointment to all of us interested in protecting our vulnerable youth.

There is a clear-cut way to greatly reduce flavored tobacco use by our most precious resource – our keiki. That is to eliminate access to all flavored vaping liquids and menthol by legislation. There is absolutely no reason to avoid this responsibility. We owe it to our children.

Linda Weiner, MD
Kauai Pediatrician

HB-1570-SD-1

Submitted on: 3/30/2022 10:32:44 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill with a request for an amendment to include all flavored tobacco products without any exceptions.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill and respectfully request the important action of removing the exemption for flavored tobacco products with pre-market tobacco application authorizations.

Mahalo for your consideration and support of this measure with the requested amendment.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

HB-1570-SD-1

Submitted on: 3/31/2022 12:59:00 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
joAnn Garrigan	Individual	Support	Written Testimony Only

Comments:

I call for and support a complete ban on all flavored tobacco vaping products in Hawaii, in our efforts to protect our youth from an attraction to an addictive and health destroying habit. Thank you. J. Garrigan, MD

Hello, my name is Kevin Johnson. I am 43, a resident of Hawaii, a parent, and a former smoker of cigarettes for over 25 years. I thank you for taking the time to read my testimony.

I first tried vaping, maybe 7 years ago, when the vape industry was just beginning to really gain mainstream traction. I liked the taste of tobacco, so it was no surprise that the flavors that were offered in my kit was tobacco. Mocha and Menthol were also included but I had little interest initially as I was still smoking cigarettes for the most part and that was what I was used to. The price was about on par with cigarettes, the vape device itself had poor battery life, and the delivery of the vapor was not on par with what I had grown accustomed to with smoking traditional cigarettes, and thus this first experience with vaping was very short lived. However it did plant a seed in the back of my mind, that perhaps I just didn't give it a fair shake, and maybe I just need to look into it a bit more. This first kit was purchased at a Walgreens on a whim, with absolutely no guidance from the store.

My second experience with vaping was completely different. I was given a very expensive tank mounted vaping device, and have very limited knowledge about it, so I went to a dedicated vape store for the first time. The staff there was very knowledgeable and walked me through everything I needed to know and even allowed me to sample many flavors and nicotine levels till I found something that was actually very appealing, the flavor that day was black tea, fig, and honey. For the first time I had found something that appealed to me more than the cigarettes I had been smoking my entire adult life. The more I used the vape instead of smoking, the more benefits I experienced. The tar in my lungs began to clear out, I was able to smell things I never noticed before. My clothes, hands and hair, no longer permeated with the smell of tobacco and soon after that smell I had become so accustomed to, became repulsive. While I had obviously switched one vice for another, I believe it to be vastly less unhealthy than smoking cigarettes. Had I only had the tobacco flavored vape, I do not believe I ever would have been able to pull myself away from cigarettes in such a drastic fashion. And had there not been a vape store with such a huge variety of flavors outside of tobacco and staff experienced not only in the products, but how they used them to quit smoking themselves, I and people like myself may never quit smoking. I have not smoked since, now 5 years later. And continue to lower the nicotine concentrations to a fraction of what is in a cigarette.

The entire vape industry was created for this purpose. By people looking for alternatives to cigarettes and tobacco. I prefer the fruit flavors myself, so to say this is marketing towards children, I believe sounds absurd. I think it's marketed towards adults like me. I can think of a wide variety of alcohol that has the same flavors as the specific was mentioned in this bill. Even packaged with candy themed graphics. Are we going to say these are marketed towards children as well? No, I think there are so many products with these types of flavors because they appeal to such a wide variety of people. Just because a child likes cherry flavor, doesn't mean the state should step in and remove every potentially hazardous product that contains cherry flavor. It is the responsibility of the parent to keep them from drinking a bottle of cough syrup, alcohol, vape juice, ect.

As a 43 year old man, I can not walk into a vape store and purchase anything without having to show my identification. So it is my experience that these type stores are upholding their responsibility of keeping these products out of the hands of children. While the idea of this bill may be noble, the result will be the closures of these businesses. Countless people will lose their business, investments, livelihood, and make it more difficult for law abiding adults to access these products. And it still will not keep these products out of the hands of children. Even worse is it will create an even larger, completely unregulated black market. Eventually companies that are currently producing a quality product will drop off and the only products these children will be able to get will be the ones that actually, flat out, kill them.

Out of all the statistics provided in this bill, and the acknowledgement that this is a cookie cutter bill already put in place in other states, where is the data on the results? I am willing to bet the reduction of school age children vaping was negligible, especially factored against the job loss and damage to an industry that is trying to evolve a safer product for the purpose of helping adults have an alternative to tobacco.

Ultimately the goal of this bill is to curb the rampant use of vaping products by children, and to that end I am completely behind that goal. However I do not believe an outright ban will achieve this. This kind of approach will hurt all the wrong people. I ask that this bill be rejected, and the law makers draft bills that go after the people breaking the law, not the ones upholding it.

