



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1778, H.D. 1, RELATING TO TOBACCO PRODUCTS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, February 13, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chair Tarnas and Members of the Committee:

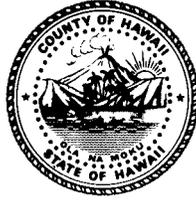
The Department of the Attorney General (Department) provides the following comments.

This bill amends sections 328J-11.5 and 328J-15(b), Hawaii Revised Statutes (HRS), so that the State's preemption power applies to the taxation of, rather than sale of, cigarettes, tobacco products, and electronic smoking devices. This bill also reauthorizes counties to enact ordinances to regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as those ordinances do not conflict with and are more stringent than chapter 328J, HRS, and do not impose a fee or tax on the sale of cigarettes, tobacco products, or electronic smoking devices.

The Department recommends further amending section 328J-11.5(c), HRS, by inserting the words "smoking or" following the words "that regulate" on page 2, line 13, of the bill, so that line 13 reads as follows: "that regulate smoking or the sale of cigarettes, tobacco products, and." (Emphasis added.) This addition would clarify that counties may regulate smoking or the sale of cigarettes, tobacco products, and electronic smoking devices as allowed by section 328J-15(a), HRS.

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

Susan L.K. Lee Loy
Council Member
District 3



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HAWAI‘I COUNTY COUNCIL

25 Aupuni Street, Hilo, Hawai‘i 96720

February 12 , 2024

The Honorable Representative David Tarnas, Chair
The Honorable Representative Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

Hawai‘i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Support for HB 1778 Relating to Tobacco Products

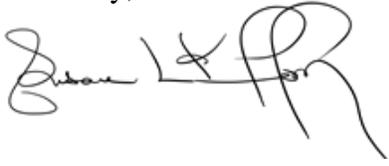
Aloha Chair Tarnas and Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs,

Mahalo for the opportunity to express support for House Bill No. 1778. This bill is of utmost importance in addressing the longstanding challenges and growing concerns surrounding our youth vaping epidemic by restoring local authority to regulate the sale of tobacco products. Just last week, a school in Puna had to deal with a 12-year-old student who needed emergency attention and transport related to vaping.

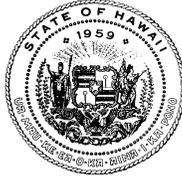
Although our County Council has done great policy work with Bill 102 to prohibit the targeting of our youth and Native Hawaiian communities with flavors, existing state law preempts the enactment of this county ordinance. As a result, these policies are not enforceable and this situation continues to frustrate our schools, law enforcement, victims, and their families in our community.

HB 1778, in concert with Hawai‘i County’s Bill 102, reflects our local community’s recognition of the urgency to address the dangerous conditions and is a positive step towards protecting the public – especially our youth. We stand ready to support the health of our next generations and our Native Hawaiian communities from the predatory practices of Big Tobacco.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan L.K. Lee Loy". The signature is fluid and cursive, with a large, stylized "R" at the end.

Susan "Sue" L.K. Lee Loy
Council Member, County of Hawai'i



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

**Testimony in SUPPORT of H.B. 1778, H.D. 1
RELATING TO TOBACCO PRODUCTS**

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: February 13, 2024

Room Number: Conference Room 325
and via Videoconference

1 **Fiscal Implications:** None

2 **Department Position:** The Department of Health (DOH) supports House Bill 1778, House Draft 1
3 (H.B. 1778, H.D. 1) and offers a proposed amendment for clarity.

4 **Department Testimony:** The DOH supports H.B. 1778, H.D. 1 as a social justice and health
5 equity measure to preserve the legal ability of all Hawaii counties to enact policies that regulate
6 the sale of cigarettes and tobacco products including electronic smoking devices (ESDs) in a
7 manner that is more stringent than state law and responsive to pressing community needs.
8 H.B. 1778, H.D. 1 amends the existing law to provide that all local ordinances or regulations that
9 regulate the taxation of cigarettes and tobacco products including ESDs are preempted and that
10 existing local laws and regulations conflicting with chapter 328J, Hawaii Revised Statutes (HRS),
11 are null and void; and clarifies that counties retain the authority to adopt and enact ordinances
12 that regulate the sale of cigarettes, tobacco products, and ESDs as long as the ordinances do
13 not conflict with, and are more stringent than, the provisions in chapter 328J, HRS.

14 H.B. 1778, H.D. 1 would reinstate the authority that counties exercised to protect their
15 communities prior to the 2018 legislative session that added Section 328J-11.5, HRS through

1 [Act 206, HB1895 CD1, 2018 Hawaii Session Laws \(HSL\)](#). Geographic tobacco related disparities
2 are a serious public health problem in Hawaii and innovative, community-based solutions are
3 needed. While 11% of adults in the general population smoke, adults in Hawaii County have
4 the highest prevalence of smoking at 12%.¹ Smoking within subcommunities throughout the
5 State are even higher such as in Puna/Ka‘u (18%) and Nanakuli/Wai‘anae (25%).² Youth who
6 live on neighbor islands consistently reported more regular tobacco use than the State overall.
7 The 2021 data shows reduced regular use of e-cigarettes, but the effect is likely due to the
8 change in survey timing from the traditional spring to the fall semester, and while e-cigarette
9 companies market their products for social use, due to the pandemic youth were isolating and
10 just returning to the classrooms. Despite this dampening effect, the state high school student
11 regular use was 15% whereas the county rates were Hawaii 22%, Maui 18%, Kauai 16%, and
12 Honolulu 13%.³ Middle school data follows similar patterns as 7% of pre-teens in the State
13 reported current vaping, Hawaii 9%, Maui 8%, Kauai 8%, and Honolulu 6%.⁴ Counties and
14 communities are reporting concerns over the continued marketing of products and they need
15 the ability to respond to pressing local needs as some jurisdictions bear a greater burden of
16 tobacco use than others.

17 Given the existence of these geographic disparities, the DOH agrees with youth,
18 classroom teachers and administrators, and community members on the urgent need for
19 counties to have the ability to regulate access to tobacco products especially for the health of
20 our children. According to Julie Aoki in the Journal of Law and Medical Ethics, “From a health

¹ *Hawai‘i IBIS - Query Result—Hawaii’s Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (2021) Retrieved January 30, 2024, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

² *Hawai‘i IBIS - Query Result—Hawaii’s Behavioral Risk Factor Surveillance System (BRFSS) Data—Cigarettes—Current smoker.* (2021) Retrieved January 30, 2024, from <https://hhdw.org/report/query/result/brfss/SmokeCurrent/SmokeCurrentCrude11.html>

³ *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level. (2017-2021).* Retrieved January 30, 2024, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_HS_CNTY.html

⁴ *Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level. (2017-2021).* Retrieved January 30, 2024, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html

1 equity standpoint, the use of local knowledge to forge community-specific solutions enables
2 localities to employ a targeted approach to combat health disparities and ensue equitable
3 access to better public health.”⁵ As youth e-cigarette use grows as a public health problem,
4 Hawaii’s counties must be empowered to respond to the request from communities that are
5 most affected.

6 Historically, local communities in Hawaii have been visionaries in adopting strong and
7 innovative public health and tobacco control policies that changed social norms across the
8 entire state. Smoke-free restaurants, worksites, beaches and parks, and automobiles with
9 minors inside are examples of public health protective ordinances that were generated by
10 counties. Even Hawaii’s landmark legislation, the Tobacco 21 Law (Act 122, 2015 HSL), was
11 initially introduced and passed by the Hawaii County Council in 2014.

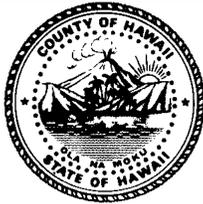
12 The DOH supports H.B. 1778, H.D. 1 as an important public health and social justice
13 measure to support community-based innovations to protect and advance the health and
14 opportunities for adults and keiki wherever they live in Hawaii.

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

16 **Offered Amendments:** To ensure clarity that counties retain authority to regulate cigarettes
17 and tobacco products including ESDs, the DOH recommends repealing section 328J-11.5 in its
18 entirety and making no amendments to section 328J-15.

⁵ Julie Ralston Aoki et al., *Maximizing Community Voices to Address Health Inequities: How the Law Hinders and Helps*, 45 J. Law Med. Ethics, 11 (2017)

Jennifer Kagiwada
Council Member District 2 South Hilo



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HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 13, 2024
TO: House Committee on Health and Homelessness
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB 1778

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

I am testifying in support of HB 1778 to allow Counties to adopt ordinances or regulations of tobacco products that do not conflict with and are more stringent than state laws that govern smoking. Because County Council session is year-round, we are more readily able address the needs of our communities in a timely manner. Local governments act as hubs for creating and implementing new public health strategies. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

Counties have a strong track record of passing successful tobacco policies, with less interference from big tobacco companies. Hawai'i County, in particular, has a good history of helping to pass public health policies such as Tobacco 21 and smoke-free air laws.

Reauthorizing Counties to regulate the sale of tobacco products allows for even more opportunities for innovative policies at the local level. County legislators are not being lobbied by tobacco industry representatives, which means they are in a position to more easily pass laws that put public health for our residents first. Cutting back on tobacco sales and use can improve public health and reduce health care costs associated with tobacco related illnesses, a benefit to us all.

The City and County of Honolulu and Hawai'i County recently passed legislation ending the sale of flavored tobacco and were met with an overwhelming amount of public support. However, these laws cannot be enacted until county authority is restored. Mahalo for the opportunity to testify in support of this bill.

Mahalo,

Jenn Kagiwada



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Tobacco-Free Hawai'i

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Community Health
Worker Initiatives

COVID-19 Response

Environmental Health

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

Kūpuna Collective/Healthy Aging
& Community Living

Public Health Workforce
Development

Date: February 9, 2024

To: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

Re: Strong Support HB1778 HB1, Relating to Tobacco Products

Hrg: Tuesday, February 13, 2024 at 2:00 PM

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute,ⁱ is in **Strong Support of HB1778** which would restore the counties' ability to regulate the sale of cigarettes, tobacco products, and electronic smoking devices. If this ability is restored, the counties would be able to enact ordinances that are more stringent than state law.

Counties want to act.

In Hawai'i County, 40% of teens have used electronic smoking devices, while 30% of teens in Honolulu have used these products.ⁱⁱ As a result of these alarming numbers and testimony from youth and community members, these counties identified and passed ordinances to end the sale of flavored tobacco products within their respective counties. Unfortunately, these ordinances cannot go into effect until the state restores their ability to regulate the sale of tobacco products. They hope the state will recognize their commitment to uplifting well-being by passing HB1563, allowing the counties to enact these important policies.

Restoring the county's authority will protect local residents and address disparities.

Counties have a long history of being proactive in adopting innovative tobacco control policies based on community concerns and needs. All counties passed smoke-free air laws (smoke-free workplaces) before the state passed its comprehensive smoke-free air law. Before these laws were passed, not all workers, such as those employed by bars, restaurants, or nightclubs, were protected from secondhand smoke. Strong smoke-free air laws are essential to protect people from secondhand smoke exposure, which is known to cause heart disease, stroke, cancer, and respiratory illness. Smoke-free air laws can also encourage people to quit smoking, further reducing the burden of tobacco in our community.

In addition, Hawai'i Island raised the age to 21 to purchase tobacco products in 2013; they were the 4th jurisdiction in the nation to do so. Based on the evidence that 95% of smokers start before the age of 21,ⁱⁱⁱ this legislation intended to prevent young people from ever starting to smoke and ultimately reduce the harms of tobacco in our community. Two years later, the state of Hawai'i would make history, becoming the first state to pass this legislation.

Since 2018, the law has curtailed the counties' power to enact existing policies, as well as any future policies relating to the sale of tobacco and electronic smoking devices. This inability to act is of particular concern, as local-level policies have been integral to addressing disparities and catalysts for changing social norms around tobacco use statewide.

Currently, counties are unable:

- To take legislative and regulatory action through retail and sales strategy to protect their children, youth, and adults.
- To enact public health, evidence-based strategies by restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and initiation, which could include the sale of tobacco in pharmacies and creating flavor restrictions.

Preemption benefits the tobacco industry.

Restricting local control is a known tobacco industry strategy. The tobacco industry works to "preempt" local-level governments from passing tobacco-related policies, as it is easier for these companies to oppose one statewide policy versus a policy in each county. Reinstating the counties' ability to regulate the sale of tobacco will enable them to consider and enact laws that address the community's needs, such as ending the sale of flavored tobacco, while still allowing the state to support and build on these community-driven solutions.

We applaud the Legislature for helping to strengthen our county's authority on tobacco sales by considering this measure, and thank this committee for your consideration of HB1778.

We respectfully ask you to pass this measure.

Mahalo,



Peggy Mierzwa
Director of Policy & Advocacy
Hawai'i Public Health Institute

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.

ⁱⁱ Hawai'i State Departments of Education and Health, Hawai'i Health Data Warehouse, Hawai'i School Health Survey: Youth Risk Behavior Survey. Electronic vapor product – ever use by County, 2021. Published 2023, April 14. Accessed 2024, January 30. https://hhdw.org/report/query/result/yrbs/VaporEver/VaporEver_HS_CNTY.html

ⁱⁱⁱ United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>; see also Table 2-8 in Institute of Medicine, Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, Washington, DC: The National Academies Press, 2015, <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>



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Testimony of Bob Hood

President of the Hawaii Energy Marketers Association (HEMA)

HB 1778, HD1 - RELATING TO TOBACCO PRODUCTS

House Committee on Judiciary & Hawaiian Affairs

The Honorable David A. Tarnas, Chair

The Honorable Gregg Takayama, Vice Chair

Tuesday, February 13, 2024 @ 2:00 p.m.

Conference Room 325 & Videoconference

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

I am Bob Hood, President of the Hawaii Energy Marketers Association (HEMA). HEMA is a nonprofit trade association comprised of members who market motor fuel products and operate convenience stores across the state.

HEMA **opposes** HB 1778, HD1 which, in part, repeals uniform state regulation of tobacco products.

This bill, if passed, would disrupt the current regulatory framework that has been designed and implemented for the effective control of tobacco products.

Where some of HEMA's member companies operate in all counties, the uniformity of the current regulations provides a clear and unambiguous framework for these businesses to operate within. It ensures that all companies, regardless of their size or location, adhere to the same set of rules. This consistency not only simplifies enforcement but also guarantees that public health is protected equitably across all communities.

We take our responsibilities seriously. Our employees undergo rigorous training in the regulation, sale, storage, and protection of tobacco products. This training ensures that they are well-equipped to comply with the regulations and uphold the highest standards of public health and safety.

We believe that maintaining a uniform state regulation of tobacco products is crucial for the clarity of businesses, consistency of enforcement, and equitable protection of public health.

Thank you for the opportunity to offer testimony in opposition.

February 12, 2024

TO: David A. Tarnas, Chair
Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

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

RE: **HB 1778 HD1** - Relating to Tobacco Products
Hearing Date: February 13, 2024
Time: 2:00 p.m.

The Cigar Association of America, Inc. ("CAA") **opposes HB 1778 HD1**.

HB1778 HD1, seeks to remove the statewide preemption regarding the sale and distribution of tobacco products, and only preserve statewide preemption over taxation of tobacco products. Founded in 1937, CAA is the voice of the cigar industry in the United States representing the interests of cigar manufacturers, importers, distributors, and major suppliers of the industry.

While CAA appreciates that this bill has been amended to remove provisions relating to a statewide flavor ban, and attempts to narrow the repeal of preemption, as currently drafted this bill is still a misguided effort that jeopardizes the stability of a consistent, statewide regulatory framework, essential for ensuring a level playing field for all retailers. **HB1778 HD1**'s suggested removal of the preemption provision relating to the sale of tobacco products would introduce unnecessary complexities and disparities in the regulatory landscape. Economic success should be determined by fair and uniform regulations applicable across the entire state, rather than being contingent on the geographic location of a store.

HB1778 HD1 allows localities to regulate the sale of tobacco products independently, creating a scenario where businesses in different jurisdictions face varying economic circumstances. Small businesses should not bear the burden of navigating regulations based on location. The predictability and stability that statewide laws offer is vital for the growth and sustainability of small businesses.

Recent legislative developments, such as the Ohio legislature's veto override of similar legislation, underscore the importance of retaining statewide preemption. The state of Ohio recognized the economic significance of preemption provisions, with the Senate President emphasizing the impact on commerce, tax collection, and distribution to localities for essential services like schools and parks. Hawai'i should continue its history of having statewide regulatory authority in this area to consistently provide a reliable environment for its small businesses.

In addition, the absence of cohesive statewide laws relating to the sale of tobacco products could inadvertently contribute to the growth of an illicit market for these products. Inconsistent regulations across jurisdictions create loopholes and opportunities for illegal activities, undermining the goals of existing statewide preemption as well as posing additional challenges for the state of Hawai'i.

CAA strongly urges this committee to consider the adverse effects that **HB1778 HD1** could impose on small businesses in Hawai'i. Preserving statewide preemption ensures a uniform regulatory environment that supports economic stability and simplifies compliance for all retailers.

CAA appreciates this committee's consideration of its position, and firmly **opposes HB1778 HD1**.



Date: February 13, 2024

To: Rep. David Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

From: Liza Ryan Gill, Campaign Manager, Campaign for Tobacco-Free Kids HI

Re: **SUPPORT for HB1778 HD1, Relating to Tobacco Products**

Hrg: February 13, 2024 at 2pm

Dear Chair, Vice Chair and Members of the Committee

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to **SUPPORT HB1778 HD1** which would repeal of statewide preemption on local tobacco laws. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see cities and counties continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually, including 1,400 in Hawai'i.

Prohibiting the sale of flavored tobacco products in retailers is a critical step that will help protect keiki living in Hawai'i from the unrelenting efforts by 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. **Eight out of ten youth who have ever used a tobacco product started with a *flavored* product.**¹

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.² Menthol cigarettes comprised 36 percent of the market in 2022.³

The Tobacco Control Act's prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars. These products are available in a wide assortment of flavors – like mango, lychee ice, P.OG. and mint for e-cigarettes and chocolate, watermelon, and cherry dynamite for cigars. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors from a shave ice truck.

Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”⁴ The 2021 National Youth Tobacco Survey found that 70.3% of middle and high school students—17.77 million youth—had been exposed to e-cigarette advertisements from at least one source.⁵

Sales of cigars (i.e., large cigars, cigarillos, and small cigars) have more than doubled between 2000 and 2022, and much of the growth is attributable to smaller types of cigars, many of which

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.

² Villanti, A., et al., “Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014,” *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

³ U.S. Federal Trade Commission (FTC), *Cigarette Report for 2022, 2023*, https://www.ftc.gov/system/files/ftc_gov/pdf/2022-Cigarette-Report.pdf?utm_source=govdelivery data for top 4 manufacturers only).

⁴ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

⁵ Gentzke, A, et al., “Tobacco Product Use and Associated Factors Among Middle and High School Students—National Youth Tobacco Survey, United States, 2021,” *MMWR* 71(5): 1-29, March 10, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

are flavored and inexpensive.⁶ Nielsen convenience store market scanner data showed that over half (53.3%) of cigar sales in 2020 were for flavored cigars. Among flavored cigars sold in these stores in 2020, the most popular flavors were sweet or candy (30.6%) and fruit (29.5%).⁷ Earlier data show the number of unique cigar flavor names more than doubling from 108 to 250 from 2008 to 2015.⁸ The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Backwoods, White Owl, Swisher Sweets, Black & Mild, and Dutch Masters – all come in flavor varieties.⁹ These products are often sold in small pouches containing 2-3 cigars¹⁰ that are priced as low 99 cents or \$1.99 per pack, making them even more appealing to price-sensitive youth. Cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.¹¹

Although tobacco companies claim to be responding to adult tobacco users' demand for variety, it's clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use.

Flavored Tobacco Products Are Popular Among Youth

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that **eight out of ten of kids who have ever used tobacco products started with a flavored product.**¹² Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Nationally, e-cigarettes have been the most commonly used tobacco product among youth since 2014. Today, youth e-cigarette use remains a serious public health concern, with over 2.1 million youth, including 10.0% of US high schoolers, reporting current e-cigarette use in 2023, according to the National Youth Tobacco Survey (NYTS).¹³ According to the 2021 Hawai'i Youth Risk Behavior Survey, 14.8% of Hawai'i high school students and 6.7% of middle school students are current e-cigarette users.¹⁴

⁶ U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB), Tobacco Statistics.

⁷ Delnevo, CD, et al. "Cigar Sales in Convenience Stores in the US, 2009-2020," *JAMA* 326(23):2429-2432.

⁸ Delnevo, CD, Giovenco, DP, & Miller, EJ, "Changes in the Mass-merchandise Cigar Market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1):S8-S16, 2017.

⁹ SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2021, analysis run May 9, 2023.

¹⁰ Delnevo, CD, et al. "Cigar Sales in Convenience Stores in the US, 2009-2020," *JAMA* 326(23):2429-2432.

¹¹ National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf. Chang, CM, et al., "Systematic review of cigar smoking and all cause and smoking related mortality," *BMC Public Health*, 2015.

¹² 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.

¹³ Birdsey J., et al. "Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023," *MMWR*, 72(44): 1173–1182, November 3, 2023, <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

¹⁴ Centers for Disease Control and Prevention (CDC). 2021 Youth Risk Behavior Survey Data.

Kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. According to the 2023 NYTS, 39.7% of high school e-cigarette users reported vaping on 20 or more days/month, and 29.9% reported daily use.¹⁵ This youth addiction crisis has been fueled by the growth of high nicotine e-cigarettes—many contain as much or more nicotine as a pack of twenty cigarettes. Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.¹⁶ The Surgeon General concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁷

Youth e-cigarette users are also at risk of smoking cigarettes. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹⁸ More recent research confirms this finding.¹⁹ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted all menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely available in every imaginable flavor, including flavors that uniquely appeal to Hawai’i’s keiki – like lu’au punch and lychee ice. New data show that the market share of these products has grown substantially and that youth quickly migrated to the flavored products that were exempt from the FDA’s policy. In 2023, 60.7% of US youth e-cigarette users reported using disposable e-cigarettes and 20.1% of users of flavored e-cigarettes reported using menthol e-cigarettes.²⁰

While the FDA has denied marketing applications for certain flavored e-cigarettes, flavored e-cigarettes remain widely available because the FDA has taken only limited enforcement action

Available at <https://nccd.cdc.gov/Youthonline/App/Default.aspx>.

¹⁵ Birdsey J., et al. “Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023,” *MMWR*, 72(44): 1173–1182, November 3, 2023, <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

¹⁶ HHS, *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*, CDC, Office of Smoking and Health (OSH), 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>. See also: CDC Office on Smoking and Health, “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults,” March 2019. Accessed August 9, 2019.

¹⁷ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

¹⁸ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

¹⁹ Berry, KM, et al., “Association of Electronic Cigarette Use with Subsequent Initiation of Tobacco Cigarettes in US Youths,” *JAMA Network Open*, 2(2), published online February 1, 2019; Pierce, JP, et al., “Use of E-Cigarettes and Other Tobacco Products and Progression to Daily Cigarette Smoking,” *Pediatrics*, 147(2), published online January 11, 2021.

²⁰ Birdsey J., et al. “Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023,” *MMWR*, 72(44): 1173–1182, November 3, 2023, <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

to remove products that are illegally on the market and has underutilized its enforcement authority. Every day these products remain on the market, our kids remain in jeopardy. Because of the delays and gaps in the FDA's actions, it is critical that states and cities step up their efforts to eliminate ALL flavored e-cigarettes, as well as other flavored tobacco products. The evidence is also clear that as long as any flavored e-cigarettes – including menthol-flavored products – are on the market, kids will shift to them and we will not end this public health crisis. Hawai'i must close the gaps left by the FDA and protect our kids from these dangerous and addictive products.