Companies or businesses not using age verification should be shut down and heavily penalized. Adults that are providing to children. And to a certain extent the children themselves. There is already a law against minors in possession of any tobacco product. Hold them accountable for their actions. A life lesson is best learned young or the consequences only get worse for everyone. They not only know what they are doing is wrong for them and unhealthy, but they also know they are breaking the law. They should be the focus of any bill for the sake of their health. Give them community service and use that to pay for perhaps a mandatory health class. And again go after the adults directly responsible for giving them access in the first place. Because it is not the small businesses this bill will be directly aimed at. I sincerely hope this bill is not passed, and another solution can be found.

Thank you for your time.

HB-1570-SD-1

Submitted on: 3/31/2022 3:56:45 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chase Cavitt	Individual	Oppose	Written Testimony Only

Comments:

I respectfully ask you to not take away the opportunity for me to make personal decisions to use a flavored vape as an adult resident of Hawaii. You people have no right to take away an adults ability to choose how to consume nicotine products in my opinion, regardless of what you feel is your duty. It is not fair that I will be forced to return to smoking cigarettes as the result and I will pursue any legal action I can against the state for this insane inconvenience. I do not think that children breaking the law and adults participating in the illegal distribution and consumption of a product should dictate my ability to consume a product legally. You are forcing me to consider leaving the islands permanently as the result of this insane overreaching bill.

I also feel this will open up a very very dangerous black market for the sale of vape products and I will bet that we will see a rush of much more dangerous products without any testing sent from China to the islands. I am guessing people will just buy juice and mix it themselves and this can lead to overdose situations with nicotine. This may certainly become reality if those people are unaware of how to properly mix the ratio of nicotine and vape liquid safely. I will do what I have to and will continue to vape regardless of what you people decide so good luck trying to force the stop upon people who will not comply to ridiculous commands from your high throne. You will be making criminals out of currently law abiding citizens but I'm sure you hardly would care as you virtue signal and act as if this will prevent the current issues Hawaii is facing with the youth.

I grew up here and saw kids smoking cigarettes at a young age and even would watch as the high school principal would smoke on the hill outside of school as kids also made their way to the edge of campus to smoke cigarettes, while clearly in his view. I would suggest we take the approach of changing the culture around any tobacco use via education rather than overreaching regulations. This is wrong to punish me for something that I have never once contributed too. I will not ever allow an underage person to consume my vape products and will never provide anyone with the material to do so on their own. This assumption that you will be doing something good by forcing your will upon Hawaii residents should be reevaluated and you should consider the fact that you will be degrading mine and many others lives by forcing your will upon us. I am not your subject and you have no right to tell me how to live my life. I am currently a law abiding adult and will continue to vape flavored products for as long as I choose to no matter what you think, write or say. I hope many more will stand with my resolve and force this bill, if enacted as a law to be null and void, simply by it being unenforceable.

I am completely okay with charging individuals who help youth get these products illegally as they are the real issue and not the adults who have absolutely Nothing to do with that. I am in support of strict ID laws, which already stand and have no issue with that but I am absolutely opposed to being treated like a child myself and being punished with my own tax dollars.

I ask you to only ban this bill, not my personal decision to consume flavored vape products. Stop threatening law abiding adults and harming Hawaii businesses and end this ridiculous overreaching bill.

HB-1570-SD-1

Submitted on: 3/31/2022 6:58:09 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelli Buenconsejo	Individual	Support	Written Testimony Only

Comments:

I am in support of HB1570, requesting an amendment to end the sale of all flavors in all tobacco products in hawaii- both now and in the future.

respectfully,

kelli buenconsejo

Date: March 31, 2022

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Commerce and Consumer Protection

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

Re: **Support for HB 1570 HD1 SD1 with amendment**, Relating to the Youth Vaping Epidemic

Hrg: Friday April 1, 2022 at 10:00 AM Conference Room 211 & Videoconference

Aloha Senate Committees on Commerce and Consumer Protection and Ways and Means,

As a parent, community member and healthcare professional I am writing in **strong support of HB 1570 HD1 SD1 with amendment**, which bans flavored tobacco products *but exempts tobacco products with pre-market tobacco application authorizations*.

Hawai'i is in the midst of a youth vaping epidemic that has been underway for at least seven years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

Flavors in all tobacco products entice our youth, while the nicotine alters the development of their brains, keeping them hooked for life. In 2020, 80% of Hawaii youth who currently use e-cigarettes reported using a flavored product, up from 70% in 2019. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of all flavored tobacco products will advance health equity.

Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. Mint and menthol (the chemical in mint that gives a cooling sensation) flavored e-cigarettes are among the most popular flavors with our youth.

I strongly believe that Hawaii should exercise its full authority to end the sale of all flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki.

I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations and pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB-1570-SD-1

Submitted on: 3/31/2022 7:38:08 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rona Mangayayam	Individual	Support	Written Testimony Only

Comments:

SUPPORT WITH AMMENDMENTS:

Requested Amendment: We strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

HB-1570-SD-1

Submitted on: 3/31/2022 7:39:16 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheneh Dela Rosa	Individual	Support	Written Testimony Only

Comments:

I, Support HB 1570 with amendments to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them. The addictive substance of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth, that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products. **Requested Amendment:** We strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. *We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.*

HB-1570-SD-1

Submitted on: 3/31/2022 7:57:51 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Joint Senate Committees on Consumer Protection and Commerce & Ways and Means,

I am writing to express my support for HB 1570 with amendments. Action needs to be taken immediately to stop our youth from becoming addicted to flavored e-cigarettes that are marketed to youth, people of color, and other marginalized communities. I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

Mahalo,

Cheryl Reeser
Makawao, Maui

HB-1570-SD-1

Submitted on: 3/31/2022 8:28:02 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Beverly Hiraoka	Individual	Support	Written Testimony Only

Comments:

I, Support HB 1570 with amendments to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them. The addictive substance of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth, that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products. **Requested Amendment:** We strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. *We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.*

HB-1570-SD-1

Submitted on: 3/31/2022 8:39:12 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Debbie Erskine	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

As a mom of two children, son 15 and daughter 10, I am very concerned about the risk of vaping. This is deeply personal to me as my mother died of lung cancer. She started smoking as a teenager before the risk of smoking were fully understood and before there was a surgeon general warning posted on each package of cigarettes.

I respectfully request that all flavored tobacco products be included in this bill - with no exemption for products authorized through the pre-market tobacco application (PMTA) process. The FDA has been slow to protect children - see the proliferation of thousands of flavored e-cigarettes, the exemption of menthol cigarettes, and the evasion of FDA regulation through synthetic nicotine - and we cannot afford to wait any longer. Hawaii has the authority to end the sale of all flavored tobacco in the State, and should take action to protect our children from a lifetime of addiction.

Mahalo for your consideration.

Debbie Erskine

HB-1570-SD-1

Submitted on: 3/31/2022 8:50:22 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB1570. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

As a parent and public health educator for the State Health Department, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids' ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it's very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet and minty e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 8 out of 10 youth who ever used tobacco products started with a flavored product, and more than half of youth tobacco users use menthol cigarettes.

I ask the committee to please support HB1570 and prohibit the sale of *ALL* flavored tobacco and synthetic nicotine devices, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco and synthetic nicotine devices (including menthol, mint, and wintergreen) have the greatest appeal to youth and we must end the sale of these products.

Sincerely,
Kristin Mills, M.S., M.A.
Epidemiologist and Public Health Educator

HB-1570-SD-1

Submitted on: 3/31/2022 8:51:20 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Koga	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Senate Committees on Commerce and Consumer Protection and Ways and Means,

As a public health educator, concerned Hawaii resident and most of all the grandparent of two teenagers, I am in strong support of HB 1570, HD1, SD1 that would end the sale of flavored tobacco products in Hawaii. **I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.** This amendment is important to end sales of all flavored tobacco products in our state without exemptions and loopholes. This legislation is an urgent priority. We cannot afford to wait for the FDA to follow through with regulation while our children are becoming addicted.

There is overwhelming evidence on the detrimental effects of vaping on the health and well-being of Hawaii's youth and the shocking statistics reveal how popular these deadly and addictive products are in our communities statewide. In a recent poll conducted by the Star Advertiser on Wednesday, March 16, 2022, 73% support a ban on flavored vaping and tobacco products. I also received a newsletter from my state representative Roy Takumi that provided the results of his 2022 Community Survey. 82% of our community believe that flavored vaping products disproportionately target kids and should be banned.

Please pass this important measure to address the public health crisis of the vaping epidemic in Hawaii and prevent our youth from accessing any form of these harmful tobacco products.

Thank you for your consideration and the opportunity to provide testimony in support of HB1570, HD1, SD1 with the requested amendments.

HB-1570-SD-1

Submitted on: 3/31/2022 9:02:41 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Dietrich	Individual	Oppose	Written Testimony Only

Comments:

Please don't include those over 21 in this ban. HB1570 is not meeting its' intent because over 21 is subject to it.

HB-1570-SD-1

Submitted on: 3/31/2022 9:04:33 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
ASHLEY MATTOS	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill, I am a vaper myself and I enjoy having the choice of what flavors I'd like to use.

HB-1570-SD-1

Submitted on: 3/31/2022 9:04:43 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Naomi Muronaka	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-1570-SD-1

Submitted on: 3/31/2022 9:05:59 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zoe Quarles	Individual	Oppose	Written Testimony Only

Comments:

The slaw with deprive us of our right to choose it would do great harm to the businesses of you overall affecting the local economy.

HB-1570-SD-1

Submitted on: 3/31/2022 9:07:39 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley Okemura	Individual	Oppose	Written Testimony Only

Comments:

My grandma used to be a heavy smoker and it was taking over her life. She started vaping and has lower her nicotine percentage each month. Without vaping she probably would have never stopped smoking.