Menthol Cigarettes and Flavored Cigars Increase Youth Smoking and Exacerbate Health Disparities

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As the only flavored cigarette left on the market, it's also no surprise that menthol cigarettes are popular among youth. About half of youth who have ever tried smoking started with menthol-flavored cigarettes.²¹ The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

In addition, cheap, flavored cigars – sold in hundreds of flavors like cherry dynamite, tropical twist and chocolate – have flooded the market in recent years and fueled the popularity of these products with kids. The 2023 NYTS shows that 70.7% of high school cigar smokers use flavored cigars, and cigars are especially popular among Black and Hispanic teens.²²

Tobacco companies have a long history of targeting communities with menthol marketing.

Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and Black Americans.²³ Dating back to the 1950s, the

²¹ 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.

²² Birdsey J., et al. "Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023," *MMWR*, 72(44): 1173–1182, November 3, 2023, <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

²³ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. Nationwide, as a result of this targeting, 85% of Black smokers smoke menthol cigarettes, compared to 29% of White smokers.²⁴ Nationally, menthol is also disproportionately high among Asian and Hispanic smokers, LGBTQ+ smokers, smokers with mental health problems, socioeconomically disadvantaged populations, and pregnant women.²⁵

There is also evidence that the industry has targeted Hawai'i, specifically. In the 1980s, a marketing group strategized how to reach Native Hawaiians with Kool cigarettes, a popular menthol brand. The agency recommended that Kool employ “ethnic advertising” in Hawai'i, recommending the use of models that were “fun, happy-go-lucky young people in their 20s...[who have] full social calendars and spend a lot of time outdoors at the beach... people who display what islanders call the aloha spirit.”²⁶ An assessment of tobacco advertising in Hawai'i found that Kool, a popular menthol brand, was the most heavily advertised brand across Hawai'i in the early 2000s.²⁷ The 2020 Behavioral Risk Factor Surveillance System shows that prevalence is high among ethnic groups that comprise a significant proportion of Hawaii's population, with 79% of Filipino smokers, 78% of Native Hawaiian smokers, and 69% of Japanese smokers usually smoking menthol cigarettes.

Action to prohibit menthol cigarettes is long overdue. In 2011, TPSAC concluded that “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”²⁸ Over a decade after TPSAC issues its report—in April 2022—the FDA issued proposed rulemaking to prohibit menthol cigarettes and flavored cigars. However, until any FDA action is finalized, states and cities should continue their growing efforts to end the sale of menthol cigarettes and other flavored tobacco products. It will take time for the FDA to finalize and implement the necessary regulations to prohibit menthol cigarettes and flavored cigars, and tobacco industry lawsuits could cause more delays. States and cities have an obligation to protect the health of their citizens and must act now to stop tobacco companies from targeting kids and other groups with menthol cigarettes and other flavored products. We can't afford

²⁴ Delnevo, CD, et al., “Banning Menthol Cigarettes: A Social Justice Issue Long Overdue,” *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.

²⁵ Delnevo, CD, et al., “Banning Menthol Cigarettes: A Social Justice Issue Long Overdue,” *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.

²⁶ Anderson, SJ, “Marketing of menthol and consumer perceptions: a review of tobacco industry documents,” *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.

²⁷ Glanz, K, et al., “Operation Storefront Hawaii: Tobacco Advertising and Promotion in Hawaii Stores,” *Journal of Health Communication*, 11(7): 699-707, 2006.

²⁸ Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.

more delay in taking action to protect kids and save lives. Just this last month the Hawai'i state Attorney General, Anne Lopez, signed onto a letter with many other Attorneys General supporting a national ban on menthol cigarettes.

The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product. This issue is about protecting our kids, saving lives, and advancing health equity.

We kindly request that the ban of all flavored nicotine/tobacco products be added back to this bill and that the state remove all preemption on counties regulating the sale of tobacco.

Thank you for your consideration on HB1778. This policy has the strong potential to save lives on O'ahu.

Sincerely,

A handwritten signature in black ink that reads "Alexandria Felton". The signature is written in a cursive, flowing style.

Alexandria Felton
Regional Advocacy Director, Southwest
Campaign for Tobacco-Free Kids
afelton@TobaccoFreeKids.org

Appendix

A1: Examples of Flavored Tobacco Products



A2: Flavored Tobacco Products That Specifically Target Hawai'i's Kids



A3: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org



1200 Ala Kapuna Street • Honolulu, Hawaii 96819
Tel: (808) 833-2711 • Fax: (808) 839-7106 • Web: www.hsta.org

Osa Tui, Jr.
President

Logan Okita
Vice President

Lisa Thompson
Secretary-Treasurer

Ann Mahi
Executive Director

TESTIMONY TO THE HAWAII HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Item: **HB1778 HD1 - Relating to tobacco products**
Position: **Support**
Hearing: **February 13, 2024, 2:00 p.m., Conference Room 325**
Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Chair Tarnas, Vice Chair Takayama, and members of the committee,

The Hawai'i State Teachers Association **supports** HB1778 HD1 which prohibits the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine and repeals language making the sale of cigarettes, tobacco products, and electronic smoking devices a statewide concern and preempting county ordinances and regulations.

E-cigarettes have evaded many tobacco regulation laws for decades, leading to a sharp rise in the use of these products, especially by our youth, who are enticed by their unregulated marketing and lack of proper regulatory controls on an addictive drug, nicotine. E-cigarette use continues to escalate among our teens. It puts our children's health at risk and becomes a lifelong addiction.

So far, the City and County of Honolulu through Bill 46 and Hawai'i County through Bill 102 are putting measures to ban flavored tobacco products in place should the state's preemption of county ordinances on the sale of tobacco products be either suspended or repealed.

Some of the most successful tobacco policies in Hawai'i started at the local level, including smoke-free air laws. Local governments act as hubs where new public health strategies are created and implemented. To promote health equity, local officials should be empowered to enact laws that cater to the unique needs of their communities, with state governments playing a role in supporting and expanding on these community-based solutions.

To reduce the youth vaping epidemic and ensure the long-term health and well-being of our keiki, the Hawai'i State Teachers Association asks your committee to **support** this bill.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Friday, February 13, 2024

2:00 PM AM – Room 325

Testimony In Support of House Bill 1778, HD1 Relating To Tobacco Products – With Comments

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education, and advocacy. The work of the American Lung Association in Hawai'i and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

The American Lung Association calls on Hawai'i officials to support House Bill 1778 which repeals existing law that preempted local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations. Furthermore, we encourage lawmakers to make no exemptions for the repeal.

The need for Hawai'i to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019 nearly every 1 in 3 high schoolers in Hawai'i vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.¹

Preemption is a legal concept where a higher level of government restricts or even eliminates the authority of a lower level of government to regulate an issue. Federal laws can preempt state and local laws, and state laws can preempt local laws. As a practice, preemption can slow or stop community solutions addressing a wide range of health and social issues including tobacco, food, alcohol, and climate change.²

Enacting policies at the local level is one of the best ways to make progress in tobacco control. In fact, many tobacco control policies that have succeeded in Hawai'i have in fact been passed and tested at the local level, including smoke-free workplaces, smoke-free restaurants, restricting sales of tobacco to those 21 and over. We need to enact laws that are proven to reduce tobacco use.

By blocking the power of local elected officials to protect youth and failing to take any meaningful action at the state level, we risk another generation addicted to deadly tobacco products. Preventing local control over the sale and marketing of tobacco products has been a favorite tactic of the tobacco industry to stop the passage of effective policies to reduce tobacco use and save lives.

¹ American Lung Association. *State of Tobacco Control – Hawai'i*. 2020

² Pertschuk, M, Pomeranz, JL, Aoki, JR, Larkin, MA, Paloma, M. Assessing the Impact of Federal and State Preemption in Public Health: A Framework for Decision Makers. *J Public Health Management Practice*. 2012

Hawai'i is a full diversity, where the needs of different counties vary widely. Because of this, we must give local governments the ability to develop the best laws to protect their citizens. The American Lung Association believes that local governments should be allowed to respond to public health issues, like the youth e-cigarette epidemic, in ways that work for their communities.

The American Lung Association in Hawai'i urges legislators to continue to support and advocate for policies to protect youth from tobacco use by allowing local governments to create solutions that work for them. We urge for your support of House Bill 1778, House Draft 1.

Pedro Haro
Executive Director
American Lung Association in Hawai'i
pedro.haro@lung.org

HB-1778-HD-1

Submitted on: 2/11/2024 9:56:02 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Irene Kalili	Team Hustle Vape Spot	Oppose	Remotely Via Zoom

Comments:

To whole it may concerns.

We at Vape spot oppose to this bill.

Here's a few may reasons we oppose.

“We have very clear evidence that, though not risk free, nicotine e-cigarettes are substantially less harmful than smoking. Some people who haven’t had success in the past with other quit aids have found e-cigarettes have helped them.”

Adult vapers deserve better than a few fauxbacco flavors.

Consumer freedom, entrepreneurship, customer choice and your pocketbook will take a huge hit if the Hawaii Flavor Ban is to pass.

We thank you for taking the time to hear us out. We work daily with all our customers and they all have a story. Taking this away from grown adults 21 years and older is not fair. In general Hawaii will lose a lot of tax many from our industry.

Mahalo,

Vale Spot



Chair - Representative David Tarnas
Vice Chair - Representative Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

On behalf of the Coalition for a Tobacco-Free Hawai'i's (CTFH) Youth Council, thank you for allowing us to submit testimony **supporting HB1778 HD1**.

The CTFH Youth Council is a nationally recognized group of youth leaders fighting to envision and create a Hawai'i centered on uplifting community public health beyond the reaches of Big Tobacco. Our council comprises over 80 middle, high school, and college students, with representation from across Hawai'i's counties. We have been working to end the sale of flavored tobacco products for the past six years.

Since 2018, the counties have not been able to pass stricter legislation than the State regarding tobacco sales, as the legislature declared that the State should handle this matter. While we have been close to passing legislation to end the sale of flavored tobacco sales multiple times since then, in the end, they failed, and we still have flavors like Rainbow Candy, Fruit Punch, Ocean Sonic, and POG, not to mention menthol luring youth into a lifelong nicotine addiction.

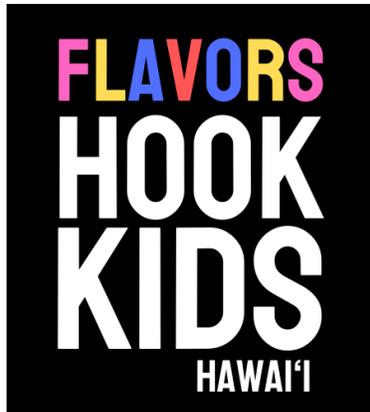
Over the past few months, the City and County of Honolulu and the County of Hawai'i have passed bills to end flavored tobacco sales in their communities, sending a clear message to the State to protect our keiki statewide or restore their authority to regulate tobacco sales. These county councils stood by the youth and community advocates in passing these bills, and we ask that you do the same.

We do however request that you remove the language that would postpone the effective date for 2 years. Tobacco retailers will have plenty of time to sell their stock of flavored tobacco products with the grace periods that the counties already have in their bills. According to industry figures, tobacco retailers turn over their inventory multiple times in any given quarter. https://csimarket.com/Industry/industry_Efficiency.php?ind=508

Delaying the effective date of HB1778 HD1 will negatively impact Hawai'i keiki, please put people over profits and remove this language and pass HB1778 HD1.

Mahalo,
Coalition for a Tobacco-Free Hawai'i Youth Council

PARTIAL LIST OF SUPPORTERS



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

HEALTH & COMMUNITY LEADERS

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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
Anne Takata, DC
Patty Kahanamoku-Teruya
Chien-Wen Tseng, MD
John A Hau'oli Tomoso
Jennifer Valera
Cecilia Villafuerte
Linda Weiner, MD
Andre Weston, MDiv
Matthew Wong

YOUTH AND COMMUNITY ORGANIZATIONS

After-School All-Stars Hawaii
American Youth Soccer Organization (AYSO)
Association of Hawaiian Civic Clubs
Bad Boys Football Club
Big Island Interscholastic Federation (BIIF)
Hale 'Ōpio Kaua'i Inc.
Hawaii Children's Action Network
Hawaii Interscholastic Athletic Directors Association
Hawaii State Commission on Fatherhood
Hawaii State Teachers Association (HSTA)
Hawaii State Youth Commission
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

BUSINESSES

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

OAHU 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
Makiki-Tantalua Neighborhood Board 10
Ala Moana/Kakaako Neighborhood Board 11
Nuuuanu/Punchbowl Neighborhood Board 12
Downtown-Chinatown Neighborhood Board 13
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
North Shore Neighborhood Board 27
Koolauloa Neighborhood Board 28
Kahaluu Neighborhood Board 29
Kaneohe Neighborhood Board 30
Kailua Neighborhood Board 31
Waimanalo Neighborhood Board 32
Mililani Mauka- Launani Valley Neighborhood Board 35
Nanakuli-Mailii Neighborhood Board 36

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
Saint Louis School



**Testimony before the Hawaii House Committee on Judiciary and Hawaiian Affairs
Regarding the Regulation of Tobacco and Tobacco Harm Reduction Products**

**Lindsey Stroud, Senior Fellow
Taxpayers Protection Alliance
February 13, 2024**

Chairman Tarnas, Vice-Chairman Takayama, and Members of the Committee:

Thank you for your time today to discuss banning flavored tobacco and vapor products. My name is Lindsey Stroud and I'm a Senior Fellow at the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis, and dissemination of information on the government's effects on the economy.

While addressing youth use of age-restricted products is laudable, lawmakers must refrain from prohibitionist bans on products that adults responsibly consume and on products that may help adults quit smoking. Youth use of traditional tobacco products has reached record lows, while youth vaping has halved in recent years. Sweeping bans will only force adult consumers to seek out illicit products from clandestine sources, which may cause more harm than good.

Key Points:

- Hawaii youth use of cigarettes is at record lows and youth vaping has declined since peaking in 2019.
- In 2021 (among Hawaii high school students), 14.8 percent were currently using vapor products and three percent were currently smoking combustible cigarettes.
- Between 1993 and 2021, smoking use declined by 89.4 percent
- Youth vaping peaked in 2019 in Hawaii when 48.3 percent of high schoolers reported ever trying an e-cigarette and 30.6 percent reported current use.
- Between 2019 and 2021, lifetime e-cigarette use among Hawaii high schoolers declined by 30.6 percent to 32.4 percent of students. Current use decreased by 51.6 percent to 14.8 percent of Hawaii high school students.
- In 2019, 30.6 percent of Hawaii middle schoolers reported ever trying an e-cigarette and 17.7 percent were currently vaping.
- Between 2019 and 2021, lifetime e-cigarette use among Hawaii middle schoolers declined by 58.2 percent to 12.8 percent of students. Current use decreased by 62.1 percent to 6.7 percent of students.
- More adults are using combustible cigarettes and vapor products than Hawaii youth.
- For every high school student smoking in 2021 in Hawaii, more than 73 adults were currently smoking. For every high schooler vaping in 2021 in Hawaii, more than 10 adults were using e-cigarettes.

- Hawaii lawmakers are not limiting adult access to other age-restricted products Hawaii youth are more likely to use, including alcohol and marijuana.
- In 2021 (among Hawaii high school students), 16.6 percent had reported currently using alcohol, 12 percent were currently using marijuana, and 8.3 percent reported current binge drinking.
- Hawaii (and US) youth are not using e-cigarettes because of flavors.
- In 2017 (among Hawaii high school students who had ever used an e-cigarette), only 26.4 percent cited flavors as a reason for use, compared to 26.4 percent who had cited “other.”
- Hawaii’s focus on youth vaping has led to increases in adult smoking rates, particularly among middle-aged adults, while young adult smoking has plummeted.
- In 2022, 12.4 percent of Hawaii adults were currently smoking cigarettes, which was a 22.8 percent increase from 2021 and represents 26,863 additional adults smoking.
- Only three percent of Hawaiians aged 18 to 24 years old were smoking, which was a 56.5 percent decline from 2021 and represents 4,751 fewer young adult adults smoking.
- Between 2021 and 2022, the percent of middle-aged adults aged 25 to 44 years old increased by 20.4 percent, representing an additional 9,007 middle aged adults smoking.
- More than one-fifth (20.3 percent) of adults who earned \$25,000 or less were currently smoking in 2022, compared to only 6.2 percent of adults earning \$50,000 or more per year.
- In 2022, 8.8 percent of Hawaii adults were currently using e-cigarettes, which was a 20.5 percent increase from 2021 and represents 17,560 additional adults vaping.
- Among adults aged 45 to 64 years old, vaping rates increased 83.3 percent between 2021 and 2022.
- An illicit market is thriving on internet marketplaces from New York City to California.
- Flavored tobacco bans fail to address a growing mental health crisis among Hawaiian (and U.S.) youth.
- In 2021, more than one-third of Hawaiian high schoolers reported persistent feelings of sadness and/or hopelessness, 16.6 percent had made a suicide plan, and 7.4 percent had attempted suicide.
- Among U.S. youth, in 2021, 42.3 percent reported persistent feelings of sadness and/or hopelessness, 22.2 percent had seriously considered suicide and 10.2 percent had attempted suicide.
- Hawaii woefully underfunds tobacco control programs.
- In 2022, Hawaii collected more than \$123 million in cigarette taxes and tobacco settlement payments. Yet, the state allocated only \$7.4 million in state funding towards tobacco control programs, including cessation efforts, education, and youth prevention. In 2022, for every one dollar the state received in tobacco monies, it spent only six cents on tobacco control efforts.

Hawaii Tobacco Product Use at Record Lows, Vapor Product Use Steadily Declining

In 2021, according to the Center for Disease Control and Prevention’s Youth Risk Behavior Survey (YRBS), tobacco product use is at record lows among Hawaii youth.¹

In 2021, among Hawaii high school students:

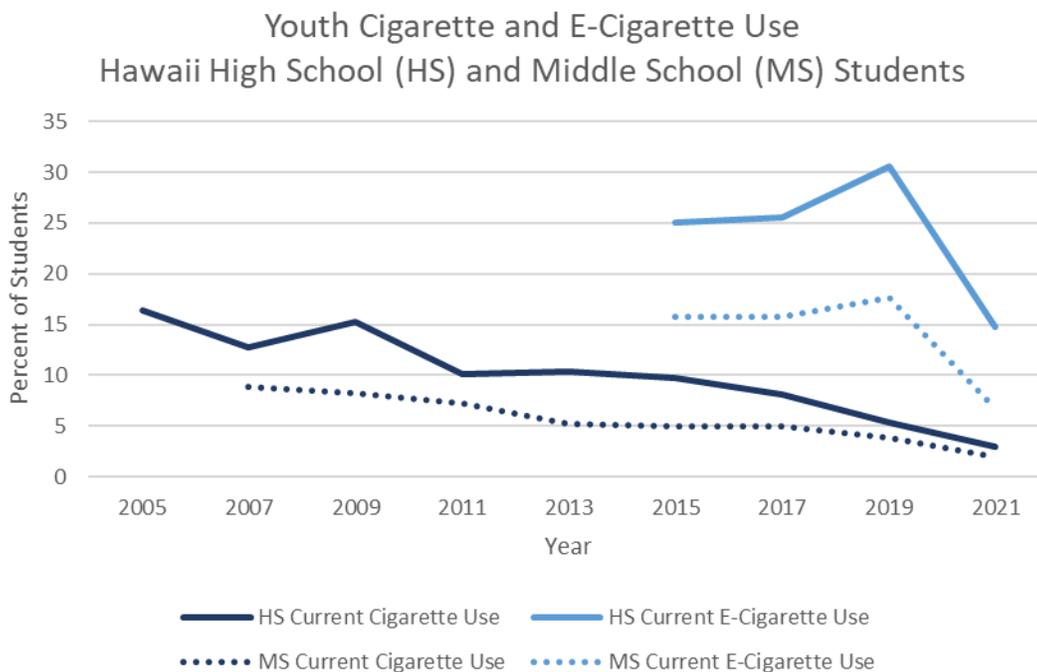
- 14.8 percent were currently using e-cigarettes and/or vapor products
- Three percent were currently using combustible cigarettes

Not including e-cigarettes, these are some of the lowest levels of cigarette use ever recorded among Hawaii high school students.

In 1993, nearly three in ten (28.2 percent) Hawaii high schoolers were currently smoking combustible cigarettes. Between 1993 and 2021, smoking use declined by 89.4 percent.

Youth use of e-cigarettes has gained lawmakers’ focus in recent years. The Hawaii YRBS first inquired about e-cigarette use in 2015, when 45.1 percent of high schoolers had reported ever-trying an e-cigarette and 25.1 percent reported current use.

Youth vaping peaked in the Aloha State in 2019 when nearly half (48.3 percent) of Hawaii high school students reported having ever used an e-cigarette and nearly one-third (30.6 percent) reported current use. Between 2019 and 2021, lifetime e-cigarette use among Hawaii high schoolers declined by 32.9 percent to 32.4 percent of students. Current use decreased by 51.6 percent to 14.8 percent of Hawaii high school students.



Tobacco and vapor product use is also down among middle school students in the Aloha State.²

In 2021, among Hawaii middle school students:

- 6.7 percent were currently using e-cigarettes/vapor products
- 1.9 percent were currently smoking cigarettes

These are some of the lowest levels of cigarette use ever recorded among Hawaii high school students.

In 1999, 12.3 percent of Hawaii middle schoolers were currently smoking combustible cigarettes. Between 1999 and 2021, current smoking use declined by 84.6 percent.

In 2019, 30.6 percent of Hawaii middle school students had ever tried an e-cigarette and 17.7 percent were currently using e-cigarettes. Between 2019 and 2021, lifetime e-cigarette use among Hawaii middle schoolers declined by 58.2 percent to 12.8 percent of students. Current use decreased by 62.1 percent to 6.7 percent of students.

It should be noted that there are far more adults using cigarettes and e-cigarettes, compared to Hawaii high school students.

In 2021, approximately 1,573 Hawaii high school students were smoking, compared to an estimated 114,853 Hawaii adults aged 18 and over who were currently smoking. For every high school student smoking in 2021 in Hawaii, more than 73 adults were currently smoking.

In 2021, approximately 7,761 Hawaii high school students were vaping, compared to 83,012 Hawaii adults aged 18 and over who were currently vaping. For every high schooler vaping in 2021 in Hawaii, more than 10 adults were using e-cigarettes.

State Declines in Youth Tobacco and Vapor Product Use Is Similar to National Trends

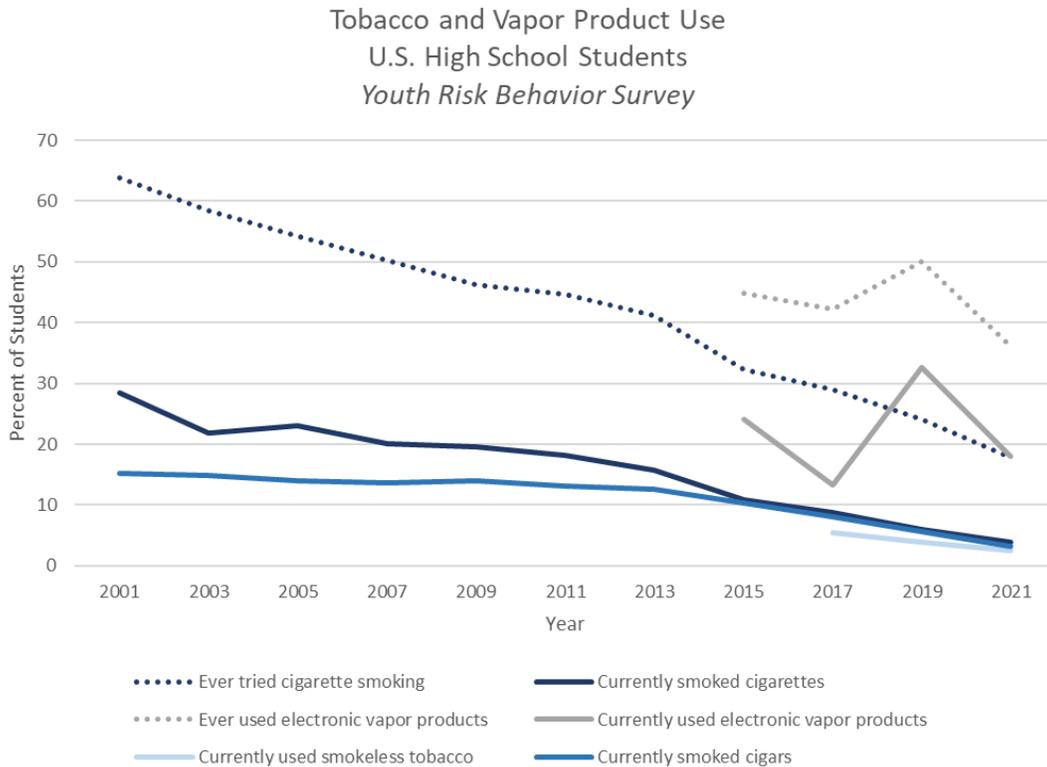
Among all U.S. high school students in 2021:

- 36.2 percent had ever-tried an e-cigarette
- 17.8 percent had ever-tried a combustible cigarette

Among all U.S. high school students in 2021:

- 18 percent were currently using e-cigarettes
- 3.8 percent were currently using combustible cigarettes
- 3.1 percent were currently using cigars

- 2.5 percent were currently using smokeless tobacco products, including snus



Similar to Hawaiian data, youth vaping peaked among U.S. high school students in 2019 when 50.1 percent had ever tried an e-cigarette, and 32.7 percent were currently vaping. Between 2019 and 2021, ever-use of e-cigarettes among U.S. high school students declined by 27.7 percent, while current e-cigarette use decreased by 45 percent.

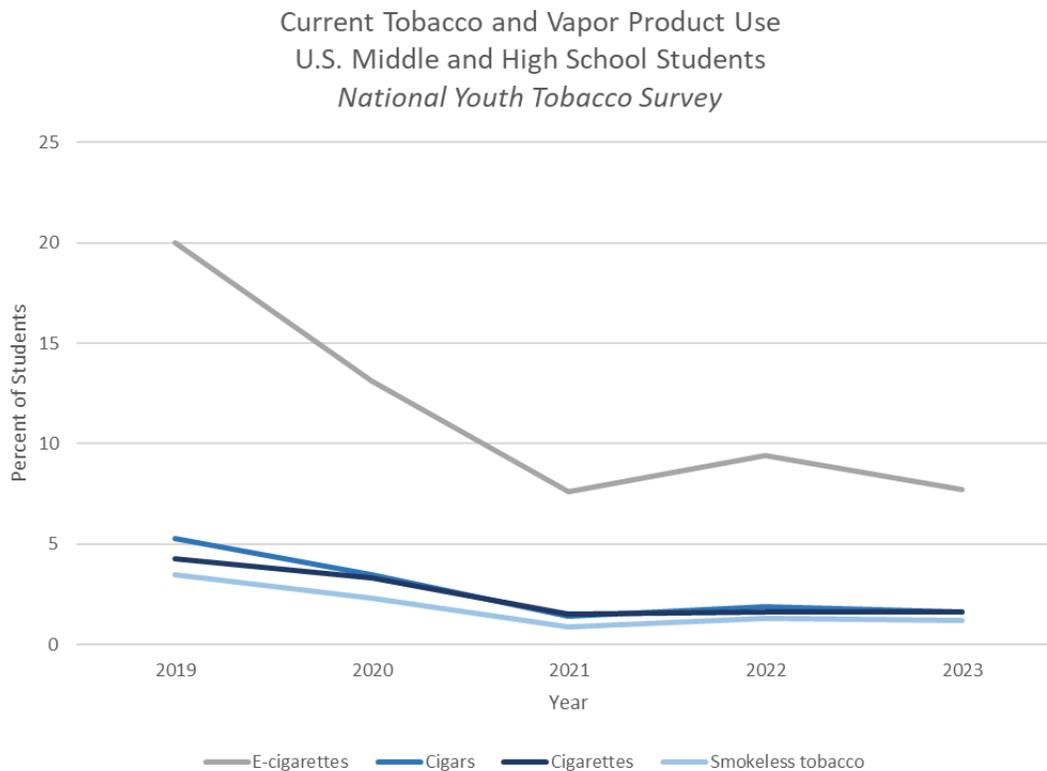
Despite alarmism from public health groups and the media, youth vaping has not normalized traditional tobacco use. Use of combustible cigarettes, cigars, and smokeless tobacco products are at record lows among U.S. youth.

Other national surveys find similar trends.

In 2021, according to the National Youth Tobacco Survey (NYTS), among U.S. middle and high school students:

- 7.7 percent were currently using e-cigarettes
- 1.6 percent were currently using combustible cigarettes
- 1.6 percent were currently using cigars
- 1.2 percent were currently using smokeless tobacco products

The NYTS also found youth vaping to have peaked in 2019 when 20 percent of U.S. middle and high school students were currently using e-cigarettes. Between 2019 and 2023, current vaping rates decreased by 61.5 percent.



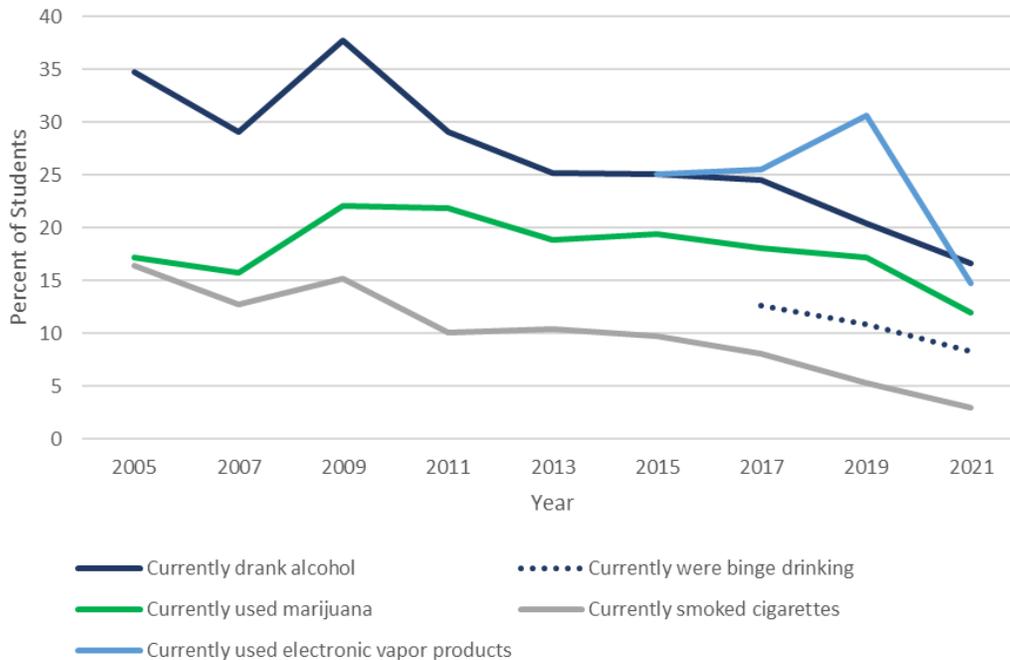
Youth Use of Other Age-Restricted Products Is Not Met with Bans

It is interesting lawmakers are pushing forward with prohibitionist policies related to tobacco products, while allowing adult access to other age-restricted products which are more commonly used by youth.

According to the YRBS, in 2021, among Hawaii high school students:³

- 16.6 percent were currently drinking alcohol
- 14.8 percent were currently using vapor products
- 12 percent were currently using marijuana
- 8.3 percent were currently binge drinking
- Three percent were currently using combustible cigarettes

Substance Use Among Hawaii High School Students
Youth Risk Behavior Survey



Alcohol is available in a variety of flavors, and Hawaiian lawmakers are currently debating on legislation which would permit the recreational sale of tetrahydrocannabinol (THC), or adult use of marijuana. It is rather hypocritical that the Aloha State would then move to restrict adult access to nicotine products – under the auspice of youth usage – while not restricting adult access to products youth are using at greater or similar rates.

Flavors Are Not Main Driver of Youth E-Cigarette Use

National and state surveys consistently find that youth are not overwhelmingly using e-cigarettes because of flavors.

In 2017, among Hawaiian high school students that had ever used e-cigarettes, only 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”⁴

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.⁵

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”⁶ Conversely, 13 percent reported

because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019 (among all Montana high school students), only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”⁷ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2023 (among all Montana high school students), flavors were the second-to-least cited reason youth had used e-cigarettes, with only 0.9 percent of students citing flavors as a reason for vaping. 11.1 percent had used them because they were feeling “anxious, stressed, or depressed,” and 6.5 percent had used them because a friend or family member had.⁸

In 2019 (among all students), only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”⁹

In 2017 (among current e-cigarette users), only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”¹⁰

In 2019 (among high school students that were current e-cigarette users), only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.¹¹

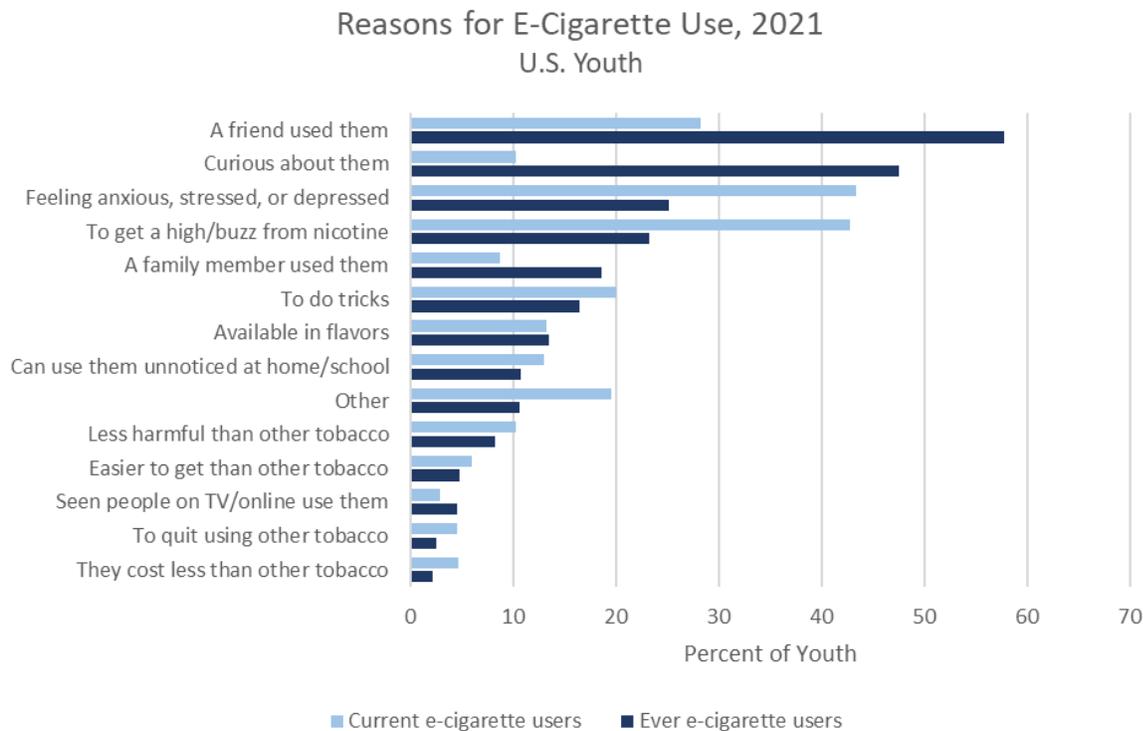
In 2021 (among Vermont high school students who were currently vaping), flavors were the second-to-least cited reason for using e-cigarettes, with only 3 percent of students reporting vaping because of flavor availability. Nearly one-third (32 percent) had vaped to get a high and/or buzz from nicotine, 30 percent reported using e-cigarettes because they were feeling anxious, depressed and/or stressed, and 13 percent had used them out of curiosity.¹²

In 2019 (among all Virginia high school students), only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.¹³

This is similar to national data. According to the 2021 NYTS, among U.S. middle and high school students were currently using e-cigarettes in 2021:

- 43.5 percent reported using them to get a high and/or buzz
- 43.2 percent had used them because they were feeling anxious, stressed and/or depressed
- 27.6 percent reported using them because a friend and/or family member had used them

- 19 percent reported “other”
- 13.2 percent reported using them because of flavors
- 10.3 percent reported using them because they were less harmful than other tobacco products



In fact (since 2019), the NYTS has indicated that flavors were not the main reason for youth using e-cigarettes. In 2019, among middle and high school students who were currently using e-cigarettes:

- 56.1 percent reported using them because they were curious about them
- 23.9 percent had used them because of a friend and/or family member
- 22.3 percent reported using them because they were available in flavors
- 22 percent reported using them because they could tricks with them

Lawmakers should refrain from prohibitionist policies which fail to take into consideration the declines in youth tobacco and vapor product use, as well as the actual reasons why youth are using e-cigarettes.

Lawmakers Focus on Youth Vaping Ignores Increases in Adult Smoking

In 2022 (according to the CDC's Behavioral Risk Factor Surveillance Survey), an estimated 141,716 adults (or 12.4 percent) of Hawaiians were currently smoking. This is a 22.8 percent increase from 2021 when 10.1 percent reported current cigarette use. There were 26,863 additional adults smoking in 2022 compared to 2021.

It should be noted that youth use of e-cigarettes in the Aloha State has not led to increases in smoking rates among young adults. In fact, smoking rates among 18- to 24-year-old Hawaiian adults are at record lows.

In 2022, only three percent of Hawaiian young adults were currently smoking, which was a 56.5 percent decline from 2021, when 6.9 percent of 18- to 24-year-olds were smoking. There were an estimated 4,751 fewer young adults smoking in 2022 compared to 2021.

Unfortunately, there have been increases in smoking rates among middle aged adults. Between 2021 and 2022, the percent of adults aged 25 to 44 years old who were smoking increased by 20.4 percent, representing an additional 9,007 middle aged adults smoking.

Smoking rates were highest among 25–44-year-olds, with 14.2 percent reporting current use. Among all adults earning \$25,000 annually or less in 2022, more than one-fifth (20.3 percent) reported currently smoking, compared to only 6.2 percent of adults who earned \$50,000 or more per year.

In Hawaii, multiracial (non-Hispanic) adults reported smoking at a greater percentage of their identified race at 15.1 percent. This is compared to 14.3 percent of Native Hawaiian and/or Pacific Islander adults, 11.4 percent of Hispanic adults, 10 percent of White adults, 8.6 percent of Black adults and 6.5 percent of Asian adults.

Yet, Asian adults made up a larger percentage of Hawaii's total adult smoking population. In 2022, Asian adults accounted for 26.7 percent of Hawaii's current smoking population, compared to Multiracial (non-Hispanic) adults, who made up 25.8 percent. White adults made up 23.7 percent, of Native Hawaiian/Pacific Islander accounted for 13 percent, Hispanic adults made up 9.3 percent, and Black adults accounted for 1.4 percent of Hawaii's adult smoking population in 2022.

E-cigarette use among Hawaiian adults is increasing.

In 2022, an estimated 100,573 Hawaii adults (or 8.8 percent) were currently using e-cigarettes. This is a 20.5 percent increase from 2021 when 7.3 percent reported current e-cigarette use. There were an estimated 17,560 additional adults vaping in 2022 compared to 2021.

Vaping rates have increased significantly among older Hawaiian adults, including an 83.3 percent increase in e-cigarette use among Hawaiians aged 45 to 64 years old.

In Thriving Illicit Market, Unregulated Products Harm Users

Flavored tobacco and vape product bans only punish responsible retailers while incentivizing clandestine actors to engage in new illicit marketplaces. Unregulated tobacco and vapor products pose a risk to all consumers, both youth and adults alike. Nonetheless, consumers have indicated they would seek out illicit products should their product of choice be banned. There are already rogue sellers using online marketplaces to sell these unregulated products.

One study examining a possible menthol ban found that at least 25 percent would “find a way to buy a menthol brand.”¹⁴ An experiment examined current e-cigarette users under a hypothetical flavor ban found that banning “vaping products from the marketplace may shift preference towards purchasing vaping products in the illegal marketplace.”¹⁵ An international survey of vapers from Canada, the United Kingdom, and the United States, found that over one-fourth (28.3 percent) “would find a way to get their banned flavor(s).”¹⁶

There is already a booming marketplace online. Examples are relatively easy to find. A Craigslist ad in New York City offers for sale a variety of flavored e-liquid products, from peach to cotton candy.¹⁷ The seller informs the potential customer to “[i]nteract with [them] the same way [one] would a sales person.” Alarming, this seller is not interested in providing potential customers with information regarding the products that they may be consuming, noting that any questions about their “cost, date purchased, where purchased, why selling is no one’s concern.” In California, which recently enacted a ban on flavored tobacco and vapor products, “menthol man” is offering to deliver menthol cigarettes for \$15 a pack.¹⁸

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Atmos No Nicotine E-liquid 12ml - \$5 (Chelsea)



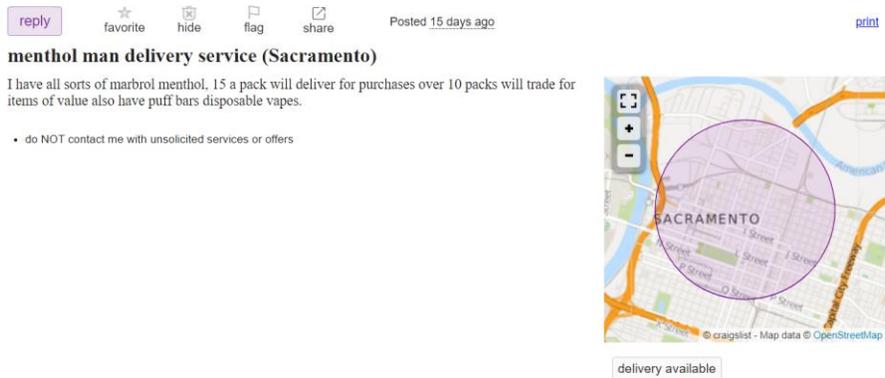

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Made in USA. Multiple flavors: Peach, Island Rum, Orange Mint, Cotton Candy, Cherry, Blueberry, Watermelon, Menthol, Apple, Pina Colada, Grape, Mocha Latte, Candy Cane, Blueberry Frost, Maple, Mango, 2 Leaf.
\$10 Each or the complete lot of 18 for \$150

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There is an even larger international market of counterfeit vapor products, with officials in numerous countries attempting to stem their flow.

In January 2021, the FDA worked with other federal agencies and seized 42 shipments of counterfeit disposable vapor products from China.¹⁹ In March 2021, Customs and Border Protection officers in Chicago seized \$1.5 million in counterfeit vapes.²⁰

In 2022, officials in Australia, China, Singapore, and the United Kingdom have all reported massive seizures of counterfeit vapor products.^{21 22 23 24} The illicit products are so prevalent that a vapor product company has been actively working with government officials in China and has successfully shut down more than 20 factories manufacturing counterfeit vapes.²⁵

Flavor Bans Wont Address Growing Mental Health Crisis Among Youth

While lawmakers have turned their attention towards youth vaping, they have seemingly ignored a growing mental health crisis among Hawaii and American youth.

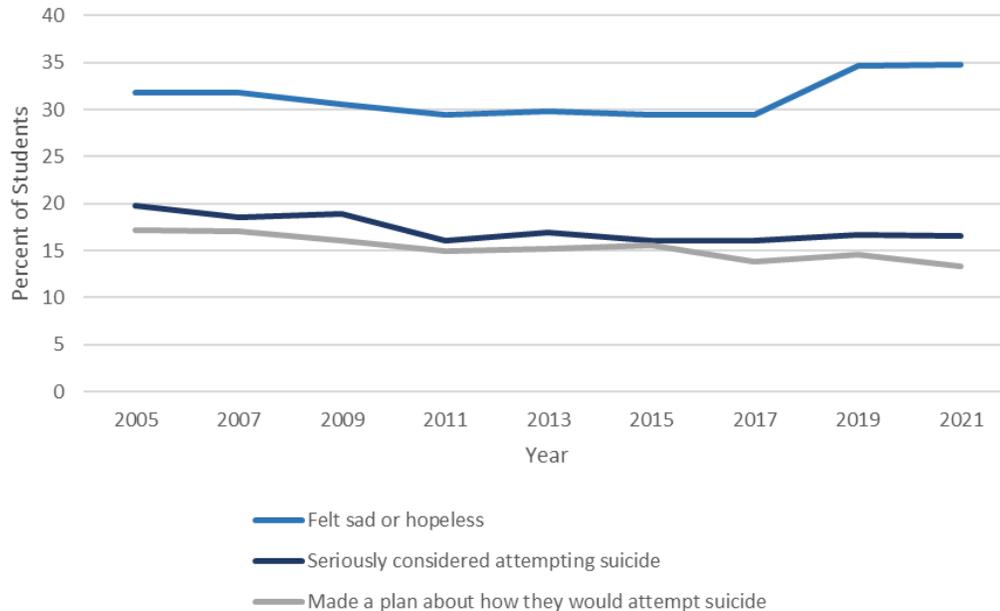
In 2021, among Hawaii middle school students:

- 26.9 percent had “ever seriously thought about killing themselves”
- 20.3 percent had “ever made a plan about how they would kill themselves”
- 10.5 percent reported having ever “tried to kill themselves”

In 2021, among Hawaii high school students:

- 34.8 percent reported persistent feelings of sadness and/or hopelessness
- 16.6 percent had “made a plan about how they would attempt suicide” in the 12 months prior
- 7.4 percent had “actually attempted suicide” in the 12 months prior

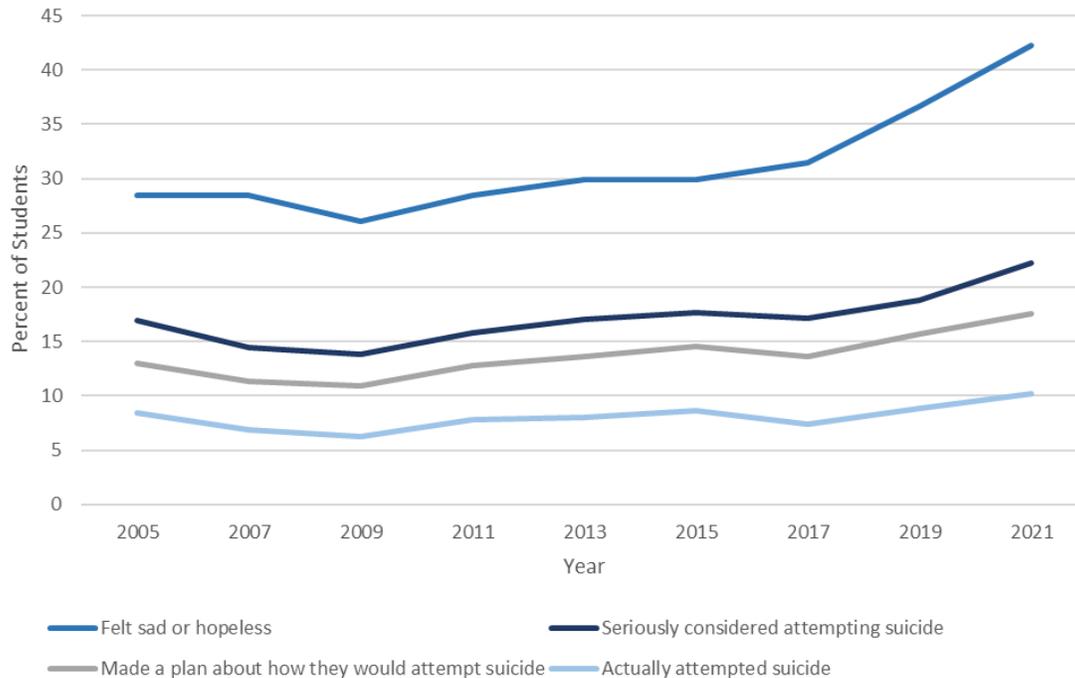
Mental Well-Being
Hawaii High School Students
Youth Risk Behavior Survey



The increasing mental health crisis is growing among U.S. youth, as well. In 2021, among U.S. high school students

- 42.3 percent reported persistent feelings of sadness and/or hopelessness
- 22.2 percent had “seriously considered attempting suicide”
- 17.6 percent had made a suicide plan
- 10.2 percent had “actually attempted suicide”

Mental Well-Being
U.S. High School Students
Youth Risk Behavior Survey



Given that the most cited reasons for using e-cigarettes is to self-medicate either through obtaining a buzz and/or mitigating feelings of anxiety, depression and/or stress, banning flavors in tobacco and vapor products will not address the rising mental health crisis facing Hawaii youth.