HB-1570-SD-1

Submitted on: 3/31/2022 9:10:02 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

SUPPORT- WITH AMMENDMENTS

I strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

HB-1570-SD-1

Submitted on: 3/31/2022 9:21:36 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Heaukulani	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure.

HB-1570-SD-1

Submitted on: 3/31/2022 9:26:45 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Venessa Viernes	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I stop smoking several years ago and started vaping. I now can enjoy being around people and not feel stinky and not clean.

I am of age to vape and I know the law. When underage children buys them it is the parents fault. why blame seller or manufactor if the parents arent being aware of their childrens whereabouts.

it is the parents fault only.

thank you

Venessa Viernes

HB-1570-SD-1

Submitted on: 3/31/2022 9:34:28 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shanella Mancia	Individual	Oppose	Written Testimony Only

Comments:

There are vape shops that follow all state laws as of selling & who they allow into their shop. Some places don't even follow the laws. The vape shop I got to they don't allow anyone under 21 into the shop. They require I.D. At the register. Not all vape shops contribute to nor associate with sales to minors nor do they target minors but the satisfaction of adult customers by LAW.

HB-1570-SD-1

Submitted on: 3/31/2022 9:34:43 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Grehawick	Individual	Oppose	Written Testimony Only

Comments:

I oppose This bill,

Adults like flavors!! How come Alcohol companies can sell flavored alcohol but Vape shops cant sell Flavored Vapes?!?! That doesnt make any sense.

I understand that there is a problem with underage Vaping, but vape shops do everything they can to keep these products out of the hands of kids.

there needs to be stricter laws and enforcement for teens that are caught with these products. or a steep fine for black market retailers that sell these products.

Please stop punishing the law abiding citizen,

Mahalo for reading my testimony

- Jason

HB-1570-SD-1

Submitted on: 3/31/2022 9:39:07 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexis Hoffman	Individual	Support	Written Testimony Only

Comments:

I, Support HB 1570 with amendments to end the sale of flavored tobacco including candy, fruit and menthol flavors that entice our youth to want to try them. The addictive substance of Nicotine and other toxic ingredients found in vaping devices are harmful to our youth, that can lead to a lifetime of addiction or even death due to tobacco related illness. It is our KULEANA, our responsibility to protect our youth and end the youth vaping epidemic in Hawaii, we can do this by ending the sale of all flavored tobacco products, including menthol and synthetic nicotine products. **Requested Amendment:** We strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. *We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations*

HB-1570-SD-1

Submitted on: 3/31/2022 9:47:13 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lopaka Poaha	Individual	Oppose	Written Testimony Only

Comments:

aloha memebers of the state,

i lopaka poaha,oppose of this bill. i totally respect and understand what you are tryna do here with the banding of these falvored devices. i totatlly get thats the tobacco taxes dont apply to the devices there for you folks do not benefit off of it.. but yes i agree that you folks should track all the shipping an purchases from maufactors to small loacal companies out there... you will see that these devices make up about 25-45% or more of our economies stability... when trouist was on a decline due to covid? these devices is what kept local business open, an by banding these products for thae fact that youths use. is totally out of our colntrol if they by it from the black market.. our local small busniesses shouldnt have to pay the conciquences for that.. these devices pays my bills it feeds my kids an put a roof over there heads and closes on theyre backs.. also at times gives me chances to help out people in need.. to where if i have extra money ill buy homless peoples meals, or help a friend out with gas or a toe or parts for they car or even help then with aphone bill that there back on... so please i kindly ask that you reconicder your thoughts on banding these products.. and logically just band the youth from using it... much mahalos an aloha

lopaka poaha

HB-1570-SD-1

Submitted on: 3/31/2022 9:53:54 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joshua Pearson - Santos	Individual	Oppose	Written Testimony Only

Comments:

I currently work at a vape store and if this bill goes into effect, I will lose my job. I've been employed at the vape store and recently made enough to move into a nice apartment. Vaping flavors helped me to stop smoking cigarettes. I feel like it is the parents' job to monitor child to make sure their children dont get their hands on these devices.

LATE

Position: Support with Amendments

Requested Amendment: I strongly believe that Hawai'i should exercise its full authority to end the sale of flavored tobacco products in our state – **with no exemptions or loopholes**. I am concerned that menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. *I respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.*

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 10:08:50 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Vlaera	Individual	Support	Written Testimony Only

Comments:

I Support HB 1570 with Amendments. I believe Hawai'i should end the sale of flavored tobacco products, with no exemptions or loopholes. I am a mother of three beautiful children. They are educated on the harmful effects of vaping, the laws of vaping, and the ways that big tobacco is marketing towards the youth. My oldest son is struggling to be vape free daily. He is surrounded by peers that vape. High school students are selling them in school. If you cannot afford a vaping device, you can pay for just a hit off the device. Kids are not focused on the fact that it is a drug. All they see is that it taste like candy and it smells good. This covers up the fact that it is loaded with chemicals and highly dosed with nicotine. Our youth are becoming very dependent on nicotine and unable to focus in school. They are becoming agitated and hindering the development of their brain. We need to do better in protecting them from harmful substances. This is our chance Hawai'i to show our youth we care for them. Please listen to your Hawai'i people we want to protect our keiki from Nicotine addiction that will lead to many health conditions and or death