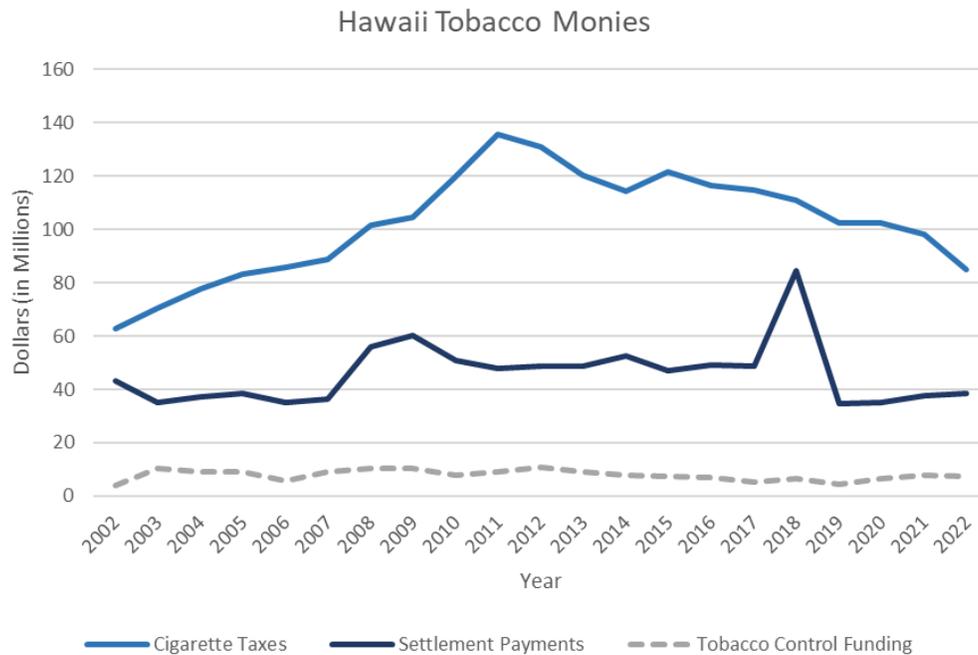
Hawaii Woefully Underfunds Tobacco Control

If lawmakers truly want to address youth use of tobacco products and help adults quit smoking deadly combustible cigarettes, they ought to spend more funding on tobacco control programs.

In 2022, the Aloha State collected nearly \$85.1 million in state excise tax revenue from combustible cigarettes.²⁶ This was a 13.3 percent decrease from 2021’s \$98.1 million. Between 2002 and 2022, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$38.4 million in settlement payments in 2022, a 2.4 percent increase from 2021’s \$37.5 million, or an additional \$900,000. Since 2002, the Aloha State collected more than \$966 million in tobacco settlement payments.

While Hawaii collected more than \$123 million in tobacco-related monies in 2022, the state allocated only \$7.4 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 6.4 percent decrease in funding from 2021's \$7.9 million. This amounts to 8.7 percent of taxes and 19.3 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



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³ Centers for Disease Control and Prevention, *supra* note 1.

⁴ Lance Ching, Ph.D., et al., “Data Highlights from the 2017 Hawai’i Youth Tobacco Survey,” Hawai’i State Department of Health, June 29, 2018, http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf.

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⁶ Maryland Department of Public Health, “Maryland High School Survey Detail Tables – Weighted Data,” 2018 Youth Risk Behavior Survey, 2018, https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018M_DH%20Detail%20Tables.pdf.

⁷ Montana Office of Public Instruction, “2019 Montana Youth Risk Behavior Survey High School Results,” 2019, http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820.

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- ⁹ State of Rhode Island Department of Health, “Rhode Island High School Survey Detail Tables – Weighted Data,” 2019 *Youth Risk Behavior Survey Results*, 2019, <https://health.ri.gov/materialbyothers/yrbs/2019HighSchoolDetailTables.pdf>.
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- ¹² Vermont Department of Health, “2021 Vermont Youth Risk Behavior Survey Statewide Results,” 2023, <https://www.healthvermont.gov/sites/default/files/document/hsi-yrbs-2021-full-report.pdf>.
- ¹³ Virginia Department of Health, “Virginia High School Survey Detail Tables – Weighted Data,” 2019 *Youth Risk Behavior Survey Results*, 2019, <https://www.vdh.virginia.gov/content/uploads/sites/69/2020/06/2019VAH-Detail-Tables.pdf>.
- ¹⁴ Richard J. O’Connor *et al.*, “What would menthol smokers do if menthol in cigarettes were banned? Behavioral intentions and simulated demand,” *Addiction*, April 4, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/>.
- ¹⁵ Roberta Freitas-Lemos *et al.*, “The Illegal Experimental Tobacco Marketplace I: Effects of Vaping Product Bans,” *Nicotine & Tobacco Research*, October 23, 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8403238/>.
- ¹⁶ Shannon Gravely *et al.*, “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States,” *Addictive Behaviors*, October 14, 2021, <https://pubmed.ncbi.nlm.nih.gov/34695685/>.
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- ²⁶ Orzechowski and Walker, “The Tax Burden on Tobacco Historical Compilation Volume 56, 2021. Print.

Tobacco & Vaping 101: Hawaii 2024

Lawmakers are often bombarded with misinformation on the products used by adults in their state. This annual analysis provides up-to-date data on the adults who use cigarettes and e-cigarette products in the Aloha State. This information also includes data on youth use, impacts of e-cigarettes and analyses of existing tobacco monies.

Key Points:

- In 2022, an estimated 141,716 adults (12.4 percent) were currently smoking. This is a 22.8 percent increase from 2021 and represents 26,863 additional adults smoking.
- In 2022 (among all Hawaii adults), three percent of 18- to 24-year-olds, 14.2 percent of 25–44-year-olds, 11.6 percent of 45–64-year-olds, and 5.7 percent of adults aged 65 years or older were currently smoking combustible cigarettes.
- Among all adults earning \$25,000 or less in 2022, 20.3 percent were currently smoking compared to only 6.2 percent of adults earning \$50,000 or more.
- Among all smoking adults in Hawaii in 2022, 26.7 percent were Asian, 25.8 percent were Multiracial (non-Hispanic), 23.7 percent were White, 13 percent were Native Hawaiian/Pacific Islander, 9.3 percent were Hispanic, and 1.4 percent were Black.
- In 2022, 100,573 Hawaii adults (8.8 percent) were currently using e-cigarettes. This is a 20.5 percent decrease from 2021 and represents 17,560 additional adults vaping.
- Among all vaping adults in Hawaii in 2022, 32.2 percent were 18 to 24 years old, 49.8 percent were 25 to 44 years old, 15 percent were 45 to 64 years old and 2.9 percent were 65 years or older.
- In 2021, for every one Hawaii high school student who was smoking, more than 73 adults were currently using cigarettes.
- In 2021, for every one Hawaii high school student who was vaping, more than 10 adults were currently using e-cigarettes.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2018 and 2022, smoking rates among Hawaii adults aged 18 to 24 years old decreased by 77.1 percent.
- Cigarette excise taxes in Hawaii disproportionately impact low-income and low-educated persons, while failing to significantly reduce smoking rates among that class.
- The percentage of Hawaii adults earning \$25,000 or less that were decreased by only 33.1 percent between 2011 and 2022, while the percent of adults earning \$50,000 or more that were smoking decreased by 45.3 percent during the same period.
- Among Hawaii adults who did not graduate high school, smoking rates decreased by 18.5 percent, and rates among adults with a college degree decreased by 44.1 percent.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2022, for every \$1 the state received in tobacco monies, it spent \$0.06 on tobacco control efforts.

Tobacco & Vaping 101: Hawaii 2024

Adult Combustible Cigarette and E-Cigarette Use

In 2022, according to data from the annual Behavioral Risk Factor Surveillance System survey, conducted by the Centers for Disease Control and Prevention, an estimated 141,716 adults (or 12.4 percent of Hawaiians) were currently smoking. This is a 22.8 percent increase from 2021 when 10.1 percent reported current cigarette use. There were 26,863 additional adults smoking in 2022 compared to 2021.

In 2022 (among all Hawaii adults), three percent of 18- to 24-year-olds, 14.2 percent of 25–44-year-olds, 11.6 percent of 45–64-year-olds, and 5.7 percent of adults aged 65 years or older were currently smoking combustible cigarettes.

Among all adults earning \$25,000 annually or less in 2022, more than one-fifth (20.3 percent) reported currently smoking, compared to only 6.2 percent of adults who earned \$50,000 or more per year.

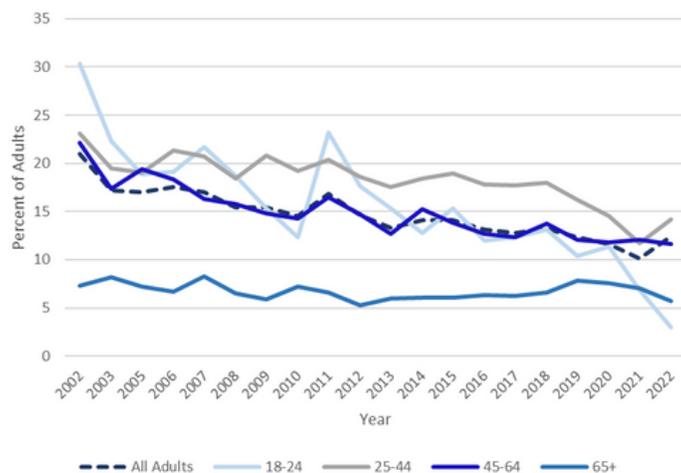
In Hawaii, Multiracial (non-Hispanic) adults reported smoking at a greater percentage of their identified race at 15.1 percent. This is compared to 14.3 percent of Native Hawaiian and/or Pacific Islander adults, 11.4 percent of Hispanic adults, 10 percent of White adults, 8.6 percent of Black adults and 6.5 percent of Asian adults.

Yet, Asian adults made up a larger percentage of Hawaii’s total adult smoking population. In 2022, Asian adults accounted for 26.7 percent of Hawaii’s current smoking population, compared to Multiracial (non-Hispanic) adults, who made up 25.8 percent. White adults made up 23.7 percent, of Native Hawaiian/Pacific Islander accounted for 13 percent, Hispanic adults made up 9.3 percent, and Black adults accounted for 1.4 percent of Hawaii’s adult smoking population in 2022.

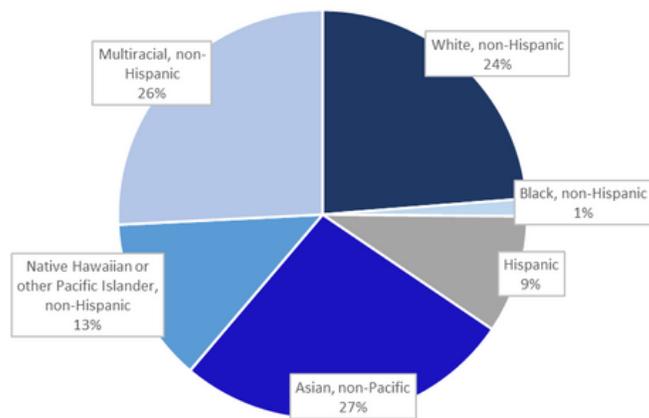
In 2022, an estimated 100,573 Hawaii adults (or 8.8 percent) were currently using e-cigarettes. This is a 20.5 percent increase from 2021 when 7.3 percent reported current e-cigarette use. There were an estimated 17,560 additional adults vaping in 2022 compared to 2021.

Among Hawaii adults currently using e-cigarettes in 2022, 32.2 percent were 18 to 24 years old, 49.8 percent were 25 to 44 years old, 15 percent were 45 to 64 years old and 2.9 percent of current e-cigarette users in Hawaii in 2022 were 65 years or older. Among adult e-cigarette users in Hawaii in 2022, 67.8 percent were 25 years or older.

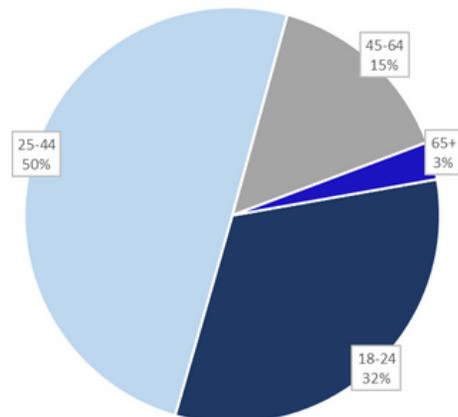
Adult Smoking Rates by Age
Hawaii



Percent of Adults Who Smoke, by Race
Hawaii 2022



Percent of Adults Who Vape, by Age
Hawaii 2022



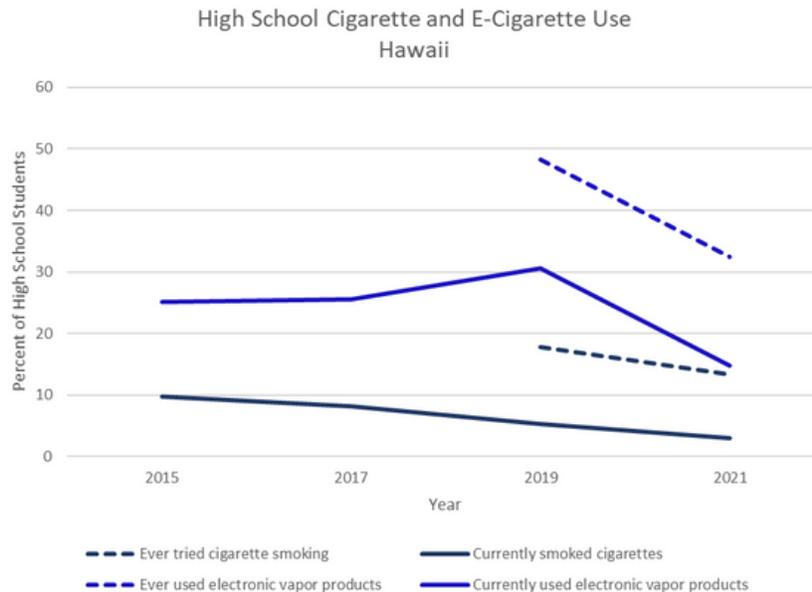
Tobacco & Vaping 101:

Hawaii 2024

Youth Combustible Cigarette and E-Cigarette Use

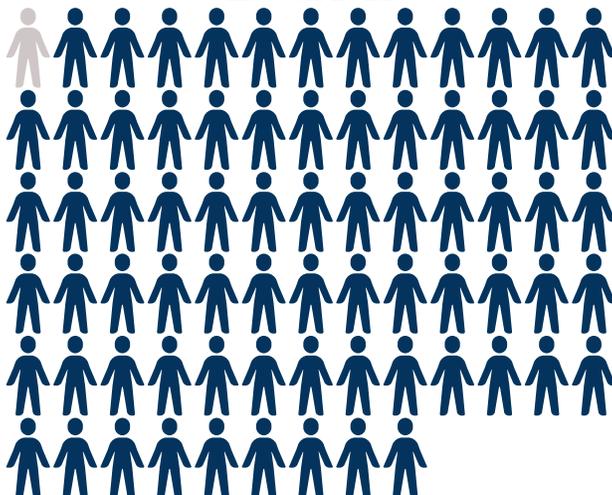
Youth smoking rates are at historic lows in the Aloha State. In 2021, 13.3 percent of high school students reported ever trying combustible cigarettes, while three percent reported currently smoking, or having used the product on at least one occasion in the 30 days prior. In 2021, approximately 1,573 Hawaii high school students were smoking, compared to an estimated 114,853 Hawaii adults aged 18 and over who were currently smoking. For every one high schooler student smoking in 2021 in Hawaii, more than 73 adults were currently smoking.

Youth vaping peaked in the Aloha State in 2019 when nearly one half (48.3 percent) of Hawaii high school students reported having ever used an e-cigarette and nearly one-third (30.6 percent) reported current use. Between 2019 and 2021, lifetime e-cigarette use among Hawaii high schoolers declined by 32.9 percent to 32.4 percent of students. Current use decreased by 51.6 percent to 14.8 percent of Hawaii high school students. In 2021, approximately 7,760 Hawaii high school students were vaping, compared to 83,012 Hawaii adults aged 18 and over who were currently vaping. For every one high schooler vaping in 2021 in Hawaii, more than 10 adults were using e-cigarettes.



Youth to Adult Smoking Ratio

Hawaii 2021



Youth to Adult Vaping Ratio

Hawaii 2021



Key

- = 1 High School Student
- = 1 Adult 18 years or older

Tobacco & Vaping 101:

Hawaii 2024

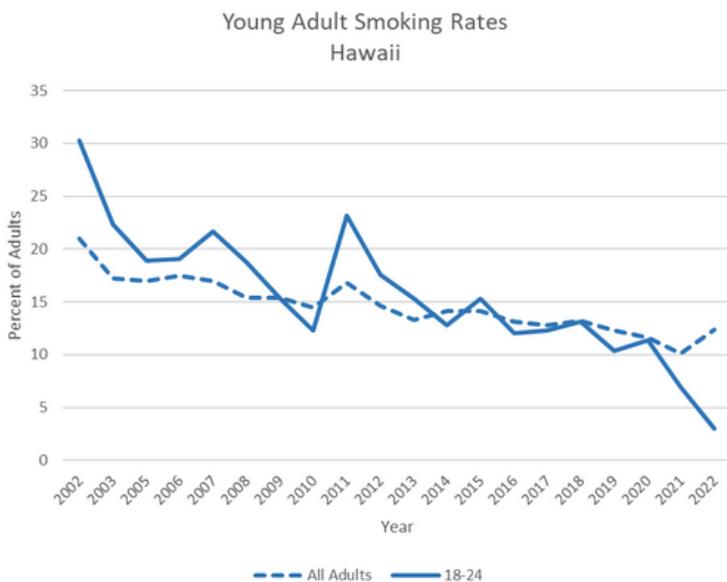
Young Adult Cigarette Use

The introduction of e-cigarettes has not led to increases in young adult cigarette smoking, but rather, correlates with significant declines.

In 2012, e-cigarettes were available in every major U.S. market. That same year, 17.6 percent of Hawaiians aged 18 to 24 years old were currently smoking. In 2018, public health purported a so-called “youth vaping epidemic,” and 13.1 percent of young adults in the Aloha State were smoking. Between 2012 and 2018, young adult smoking rates declined by 25.6 percent. Further, since 2018, young adult smoking rates have decreased another 77.1 percent, with average annual declines of 26.7 percent.

In 2016 (among 18- to 24-year-olds), 12 percent and 9.8 percent were currently using combustible cigarettes and e-cigarettes, respectively. Between 2016 and 2022, current cigarette use among young adults decreased by 75 percent while vapor product use increased by 179.6 percent.

Given the epic lows in young adult smoking rates, lawmakers must refrain from policies that restrict access to alternatives to smoking.

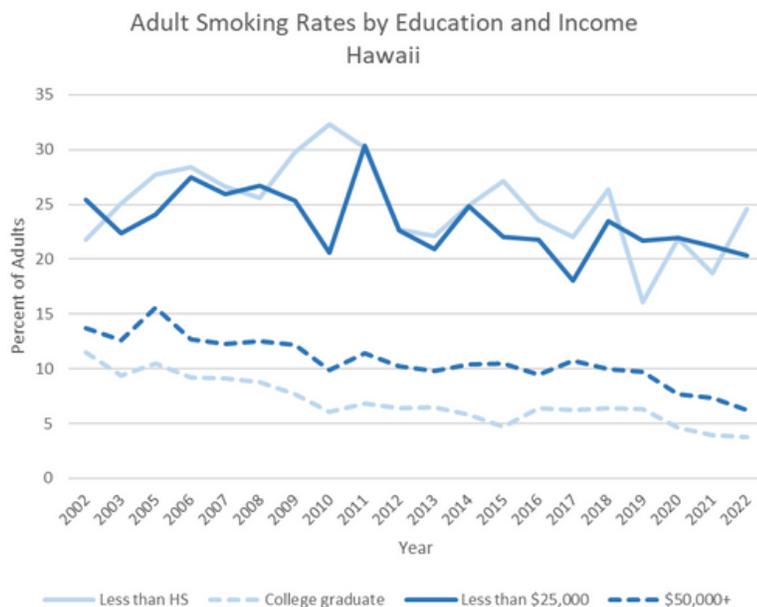


Effects of Cigarette Excise Taxes

Hawaii last increased its state cigarette excise tax in 2011 from \$3.00 to \$3.20-per-pack. Lawmakers often justify excise taxes on cigarettes to deter persons from using combustible cigarettes. These taxes not only disproportionately harm lower income and lower educated adults, the taxes also fail to significantly reduce smoking rates among those persons.

The percent of Hawaii adults earning \$25,000 or less that were smoking decreased by only 33.1 percent between 2011 and 2022, while the percent of adults earning \$50,000 or more that were smoking decreased by 45.3 percent during the same period. Among Hawaiians who did not graduate high school, smoking rates decreased by 18.5 percent, and rates among adults with a college degree decreased by 44.1 percent.

Lawmakers should refrain from enacting further increases in cigarette taxes given their disproportionate effect on low-income and low-educated persons, while failing to reduce smoking rates.



Tobacco & Vaping 101: Hawaii 2024

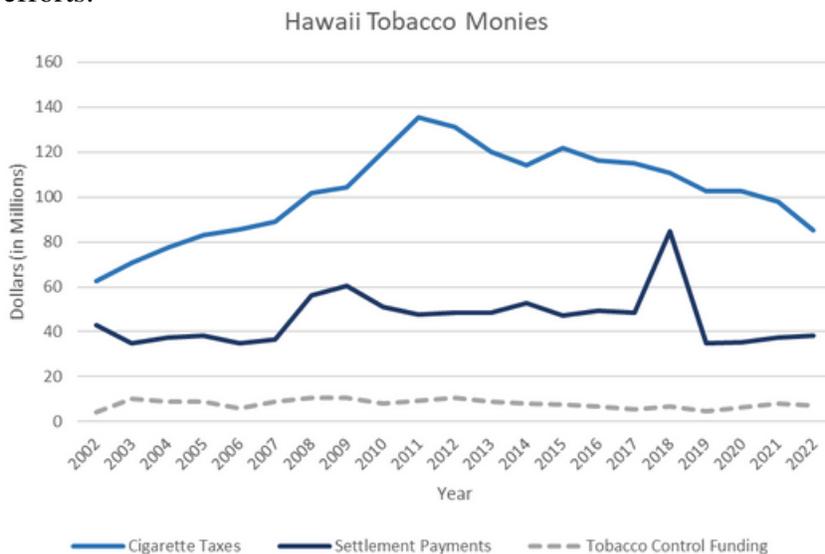
Tobacco Monies

Each year, states receive billions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2022, the Aloha State collected \$85.1 million in state excise tax revenue from combustible cigarettes. This was a 13.3 percent decrease from 2021's \$98.1 million, or \$13 million less. Between 2002 and 2022, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$38.4 million in settlement payments in 2022, a 2.4 percent increase from 2021's \$37.5 million, or an additional \$900,000. Since 2002, the Aloha State collected more than \$966 million in tobacco settlement payments.

While Hawaii collected an estimated \$123.5 million in tobacco-related monies in 2022, the state allocated only \$7.4 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 6.4 percent decrease in funding from 2021's \$7.9 million. This amounts to 8.7 percent of taxes and 19.3 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



References

1. Data on adult smoking rates comes from the Centers for Disease Control's Behavioral Risk Factor Surveillance Survey including sections on "Demographics - Race," Tobacco Use - All Categories," and "E-Cigarette Use." Accessed November, 2023. <https://www.cdc.gov/brfss/brfssprevalence/>.
2. Data on race and age was compiled using population data from the Annie E. Casey Foundation (<https://datacenter.kidscount.org/>) and Demographic data from the CDC to cross reference the racial population. Then, data from Smoking and Race, and E-Cigaretts and Age, was used to determine the percent of adults who were smoking in 2022.
3. Data on youth tobacco and vapor product use comes from the CDC's Youth Risk Behavior Survey, accessed in November, 2023. https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm.
4. Data on tax information comes from Orzechowski and Walker, "The Tax Burden on Tobacco Historical Compilation Volume 57, 2022. Print.
5. Data on tobacco settlement payments is from Campaign for Tobacco-Free Kids, "Actual Annual Tobacco Settlement Payments Received by the States, 1998-2022." Accessed November, 2023. <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.
6. Data on tobacco control funding is from Campaign for Tobacco-Free Kids, "Appendix A: A History of Spending for State Tobacco Prevention Programs," Accessed November, 2023. <https://www.tobaccofreekids.org/assets/factsheets/0209.pdf>.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 13, 2024
HB 1778 HD1 RELATING TO TOBACCO PRODUCTS**

Good afternoon, Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs. 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 1778 HD1. This measure beginning 7/1/2026, amends existing law regarding preemption of local ordinances and regulations regulating the sale of cigarettes, tobacco products, and electronic smoking devices as a matter of statewide concern to clarify that the State's preemption power extends solely to the taxation of cigarettes, tobacco products, and electronic smoking devices and allows counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking; prohibits the counties from enacting an ordinance or a regulation that imposes a fee or tax on the sale of cigarettes, tobacco products, or electronic smoking devices; and is effective 7/1/3000.

We want to point out that [Hawaii's tobacco sales bring in over \\$83 million in tax revenue to the state in 2023 alone](#). Last year the legislature passed a tax on vape products that is anticipated to also bring to the state millions of dollars. Many of these tax dollars fund state programs. We are also seeing a slight decline in the tobacco tax revenue indicating that people are not smoking as much and or as often. There are a couple of counties who have passed ordinances to ban flavored tobacco and vape products in hopes that this type of measure will pass. Businesses are concerned about if there is ban on flavored tobacco and vape products: How will small locally owned vape/smoking businesses survive? What state funded programs will be downsized or cut? How is the state going to make up for the shortfall and how much will it cost businesses?

Flavored tobacco and e-liquids are enjoyed by many adults as well as menthol cigarettes, cigars, chewing and pipe tobacco. Most e-liquids available worldwide are "flavored." Many e-liquids do not contain tobacco, do NOT have a "natural tobacco" taste, or any taste for that matter, without the addition of flavorings.

If the counties decide to ban tobacco and vape products it would have a detrimental effect on many retailers, especially those that are small locally owned. They would have to shut down their store(s) and their employees, who many counts on their paychecks to survive, would be out of a job. People will still find ways to obtain their favorite flavored tobacco or vape product. Bans would compel people to **purchase these goods online or on the illegal black market or on military bases or try to make it themselves**. Those who try to DIY a liquid may be subjected to harm if not created correctly.

If this measure is to deter youth from obtaining smoking or vape products, then the focus should be on cracking down on those who are illegally and intentionally letting minors obtain these products. Hawaii currently has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids, and tobacco products. However, adults that are twenty-one and older are currently able to purchase these items and enjoy them like menthol cigarettes or an electronic vaping device with their favorite flavored e-liquid.

We also want to make it clear that **retailers are NOT the ones selling the vaping devices to those who are under 21 years of age**. Retailers often go as far as to not selling to the adult that accompanies the minor into the store if it is revealed that the device or product that they are seeking to purchase is for the minor. Retailers have no control over their products once they are sold and the customer walks out the door with them. It is often the case that an adult family member or friend purchases vape devices or tobacco products for the minors and gives it to the minor away from the retail store. Many of minors are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the illegal 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 care to see how old someone is.

We wonder why the focus is NOT on stricter laws and consequences aimed at the minors who are vaping or those who purchase the products for the minors to make them accountable for their actions? Why is the Department of Education not cracking down on those who vape on campus if so, many students are doing this? Why are adults who can legally purchase these items be denied if the aim is at minors?

Mahalo again for this opportunity to testify.



**Testimony to the House Committee on Judiciary and Hawaiian Affairs
Tuesday, February 13, 2024; 2:00 p.m.
State Capitol, Conference Room 325
Via Videoconference**

RE: HOUSE BILL NO. 1778, HOUSE DRAFT 1, RELATING TO TOBACCO PRODUCTS.

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS THE INTENT** of House Bill No. 1778, House Draft 1, RELATING TO TOBACCO PRODUCTS.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

The bill, as received by your Committee, would:

- (1) Clarify that the State's preemption power extends solely to the taxation of cigarettes, tobacco products, and electronic smoking devices;
- (2) Clarify that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not conflict with and are more stringent than the State law on smoking and do not impose a fee or tax on the sale of cigarettes, tobacco products, or electronic smoking devices.

This bill would also take effect on July 1, 3000.

Testimony on House Bill No. 1778, House Draft 1
Tuesday, February 13, 2024; 2:00 p.m.
Page 2

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco harms our citizenry on a generational basis with people experimenting at even earlier ages. Because of this, the HPCA supports efforts that would create disincentives for consumers to use these products.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.



February 10, 2024

To: COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Re: SUPPORT of HB1778 - Relating to Tobacco Products

Hrg: February 13, 2024, 2:00pm

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. Therefore, as stewards of public health, HPHA is also advocating for equity in all policies.

HPHA supports HB1778 as the bill aims to curtail the youth vaping epidemic.

In Hawai'i, 14.8% of high school students and 6.7% of middle school students still report "current use" of e-cigarettes. With 8 in 10 kids starting 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 our keiki.

Thank you for allowing HPHA the opportunity to provide testimony on this important matter.

Respectfully submitted,

Holly Kessler
Executive Director



HB1778 HD1 Prohibits Flavored Tobacco

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Tuesday, Feb 13, 2024: 2:00: Room 325 Videoconference

Hawaii Substance Abuse Coalition Strongly Supports HB1778 HD1:

ALOHA 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 and recovery-oriented services.

HSAC understands that the focus of this bill is to **Restore Local Authority to Regulate The Sale of Tobacco Products**. We understand that any language prohibiting the sale of flavored tobacco products; however, we are in full support of allowing counties to regulate sales of tobacco products as long any regulations are no more strict than state law.

We all know that vaping has candy flavors and names that appeal to youth and that vaping has extraordinarily high addictive nicotine levels resulting that vaping among Hawaii youth is at epidemic proportions.

- 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).
- 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.
- 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).
- Flavored products are driving this epidemic, where 85% of youth e-cigarette users use flavored products.
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

HSAC supports enacting legislation to protect our susceptible youth.

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



**Testimony of the
Hawai'i State Association of Counties
H.B. No. 1778 H.D.1**

Committee on Judiciary & Hawaiian Affairs

Tuesday, February 13, 2024, 2:00 p.m.

The Hawai'i State Association of Counties (HSAC) **supports** H.B. 1778, H.D.1, which repeals:

- Prohibits the sale of flavored tobacco products; and
- Repeals the language in the that preempted county ordinances restricting the sales of tobacco products, including electronic smoking devices.

Act 206, Session Laws of Hawaii 2018, was enacted as a state law to uniformly regulate the sale of cigarettes, tobacco products, and electronic smoking devices. The Act, however, nullified county ordinances and policies restricting the sale of tobacco products. Although section 328J-15 provides that a county may enact a smoking ordinance that is “at least as protective of the rights of nonsmokers...” and that a county may enact an ordinance that is more stringent than the state law, it creates an ambiguity in the effectiveness of a county ordinance. Despite the passage of Act 206, the Hawai'i Youth Risk Behavior Survey found that tobacco use and the use of electronic smoking devices continues to increase.

The counties are better positioned and able to quickly respond to the high use of tobacco products and to implement and enforce laws on the purchase and use of tobacco products.

H.B. 1778, H.D.1, will reauthorize the counties to restrict the sale of tobacco products, providing another level of enforcement, as long as the ordinances “...do not conflict and are more stringent than applicable state law.”

For these reasons, the Hawai'i State Association of Counties strongly supports H.B. 1778, H.D.1, and requests your favorable consideration of this measure.

Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Judiciary & Hawaiian Affairs
The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair

February 13, 2024
2:00 p.m.
Conference Room 325 & Via Videoconference

Re: HB 1778, HD1, Relating to Tobacco Products

Chair Tarnas, Vice Chair Takayama, and committee members thank you for this opportunity to provide testimony on HB 1778, HD1, which repeals an existing law preempting local ordinances or regulations that govern the sale of cigarettes, tobacco products, and electronic smoking devices and nullified and voided any conflicting local laws and regulations.

Kaiser Permanente SUPPORTS HB 1778, HD1.

Kaiser Permanente is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 274,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 19 medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

Flavored tobacco products and e-cigarettes pose a significant public health risk to youth. These dangerous products addict our children early and for a lifetime. Kaiser Permanente urges swift action to address these threats at the federal, state and local levels.

HB 1778, HD1 ensures localities retain their traditional role of innovating tobacco control policies aimed at keeping dangerous and highly addictive tobacco products out of the hands of youth.

For decades, Hawai'i has been a bold national leader in the prevention of youth tobacco use. Counties have played a critical role in these life-saving efforts. For example, counties helped innovate Hawai'i's pioneering policies to increase the age of sale for tobacco products 21, advance comprehensive smoke-free policies, and ensure smoke-free cars while keiki are present.

The counties are uniquely positioned to quickly address the health needs of their communities, especially in the face of rapidly-evolving tobacco industry marketing tactics and products targeted at youth. We commend the City & County of Honolulu and the County of Hawai'i for recently enacting ordinances that ban the sale of flavor tobacco products. However, these bans cannot go into effect until county authority is restored. HB 1778, HD1 is a critical measure to allow the counties to regulate the sale of tobacco products that can reduce the overall use of tobacco. As such, Kaiser Permanente supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.

We need the help of the counties in our fight for a tobacco-free generation.

Mahalo for the opportunity to testify in support of this important measure.

HB-1778-HD-1

Submitted on: 2/12/2024 6:53:32 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tommy Noyes	The Friends of Kamalani & Lydgate Park	Support	Written Testimony Only

Comments:

Aloha House Committee on Judiciary & Hawaiian Affairs Members,

Kindly accept this STRONG SUPPORT for HB 1778.

Since 1994 The Friends of Kamalani & Lydgate Park -- a community service organization -- has worked collaboratively with the County of Kaua'i to encourage physical activity and reduce smoking & tobacco use, particularly among youth.

The Youth Risk Behavior Surveillance System (YRBSS), conducted by the Centers for Disease Control and Prevention (CDC), is a set of surveys that track behaviors that can lead to poor health in students grades 9 through 12. Actionable data recorded in the YRBSS clearly shows that electronic smoking devices play a major role in the increased rates of youth nicotine addiction, which prior to the onslaught of vaping devices marketed to our youth was in decline.

Every day that the pernicious marketing of flavored vaping products to our children is unchecked leads to fresh additions in our high, middle, and elementary schools.

Historically, the counties have led the way on tobacco abatement efforts, and now are uniquely positioned to quickly address the health needs of our communities. An example of counties taking the lead with great success was changing the age to purchase tobacco products to 21 years old. Additionally, clean air laws and smoke-free cars while keiki are present are further examples.

The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.

Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Please move this bill forward with the aim of amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products. That will open up possibilities for innovative policies at the local level and establish new and effective ways to address the public health challenges posed by tobacco use.

Mahalo,
Tommy A. Noyes
General Coordinator, The Friends of Kamalani and Lydgate Park



American
Heart
Association.

February 11, 2024

Rep. David Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian
Affairs

Chairman of the Board
Brandt Farias

President
Zia Khan, MD

Board Members
Greg Christian
Jason Fujita
Michael Lui, MD
Ben Morgan
Matthew Reeves, D.O., MBA
Ben Salazar
Michael Tanoue, M.D.
David Underriner

American Heart Association Testimony for HB 1778 "Relating to Tobacco Products"

The American Heart Association is pleased to support HB 1778. This bill will repeal existing law that provides that all local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted and that existing local laws and regulations conflicting with the state law on smoking are null and void.

The bill further makes clear that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not conflict with and are more stringent than the state law on smoking.

Most of Hawaii's most effective tobacco-related laws that have contributed to reductions in youth and adult smoking rates began as ordinances passed by Hawaii's counties. Some of those ordinances, aimed at addressing local public health threats, proved their effectiveness at the county level for years before being replicated by state law. The tobacco industry for years, on the other hand, has attempted and recently succeeded to pass state legislation that would preempt local government's home rule on tobacco issues.

Tobacco, which remains the leading preventable cause of death in Hawaii, is a public health threat deserving of both local and state policy attention. The American Heart Association believes that local governments should be able to determine their own needs for tobacco policies, and the state legislature should support those efforts by establishing a floor, not a ceiling, on what local governments can do to address those needs.

Serving Hawaii since 1948

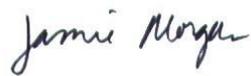
Our Mission:
"To be a relentless force for a
world of longer,
healthier lives."

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

Some 1,400 Hawaii residents die each year from tobacco use, and 21,000 kids alive today in Hawaii will die prematurely from tobacco use if nothing is done to reduce it.

The American Heart Association urges your support of HB 1778 and asks that state legislators return county home rule on what is among the most vital public health issues back to local communities.

Sincerely,

A handwritten signature in black ink that reads "Jamie Morgan". The signature is written in a cursive, flowing style.

Jamie Morgan
Sr. Region Lead, State Government Relations



Hawaii Dental Association

Committee: House Judiciary & Hawaiian Affairs

Time/Date: 2:00 p.m., February 13, 2024

Location: State Capitol Conference Room 329 and via Videoconference

Re: HB 1778, HD1, Relating to Tobacco Products

Aloha Chair Tarnas, Vice Chair Takayama, and members of the committee,

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 1778, HD1**, relating to tobacco products. However, we note that this version of the bill will no longer prohibit the sale of flavored tobacco products and mislabeled e-liquid products that contain nicotine. We strongly support such a ban.

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 1778, HD1.



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
www.papaolalokahi.org

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

Tuesday, February 13, 2024, 2:00 PM, Conference Room 325 & Videoconference

RE: HB 1778 – RELATING TO TOBACCO PRODUCTS

Position: SUPPORT

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

Papa Ola Lokahi testifies **in support** of HB 1778, which allows local ordinance and regulation to be the primary regulation regarding cigarettes, tobacco products, and electronic smoking devices.

Concordance between State and local governments to close the health disparity gaps in many domains is possible to serve community from all levels. The 2019 Youth Tobacco Survey (YTS) found racial inequity, with 63.8% of Native Hawaiian high school youth and 37.6% of Native Hawaiian middle school youth reporting they have tried vaping. Native Hawaiian high school students reported active use of vapor products more than nearly all other racial groups in Hawai'i, and the same survey found that Native Hawaiian high school youth report using vapor products more frequently (20+ days within the last 30 days) than their non-Native Hawaiian counterparts at 17% and 10.4%, respectively.

One in three Native Hawaiian youth cites the availability of flavors as the reason they use vape products, underpinning the need to curb tobacco companies' ability to make these products easily accessible. For youth tobacco users, using tobacco products during this developmental stage puts them at increased risk of developing a nicotine addiction.

Thank you for the opportunity to testify in **SUPPORT** of this critical legislation.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.

To: House Committee on Judiciary and Hawaiian Affairs
Re: **HB 1778 HD1 – Relating to Tobacco Products**

Hawai'i State Capitol, Conference Room 325 & Via Videoconference
Tuesday February 13, 2024 2:00PM

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members,

On behalf of HCAN Speaks!, I am writing in strong support of HB 1778, relating to tobacco products. This bill would restore local authority to regulate the sale of tobacco products. Specifically, it would amend existing law regarding preemption of local ordinances and regulations regulating the sale of cigarettes and certain tobacco products as a matter of statewide concern to clarify that the State's preemption power extends solely to the taxation of cigarettes, tobacco products, and electronic smoking devices and allows counties to adopt ordinances that do not conflict with and are more stringent than the state law that governs smoking. Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by 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, up from 7 in 10 in 2019 (National Youth Tobacco Survey).¹ 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.

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, 70.5% of Hawai'i adult smokers use menthol cigarettes (Hawai'i BRFSS, 2021).² Furthermore, Native Hawaiian youth in high school have the highest rates of e-cigarette use (33.3%), followed by other Pacific Islanders (27.9%).³ Please lookout for the immediate and long-term health of our keiki and pass this bill.

Thank you,
Noreen Kohl, Ph.D.
Children's Health and Wellness Policy Advocate

¹ CDC. "National Youth Tobacco Survey (NYTS)." *Smoking and Tobacco Use*, 2019, www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

² "Hawai'i IBIS – Query Result – Hawaii's Behavioral Risk Factor Surveillance System (BRFSS) Data – Cigarettes – Usually Smoke Menthol." *Hhdw.org*, 2021, hhdw.org/report/query/result/brfss/SmokeMenthol/SmokeMentholCrude11_.html. Accessed 26 Jan. 2024.

³ "Hawai'i IBIS – Summary Health Indicator Report – E-Cigarettes – Current Smoking, High School." *Hhdw.org*, 30 Mar. 2023, hhdw.org/report/indicator/summary/VaporCurr_HS.html. Accessed 26 Jan. 2024.



fightcancer.org

House Committee on Judiciary & Hawaiian Affairs
Representative David Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Hearing Date: Tuesday, February 13, 2024

ACS CAN COMMENTS HB 1778 HD1 – RELATING TO TOBACCO PRODUCTS.

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

Thank you for the opportunity to COMMENT ON HB 1778 HD1: RELATING TO TOBACCO PRODUCTS. The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports 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.

Lung cancer remains the leading cause of cancer deaths in Hawaii with an estimated 1,400 adults dying from smoking every year.¹ Tobacco use remains the leading preventable cause of death nationwide. Communities suffer when counties are unable to enacting stronger tobacco control laws.

ACS CAN supports the authority of local governments to pass local policies that go beyond state laws to help families be healthy, safe and secure. Policymaking at the local level allows innovation and creative problem solving that builds on local strengths and addresses local needs. ACS CAN works at the local, state and federal levels to ensure everyone has a fair and just opportunity to prevent, fight and survive cancer. ACS CAN opposes legislation that restricts the freedom of local leaders to best serve your shared constituents.

Thank you for the opportunity to comment on this important matter. Should you have any questions, please do not hesitate to contact Cynthia Au at 808.460.6109, or Cynthia.au@cancer.org.

¹ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20, 2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

TESTIMONY IN SUPPORT OF HB 1778

TO: Chair Tarnas, Vice-Chair Takayama, and Members

FROM: Michael Paul, Certified Tobacco Treatment Specialist

DATE: February 13, 2024 (2:00pm)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 1778, which re-establishes county control over the sale of tobacco and nicotine products.

Prior to 2018, counties had the ability to regulate the sale of tobacco products in their communities. Counties in our state have been more responsive in quickly addressing the health and well-being of the people in their communities on this front. Our state's smoke-free air laws and the tobacco 21 law are examples of successful county level ordinances that were subsequently adopted statewide.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions.

With the ongoing support of the Hawai'i Community Foundation, HHRC continues to offer smoking cessation services that are tailored to meet the needs of our state's LGBTQ+ people, and other priority populations through its [Hawai'i's Last Drag](#) (HLD) program.

I proudly work as one of HLD's certified tobacco treatment specialists. We work with individuals in ways that are most appropriate for their current needs, with trainings conducted in person or via phone, text, or videoconferencing. We provide smoking cessation products to assist them with quitting the consumption of smoked tobacco and other nicotine products.

Thank you for the opportunity to testify on this measure.

To: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

From: Paula Arcena, External Affairs Vice President
Mike Nguyen, Public Policy Manager

Hearing: Tuesday, February 13, 2024, 2:00 PM, Conference Room 325

RE: **HB1778, HD1 Relating to Tobacco Products**

AlohaCare appreciates the opportunity to provide testimony in **support of HB1778, HD1**. This measure, beginning 7/1/2026, amends existing law regarding preemption of local ordinances and regulations regulating the sale of cigarettes, tobacco products, and electronic smoking devices as a matter of statewide concern to clarify that the State's preemption power extends solely to the taxation of cigarettes, tobacco products, and electronic smoking devices and allows counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking. This measure also prohibits the counties from enacting an ordinance or a regulation that imposes a fee or tax on the sale of cigarettes, tobacco products, or electronic smoking devices.

Founded in 1994 by Hawai'i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 84,000 Medicaid and dual-eligible health plan members on all islands. Approximately 40 percent of our members are keiki. We are Hawai'i's only health plan exclusively dedicated to serving Medicaid and Medicaid-Medicare dually-eligible beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality, whole-person care for all.