The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

HB-1570-SD-1

Submitted on: 3/31/2022 10:31:59 AM

Testimony for CPN on 4/1/2022 10:00:00 AM



Submitted By	Organization	Testifier Position	Testify
Purna Nemani	Individual	Oppose	Written Testimony Only

Comments:

Addendum 2:

Cigarettes (menthol included) & vape products are ALREADY illegal for minors.

It is ILLEGAL to sell these products to minors.

If they are getting in the hands of minors, you need to address THAT, instead of infringing on the rights of non-problematic, adult taxpayers, who pay your salaries.

Tobacco is legal & been around since the beginning of time.

So is/has been alcohol, 2nd pop (a.k.a. Soda) & a ton of other foodstuffs that people are 'addicted' to & cause often worse physical harm/health effects.

This holier-than-thou, picking-&-choosing attitude, & tossing down of EDICTS in America is wrong, & I will fight it going forward if I have to. W damages.

>>>Bottom line: If you've failed to keep these products out of the hands of minors, THAT IS ON YOU & LAW ENFORCEMENT! YOU & LAW ENFORCEMENT HAVE FAILED! Stay out of my law-abiding private life!<<<<

Purna Nemani

Addendum:

This is a great opportunity to convey my further, related frustrations, & you need to hear it!

Prohibition never works.

Instead of infringing randomly on my/others' personal freedoms, try picking one (1) thing- ONE- & doing it well, for a change.

Every Department State & every project in this State is disjointed, inefficient & ineffective. And you rely on Fed grant \$ to even do that!

In this last year, I had to move to an exorbitantly expensive apartment, just to be safe & free from homeless harassment, defecation, drug use & attempts to break into my place. Considered buying a gun. Just terrible.

Then, right after said move, a desperate person from Kalihi stole my purse/keys/cards/bank info.

What ensued was police not giving a crap to f/u on leads, which I provided them, AND \$500+ in expenses & a month-long headache to regain some semblance of security.

Even here, homeless are keeping us up at all hours of the night &- I hear- now coming in new droves from the Mainland than ever before.

As POOR as this 'leveling Dem-run economy' has made me/makes everyone, you still need my & other residents' taxes to keep going.

I'm one of the few who take the time to tell the truth to you of what deteriorating life is like on the ground here.

I, like many others, am considering finally cutting my neverending losses & moving back to the Mainland.

At my age, this is no small undertaking.

Have some respect for individual liberties & our economic hardship!

My hopes of owning property here- sadly, like kids who grew up here- are now nill, despite all the hard work, struggles.

Leave my few cigarettes I smoke daily the hell alone!!!! It's one of the few de-stressing pleasures I still have!

My menthol cigarettes are oft sold out, so I KNOW I'm not the only person who feels this way.

Again, this is America. You don't get to choose what freedoms we enjoy- & expect to get away w it- just b/c you're thousands of miles away from D.C. & constant scrutiny.

Stay out of my business & personal choices.

I could counter every argument you bring forth, b/c it is a futile one; prohibition does not work & infringes upon my/our liberties.

How would you like it if SOY SAUCE was banned? You wouldn't, I can tell you. I find IT criminal!

PS (& this is also impnt):

I'm not COVID vaxxed for many reasons that are mine alone & rooted in science.

Yet, I've been prevented from socializing at restaurants & bars unjustifiedly for two (2) years. Two years!!!

Masking & mandates are a joke. I guarantee you're not afraid of unvaxxed me if vaxxed, so why punish all for individuals w co-morbidities that have nothing to do w transference?

Political, power-hungry morons, that's why.

Vaxxed transmit Delta- & other variants, which you cite- but have evolved to the seriousness of a cold.

But you know this, & so does everyone else, who is not neurotic.

Policy should not be based on neuroses & paranoia.

But you know this.

It's taken a toll on me & all feels like the walls are closing in on me; I feel suffocated by moronic, political policy.

*And I keep largely to myself!!!

Why in the WORLD am I putting up w all this expense & crap for????

It's a question I ask myself every day now.

Leave my/our tobacco alone, commies.

Purna Nemani

Begin forwarded message:

From: Purna Nemani <apnemani@gmail.com>

Date: March 3, 2022 at 9:07:56 AM HST

To: repjohanson@capitol.hawaii.gov

Subject: OPPOSED to H.B. 1570

I'm a 51-yr-old woman, born on the U.S. Mainland & 13-yr resident of Waikiki.

I've smoked only menthol cigarettes for 30+ years, but am healthier than most of you!
Guaranteed.