Tobacco use is the leading cause of preventable death and disease in Hawai'i and across the nation. In Hawai'i alone, tobacco use claims 1,100 lives each year and creates \$336 million in annual healthcare costs directly attributed to smoking.¹ Most people who start smoking are younger than 18, and many begin tobacco use before high school. In fact, Hawai'i is experiencing a youth vaping epidemic, and we must take action to protect the health of our young people from life-threatening addiction. Electronic Smoking Devices (ESDs) and e-liquids are designed and marketed specifically to entice youth. Appealing flavors have driven youth tobacco usage to nearly 31% of high school students and 18% of middle school students, both reporting ESD use within the past 30 days.²

In 2018, Act 206 was passed, taking away the counties' ability to regulate the sale of tobacco products. Since that time, meaningful statewide legislation to prohibit flavored tobacco

¹ <https://health.hawaii.gov/tobacco/home-2/>

² <https://www.hawaiihealthmatters.org/index.php?module=indicators&controller=index&action=dashboard&id=83016762154173692>



product sales has not been successful, leading to an increase in the number of youth who use ESDs.

The counties have historically, and recently, demonstrated timely policy leadership in the face of a rapidly-evolving tobacco industry. For example, Hawai'i's 2015 landmark Tobacco 21 law (Act 122, 2015 HSL), was initially introduced and passed by the Hawai'i County Council in 2014. For each of our counties, there are unique geographic disparities in the prevalence of smoking by region and age groups. The counties need the ability to quickly address the health needs of their communities, and this bill gives that power back to the counties. We applaud the City & County of Honolulu and Hawai'i County for their recent ordinances which ban the sale of flavored tobacco products. However, these ordinances are contingent on the restoration of local regulatory control on the sale of tobacco products.

Mahalo for this opportunity to testify in **support** of **HB1778, HD1**.

HB-1778-HD-1

Submitted on: 2/12/2024 4:16:33 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

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

Comments:

We continue to be in strong opposition to HB1778. The current bill is little more than an attempt to weaponize the counties to defraud our people of their basic civil rights.



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

hicopd@gmail.com

(808)699-9839

February 12, 2024

Honorable Chair Representative David Tarnas
Honorable Vice-Chair Representatives Gregg Takayama
Members of the House Committee on Judiciary and Hawaiian Affairs

RE: **Strong Support for HB1778, HD1 Relating to Tobacco Products: Restoring Local Authority to Regulate the Sale of Tobacco Products**

Dear Chair Tarnas, Vice Chair Jenna Takayama, and members of the House Committee on Judiciary and Hawaiian Affairs,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please pass HB1778, HD1** Relating to Tobacco Products which would restore local authority to regulate the sale of tobacco products to the counties, who were effectively controlling the issues arising in their communities..

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.

- Electronic smoking devices play a major role in the increased rates of youth nicotine addiction which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

Please help protect the lungs and lives of our people from flavored and mislabeled nicotine products. We urge you to please **vote in favor of HB1778, HD1 pass it out of committee so our counties can control the tobacco issues that are creating havoc in their communities.** 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

HB-1778-HD-1

Submitted on: 2/11/2024 6:17:49 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zoe Slentz	Individual	Support	In Person

Comments:

My name is Zoe Slentz and I am writing in support of HB1778. I was always aware that tobacco was unhealthy, but it was not until a few years ago when I witnessed firsthand its widespread effects. One of my close friends in elementary school turned to vaping to cope with her volatile home life when she was just 14 years old. My heart shattered when she told me she didn't quite understand the severity these products have on one's health, as she started with a seemingly harmless flavored product. Since, she is unable to play the sport that she grew up with. Her entire life revolves around when she can use her vape. She is addicted -- like so many other keiki.

Flavored tobacco has indisputably made the issue ubiquitous. These products don't only impact their users; they affect everyone. It's not as simple as one student taking a quick puff – it's affecting how everyone learns and where we can go. Across the state bathrooms are being closed due to students vaping in them, and if they aren't closed, many students are reluctant to enter these spaces because they are filled with the aerosols. Further, It's not just a school problem, it's an everywhere problem. Because flavored vapes are easy to pick up, but difficult to quit, they directly continue Big Tobacco's malicious cycle to ensure the longevity of their business.

Approximately 95% of smokers start before the age of 21, and 80% of these individuals begin with a flavored product. Big Tobacco strategically markets flavored products to young people, because they are the “base of [their] industry,” which was once admitted by executives from the Industry a couple decades ago. On the outside, flavors appear to be a fun way to smoke due to the deceitful choices of colors, shapes, and other advertising strategies. However, the purpose of flavors (including menthol) is to mask the harsh taste of smoke and addictive chemicals found in vapes. Specifically in Hawaii, they exploit our local foods and culture; how else can you explain flavors that look like Hawaiian Sun drinks or POG? It's also important to note that flavored tobacco is strategically placed in convenience stores. For example, it can be found next to candy, or even stocked at the eye level of 10-13 year olds. Without coercing users to start young, there will be no future consumers, thus future business.

HB1778 would give the counties authority to regulate tobacco sales, which will further the cause to create the first flavorless, tobacco-free generation in Hawaii. At the end of the day, it's not about choice, it's about coercion. It's time to put our dream over dividends and people over profits. If there's one thing I leave you all with, I urge our community and lawmakers to support the passage of HB1778 to address the youth vaping epidemic. We

risk losing 21,000 youth alive today, who are estimated to die in the future of a tobacco-related illness if we don't act soon. Thank you and mahalo.



Aloha Chair Tarnas, Vice Chair Takayama, and members of the committee of Judiciary & Hawaiian Affairs,

My name is Keshia Madriaga, and I am a 5th grade student at Waimea Elementary School. I am also apart of the Hawaii Island Youth Academy. The Hawai'i Island Youth Academy, HIYA for short was formed in August 2022 utilizing the students of Hawaii Island who joined the Youth Council for a Tobacco Free Hawaii. The intention and purpose of creating HIYA was to empower youth participants in reaching goals of ending the youth vaping epidemic as well additionally giving them a voice to recognize and bring awareness to the importance of mental health and wellness among Hawaii's 'ōpio.

We are in strong support of HB 1778 HD1 which restores the counties' ability to regulate the sale of tobacco products. Here in Hawai'i County our youth of HIYA and many members of the Coalition for Tobacco Free Hawaii Island recently worked to pass Bill 102 which would ends the sales of all flavored tobacco products. We need that local authority to be restored to our county in order to have Bill 102 go into effect.

21,000 youth alive today will die from a tobacco related illness.

I urge our policymakers to recognize the urgent need for action and to support HB 1778 HD1. By restoring that much needed local control to our counties to regulate tobacco products, we can protect our 'ōpio, improve public health, and create a brighter future for our community. Please take into consideration our education and our future. Let's work together to make our state a place where healthy living is prioritized. By passing HB 1778 HD1 will show our keiki of Hawai'i that their voice truly matters in making a difference and prove to them that you are committed to making their future a better tomorrow.

Mahalo for your time to testify!

Aloha mai kākou Chair Tarnas, Vice Chair Takayama, and members of the committee of Judiciary & Hawaiian Affairs.

My name is Kealoha Madriaga, and I reside in the small town of Kamuela on Hawaii Island. I strongly support HB 1778 HD1, which restores the local authority to the county to regulate tobacco products. As previously stated, we as a county have passed a flavor ban and need HB 1778 HD 1 passed in order to go into effect at the county level.

Hawaii County has worked hard for the past years passing bills to protect our keiki. Coalition members of Tobacco Free Hawaii Island have worked to pass laws raising the age to purchase tobacco products to 21 years old, establishing clean air laws, and smoke-free cars while keiki are present. With the implementation of HB 1778 HD1 as a county of Hawaii, we can address the health needs of our communities quickly.

Hawaii County has the highest rates of ESD use among youth, at 39.7%. Our keiki should not be the target of this marketing scheme. It is crucial that we take action to protect our keiki from the harmful effects of tobacco use. We must wake up, make better decisions, and protect our keiki. This is a step in the right direction toward achieving our goal. Our keiki need this win as they have all worked hard. By passing this legislation, sends a strong, clear message to the public and our 'ōpio that our state is committed to uplifting the health and well-being of its residents and showing the community health is more important than tobacco profits.

Mahalo for the time to testify!

HB-1778-HD-1

Submitted on: 2/12/2024 9:59:27 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorrain scanlan	Individual	Oppose	Remotely Via Zoom

Comments:

My name is Lorrain Scanlan,

I am a resident on the Westside of oahu. I am writing this testimony in oppose to Bill HB1778, adults in hawaii should have the conscious choice to decide on what they want to do. Flavors has been a really big thing over the years from alcohol down to tobacco products everything in life is a health caution even to the foods we eat so why only focus on getting flavor tobacco products band. The vaping industry has been a rapidly growing industrie for years now killing it and banding flavor products will only lead people to the black market where they can get products that are fake and eventually get them very I'll. What happen to the government being lead by science now you guys are ignoring the science and quick to jump to banding things when there is more important issues at hand for you all to focus your attention to. Hard working people have dedicated in building their lively hoods within this industry taking things away will put more business in jeopardy of closing. Throw out bill HB1778 thank you.

HB-1778-HD-1

Submitted on: 2/9/2024 6:33:29 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

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

Comments:

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HB-1778-HD-1

Submitted on: 2/10/2024 8:41:50 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Manali-Leonardo	Individual	Support	Written Testimony Only

Comments:

I am a retired Registered Nurse and I strongly support HB1778.

Easy regulation to address tobacco use at the county level equals an easier success rate of protection of public health at the county level.

The use of tobacco in any form, at any age, in any location, including homes (single family homes, condo-hotels, etc.), is dangerous to public health. County regulation to address this health issue better serves the entire state.

Thank you House Chair and Representatives,

Nancy Manali-Leonardo

808-542-1556

HB-1778-HD-1

Submitted on: 2/10/2024 9:15:32 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

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

Comments:

I support returning authority to the counties to place bans on flavored tobacco products that disproportionately target young people in Honolulu County. Passing this measure will show our support for young public health advocates and our refusal to bow to powerful lobbyists in the tobacco industry. We have an addiction epidemic among our keiki, and cotton candy flavored vapes are a blatant effort to addict the next generation of kids in Hawaii. Enough is enough.

With aloha,

David Ball

Waiialae-Kahala

HB-1778-HD-1

Submitted on: 2/10/2024 9:51:05 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

- Electronic smoking devices play a major role in the increased rates of youth nicotine addiction which was in decline.
- The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.
- The tobacco industry and its allies continue to use deceitful strategies to oppose smoke-free laws, youth access restrictions, regulations on advertisements and promotions, and retailer licensing restrictions at the state level to more easily maintain control over tobacco regulation.
- Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.
- Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

Flavored tobacco products and vaping have become a major health threat in Hawaii. Counties should have the power to stop this threat at the local level.

Please support HB1778

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-1778-HD-1

Submitted on: 2/10/2024 10:20:05 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Johnston	Individual	Support	Written Testimony Only

Comments:

I strongly support the counties' ability to regulate the sale of tobacco products which will result in innovative policies at the local level.

HB-1778-HD-1

Submitted on: 2/10/2024 2:19:45 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernadette Kaleinani Tom	Individual	Support	Written Testimony Only

Comments:

Please help support HB1778 and return the power back to the Counties who can work with the communities within their respective county districts.

Vaping long term affects the lungs of the consumer and those around them, no matter what the age. In 2020, a 16 year old got sick and because of his long term vaping, he required both of his left and right lungs needed transplant to save his life. See link: <https://www.henryford.com/news/2020/01/vaping-transplant-patient-intro>

The repercussions of this new health crisis for our youth could make our health care system become vulnerable or worse, bankrupt if vaping and or smoking any tobacco and or recreational marijuana are not curtailed or made illegal. Tobacco causes cancers. Recreational Marijuana will open up our beautiful State to what is now happening in Oregon, who legalized drugs about seven (7) years ago and now it has gotten out of control with the unintended introduction of cheap Mexican Fentanyl resulting in more deaths.

News articles have recently reported that the Mexican Sinaloa drug cartels are moving into the Montana reservations and using the uneducated women as drug mules. Please don't let this drug cartels set foot into our State.

Let the Counties have this authority back as this is their Kuleana and with this privilege also comes the responsibility and opportunity to make our state a safer place for the next generation.

Save our State, Counties and its people from the unwanted consequences or neglect of doing nothing. Because evil lingers when good people in government do nothing. Please do something to stop vaping of tobacco and recreational marijuana, unless you want us to end up like Oregon, Montana?

Don't wait, because the Sinaloa drug cartels mules may already be making their way into our islands, as evidenced by the four people who lost their lives in Waikiki from a Fentanyl overdose.

Please don't wait and support HB1778 and return the power back to the respective Counties so they can do what their communities need them to do for us, individually and collectively. Thank you.

Sincerely,

Bernadette Kaleinani Tom.

HB-1778-HD-1

Submitted on: 2/10/2024 5:18:35 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

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

Comments:

I strongly support this important bill!! We must reauthorize counties to regulate the sale of tobacco products up the at the local level! Maui County, together WITH the State, must strategically create and enforce regulations!

Date: February 10, 2024

To: The Honorable David A. Tarnas , Chair
The Honorable Gregg Takayama , Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

Re: **Support for HB 1778 HD1**, Relating to Tobacco Products

Hrg: Tuesday February 13, 2024 at 2:00 pm via Videoconference Conference Room 325

Aloha House Committee on Judiciary & Hawaiian Affairs,

As a parent, community member and healthcare professional I am writing in **strong support of HB 1778 HD1**, which amends existing law regarding preemption of local ordinances and regulations regulating the sale of cigarettes, tobacco products, and electronic smoking devices as a matter of statewide concern to clarify that the State's preemption power extends solely to the taxation of cigarettes, tobacco products, and electronic smoking devices and allows counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking; and, prohibits the counties from enacting an ordinance or a regulation that imposes a fee or tax on the sale of cigarettes, tobacco products, or electronic smoking devices.

Youth nicotine addiction, which had been declining for many years, has dramatically increased in recent years.

While historically some of Hawai'i's most successful tobacco policies started at the local level, since 2018 only the state has been able to enact regulations on the sale of tobacco products. During this time the youth vaping epidemic (now in its 7th year) has continued without the most affected counties (neighbor islands) being able to implement local solutions.

Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for locally developed, innovative policies to address youth nicotine addiction and other public health challenges posed by all types of tobacco products.

I **strongly support HB 1778 HD1**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB 1778

I am writing as a neighbor island pediatrician in support of HB 1778, to reverse preemption of County powers to regulate health issues locally. Since 2018, when the State Legislature voted for this usurpation of County regulation of the sale of tobacco products, the Legislature, at the urging of the tobacco lobby, has found itself unable to enact a tobacco flavor ban . This measure has been proven to greatly reduce electronic tobacco use in children in other states that have been less reluctant to protect their children. Already Hawaii has one of the highest rates of vaping in the country, and the neighbor islands are suffering even more. Our schools are staggering under the burden of electronic devices. And yet, our counties are prohibited from enacting any tobacco control measures whatsoever. Previously this was not the case, and Kauai in particular has had great success in decreasing cigarette use among teens.

Please give our counties back the ability to address our local tobacco issues and protect our children.

Linda Weiner, MD
Pediatrician, Kauai

HB-1778-HD-1

Submitted on: 2/10/2024 9:04:40 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Tarya's, Vice Chair Takayama and members of the Committee,

My name is Carolyn Eaton and I support this bill, which will promote county-level initiative in crafting limits on legal tobacco product availability within each county.

Mahalo for your consideration of my support.

HB-1778-HD-1

Submitted on: 2/10/2024 10:01:51 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Bryan Mih and I am a parent, pediatrician, and the medical director of the Kapi'olani Smokefree Families Program. For the health of our keiki and their families, it is vitally important to support this bill. E-cigarettes or "vapes" are addicting increasing numbers of keiki to nicotine. The ability of each county to introduce new rules has a proven track record of improving the health of our population. These include increasing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Once young people are addicted to nicotine, it is extremely difficult to quit.

By allowing counties to enact stricter tobacco and nicotine control regulations than those found at the state level, we can more effectively protect the health of our keiki and their families. There is nothing more important than the health of our young people.

Please support this important bill. Mahalo for your consideration.

Sincerely,

Bryan Mih, MD MPH FAAP

Pediatrician

Medical Director, Kapi'olani Smokefree Families

HB-1778-HD-1

Submitted on: 2/11/2024 11:36:23 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HB1778 HD1. Thank you.

Luke Itomura
Aiea, Hawaii

February 13, 2024

House Committee on Judiciary &
Hawaiian Affairs

TESTIMONY IN STRONG SUPPORT OF HB1778

Aloha Chair Tarnas, Vice Chair
Takayama, and House Committee on
Judiciary & Hawaiian Affairs,



**Photo of Collected Vapes from Schools Across
Hawaii**

I am Luke Itomura, a freshman at Punahou School, and I am testifying to express my strong support for HB1778. Today, I stand alongside numerous Hawaii youth united against the alarming youth-flavored vaping epidemic that threatens our health and future. We collectively believe that passing this legislation is an essential step in protecting the health and future of the youth.

At just 13 years old, I was offered a flavored vape by another youth for the first time. This youth smoker used many tactics to peer pressure me into trying it. Their main tactic was telling me it was a delicious Hawaiian Sun flavor; a local favorite. At that moment, I realized how easy it is to fall for the appeal of flavored vapes. My friends in the sixth grade had also mentioned that they were offered flavored vapes. For people as young as twelve, flavors like watermelon or Jolly Rancher are an enticing death trap. What starts as innocent curiosity can turn into a lifelong addiction filled with lung cancer, strokes, heart disease, and countless other diseases. There is no other product on the market that kills 50% of its users ([WHO](#), 2023). If we take no action, 21,000 youth alive today will eventually die of tobacco-related illnesses.

Passing HB1778 is crucial because Hawaii must protect its keiki, and fight back against the sneaky marketing tactics of big tobacco companies. HB1778 will act as a barrier preventing youth from being used by companies like Big Tobacco, who specifically target youth with their marketing in social media, magazines, and stores. Tobacco companies strategically market flavors to youth to create a lifetime customer. In fact, 1 in 3 Hawaii high school students regularly vape, with 97% using flavored products. Why play with the health of the youth, just so the tobacco industry can thrive? Eliminating the sale of flavored tobacco products will reduce these statistics because flavors make it easier to start and harder to quit. Massachusetts is a great example of a flavored tobacco ban being effective. In 2020,

Massachusetts implemented the first statewide sales restriction on all flavored tobacco products, including menthol cigarettes. American Cancer Society researchers have found that Massachusetts' policy resulted in an overall decrease in cigarette sales and smoking rate compared to states without a ban ([American Cancer Society, 2023](#)). Since flavored tobacco bans have proven to be effective, Hawaii needs to act now because, in 2017, data from the [CDC](#) found that Hawaii had the highest reported vaping rate among middle school students and the second-highest vaping rate among high school students in the nation. As youth, we see this problem directly in schools, with teachers having to take time out of class to confiscate vapes and give lectures, and school bathrooms having to be locked because of vaping. Moreover, a study conducted by Stanford University revealed that prohibiting flavored tobacco products has many advantages, including savings in healthcare expenses, a reduction in our carbon footprint, increased labor productivity, and reduced consumption of scarce physical resources ([BMJ Journals, 2013](#)). 76% of Hawaii registered voters support this cause, justifying that this is a highly wanted policy ([Ward Research](#)).

Flavored tobacco has no place in the hands of the youth. Passing HB1778 is the first step in securing a tobacco-free future.

Thank you for your time and consideration.

Mahalo,

Luke Itomura

HB-1778-HD-1

Submitted on: 2/11/2024 5:46:21 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jake J. Watkins	Individual	Oppose	Written Testimony Only

Comments:

We like our flavor products. This bill hurts our freedoms.

HB-1778-HD-1

Submitted on: 2/11/2024 7:27:25 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacelyn Auna	Individual	Support	Written Testimony Only

Comments:

Aloha!

My name is Jacelyn Auna and I support HB1778.

Having the counties regulate tobacco product sales can really help with the prevention efforts of underage smokers or youth gaining access to these products. Way too many of our young people are smoking or vaping before the early initiation age of 12. Tobacco companies are deceitful and using every tactic to oppose any laws protecting our keiki from these harmful products. HB 1778 will also help with the prevention efforts to help keep out keiki drug free.

Please pass HB 1778. Mahalo!

HB-1778-HD-1

Submitted on: 2/11/2024 9:23:08 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Ramirez	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Too many keiki in Hawai'i are getting addicted to vaping!

Mahalo,

Laura Ramirez and the Bettencourt family of Kapa'a, Kaua'i

HB-1778-HD-1

Submitted on: 2/12/2024 7:36:40 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sabrina Spencer	Individual	Oppose	Written Testimony Only

Comments:

Enough Already!

Please stop promoting the discrimination against people that smoke or vape.

HB-1778-HD-1

Submitted on: 2/12/2024 8:39:57 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Sandowski	Individual	Support	Written Testimony Only

Comments:

- Aloha,
- Please support HB1778.
- Hawaii County needs to stop the vaping epidemic.
- Vaping is risky.
- Injesting nicotine is hazardous.
- Nicotine is poison.
- Nicotine is addictive.
- Children under the age of 3 are poisoned by nicotine.
- Please protect our young people from vaping.
- Please help to stop the vaping epidemic.
- Please educate consumers: vaping is hazy to their health.
- Vaping should be regulated by FDA.
- We must act now.
- Richard Sandowski
-

HB-1778-HD-1

Submitted on: 2/12/2024 9:39:53 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay	Individual	Support	Written Testimony Only

Comments:

My name is Jay Ihara and I'm in strong support of HB1778 HD1.

The counties are uniquely positioned to quickly address the health needs of their communities and have used that ability to great success, such as changing the age to purchase tobacco products to 21 years old, clean air laws, and smoke-free cars while keiki are present.

Amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level and to find new and effective ways to address the public health challenges posed by tobacco use.

HB-1778-HD-1

Submitted on: 2/12/2024 10:01:33 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Valdez	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs,

My name is Jessica Valdez, a lifelong resident of Papā'ikou, HI, and I am submitting testimony in **STRONG SUPPORT of HB1778**. This legislation aims to restore local authority, empowering counties to regulate the sale of tobacco products, which is a crucial step in addressing the alarming increase in youth nicotine addiction fueled by electronic smoking devices.

As a young adult, I have firsthand experience witnessing the evolution of this epidemic since its inception in 2014 when I was a high school freshman. Reflecting on those early years, I recall electronic smoking devices infiltrating our school buses and campuses, exposing students to a highly addictive habit that has since become a pervasive issue.

My involvement in the field of education, both through my professional endeavors and my partner's role as a teacher, has heightened my awareness of the severity of this situation. Dealing with students succumbing to the addiction to electronic smoking devices is a daily reality. The surge in youth nicotine addiction is not only alarming but poses a significant threat to the health and well-being of our young population.

Counties, as frontline authorities attuned to the needs of their communities, have demonstrated effectiveness in implementing impactful measures. From raising the age to purchase tobacco products to 21, enacting clean air laws, and ensuring smoke-free environments when children are present, counties have proven their ability to adapt swiftly and effectively to evolving health challenges.

However, the tobacco industry's persistent deceptive strategies necessitate renewed county empowerment. Supporting HB1778 and amending HRS §328J-11.5 will grant counties the authority to regulate the sale of tobacco products, providing a local, responsive approach to combat the rising tide of youth nicotine addiction.

Empowering counties in this manner is not merely a recommendation but an imperative. It allows our communities to tailor their responses to specific needs and challenges, ensuring that local solutions are practical and relevant. HB1778 opens the door for innovative, localized

policies, unleashing the potential for counties to spearhead initiatives that protect the well-being of their residents.

In conclusion, I urge you to recognize the pivotal role that counties play in addressing the alarming increase in youth nicotine addiction. HB1778 is not just a piece of legislation but a lifeline for our communities, offering a tangible, proactive solution to a growing public health crisis. Your support for this bill is critical for the well-being of our community.