Stay out of my goddamn business & what I choose to put in my body!

This State is backward, run poorly & this is my last straw. Mask mandates that make zero sense,
& I'm educated in molecular & cell biology etc.

Morons! Taxes/homeless/crime/COL out of control, and now THIS?

How dare you! Stay out of my personal life & personal choices, you self-righteous, self-important commies!

Purna Nemani

Senator Rosalyn Baker, Chair

Senator Stanley Chang, Vice-Chair

Senator Donovan Dela Cruz, Chair

Senator Gilbert Keith-Agaran, Vice-Chair



Members of the Committees on Commerce and Consumer Protection and Ways and Means:

Honorable Senators Baker, Chang, Dela Cruz, Keith-Agaran and members of the Committees on Commerce and Consumer Protection and Ways and Means:

As a graduate of the University of Hawai'i, Schools of Public Health and Nursing and a lifelong resident of the State of Hawai'i, I strongly support evidence-based policies like ending the sale of flavored tobacco products. Therefore, I stand in **support of HB 1570 HD1 SD1 with amendments**. I believe Hawaii should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope the FDA does the right thing to protect our keiki. I respectfully request the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.

Hawai'i is in the midst of a youth vaping epidemic, with one in three high school students and one in five middle school students reporting "current use" of e-cigarettes. Hearing elementary school teachers and administrators from our district complain about the students using flavored vaping products and having to call 911 for health emergencies is gut-wrenching and absolutely unacceptable.

If we are truly trying to support our keiki and citizens of Hawai'i, I'm again respectfully requesting the removal of the exemption for flavored tobacco products with pre-market tobacco application authorizations. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must do better and we must do it now.

Please support HB 1570 with the recommended amendment. You don't want to "be the one" to leave a legacy of doing nothing to protect our keiki.

Shelly Ogata, RN, MPH

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 10:41:47 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tai-An Miao	Individual	Support	Written Testimony Only

Comments:

[HB 1570, HD1, SD1](#)

Position: Support with Amendments

Requested Amendment: We strongly believe that Hawai‘i should exercise its full authority to end the sale of flavored tobacco products in our state – with no exemptions or loopholes. The FDA has been slow to act on its regulation of flavored e-cigarettes, and for years has allowed menthol cigarettes to remain on the market with knowledge that they disproportionately are used and marketed to youth, people of color, and other marginalized communities. We cannot afford to wait and hope that FDA does the right thing to protect our keiki. *We respectfully request that the committees remove the exemption for flavored tobacco products with pre-market tobacco application authorizations.*

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 10:57:10 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jasmyn Kaaa-Loo	Individual	Oppose	Written Testimony Only

Comments:

I work for a company that sells vape related products. And if those bill passes i will be out of a job. I won't be able to support my 3 year old son, i won't be able to pay my bills, etc..

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 11:39:40 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Decoito	Individual	Oppose	Written Testimony Only

Comments:

Good Morning,

I am urging you to oppose House Bill 1057, which would unfaily BAN the sale of Flavored tobacco products including Menthol.

Retailers are the first line of defense when it comes to preventing kids from purchasing tobacco products therefore, higher penalties should be given if stores fails a sting. Penalties should not be against people of age.

Please do not take away my right to choose!

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 11:45:36 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald Sakamoto	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Too many of our children (and adults) are getting hooked on nicotine through the attraction of flavored products with innocuous names. This should stop immediately.

The prohibition on this type of product must be clear and unequivocal. Making exceptions and allowances just creates loopholes for exposing and leading our children (and adults) to harmful and addictive products.

Flavoring tobacco or nicotine is like allowing predators to lace food or candy with addictive chemicals in order to increase their sales. In this case, flavored tobacco is allowing predators to add flavors to addictive chemicals (nicotine) in order to increase their sales. We should not allow either for anyone and especially not for children.

Ronald Sakamoto, 3055 Polohinano Place, Honolulu, Hawaii 96817, rrsakamoto@lawcsilc.com

HB-1570-SD-1

Submitted on: 3/31/2022 11:55:19 AM

Testimony for CPN on 4/1/2022 10:00:00 AM



Submitted By	Organization	Testifier Position	Testify
Crystal Robello	Individual	Support	Written Testimony Only

Comments:

Aloha,

We appreciate the committee’s attention to the major role flavors play in attracting youth to use tobacco products. We respectfully request that all flavored tobacco products be included in this bill – with no exemptions for products authorized through the pre-market tobacco application (PMTA) process. The FDA has been slow to protect our keiki – see the proliferation of thousands of flavored e-cigarettes, the exemption of menthol cigarettes, and the evasion of FDA regulation through synthetic nicotine – and we cannot afford to wait any longer. Hawai‘i has the authority to end the sale of all flavored tobacco in the state, and should take decisive action to protect our keiki from a lifetime of addiction.

I have two teens who already experience e-cigarette usage in school and within their own social groups. I am in strong support of protecting our keiki from the harms of smoking and its lifelong affects on health.

Mahalo,

Crystal

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 12:42:54 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah G. Nehmad	Individual	Support	Written Testimony Only

Comments:

There is absolutely no justification to support the sale of flavored tobacco. It's the last thing Hawaii's youth needs. Please support this bill

thank you Deborahh Nehmad

Hawaii kai

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 1:05:36 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Millicent Cox	Individual	Support	Written Testimony Only

Comments:

With 8 in 10 kids starting with a flavored tobacco product, a major way to address youth tobacco use is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products.

Please restrict the sale of flavors to attract youth to tobacco.

HB-1570-SD-1

Submitted on: 3/31/2022 4:09:22 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Michelle K.	Individual	Support	Written Testimony Only

Comments:

100% SUPPORT if the unneeded amendments from the House side is remove. E-cigarettes promote unhealthy addiction among our youth. Their flavors disguise the harmful ingredients used to make the product. Please ban e-cigarettes immediately to protect our keiki so they don't suffer from a lifetime of poor health. Thank you in advance for reverting the bill back to its original form!

HB-1570-SD-1

Submitted on: 3/31/2022 4:09:34 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Lani Hernandez	Individual	Oppose	Written Testimony Only

Comments:

Strongly opposed because vaping doesn't harm anyone and the products should be allowed for adults.

To: Hawaii State Legislature – Committees on ‘Commerce and Consumer Protection’ and ‘Ways an Means’

Hearing: Date/Time: Friday 4-1-2022 10:00am

Place: Hawaii State Capitol, Room 211 & Videoconference

Re: Judith Ann Armstrong is in support of HB1570 (RELATING TO THE YOUTH VAPING EPIDEMIC)

LATE

Aloha Joint Chairs Senators Rosalyn H. Baker and Donovan M. Dela Cruz and Joint Vice Chairs Senators Stanley Chang and Gilbert S.C. Keith-Agaran and esteemed members of the Committee on Commerce and Consumer Protection and the Committee on Ways and Means

I am writing in support of HB 1570, requesting an amendment to end the sale of *all* flavors in *all* tobacco products in Hawai‘i - both now and in the future.

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

I respectfully request the committee support HB1570, requesting an amendment to end the sale of *all* flavors in *all* tobacco products in Hawai‘i - both now and in the future.

Sincerely,
Judith Ann Armstrong
jaapfg@twc.com
Honolulu, HI 96815

HB-1570-SD-1

Submitted on: 3/31/2022 4:34:07 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Chris Cooper	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose.

HB-1570-SD-1

Submitted on: 3/31/2022 5:19:07 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Denny Diez	Individual	Oppose	Written Testimony Only

Comments:

Stop bashing folks like me that vape and get a life.

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 6:03:38 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris C.K. Arakaki	Individual	Oppose	Written Testimony Only

Comments:

HB1570 will sabotage peoples' attempts to quit tobacco smoking using safe vaping products. The pharma products such as Zyban are just too dangerous.

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 6:29:46 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ned Garcia	Individual	Oppose	Written Testimony Only

Comments:

Opposed. Keep flavors legal!

LATE

HB-1570-SD-1

Submitted on: 3/31/2022 7:20:14 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Clayton Silva	Individual	Oppose	Written Testimony Only

Comments:

Stop these unfair regulations on e-cigs.

HB-1570-SD-1

Submitted on: 4/1/2022 5:37:40 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Tammy Young	Individual	Oppose	Written Testimony Only

Comments:

This bill is not what Aloha is. Taking products from other people is not Aloha and is shameful. Strongly opposed to hb1570.

LATE

HB-1570-SD-1

Submitted on: 4/1/2022 9:06:01 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Emma	Individual	Support	Written Testimony Only

Comments:

I support this bill

LATE

Testimony in SUPPORT to H.B. 1570, S.D. 1
RELATING TO THE YOUTH VAPING EPIDEMIC

TO: SENATOR JARRETT KEOHOKALOLE, CHAIR

SENATE COMMITTEE ON HEALTH

SENATOR MICHELLE N. KIDANI, CHAIR

SENATE COMMITTEE ON EDUCATION

Mar 29, 2022

Re: H.B. 1570, S.D. 1, Relating to the Youth Vaping Epidemic

My name is Maria Aurelio, a resident of Pahala, Hawaii, and also a mother of two young children, one is in elementary and one is in first year high school. I strongly support this bill and provide the following comments.

As stated in Section 1 of this bill, flavored tobacco products promote youth initiation to tobacco use and push young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products. Furthermore, also stated in Section 1, it is disheartening to know that "Compared with older adults, the brain of the youth and young adults is more vulnerable to the negative consequences of nicotine exposure. The effects include addiction, priming for use of other addictive substances, reduced impulse control, deficits in attention and cognition, and mood disorders." Hence, among all the negative health effects of use of electronic cigarettes, commonly known as vape products, we should protect our youth from engaging into dangerous activities, such as vaping, by passing HD 1570.