Mahalo for your attention.

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Viviana Wedderburn and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

Tobacco usage leads to many preventable diseases killing many every year. Tobacco kills hundreds every year, minors and adults. Flavored tobacco products like vapes are more appealing to kids because they are flavored like candy and fruits, making the harsh taste more manageable.

81% of youth smokers say the first tobacco was flavored. 95% of all smokers started underage. 31% of middle schoolers and 48% of highschool students have tried electronic smoking devices, and many still use them.

I'm in support of this bill because it would save so many lives. If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed. This bill is to help lessen the amount of underage smokers, lessening the number of yearly casualties. By taking away flavors kids would be less likely to buy the products.

This bill would affect me because I have seen many kids vape and I know adults that vape. I also know somebody who is allergic to electronic smoking devices and it would affect their and many others' lives positively too.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Viviana Wedderburn
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Genesis and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

There is a personal reason for my stance. I have a friend that is the same age as me and she has a smoking problem underage. I have been convincing her to quit smoking because it would affect her health problems, but she just kept smoking more and more because she said the vape flavors are really good and she thinks the vape flavors are healthy for her body. She really doesn't know that it can affect her lungs and a lot of other stuff. This law would make it harder for her to get tobacco, so hopefully she would have an easier time quitting.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Genesis Tahutini
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Dylan Kolev and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

If flavored products are removed, lots of children will possibly quit tobacco, which will prevent many more deaths of young ones. Since their lungs aren't fully developed, they could die at an early age and or their lungs could collapse. I have lots of friends that are in middle school that have a flavored vape. I don't want my friends being sent to the hospital.

This bill will help lots of people that have an addiction to flavored tobacco products if they were removed. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Dylan Kolev
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Kaimana and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I am a kid, almost a teenager, trying to help support the bill so under age kids help stop buying tobacco flavored products. This affects me because my family vapes even my younger cousins so I want them to stop buying all these flavors. Your child could buy a flavored vape and then they would get addicted to it and they would want to buy more so if you don't want that to happen to your child then you should help support this bill also these vapes are killing so many people.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Kaimana Ah Nee
Student at Connections PCS

HB-1778-HD-1

Submitted on: 2/12/2024 10:35:56 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Collins	Individual	Support	Written Testimony Only

Comments:

This bill is so vital to support public health and improve community health throughout our communities. I'm in strong support of this bill. Please pass this out of the committee. Mahalo, Richard Collins

HB-1778-HD-1

Submitted on: 2/12/2024 10:44:20 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

This is long overdue. Please pass the power to act back into our County's jurisdiction. We have a proven track record and can make the changes needed to protect our youth and communities.

Mahalo,

Shannon M.

Hawai'i Island Resident

February 12, 2024

Aloha Chair Tarnas, Vice Chair Takayama and Members of the Committee.

My name is Lillian Tao, and on the behalf of the youth of Hawaii, I strongly urge you to support HB1778 repealing the language preventing counties from regulating tobacco sales.

As a middle schooler, who has grown up in Hilo and is currently attending one of the few public schools, I have personally witnessed how the use of tobacco has detrimentally affected our education. Everyday, me and my classmates endure the constant pervasive consequence of tobacco use in our community. Whether it was another peer, teacher, idol, or loved one hooked or killed, it would always result in grief, frustration, or disbelief. Never would it result in the “happiness” advertised by tobacco companies. These discussions often lead to families and classes distracted or troubled by the potential danger they put themselves, or their children, in for education.

It is shocking to learn that a group of my friends plan to move schools solely on the purpose of avoiding these tobacco-related issues despite it meaning leaving family, friends, sports, and their familiar concept of “home” behind. And as I recall, a handful of my classmates had been homeschooled by their relatives. They had to sacrifice their jobs in order to prevent the dangers public school shouldn’t possess. As stated by King Kamehameha III “Mine [Hawaii] is the kingdom of education” which highlights that education is deserved by all in a safe area, uninterrupted by factors such as tobacco.

The extent of disruption of tobacco continues in public spaces. Areas created for family and leisure, containing countless youth including infants, are now subject to play in heavy, toxic, fumes involuntary. It is nearly impossible to now find a variety of safe yet enjoyable places, untainted with smoke, where I can bring my friends or simply spend time with my family.

Tobacco is responsible for more than 480,000 preventable deaths annually. By passing HB1778, we can not only save countless lives, but also direct the tobacco funding of \$241.4 billion per year towards helping our community and achieving success. Let us achieve a healthy community and genuine happiness tobacco rids of.

Thank you for this opportunity to testify,
Lillian Tao
Hilo, HI

Chair David Tarnas
Vice Chair Gregg Takayama
and Members of the Committee on Judiciary and Hawaiian Affairs

I am writing in strong support of HB1778 and I wanted to share why I decided to make a statement.

Among the counties, Hawaii County has the highest rate of teens who use electronic cigarettes. Approximately 21.5%. You might think that it is a small percentage, but I assure you that it is a considerable amount. It is greater than the state, which has 14.8%, and the United States, which has 18%. This can be avoided. If we pass laws to end the sale of flavored tobacco products, it will stop many kids from ever starting and from experiencing major severe health effects later. We have passed a bill in Hawaii County to do this but need the state to restore the county's authority to regulate tobacco sales. I acknowledge that it is not easy but if we take this step now we can make a difference. As a student from Hilo, I believe that passing this bill would be the best choice for our community.

Thank you for the chance to testify.

Roxan Barlam

Chair - David Tarnas
Vice Chair - Gregg Takayama
Members of the Committee on Judiciary and Hawaiian Affairs

I support HB 1778 and giving back the authority of counties to regulate tobacco sales.

It's clear to me that tobacco companies are targeting kids with these flavored products when we now have a local vape shop in walking distance from my school. Everyday I see people vaping even middle schoolers.

This issue is important to me for many reasons. One, it is not cool. Nothing about vaping is cool. Two, what are the benefits from vaping? There are none, all you're getting is messed up lungs, raw throats, unhealthy heart, and slowing down your brain growth. Not to mention that it also can cause anxiety and even more stress, despite promises to be a "stress reliever".

Another thing I notice is definitely the addiction, every day I see people in the bathroom, you got one ? you got one? I like try um. The addiction is so bad that people are selling to students for crazy prices. 50-70\$ some people are willing to drop just so they can have a temporary device. I have had friends that have gone broke because that's all they cared about, I have had family members and friends kicked off sports teams and clubs for getting caught vaping because they couldn't resist it. Athletically it kills them, they are unable to run, hurting their lungs and causing them to burn when trying to run.

At the end of the day kids are following trends set by people they look up to, and are exposed to in their environment. These become the standards in today's society. If we want the YOUTH to stop, we need to end the sale of all flavored tobacco products, have those we look up to be good role models, change the ENVIRONMENT, and rewrite the STANDARDS to reflect a healthy Hawai'i.

Carmine Taetuna-Fautanu
Kealahou, Hawaii

Chair Tarnas, Vice Chair Takayama and Members of the Committee on Judiciary and Hawaiian Affairs

I am writing in support of HB1778. Tobacco is the leading cause of preventable death in the world. Ending the sale of flavored tobacco products would help change this. Hawai'i county has taken action to do so, but we need you to return the authority to the county.

Flavored tobacco products have negatively impacted my community. Some examples I have seen is that my friends are always smoking it and it seems like they can't go one day without it . All you see is smoke or them hitting their vapes. I have also seen it affect my family. It's important that menthol be included because it's a flavor found in most vapes.

The high levels of nicotine in vapes is affecting my friends academics big time. They can't think because of all that nicotine. In P.E or any type of physical activity they have hard time breathing & don't last as long as they did before.It has impacted my friends and family members. They don't act like how they used to before they started vaping. I tried it once and it made me sick and my mindset changed.

Please support HB1778

Kawekiu Aniu
Keaau

Chair Tarnas, Vice Chair Takayama and Members of the Committee on
Judiciary and Hawaiian Affairs

Hi, thank you for taking the time to read my testimony for HB1778. I
strongly support HB1778. I am a 8th grader attending Honoka'a High &
intermediate. We worked hard to help pass a law in our county but without
your help, it can't take effect.

Every day I see so many of my peers vaping. It seems so normal like its
legal for them to be walking down the street puffing away on these pods.
They think it is safer then cigarettes because it smells and taste like candy.
They are so addicted to vaping they end up taking hits right in the middle of
class. I see friends of mine struggling to focus on school and sports
because they are so addicted. I believe if we ban flavors in the state of
Hawai'i our youth would not be interested in vaping.

Mahalo,

Adam Valera

Chair David Tarnas
Vice Chair Gregg Takayama
Members of the Committee on Judiciary and Hawaiian Affairs

I am writing in support of HB1778.

I have heard multiple times in my life, even when I was younger, that vapes were healthier than cigarettes. Flavored tobacco like vapes plays a key role in making these products attractive to youth while sounding harmless.

It's important that we include menthol, my parents are smokers and have smoked all my life. They smoked menthol cigarettes, but they have recently switched. Still, it still lingers with me, would they have even started if there hadn't been menthol cigarettes?

At school our bathrooms get locked all the time, impacting all students, not just those using them to vape. I know several students that have been suspended due to their nicotine addiction.

Please allow the counties to pass stricter laws than the state regarding tobacco sales so they can end the sale of flavored tobacco products in their communities.

Josie Vierra-Naleieha
Pukalani, Maui

Chair Tarnas, Vice Chair Takayama and Members of the Committee on Judiciary and Hawaiian Affairs.

I am writing in support of HB1778. We helped pass a bill on Hawaii Island, we need the State to do the same or give the power back to protect kids here.

I have always believed that flavored tobacco was used to target kids. Because all of my friends had different kinds of flavored vapes and menthol vapes with them. And i'm wondering why they make vapes that's shaped like pens? Is it really necessary to make them look like objects that can be hidden? Why do adults need to hide a certain item when they reach the qualification age to smoke..? Is it actually for adults? Flavors are targeting kids in many ways. But people are hiding their heads in bags acting like they're blind.

I see how it impacts my community. Nicotine addiction can cause money loss in a negative way, and affect people creating by stress when they don't have their vape. My dad smoked a lot and it affected many things in our family. It made us spend so much money on a box that's like \$12-24. Then he would get so grumpy just for not smoking for like an hour.

Toloumu
Pahoa Village

Chair David Tarnas
Vice Chair Gregg Takayama
Members of the Committee on Judiciary and Hawaiian Affairs

I strongly support HB1778,

The peer pressure we get when in school is intense and I got caught up in vaping when I was in 11th grade. Vaping was something I tried due to peer pressure and needing stress relief. As a high schooler it is the social norm to see your peers vaping. The flavor made it easy to use like it was another candy product. My first flavor was Blue Razberry. I ended up buying a vaping device from a classmate.

The smell and the flavors made it easy to take a hit. The nicotine causes the addiction and that addiction is what scared me and made me realize it is a drug. The hard part was dealing with the withdrawals when I was not able to vape. It made me very moody and unable to focus at school. My grades declined.

I am happy to announce I am now vape free, it was really hard to quit and the easy access to the vaping devices made it a struggle. Daily I am still faced with the challenge of walking away from peers that are offering me a hit of their vape with the latest flavor. But I made the choice to quit and stay nicotine free. I feel healthier and my grades are much better. I now help with educating other youth about the dangers of tobacco use and know we need to keep it away from them. I want to ban flavors in our state so no kid feels pressured into vaping.

Protect our future and the younger children from falling victim to these flavored drugs like I did.

Thank you for your time.

Daniel Valera, Senior at Honoka'a High

Chair Tarnas, Vice Chair Takayama and Members of the Committee

I support HB1778 and am asking the Committee to allow the counties to have the power to regulate tobacco sales.

Megan Boaz

Hilo

Chair David Tarnas, Vice Chair Gregg Takayama
Members of the Committee on Judiciary and Hawaiian Affairs

I am testifying in strong support of HB1778

I support allowing countries' the ability to regulate tobacco sales. This is because government in these areas would know more about their people and factors that come into play with how much tobacco use affects their people.

I also believe flavored tobacco products are targeting kids. Examples of this would be through the labeling that they choose on their products such as bubble gum, birthday cake, and lolly pop.

Around my community, like my school, I have seen the use of nicotine in students my age. Nicotine causes many problems, one of the most known is anxiety. This nicotine induced anxiety is sure to cause students problems in their academics and social life in and out of school. From what I have seen around my campus most students that use nicotine also have the most trouble in school and academics.

What I don't support are youth penalties. Most youth who get into tobacco are influenced through peer pressure and unethical targeting like flavors. Poor and underdeveloped neighborhoods can fall victim to nicotine products distributed and introduced in their communities. These people need help, not punishment.

Thank you for the opportunity to testify on this important issue.

Marc Okada
Ewa Beach

Chair Representative David Tarnas, Vice Chair Representative Gregg Takayama and Members of the Committee on Judiciary and Hawaiian Affairs

I support HB1778 to restore the counties ability to regulate tobacco sales.

Ending the sale of flavored tobacco products that attract kids is a step Hawaii should take. We have set an example on the Big Island – hopefully making a statement large enough to create statewide action. Please restore the counties ability to regulate tobacco sales or end the sale of all tobacco products in Hawaii.

I constantly see bright & colorful packaging aimed to target the younger generations. These include fruity flavors and bright packaging that appeal to kids--resembling candy. It is important to include menthol in the bill because menthol flavors act as a significant contributor to the teen vaping epidemic. They lure in the younger generation, broadening their teen audience . When the younger generation is targeted, under-developed body parts are damaged, making the effects of vaping worse for teens than adults.

As I've grown up, I have experienced many issues within the teen-vaping epidemic. As I have entered high school, this issue has become prominent. I constantly see friendships collapse, even having the means of my friendships tested. Nicotine addiction hurts relationships; when someone is dependent on something, and they don't have it, it becomes irritating for them--creating aggression and hurting friendships. Secondly, I see the effects of nicotine addiction in other sectors. People become addicted, hurting their lungs and body. When this happens, I consistently notice loss of hobbies, especially sports.

Thank you for your attention to this issue.

Oscar Amos
Kamuela HI

Chair David Tarnas

Vice Chair Gregg Takayama

Members of the Committee on Judiciary & Hawaiian
Affairs

I support HB1778 because someone very dearly to me
smokes cigarettes and they are in their 50's and I hope
they live to their 100's instead of being a victim of cancer.

Please support the counties and let them regulate tobacco
sales so they can end the sale of flavored tobacco
products.

Flavored tobacco products target kids with candy flavored
vapes. Menthol is a flavor that many people like and it
makes people continue to use tobacco products and
harms themselves and people around them.

The youth should not be at fault for using tobacco
products because flavored products are tempting and the
youth does not know any better, they should be informed
of the health hazards and they should be heavily
persuaded to stop using such products.

Elaine Nguyen

Keaau

Chair David Tarnas, Vice Chair Gregg Takayama and Members of the Committee on Judiciary and Hawaiian Affairs

I support HB1778 and ending the sale of flavored tobacco products. My mom and brother vape a lot and I think the smell is really annoying. I believe flavored tobacco products are targeting kids for example cherry cola and cotton candy. It is important to include menthol flavors in the ban because people enjoy menthol flavor.

Please end the sale of flavored tobacco products to help protect people from addiction and allow the county to pass its own bills

.

Mahina Ocean

Pahoa

February 12, 2024

Chair David Tarnas
Vice Chair Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

In strong support of HB1778

The City and County of Honolulu has passed a bill to end the sale of flavored tobacco. Please stand with students, teachers and parents and take care of this at the state level or restore the counties authority to regulate tobacco sales by passing stricter laws than the state.

Flavored tobacco has clearly been used to target kids, even as an adult I see these products being promoted on Youtube. Kids love flavors and many of these products come in candy flavors that entice them.

As a teacher I see the impact these nicotine products have on kids academically and with their social connections. They become withdrawn and don't realize how addicted they are. It's not just students, I see young adults using these products without realizing the effects too.

The simplest solution is to remove flavored tobacco products from the market and stop the cycle of addiction and related health problems they cause. The county has taken a stand, please support these efforts and restore their authority.

Sharice White
Kapolei

Chair David Tarnas

Vice Chair Gregg Takayama

Members of the Committee on Judiciary and Hawaiian
Affairs

In Support of HB 1778

I believe flavored tobacco targets kids because of all the flavors they come in and they look like everyday objects. I don't hang around people that vape and no one in my family smokes but I think we need to get tobacco off of our streets to improve the health and way our people live. Youth are the future and we don't want them having black lungs.

Asian Karymsakov

Pahoa

Chair David Tarnas
Vice Chair Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

In support of HB1778

Please support HB1778 and give the authority back to the counties. I believe the local people should be allowed to tackle local kine problems.

The only reason most kids vape is because they "taste good." While some adults still like these things, it makes more sense for kids to like the sweet candy flavors. The biggest example I saw was this flavoring that looked exactly like warhead candies.

I think the biggest problem flavored tobacco causes is just their addiction. It gets in the way of everything. People become aggressive. They don't pay attention and they have horrid health. All of which are horrible traits for any extracurriculars you want to do.

Most of my immediate family who are older than 20 vape quite a lot. My parents used to smoke cigarettes and they sometimes still do. However, there was a time where my father misplaced his disposable vape and he got like super aggressive and it was horrifying. I know that it was only the fact that he was addicted and felt restless without it. I'm safe and I somewhat understood, but I'd still like that to not happen. This is the reality of nicotine addiction.

Thank you for listening to me

K. Palma

Chair Tarnas, Vice Chair Takayama and Members of the Committee

I support HB 1778 to return the ability of the county to regulate tobacco sales.

My county has passed a flavor ban, but unless you take action it won't matter. Communities should do whatever they can to help the ones around them have a better and more successful life, please let my community make that decision for itself if the State will not do so.

I believe tobacco companies are targeting kids. I say this because the companies are making flavors that taste like candy, which kids love. They also make the packaging familiar to look colorful and appealing to kids.

It's important that menthol is included in any flavor ban because people might just switch to menthol flavors, which then wouldn't stop them from vaping, making the ban not as effective as it can be. Hawai'i County has done this, please allow the law to begin.

Lucia Speerschneider

Chair David Tarnas
Vice Chair Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

My name is Ariana Kadarusman and I support HB1778 HD1.

Ending the sale of flavored tobacco products can help stop students from even starting to use them and help those that are addicted quit. If the State isn't going to take action you should let the counties decide if they want to. Hawaii County did but we need your support to return the power back to them.

Flavored tobacco products are clearly targeting kids like me. You see flavors like bubble gum and cotton candy in vapes especially. These sugary flavors are just the type to attract kids. It is important to me that menthol flavors be included in the ban because it will reduce the youth usage of tobacco products which will save lives.

Nicotine addiction impacts my community directly. I see other students becoming suspended and too hyper focused on their next hit. They can't function well without it, and that affects their academics negatively. They tend to get into bad groups of people who then influence them to make worse decisions.

Many of my friends who got into vaping or using tobacco products stopped hanging out with me and made new friends. A handful of them started failing classes and became obsessed with finding new substances.

We need your help to stop this from happening to anyone else.

Chair David Tarnas

Vice Chair Gregg Takayama

Members of the Committee on Judiciary and Hawaiian Affairs

I am writing in support of HB1778 because I believe that flavored tobacco products including menthol are targeting kids. Because it's flavored it sounds safe but it still injures your lungs and it still gets you addicted.

Nicotine addiction impacts students at school. Academics can be affected by vaping because they will be in the bathroom forever and miss class time. It also affects your academics by making you get distracted and students try to hide it.

It doesn't just affect people at school. I have some uncles that vape when i work with my dad. The vape clouds blow my way, it smells so good, but i know I have to close my mouth and nose and hold my breath because I'm not taking any chances of my lung getting damaged.

Please help protect us from flavored tobacco and addiction.

Kenai Lagadon

Chair David Tarnas, Vice Chair Gregg Takayama
Members of the Committee on Judiciary and Hawaiian Affairs

I am testifying in support of HB1778.

I think that counties should be able to make their own decisions if the state doesn't do something to protect youth from flavored tobacco.

Students are getting addicted to tobacco because of the flavors. Getting rid of flavors, including menthol, can help to reduce use of e-cigarettes and other tobacco products.

Vaping impacts my community, at school I see students getting suspended and into bad groups of people because of their addiction. It affects their academics in a negative way. When someone smokes cigarettes around me I feel uncomfortable. We need your help, please support HB1778.

Thank you for the opportunity to testify.

Angeline Dacuycuy
Pahoa

February 12, 2024

Chair David Tarnas

Vice Chair Gregg Takayama

Members of the Committee on Judiciary & Hawaiian Affairs

I am testifying in strong support of HB1778 HD1.

The City and County of Honolulu has taken steps to end the sale of flavored tobacco on our island. But we need the state to restore the authority of the counties to regulate tobacco sales.

I strongly believe that flavored tobacco products are targeting kids. Throughout the years, the statistics have increased drastically as they target middle and high school students. Students around my community possess such products and affect those around them with the sweet smelling aerosol that they think is just flavored air.

It's important to include menthol in the processes of banning flavors in both e-cigarettes and other tobacco products because it is so popular with youth. When e-cigarettes are utilized, one's health is on the line and menthol makes it easier to start and harder to quit. Honolulu's law would accomplish this if it's allowed to take effect.

Within school, nicotine use may not be visibly seen amongst the students by faculty and staff, but students, like myself, see it almost everyday. Students use their bathroom breaks to get a fix before heading back to class. This affects them academically as they miss their time in class which could later lead to have them fall behind. In sports, their decreased lung capacity makes it difficult to breathe efficiently hindering their performance. Finally, nicotine addiction can result in becoming distant from one's family, friends and peers.

Personally, I witness the use of e-cigarettes everywhere I go. I have friends who think it's cool, when in reality, it is not. My friends who do it for the fun of it, have changed in ways I could have not have imagined. My friend used one and since then, I became distant with them as they cared less for school and sports because of e-cigarettes. I wish to lessen the use of e-cigarettes so I can lessen my chances of losing those I love the most. In addition, I have a younger sister who is one I wish to not lose and one that is still in the process of growing to become a young lady. For the sake of her future and other children that are to come, I wish to stop the use of nicotine products so future generations can live a healthy and nicotine-free life.

Jaelyn Natividad

Honolulu

February 12, 2024

Chair - Representative David Tarnas
Vice Chair - Representative Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

In support of HB1778 HD1

It is crucial for the State to restore the county's authority to regulate tobacco sales. This includes the implementation of stricter laws that govern the sale and distribution of vaping products and other flavored tobacco. Empowering counties with the ability to enforce stringent regulations have proven effective in preventing underage access to the market. It is through a combination of putting an end to flavored tobacco and incorporating enhanced county regulation that we can hope to curb the youth vaping epidemic, fostering a healthier environment for our keiki to grow and thrive.

The City and County of Honolulu and Hawai'i County have passed laws to end the sale of flavored tobacco products in their communities. Please support the youth and community partners that worked so hard to make this happen and pass HB 1778 HD1 but please remove the provision that would delay the effective date of the bill until 2026. The counties have already included grace periods in their bills. The cost to Hawaii keiki of 2 extra years of selling their addictive products is too high a price to pay. Please put people over profits and remove this part of the bill

Samantha Lay
Honolulu HI

Aloha Chair Tarnas, Vice Chair Takayama and Members of the Committee on Judiciary and Hawaiian Affairs.

My name is RJ Arconado, a Junior at Lahainaluna High School. I am writing to express my **support for HB1778**, a step aimed at ending sales of flavored tobacco products.