According to County of Hawaii statistics, in 2019, 93.6% of young teens and 94.4% of teens are exposed to tobacco marketing, 23.8% of young teens and 21.8% of teens are susceptible to smoking inhalation, 77.6% of young teens and 51.6% of teens under 18 bought cigarettes from a retailer, 90.6% of young teens and 80.3% of teens had accessed to cigarettes without buying them, 3.9% of young teens and 5.3% of teens smoke cigarettes, 17.7% of young teens and 30.6% of teens use e-cigarettes, and 30.6% of young teens and

48.3% of teens have tried e-cigarettes.¹ This means that e-cigarette exposure and usage among our youth community is, indeed, an epidemic, let alone the adult community.

A recent Center for Disease Control and Prevention (CDC) study found that 99% of the e-cigarettes sold in assessed venues in the United States contained nicotine. There is also misleading information among marketers of e-cigarettes as some labels claim as containing 0% nicotine when in fact, found to contain nicotine. Some labels do not simply disclose nicotine content. Nicotine is found to be highly addictive and can harm the developing brain of an adolescent by damaging parts of it that control attention, learning, mood, and impulse control. It can further increase the risk for future addiction to other drugs.² Aside from nicotine, e-cigarettes contain other harmful chemicals that are toxic and unsafe for young adults. There is some evidence that young people who use e-cigarettes may be more likely to smoke cigarettes in the future.³

The use of e-cigarettes is addictive and dangerous. It may also increase risks for Covid-19 and is linked to Covid-19 risk in teens and young adults. A recent Stanford University-led study found that among young people who were tested for the virus that causes COVID-19, those who vaped were five to seven times more likely to be infected than those who did not use e-cigarettes.⁴ According to the National Institute on Drug Abuse, the coronavirus that causes COVID-19 could be an especially serious threat to those who smoke tobacco or marijuana or who vape because it attacks the lungs.

Smoking e-cigarette, like smoking a traditional tobacco product, harms lung health. Whether it can lead to Chronic Obstructive Pulmonary Disease (COPD) is still unknown, but

¹ Hawaii Health Matters. (n.d.). Hawaii Health Matters :: Indicators :: Tobacco Use Prevention & Control Tracker. Copyright (c) 2022 by Hawaii Health Matters. Retrieved February 22, 2022, from <https://www.hawaiihealthmatters.org/index.php?module=indicators&controller=index&action=dashboard&id=83016762154173692>

² Quick Facts on the Risks of E-cigarettes for Young People. (2022, January 28). Centers for Disease Control and Prevention. Retrieved January 31, 2021, from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html

³ US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Retrieved February 22, 2022, from https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf

⁴ Gaiha SM, Cheng J, Halpern-Felsher B. Association between youth smoking, electronic cigarette use and Coronavirus Disease 2019. *Journal of Adolescent Health* 2020; epub ahead of print 11 Aug 2020. Retrieved February 22, 2022, from <https://doi.org/10.1016/j.jadohealth.2020.07.002>

emerging evidence suggests that exposure to aerosols from e-cigarettes harms the cells of the lung and diminishes the ability to respond to infection.⁵

Tobacco prevention and control activities are a public health best interest. Protecting our youth from engaging in dangerous activities such as the utilization of tobacco products, including e-cigarettes, is an act that I strongly support. I further agree that we can strictly regulate marketing and commercial distribution of e-cigarettes, as well as protect our youth from access to these products by including e-liquid and electronic smoking devices within the definition of "tobacco products."

In regulating more rigid laws about the sale and distribution of tobacco products, establishing the offense of their unlawful shipment, as well as making it unlawful to sell flavored tobacco products, mislabel e-cigarettes, and sell tobacco products other than a face-to-face retail exchange, we will be able to advocate for the health and wellness of the members of this community. Protecting the youth and future generations from the risks of tobacco use should be our main priority and we must spare no effort. We can certainly make a difference by eliminating the flavored tobacco products that lure our youth community into addiction. Through this bill, we can enhance stronger regulations against tobacco products.

If we let the vaping epidemic go on, without making an actionable cause as responsible citizens, we are creating a dangerous path for our future generations. I would like to see my children go to school without needing to worry about getting exposed to dangerous chemicals such as vaping products. I would like them to grow up in a healthy environment, free from harm and dangers. Given the many public health concerns tied with tobacco use, including electronic smoking devices, among our youth in Hawaii, I urge you to pass H.B. 1570 S.D. 1.

Thank you for this opportunity to express my comments in strong support of H.B. 1570 S.D. 1.

Respectfully yours,



Maria Aurelio

Concerned citizen, mother of two young children

⁵ COVID-19: Potential Implications for Individuals with Substance Use Disorders-NIDA, March 24, 2020. Retrieved February 22, 2022, from <https://www.drugabuse.gov/about-nida/noras-blog/2020/04/covid-19-potential-implications-individuals-substance-use-disorders>