The pervasive availability of flavored tobacco products has contributed to a concerning rise in youth tobacco usage. The “flavors” that mask the dangerous contents of tobacco products are targeted towards the youth, leading to a concerning increase of addiction.

By supporting HB1778, we have the opportunity to protect the health and well-being of our future leaders. Hawaii has one of the highest vaping rates amongst teens. After all, companies come out with flavors that appeal to a younger demographic. A shocking fact was made to me by a middle school student, stating that middle schoolers were caught vaping, shutting down bathrooms. These harmful flavors can overtime affect memory, cognition and damage our body’s vessels.

I urge you to consider the long-term impact of flavored tobacco on the health of the public and support HB1778. Let us prioritize the wellbeing of our community, and work towards a healthier, smoke-free Hawaii.

Chair David Tarnas
Vice Chair Gregg Takayama
Members of the Committee on Judiciary & Hawaiian Affairs

I support HB 1778 and individual action from countries regarding the ban of flavor tobacco products. Counties should be obliged and encouraged to ban such products that have such a profound and serious negative impact on their residents.

Flavored tobacco products are mischievously marketed to children, especially after cigarettes grow less and less profitable and popular. A incredible example of tobacco marketing is Juul. Juul was introduced as a "safe" version of cigarettes, and promoted flavors targeted to children. Tobacco products are going for younger generations as this generation grows distasteful to cigarettes and other tobacco products.

Nicotine addiction negatively affects children, enticing them to become more aggressive and reliant on nicotine. They also begin avoiding and ignoring other commitments such as academics, sports, and clubs, in favor of consuming nicotine. This addiction also affects relationships with other people, such as families and friends, making them distant from people, as they favor nicotine over them.

Not so long ago, I've seen some middle to high school students sharing an e-cigarette. They seemed to see it as just another way to socialize and relax. The tobacco industry has sneakily overtaken children in trying their products, with flavors and other variables that make their product more attractive. This example goes to show how normalized and common tobacco is among students and children.

Please restore the counties authority to regulate tobacco sales and pass
HB1778.

Joel Kim

Honolulu HI

To: Della Au Belatti, Chair and Jenna Takenouchi, Vice Chair

For: HB1778

Date of Hearing: 2-07-24

Time: 11:30 am

Room: Conference Room 329

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs.

My name is Keiani and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

Tobacco and menthol use and addiction is a serious problem that happens among communities, especially Native Hawaiian and Pacific Islander communities. Tobacco use is the leading cause of preventable diseases in the U.S. The bill is trying to ban all flavored tobacco products, to lead them away from younger consumers. The legislature also notes that 95% of tobacco consumers started before they were 21. About 80% of younger audiences also recall their first tobacco product they used was flavored. Tobacco companies are also trying to lure in a younger audience in another way. Companies started to produce menthol in their tobacco products. Menthol has a cooling effect when consumed and it can reduce throat irritation from smoking or vaping. This is causing youth to become more attracted to smoking tobacco. Also according to The United States Surgeon General, nicotine disrupted the formation of brain circuits that develop attention skills, learning skills, and susceptibility to tobacco addiction. It can also impair blood vessel function and increase the risk of cardiovascular and lung disease. It can also raise depression and anxiety levels, especially in younger audiences.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Keiani Imai

Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Nazeri and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I disagree with the amendment to the original HB1778, because instead of increasing the tax you guys should fully ban flavored tobacco products. They cause heart disease, disability, and death and without any tobacco products everyone would be healthy and taking it away might help peoples addiction with tobacco products and there would be less trash everywhere.

I am glad that our county will ban flavored tobacco if this bill is written into law. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Nazeri Tahutini
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Gideon and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I am in support of this bill because it is trying to change drug operations to target less to no children that don't meet the drug requirement. In my eyes, I think people should have a doctor's permission to do flavored drugs at all. This bill is trying to get rid of flavored e cigarettes for good and also any nicotine free products. Getting rid of flavored products would help children learn better since these products can get in the way of a child's mind and can cause them to even fail. This bill hasn't come to a release date at this point in time. I am in support of this bill because I know people and classmates that do these flavored products and it can lead them to be unfocused on their work. This can seek into younger minds in schools, affecting them at such a young age isn't good or healthy for them. I fear that if flavored products continue to drive the minds of young kids, it can lead to deaths, and the death toll is at around 1400 annual deaths with 526,000,000 dollars in healthcare.

I believe it is necessary to get rid of flavored products like e cigarettes, flavored vapes, and more because it can encourage future generations to do it more and it can mess up a lot of their lives and even kill them. If it keeps going on, the numbers of deaths will increase to higher numbers. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Gideon Ledward
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is William Beaudet and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

(I have seen fellow students try flavored tobacco products. A few even are addicted to things such as vapes. This bill would affect me as a student by allowing me and my friends to live a good, tobacco-free life. Currently, 12.6% of 8th graders use flavored tobacco products. That's not very good, isn't it? Help lower that number by supporting HB1778.

Please, let Hawaii become a place where people can come to live, and not be taken over by flavored tobacco! Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

William Beaudet
Student at Connections PCS

HB-1778-HD-1

Submitted on: 2/12/2024 11:23:03 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katie Folio	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Katie Folio and I am submitting this testimony in **STRONG SUPPORT** of HB1778 to restore local authority to regulate the sale of tobacco products to the counties. We have been waiting years now for the state to restrict flavored nicotine products and help protect our youth from the harms of vaping, meanwhile Maui County was ready to pass this bill several years ago and was not allowed to due to preemption. We need the ability to pass strong tobacco control legislation at the county level and take action to protect our local communities. Hawai'i's counties are all different and, Maui's youth - especially our Native Hawaiian youth - have historically been among the highest users of nicotine products in the state. We need the ability to act and to demonstrate what can be done to protect our youth. Once a county passes legislation that is effective, other counties will often follow suit. We need this ability to be creative and learn from one another about what works to protect our communities. Please pass this bill and allow us that opportunity.

Mahalo nui loa,
Katie Folio - Maui County resident and mother

HB-1778-HD-1

Submitted on: 2/12/2024 11:40:29 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Valera	Individual	Support	Written Testimony Only

Comments:

I strongly support HB1778, Our County of Hawai'i has been leading the way in most of the Tobacco-Free Laws. When the preemption came into play it took away the momentum we had to help keep our island healthy and safe from nicotine. Our youth in Hawai'i county met with Hawai'i county council to voice their concern on the youth vaping epidemic. Our county wants to step up and make a change. How many keiki needs to be admitted to the hospital with Nicotine Overdose before we take this seriously. Please help make our Hawai'i a healthy and safe place to raise our children.

The counties need the ability to quickly address the health needs of their communities, and this bill gives that power back to the counties.

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jenesis Martines and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

I am from the Big Island of Hawaii. I am a citizen and a student, and living here you will learn that a lot of people smoke or vape. This bill will ban flavored tobacco products from being sold or distributed. In Hilo, you will see underage kids smoke or vape, and adults do it in front of little kids. This bill bans flavored tobacco and I know a lot of people who smoke it that wouldn't be interested if they got rid of the flavors. So supporting this bill helps the community be more healthy, and have fresher air.

There have been many people that have died because of the addiction of smoking. Last year in Hawaii, 1,400 or more people died from a disease caused by smoking. Over \$500,000,000 was spent in healthcare costs directly related to tobacco use. 95% of all tobacco users started before the age of 21. 81% of youth who tried tobacco report that the first product they used was flavored. Hopefully taking away the flavors will make less children use it on a daily basis.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Jenesis Martines
Student at Connections PCS

HB-1778-HD-1

Submitted on: 2/12/2024 11:58:19 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelly Ogata	Individual	Support	Written Testimony Only

Comments:

The Honorable Representative David Tarnas, Chair

The Honorable Representative Gregg Takayama, Vice Chair

Members of the House Committee on Judiciary & Hawaiian Affairs

Hawai'i State Capitol

415 South Beretania Street

Honolulu, HI 96813

Re: Support for HB 1778 Relating to Tobacco Products

Aloha Chair Tarnas and Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs,

Mahalo for the opportunity to express support for House Bill No. 1778. This bill is of utmost importance in addressing the longstanding challenges and growing concerns surrounding our youth vaping epidemic by restoring local authority to regulate the sale of tobacco products. Just last week, a school in Puna had to deal with a 12-year-old student who needed emergency attention related to vaping.

Although our County Council has done great policy work with Bill 102 to prohibit the targeting of our youth and Native Hawaiian communities with flavors, existing state law preempts the enactment of this county ordinance. As a result, these policies are not enforceable and this situation continues to frustrate our schools, law enforcement, victims, and their families in our community.

HB 1778, in concert with Hawai'i County's Bill 102, reflects our local community's recognition of the urgency to address the dangerous conditions and is a positive step towards protecting the public – especially our youth. Local leaders and local residents know how to solve local problems. Please support your constituents on the frontlines as we are ready to support the health of our next generations and our Native Hawaiian communities from the predatory practices of Big Tobacco.

Shelly Ogata, RN, MPH

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Stylez-Asher and I am an 8th grader student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

This bill will help me because a lot of my relatives vape and I worry for their health. I also have vaped and stuff so this law would help me quit.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Stylez-Asher Arquero
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Mana'ivaiola and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I am worried about my friends and family who vape due to the chemicals in the vape.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Mana'ivaiola Maertens

Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Mana'ivaiola and I am an 8th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I am worried about my friends and family who vape due to the chemicals in the vape.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Mana'ivaiola Maertens

Student at Connections PCS

HB-1778-HD-1

Submitted on: 2/12/2024 1:12:38 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB1778. 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. E-cigarette use among youth is even higher on the neighbor islands.

As a long-time Maui resident, parent, and a health educator, this issue 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 physical and mental/emotional health, 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.

But in 2018, Act 206 was passed, which took the ability away from the counties to regulate the sale of tobacco products. The counties need to have their unique voice back to be able to quickly address the health needs of our communities. Local residents and leaders know how to solve local problems.

Please support HB1778 and give the power back to each county.

Sincerely, Kristin Mills, M.S., M.A.

Parent and Public Health Educator

HB-1778-HD-1

Submitted on: 2/12/2024 1:55:04 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

As a tobacco treatment specialist here in the State I strongly support HB 1778. Each County has the best understanding of their population and the needs of their community. Please consider restoring local authority to regulate the sale of tobacco products.

Mahalo Valerie Smalley

HB-1778-HD-1

Submitted on: 2/12/2024 5:47:25 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

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

Comments:

Aloha,

I am in **strong support of HB1778** because our youth have become hooked on nicotine due to flavored e-liquids used in electronic smoking devices. Our youth and adult nicotine addiction rates were declining and can move towards that direction again with your support of HB1778.

Another way to help create safeguards for healthier youth and adult in our counties is by amending HRS §328J-11.5 to reauthorize counties to regulate the sale of tobacco products opens up the possibilities for innovative policies at the local level. Counties regulating the sale of tobacco products can reduce the overall use of tobacco in their communities, improve public health, and reduce healthcare costs associated with tobacco-related illnesses.

Mahalo!

HB-1778-HD-1

Submitted on: 2/12/2024 7:21:37 PM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erinielle Irish Valdez	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Erinielle Irish Valdez and I'm a current junior attending Kohala High School. I recently joined the Coalition for a Tobacco-Free Hawai'i Youth Council in support of ending the sales and the consumption of flavored tobacco products, specifically targeting the youth of Hawai'i.

As a keiki of Hawai'i, I've witnessed the harmful effects and the tragic health impacts that these products can have on our youths. Growing up as a child, I've seen quite a few family members depend on flavored products in order to "feel better". I watched as their lives completely turned upside-down. The majority of our youths today do not realize the negative impacts this can have on their health, as well as their futures.

I attend school everyday knowing that the "best all A's students" are a victim of this issue. I'm a spectator of them bringing out their device in the middle of class to "take a hit". They do this in a way where the teachers won't notice/realize what they're doing. Most students will hide it in the sleeves of their jackets, some will even put their heads down on their desks. Everyone looks up to these students, thinking that they're living their best lives innocently, but really hiding the truth behind closed doors. I've seen certain students try to wrestle themselves out of the hole they've created, but can no longer escape because of the addiction.

On January 6th, 2024, I attended the Youth Council Policy and Testimony Workshop that I attended on the island of Oahu. As we were driving back to the airport, something so barbaric caught my attention. Never in my life have I seen a vape shop, advertising a bright sign that read, "the cheapest vape products" in front of an elementary school. Seeing the sight of this made a part of me shatter. Just imagine sending a naive child to school everyday in front of a vape shop that proudly sells these dangerous products. Keikis are so easily influenced and convinced, which makes them the number one target of these companies.

I hope that you take into consideration how the youth/keiki of Hawai'i can be negatively affected if we continue to legalize the sales and the consumption of these dangerous products. Every year, 1,400 people in Hawai'i by itself, continue to die from a tobacco-related illness. By helping us get this bill(s) passed, you can save a keiki's life.

Mahalo,

Erinielle Irish Valdez

HB-1778-HD-1

Submitted on: 2/13/2024 7:17:45 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Anton	Individual	Oppose	Written Testimony Only

Comments:

This bill is offensive and bad for business.

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jaizen Frias and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, Bill 102 will ban the sale of all flavored tobacco products. County Bill 102 will come into effect if HB1778 is passed.

According to the information I have read, tobacco kills about 1,400 adults each year in Hawaii, and about 21,000 kids under the age of 18 will die prematurely. Smoking causes dangerous viruses and some types of cancer such as lung cancer.

The sweet flavors such as candy will help the young people become daily smokers. The big tobacco industry targets young people by producing packaging and flavors that mock everyday favorite foods and drinks. Here in Hawai`i, everyone is familiar with the Aloha brand of drinks. One tobacco company has produced flavors and packages that are almost identical to the drink brand, but of course with possible deadly consequences.

Bill 102 is trying to get rid of flavored tobacco products and will outlaw anyone in Hawai`i county from selling flavored tobacco. It's trying to take away the flavors so kids won't get as addicted or be less interested. They are also trying to take flavors away so new smokers will have a harder time trying to start.

I'm in support of this law. I'm in support because I think taking away flavors will help a lot of kids quit. The fact is most of the kids just like the flavors. 80.2 percent of high school students and 74.6 percent of middle school students in 2021 reported using a flavored tobacco product in that period of time. This bill will directly affect my life because most of my friends use flavored products and if the bill passes maybe some will quit. Even my mom uses them. I also tried getting my brother to quit and he won't. This bill could help all my friends and my brother quit.

Let's take these flavored tobacco products down. Help us keep the kids of my generation alive. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Jaizen Frias
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Raquel Zimmerman and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in Hawaii county, Bill 102, which is a ban on the sale of all flavored tobacco products, will come into effect if HB1778 is passed.

This bill affects me as a student because people around me in my community use these products. In my everyday life while leaving school I see at least 1-3 people that I know using flavored tobacco products. The first sentence I noticed while reading this bill was tobacco remains the leading cause of preventable disease in the US. This statement shows how much tobacco in general affects everyone, not just kids.

If this bill was put into effect it would greatly affect everyone in many ways such as, less people in the hospital, more room for other health issues to be looked further into, and more kids would stay healthy. These products mainly cause cancer, lung disease, and chronic bronchitis. Chronic bronchitis is a lung disease that causes long term inflammation of the bronchi, a main part of the lungs. In conclusion I think that this bill should be put into effect because of all the dangerous effects.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Raquel Zimmerman
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Olivia Strandberg and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed. Kids in our community and school get addicted to vape and cigarettes. Most kids are pressured to try vapes and can't quit.

I know a few kids in my class that are vaping and may not know how to quit. I think that the Committee should agree with this bill. 10% of U.S. high-school students and 4.6% of middle schoolers currently vape as of 2024.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Olivia Strandberg

Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Kainani and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

The problem is that teenagers and little kids are starting to vape, because the vapes have flavors like cotton candy, mixed berry, ect. The smell of it makes them want to try it, so they take one hit and they get addicted to it. The bill literally states that, "The legislature further finds that eighty-one percent of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products." Any number is unacceptable, but 81% is completely and utterly unnecessary.

The use of tobacco harms and even kills. It will start to kill their lungs, It can also ruin their life in a bad way, like getting suspended and they will get in big trouble. Flavored tobacco is also appealing to adults. Each year over \$500,000,000 is spent on trying to help people with health and care directly linked to smoking and vaping.

Young people who use e-cigarettes will most likely smoke cigarettes in the future. I think the committee should be in favor of this bill because it's killing people around us. You have the power with your votes to make it harder for kids to get their hands on this deadly attraction, please vote to ban flavored tobacco.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Kainani Miyao-Galdones,
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Joy Shaffer and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in Hawaii county, Bill 102, which is a ban on the sale of all flavored tobacco products, will come into effect if HB1778 is passed.

Kids in our community and school vape and can't quit. Kids are usually pressured to vape and don't know how to quit. The problem is that children are more likely to use flavored tobacco products. Most kids say their first tobacco product was flavored and kids can die from the vapes because their lungs will fill up with nicotine.

By prohibiting the sale of flavored tobacco products, kids won't get addicted as easily because the tobacco won't taste good to them anymore. Nicotine is in e-cigarettes, which can cause lung, mouth, stomach, kidney, and bladder cancers. Even after quitting, it takes 1-12 months to heal your lungs.

I'm in support of Bill 102 because vapes have hundreds of chemicals including formaldehyde, heavy metals, and solvents. The chemicals in vape cause serious health problems and in some cases even death.

This bill affects me because Vapes are usually focused more on children, the advertisement has bright colors and looks like makeup or art supplies. And most children are peer pressured into vaping because they think it's cool, but in reality the chemicals they are putting in their body are actually hurting them. I have friends that vape and I am worried about them. One of my friends even started to develop heart problems because of how bad their addiction was.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Joy Shaffer
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Michael Varize and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I am in support of this bill because my mom vapes. My mom said if our county banned flavored tobacco products, she would quit smoking. I care about her health and hope that this bill will pass so that my county will ban flavored vapes.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Michael Varize
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Victoria Swan and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

As a student I know many people who smoke flavored tobacco products and many people who are addicted to them. I can say that I know personally that they taste and smell good, except they have terrible effects on people. Nicotine is a highly addictive chemical and it isn't good for your entire well being, and yet around 2,000 children are trying it and lots of them get addicted to it. I don't think this is correct, I believe that children are easily influenced and they get addicted to things so easily. Banning flavored tobacco will help with the addiction, I know this. If I were to be interested in vapes I wouldn't want the harsh flavoring of tobacco, I would only be interested in the fun flavorings they have to offer.

I think we need to take accountability and stop the selling of flavored tobacco in Hawaii, for the well-being of the people. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Victoria Swan
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Zayne Billingsley Planty and I am a grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed. Smoking has been affecting my school. I have seen friends and class vaping and even seen some being sold in school. I have family and friends that have vaped and it affects them horrible and I'm scared that it could get my sister and brother addicted.

I support this bill. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Zayne Billingsley-Planty
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Reginald Carvalho and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, Bill 102 which is a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

This bill affects me because my dad used to vape, but he quit since it hurt his lungs. I don't want anyone in my community to stay addicted to nicotine or die due to lung cancer.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Reginald Carvalho
Student at Connections PCS

HB-1778-HD-1

Submitted on: 2/13/2024 10:15:25 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Carvalho	Hamakua-Kohala Health	Support	Remotely Via Zoom

Comments:

I strongly support HB 1778 that would restore local control back to the counties to regulate tobacco sales. In previous years at the county level, Hawaii Island had led in the state and nation in protecting our keiki by raising the age from 18 to 21, smoke/vape free cars with kids, and smoke/vape free environments.

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jasmine Stout and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

This bill affects me because my mom vapes and I think she would quit if there were no flavors.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Jasmine Stout
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Imani and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I as a 7th grader think that this is a good law/bill. I have a few people that I know use flavored tobacco products and their kids get into them. These kids are my friends, family, maybe even classmates. So if this stops hopefully they will stop. I hope we can stop flavored tobacco products or pot taxes on them, for my friends, family, and even classmates. So I, as a student at connections, hope this bill will be passed. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Imani, Mather-mim

Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary & Hawaiian Affairs,

My name is Edythe and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

My mom is very addicted to vaping and I'm trying to get her to stop but I have no control and I hope that once this bill is passed it will be less difficult to quit. I am really concerned for her and hope you consider supporting this bill. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Edythe Connally
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Abigail de Loach and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

Tobacco kills people and it's not good for kids. They need to stop selling flavored tobacco products, that way kids will be less likely to use them since they won't taste like candy and fruits.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Abigail de Loach
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Kahealani Glimane and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

This bill will affect me because my sister smokes flavored tobacco. My sister would stop using tobacco products if they banned flavored tobacco products. I'm very scared for her health because it could cause heart problems, lung problems. I don't want her to get hurt by it, I noticed a lot of kids in my school vape and use tobacco products.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Kahealani Glimane
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Aliah Mohammad Mbacke and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

This bill personally affects me because people that I know vape and will continue to vape. They think it's relaxing and the latest trend but it destroys you mentally and physically. It is incredibly addicting to almost everyone who tries it.

I stand by this law to get it passed. Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Aliah Mohammad Mbacke
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Akoni and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I'm against all flavored tobacco products because some of my family members use them and I'm scared for their health. My father uses tobacco products but if the house committee bans tobacco products his health will become better. I am in opposition of flavored tobacco products because it's bad for your health.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Akoni Vea-Ramirez

Student at Connections PCS

HB-1778-HD-1

Submitted on: 2/13/2024 11:29:27 AM

Testimony for JHA on 2/13/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abigail Rutan	Individual	Support	Written Testimony Only

Comments:

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary & Hawaiian Affairs,

My name is Abigail Rutan and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed. My name is Abigail Rutan. Lots of people in my life vape. I want them to be healthy. Please help them cause vaping is a really hard thing for people to quit. I am hoping that with this bill being put into place it can make it easier for them to quit. I care for them and I want them to be healthy. Please take this bill into consideration.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Abigail Rutan

Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778 OR HB1563

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Health and Homelessness,

My name is Jacob Kaapa and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

Tobacco products have a negative effect on human health. Using tobacco is one of the leading causes of disease and death that could be prevented. Also, flavored tobacco products can get kids addicted before they become adults by making the tobacco taste like candy and other flavors. We don't know how bad vaping will be for our health since it's pretty new, but we do know that it exposes people to similar chemicals that cigarettes do and can lead to lung injury or cancers.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Jacob Kaapa
Student at Connections PCS

To: David Tarnas, Chair and Gregg Takayama, Vice Chair

For: HB1778

Date of Hearing: 2-13-24

Time: 2:00 PM

Room: Conference Room 325

Position: SUPPORT

Dear Honorable Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Kaleo Noda and I am a 7th grade student at Connections Public Charter School. I am writing in support of HB1778.

If approved, this law will restore county authority to regulate the sale of tobacco products. This means that in our county, a ban on the sale of all flavored tobacco products will come into effect if HB1778 is passed.

I know some people at my school vape and I worry for their health. Vaping is really bad for kids, because their lungs aren't fully developed. Research is also showing that vaping can have more serious effects on the heart in a shorter period of time than cigarettes. If this bill is passed, it will allow Bill 102 in Hawaii county to be enacted, which would ban the sale of all flavored tobacco products. Hopefully, this will make vaping less appealing to kids.

Thank you for the opportunity to submit testimony for this bill. I hope the members will consider supporting HB1778.

Mahalo for your time and consideration,

Kaleo Noda
Student at Connections PCS